

Chapman Lily Planning Ltd

[REDACTED]  
[REDACTED]  
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[REDACTED]

By email: [planningpolicy@north-dorset.gov.uk](mailto:planningpolicy@north-dorset.gov.uk)

Date: 18/09/18

Your reference:

Our reference: BS-646

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sir or Madam,

**Re: Hazelbury Bryan submission neighbourhood plan**

I am writing on behalf of Mssrs Hannam, who control land at Partway Lane, Hazelbury Bryan. We understand that the Hazelbury Bryan Neighbourhood Plan has been submitted to North Dorset District Council ahead of its examination and it is currently being publicised.

The examination will focus on whether or not the plan complies with the 'basic conditions', as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The basic conditions are:

- a) *having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
- b) *the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
- c) *the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- d) *the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
- e) *prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

We believe that the plan as submitted fails to meet the basic conditions. We also believe that the submitted plan does not accord with paragraph 16 of the NPPF, which states that plans should:

[REDACTED]

- a) *'be prepared with the objective of contributing to the achievement of sustainable development;*
- b) *be prepared positively, in a way that is aspirational but deliverable;...'*

The plan, as submitted does not achieve sustainable development and it is not deliverable.

### **Land at Partway Lane**

By way of background, the Council will be aware of the current live outline planning application to deliver 13 new homes at my clients' site, as well as community benefits in the form of additional village hall parking and providing a new footpath link (application ref. 2/2018/0339/OUT). The application was validated by the Council in March 2018. Although currently undetermined, consultee responses from the Highway Authority; Lead Local Flood Authority; Dorset County Council Natural Environment Team; North Dorset Group of the Ramblers; and Dorset Rights of Way all offer no objections to the scheme, highlighting its deliverability.

The application was informed by the findings of the emerging neighbourhood plan, which identified the site (known as 'Site 2') in the October 2017 options consultation as a potential allocation. We wrote in support of the site, supplementing the representation with topographical, arboricultural, flood risk and ecological surveys, reinforcing its deliverability. The subsequent neighbourhood plan update<sup>1</sup> published by the Parish Council on 07/11/17 confirmed that it was one of the plan's preferred sites, subject to the provision of public benefits in the form of additional village hall parking and a footpath link.

This led to the Parish Council writing to my clients to state that the site had been shortlisted by the Neighbourhood Plan Group. A masterplan was prepared and submitted to the Parish Council to show the potential future layout and the delivery of community benefits.

The pre-submission version of the plan was then published in April 2018, by which point my clients' planning application was well-known in the village. My clients were understandably disappointed to find that the pre-submission plan relegated the site to the position of a reserve site and a consultation response was submitted on behalf of my clients to the Parish Council. This expressed serious concerns over the deliverability of proposed allocations and highlighted fundamental errors and discrepancies in the SEA, which questioned the compatibility of the pre-submission plan with the basic conditions. We find that these concerns have not been addressed in the submitted plan.

### **Basis for objection**

You will find appended to this representation my clients' previous representations submitted to the Parish Council in respect of the 2017 options consultation and 2018 pre-submission consultation, as well as correspondence from the Parish Council confirming the preference for the site. When my

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<sup>1</sup> <http://www.hazelburybryan.com/nplan2017/letter071117.pdf>

clients' representations are read in conjunction with the submission plan, it is clear that the concerns raised have not been addressed. I would urge officers and the examiner to take the points previously raised into account, as they are still wholly relevant. Rather than repeating those points here, this representation instead focusses on additional concerns now arising from the submission version of the plan.

The plan's evidence base includes a comprehensive Services and Amenities paper. This summarises the facilities and services found in the parish, as well as sets out where there are shortfalls in provision. Two particular shortfalls of relevance are the clear need for a new public footpath to connect to an existing right of way and additional village hall parking. Taking the first, figure 10 of the submission plan, titled 'community buildings and curtilage, key footpaths and proposed new links', includes a proposed link through my clients' land. This is also shown on the proposals map. Emerging Policy HB14 links back to figure 10 and the 'key public footpaths and rights of way', stating that *'development proposals to improve the provision of community facilities... will be supported... developer contributions may be sought where reasonable and necessary for improvements to the above social infrastructure'*.

As highlighted above, paragraph 16 of the NPPF requires plans to be deliverable and the first of the basic conditions requires neighbourhood plans to conform to the NPPF. The proposed footpath passes through my clients' land and my clients have not agreed to this. As such, this aspect of the plan is not deliverable, so it fails the first basic condition. An opportunity to provide the footpath is, however, readily available as part of an allocation for 13 new homes at my clients' site (Site 2).

Turning next to the village hall parking issue, this is not only cited frequently in the Services and Amenities paper, the parking deficit is also highlighted in paragraphs 8.7 and 8.9 of the submission plan. However, the shortcoming of the neighbourhood plan as submitted is that after identifying this community need, the plan is not able to address it. Consequently, the plan is not taking the opportunity to *'contribute to the achievement of sustainable development'* and fails the second of the basic conditions. Again, the opportunity to address this is readily available as part of an allocation for 13 new homes at my clients' site (Site 2).

It is thus clear that the delivery of key aspirations of the plan is inextricably linked to Site 2. My clients recognise the community's needs and would welcome the opportunity to address them by helping facilitate the delivery of a new footpath and village hall parking. The only mechanism to deliver these community benefits is through cross-subsidy, achievable through the allocation of Site 2.

We therefore respectfully suggest that the plan be modified to allocate Site 2, which is eminently deliverable, highly sustainable and would lead to the delivery of much-needed community benefits and 40% affordable housing.

Yours sincerely,



Steve Tapscott MRTPI MA BA (Hons)

**Senior Planner**

**Appendices: previously submitted representations and Parish Council correspondence**

# Hazelbury Bryan Neighbourhood Plan

## Options Consultation Questionnaire Autumn 2017

Thank you for taking the time to attend the consultation events at the village hall and completing this questionnaire. Your input through this consultation is really important as it will shape the proposals that are taken forward in the draft plan.

### Q1. HOUSING AND EMPLOYMENT Possible New Sites

Based on your review of the information provided, please tell us what you think about the suitability and acceptability of the different sites put forward for development, using the scoring scale of 1 – 5, with 5 being the most suitable. In some cases (marked \*) there may be the possibility to include some form of

community benefit (such as additional parking for the village hall). For such sites please give two scores, the first based on just housing, the second (Score 2) based on including the \* benefit.

Scoring Scale to use	
Highly Suitable / Acceptable	5
Suitable / Acceptable	4
Neutral	3
Unsuitable / Unacceptable	2
Highly Unsuitable / Unacceptable	1
No View – Don't Know	X

Site reference	Notes	Score	Score 2
4 - Field beside solar farm Kingston	Only part of field required		
7 - Former Martin's Depot, Back Lane	Brownfield site		
8 - The Antelope Field	Only part of field *2A if includes footpath link,		2A:
	*2B whole field if inc houses, open space, shop & business		2B:
11 - M Richard's Tractors site*	*2 Score box 2 based on business relocating locally		
12 - Beside Kings Stag Mill	For relocation of business (11) plus 1 house		
13 - The Retreat / Coney Lane (N part)	Small area including existing buildings		
18 - NW of Chicken Farm, to Military Rd	Only part of field required, businesses remain		
20 - Field opposite School at Droop	*2 + parking, open space and cemetery extension		
<i>'Amber' scoring sites (see next map)</i>			
2 - Higher field to rear of Village Hall*	*2 if includes footpath link and village hall parking	5	5
10 - Paddock by Kingston Row			
14 - Paddock off Silly Hill			
15 - The Causeway / sewage works	*2 Score box 2 if just for employment / recreation		
16 - The Retreat / Coney Lane (S part)	Remaining field area of (13) for 1 dwelling		
21 - Churchfoot Lane opp. Cemetery	Only part of field required		
601 - Shop side of The Causeway	For 1 dwelling		

### Less favourable site options (scoring poorly against assessment criteria)

Based on your knowledge, do you think any of the following are much more suitable than the potential development sites listed above and should be reconsidered? If YES, please tick which one/s

<input type="checkbox"/>	1 Single unit at The Common	<input type="checkbox"/>	9 SE side of Frizzels Hill	<input type="checkbox"/>	23 NW of Frizzels Hill
<input type="checkbox"/>	3 Site by Barn End, Wonston	<input type="checkbox"/>	17 Solar Farm by Coney Lane	<input type="checkbox"/>	24 Behind Winthrop Hse
<input type="checkbox"/>	5 Site behind The Orchard	<input type="checkbox"/>	19 In Nuttlebury woodland	<input type="checkbox"/>	602 Red Barn and field
<input type="checkbox"/>	6 Lower field, rear of V Hall	<input type="checkbox"/>	22 Field opp Military Lane	<b>&amp; please explain why below</b>	

Please add here any specific points you would like to make about either the potential or rejected sites - remember to include the site reference number:

There is a compelling case for site 2 to be identified as green. It is genuinely deliverable and has been shaped through independent ecological, topographical, arboricultural and flood risk surveys. It could provide a mix of desired housing types and significant community benefits in terms of additional village hall parking and a new footpath link. Please see the attached supplementary information provided in support.

## Q2. ENVIRONMENT

Our neighbourhood plan can protect local green spaces - based on your feedback we have now assessed 8 local sites and need to check whether you think they are important. You told us that views of the countryside are important - now is your chance to tell of any particular public viewpoints that really stand out from the rest. Another a common point made in the earlier consultation was the importance of keeping the gaps between the different hamlets, so we would like your opinion on whether you think these gaps should be protected, and where they start and finish. And finally other 'like' was about dark night skies, so we want to check whether you would like to see restrictions imposed on street lighting and major floodlighting schemes.

How important to you are the following green spaces and views:	Very important	Reasonably important	Not sure	Not important
- LGS-AF Alecs Field and Play Area				
- LGS-TC Cemetery				
- LGS-KA The Keep and Allotments				
- LSG-KG The Green, Kingston				
- LGS-PG The Green, Pidney				
- LGS-CY The Churchyard, Droop				
- LSG-HW Hazel Wood				
- LGS-NR Emerson Nature Reserve				
Please describe any important green spaces we have missed ( <i>where</i> )				
Please describe any public viewpoints that are really important ( <i>where from and to</i> )				
Should the gaps be protected? (ring)	Definitely	Probably	Not sure	No
Please describe here if you think the gaps as shown need to be changed				
Should street lighting be limited?	Definitely	Probably	Not sure	No

## Q3. TRANSPORT AND TRAVEL

From the first consultation, most comments were about transport. Our neighbourhood plan is limited in what it can achieve, but we have identified possible improvements to the way traffic is managed, and the important paths within our village that we use to get around. Have we got this right, and if not, what should we change?

Topic Area	"Think Again!"	"Okay"	"Good Work!"
Traffic management			
Important local paths			Yes
Comments on emerging ideas – what have we missed or got wrong? Site 2 has the ability to provide an additional footpath to link with an existing route. This community benefit would enable villagers greater countryside access.			

We will not publish personal data, but we need to show that we have avoided double-counting and that we have reached a broad spectrum of the local population.

**So finally, please can you tell us your name and postcode (or street name):**

If you don't live locally please explain your connection to the area:

Name Brett Spiller	Home Postcode BH20 4DY
Connection (if not a local resident) Agent representing a local landowner	

You can either hand the completed form in at the consultation event, or if you require more time please send it by post to M Wilson, Parish Clerk, HBPC, 4 The Orchard, Ibberton, DT11 0EL or by e-mail to [parishclerk@hazelburybryan.net](mailto:parishclerk@hazelburybryan.net). We need your forms returned by no later than **Friday 13<sup>th</sup> October 2017**.



Hazelbury Bryan Parish Council  
4 The Orchard  
Ibberton  
Blandford Forum  
Dorset  
DT11 0EL

Chapman Lily Planning Ltd

[Redacted]

By email: [parishclerk@hazelburybryan.net](mailto:parishclerk@hazelburybryan.net)

Date: 12<sup>th</sup> October 2017  
Our reference: BS 646

[Redacted]

Dear Mr Wilson,

**Hazelbury Bryan Neighbourhood Plan potential development sites: higher field to rear of village hall (site 2)**

I have been following with interest the progress being made in respect of the emerging Hazelbury Bryan Neighbourhood Plan and see that responses have been invited on specific potential sites. My clients are promoting their land, known as site 2 in the current consultation material, and I enclose a completed questionnaire and supplementary information for your attention. Also included as appendices are independent topographical, arboricultural flood risk and ecological surveys. I hope the contents will assist the Parish Council in its development of the HBNP and will allow site 2 to be considered favourably.

I trust this information is all you require at this stage, but please do not hesitate to get back to me if there is anything further I can assist with.

Yours sincerely,

Brett Spiller BA (Hons) BTP MRTPI MCIWM

**Director**





## **Supplementary information in support of the allocation of land to the rear of the village hall for future development**

### **1.0 Introduction**

1.1 Hazelbury Bryan Parish Council is currently producing its neighbourhood plan. As part of the process, the Parish Council has undertaken several stages of public consultation and is currently consulting on potential development sites around the parish. This supplementary information supports the identification of land to the rear of the village hall (site 2), though contends that it should be identified as an amber site. Rather, the site has a strong case to be identified as green, for the reasons set out below.

### **2.0 The site**

2.1 Site 2 is around 1.5ha in size. It is located adjacent to the core of the village. It is within easy walking distance of a shop, pub, church, village hall, bus stops, play and recreation areas.

2.2 The site's developable area has been informed by independent topographical, arboricultural, flood risk and ecological surveys (see appendices), as well as taking into account feedback received through last October's neighbourhood plan consultation. The iterative process so far has resulted in a reduced site size, which could accommodate 16 dwellings and additional car parking for the village hall. It is envisaged that this would comprise a mixture of starter homes, family homes and adaptable homes for older persons. A proportion would also be affordable. The density and mix would respond positively to the most recent consultation feedback, where the noted preferences were for smaller sites of starter homes and 2-3 bed houses to buy. It would also deliver additional landscaped car parking to serve visitors to the village hall and an additional footpath to link into the existing wider network, which already bounds the site.

### **3.0 Current consultation**

3.1 The current consultation is focussed on potential sites. A total of 15 sites feature, of which eight are 'green' and seven are 'amber'. There are 11 'red' sites, which have been ruled out fully. The online introduction to the consultation notes that the Neighbourhood Plan Committee shortlisted sites on the basis of:

- residents' wishes;
- the needs of the village;
- access;
- site suitability;
- likely impact on the surrounding areas; and
- potential to fulfil the results of previous consultations.

- 3.2 Site 2 has been given a scoring of amber. This supplementary paper puts forward justification as to why it should be reconsidered as green, in line with the Committee's criteria.

### **SEA executive summary**

- 3.3 The SEA looks at every site separately and provides a summary table with impacts ranging from significant positive to significant negative. Site 2 is the only site that scores two significant positive impacts, namely 'housing, jobs and community' and 'safe and accessible'. It scores no likely adverse impacts and the only questions are over biodiversity and flood risk. Both of these can be mitigated.
- 3.4 Sites 4, 7, 8, 11, 18 and 20 are all put forward as green sites and yet adverse impacts are highlighted for all of them, some more than once.

### **Traffic and footpaths report**

- 3.5 It is noted that the traffic and footpaths report makes six recommendations. Several are associated with safety and signage, which do not relate directly to site 2. However, the following recommendations do:

- '1. *All new homes to have at least 2 car parking spaces within their grounds and adequate turning to allow forward entry onto the road;... and*
5. *Protecting the key, and well used, footpaths for residents to access the main amenities of the village... Two sites (8 - The Antelope Field and 2 - Higher field to rear of Village Hall) also include the potential to deliver new routes which may be possible to secure if these sites are preferred...'*

- 3.5 Development of site 2 would be able to secure both of these aspirations, which could indicate why it scored one of its double positives (safe and accessible) in the SEA. Despite this, the overall assessment of site 2 raises concerns over the relatively narrow access to the site. It is worth noting that further technical analysis is required in respect of highway impacts here, in line with the Chartered Institution of Highways and Transportation's Manual for Streets 2. But it is important to bear in mind the site's historic adhoc use as a coach car park and that there is a generous existing visibility splay. This is illustrated in the photograph below, with the parked car in the middle ground showing the potential carriageway width that could be achieved with ease.



### **Other concerns raised**

- 3.6 The site 2 report raises other concerns, which can also be addressed. The first is relating to powerlines. Although they do cross this site, development can easily be designed to fit around them, as is common in built environments. If infrastructure providers raise safety as a particular concern, fencing and other protective measures could be introduced.
- 3.7 Visual impact has been raised as an issue. As set out above, the proposed developable area of the site has already been reduced significantly and a full landscaping scheme would be forthcoming with any planning application.
- 3.8 Lastly, a concern is raised about broadening ribbon development in this location. The village is linear in form, but there are various pockets of cul-de-sacs within it, such as Woodlands, The Orchard and The Old Dairy Farm. Development would be located beneath the plateau and the above-mentioned landscaping scheme would ensure the development would blend in well with the village, as well as ensuring it maintains a transition with the countryside. As such, landscape and townscape impacts could be overcome.

### **Comparison with green sites**

- 3.9 There are three green sites in proximity to site 2. These are sites 8, 13 and 20. A review of those sites is provided in the table below. Plus points and concerns are lifted directly from the published individual site assessments, while the comments column represents our analysis.

Site	Plus points	Concerns	Comments
8	<ul style="list-style-type: none"> <li>• Could provide affordable housing and starter homes;</li> <li>• Central location;</li> <li>• Could provide footpaths;</li> <li>• Good access; and</li> <li>• Low visual impact.</li> </ul>	<ul style="list-style-type: none"> <li>• Impact on a listed building;</li> <li>• Power lines are beside the site; and</li> <li>• Loss of nature.</li> </ul>	<p>Site 2 can demonstrate the first three plus points and the other two can be overcome. Arguably, site 2 is just as centrally located. It also would not affect a listed building. In addition, site 2 could provide additional village hall parking. Site 8 is not proposing to provide any community benefits.</p>
13	<ul style="list-style-type: none"> <li>• Self build;</li> <li>• Existing buildings to be retained; and</li> <li>• Existing activities continue.</li> </ul>	<ul style="list-style-type: none"> <li>• Access fairly narrow and may need improvement.</li> </ul>	<p>Although previous consultation respondents requested an element of self-build housing, the majority favoured small starter homes of 2-3 beds to buy. Respondents also wanted affordable housing and contributions towards infrastructure. This site would not be eligible to deliver either. In addition, large mature trees would likely hinder access. There would be no community benefits from this site.</p>
20	<ul style="list-style-type: none"> <li>• Provision of affordable /starter homes;</li> <li>• Benefit to the School of extra playing fields;</li> <li>• Benefit to the Church and School of additional parking; and</li> <li>• Benefit to the community of cemetery extension, car park and open space.</li> </ul>	<ul style="list-style-type: none"> <li>• Access roads; and</li> <li>• Visual impact.</li> </ul>	<p>The concerns raised are similar to site 2, but site 2 can mitigate its impacts. Site 2 is also more centrally located in the village.</p>

3.10 The table shows that site 2 compares well with all the positive aspects identified in other green sites and it scores better in many respects. It would provide:

- a range of house types and tenures, which site 13 cannot;
- a contribution towards infrastructure through the Community Infrastructure Levy (as a self build, site 13 would not be eligible);
- it would not risk affecting a heritage asset, as site 8 would;
- it is centrally located in the village, unlike site 20; and
- it would result in two significant community benefits in terms of village hall car parking and a new public footpath link.

#### **4.0 Committee's criteria**

4.1 Turning to the Committee's original criteria for shortlisting sites, site 2 responds positively in the following ways:

##### Residents' wishes

4.2 Feedback to the most recent consultation showed that most people would prefer to see sites of 11-25 dwellings. This site would deliver 16. Most respondents would prefer sites to include starter homes and 2-3 bed family homes to buy. Site 2 would provide that mix.

##### The needs of the village

4.3 Villagers have made clear the types of development they would like to see and, as demonstrated above, this site could deliver them. In addition, development at site 2 would provide significant community benefits in the form of a new public footpath link to increase public access to the countryside; and additional village hall car parking.

##### Access

4.4 The site has been used historically for coach parking. There is an existing, wide visibility splay at the entrance. A planning application would be informed by close liaison with the local highway authority.

##### Site suitability

4.5 The site is entirely suitable in landscape and townscape terms. It is located centrally in the village.

##### Likely impact on the surrounding areas

4.6 The quantum of development proposed is low and it is not considered that there would be any material impacts on surrounding areas. Development would be required to pay the Community Infrastructure Levy, of which the Parish Council would receive 25% when it adopts its neighbourhood plan.

##### Potential to fulfil the results of previous consultations

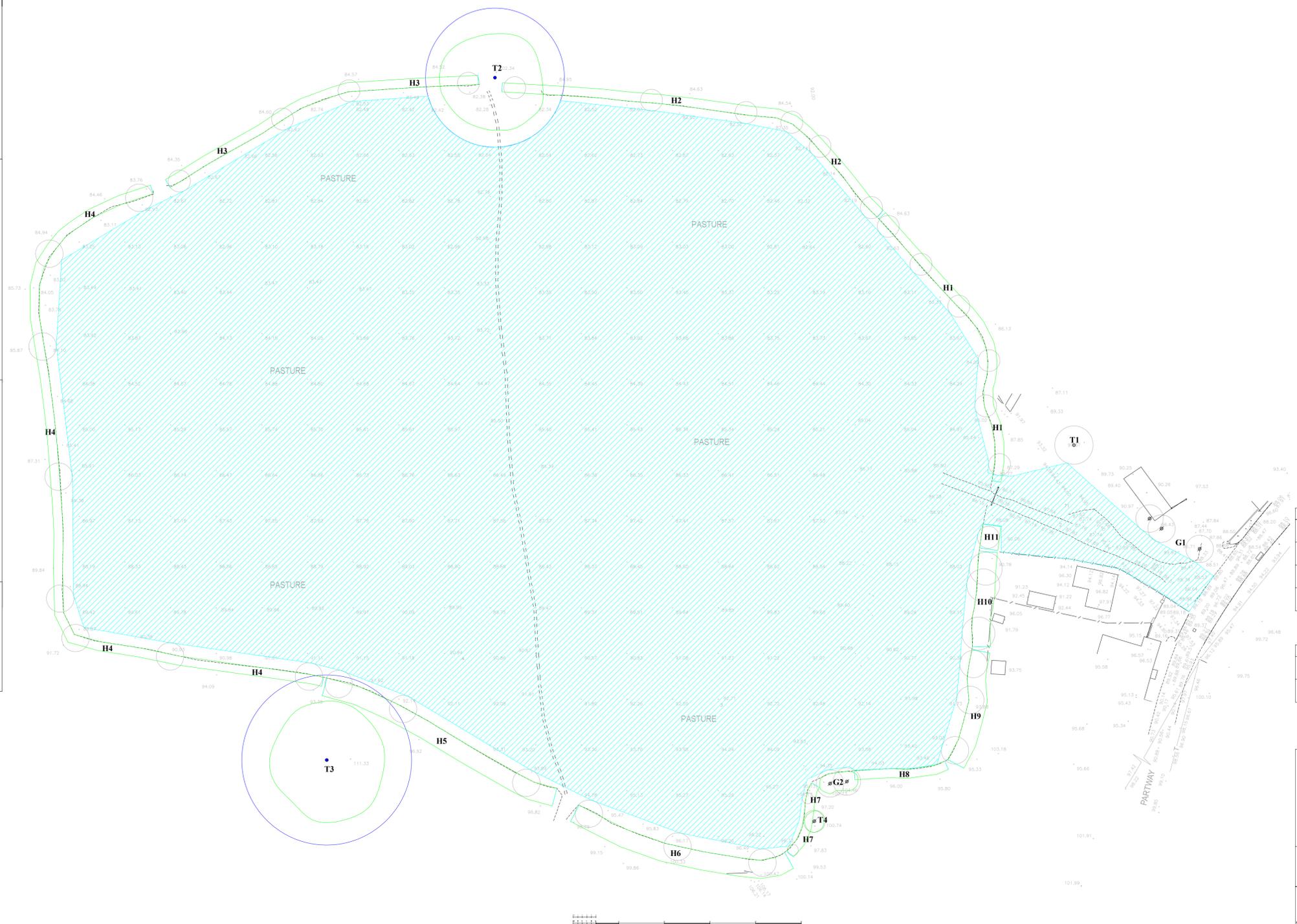
4.7 As set out above, this site responds positively to feedback received through previous consultations.

## **5.0 Conclusion**

5.1 This supplementary information has demonstrated that site 2 represents a better fit within the green category than as an amber site. Independent studies in the form of topographical, arboricultural, flood risk and ecological surveys demonstrate how genuinely deliverable the site is. The site responds positively to all the Neighbourhood Plan Committee's criteria and is the only one to not receive any negative scoring in the SEA – indeed it is the only site to receive two double positives. As such, the Committee is respectfully urged to reconsider site 2's grading and alter it to green. Chapman Lily Planning would be happy to engage further with the Parish Council, should any further clarifications be required.



Tree No.	Species	HT (m)	DBH @1.3m (cm)	CS (m)	CH (m)	Age	Condition	-P. Recommendations	EGR (years)	RPA (mR)	BS Cat.
G1	Elm	<7	<430	N 1 E 2 S 2 W 2	0.0 NE SW	EM	Poor/Fair -growing within hedgerow, possibly regeneration from felled trees -limited life expectancy due to species, Dutch Elm disease	-no work	<15	3.6	C2
T1	Cherry	#9	#25/25	N 1 S 1 W 1	0.0 NE SW	M	Fair -unable to completely assess condition due to excessive vegetation and growing on other side of ditch -bifurcated main stem at #1 m -ivy clad	-no work	#30	4.2	C1
H1	Sloe Elm Nettle Bindweed Bramble Dog Rose Hawthorn Ash Willow (crack)	<2	<20	N 1 E 1 S 1 W 1	0.0 NE SW	M/Y	Good -areas of old laid hedgerow, in poor moribund condition -hedgerow is either a replacement, or restocked predominantly Sloe & Bind weed -maintained	-no work	<40	2.4	B2
H2	Field maple Sloe Hazel Dogwood Elder Bramble Bindweed Nettle	<2	<20	N 1 E 1 S 1 W 1	0.0 NE SW	M/Y	Good -areas of hedgerow with very old stumps -hedgerow is either a replacement, or restocked -good mix and distribution species	-no work	<40	2.4	B2
T2	Oak	20	#127	N 9 E 9 S 11 W 12	2.0 E	M	Good -damaged root growing within ditch -large buttress roots -badly wire growing within cambium -deadwood throughout canopy -broken branch hanging over footpath -previous storm damage W. at 8-10 m -collection of small cavities throughout canopy, good habitat	-remove hanging branches and deadwood that can be dislodged by hand, over footpath	<50+	15.2	AB1
H3	Sloe Hazel Dog rose Hawthorn Bramble Bindweed	<2	<20	N 1 E 1 S 1 W 1	0.0 NE SW	M/Y	Poor/Fair -old hedges with some possible infill planting -some areas overgrown with climbing plants	-re-stock hedgerow	<20	2.4	CU2
H4	Sloe Thistle Bramble bindweed Dog rose Hazel Nettle Cornus Ash	1	<25	N 1 E 1 S 1 W 1	0.0 NE SW	M	Poor -hedgerow in decline -lack in species diversity -areas overgrown with climbing plants and limited woody species	-cutting and clearing of climbing plants from within the hedgerow	<30	3	CB2
T3	Oak	19	#155	N 12 E 13 S 12 W 12	1.0 E	M	Fair/Good -unable to completely assess condition neighbour's tree -large buttress roots -cavity between buttress root south -partially hollow tree -deadwood throughout canopy -broken branch 7 m. N fungus within cavity, too small for identification, possibly Chicken of the Woods -broken branch 5 m. W below average foliage cover	-monitor for decline in foliage cover and further structural decline	<40+	18.6	BC2
H5	Hazel Ash Elder Sloe Dog rose Bramble	<3	#25	N 2 E 2 S 2 W 2	0.0 NE SW	M	Fair/Poor -some areas overgrown with climbing plants and limited woody species	-cutting and clearing of climbing plants from within the hedgerow	<30	3	BC2
H6	Sloe Mare's tail Hazel Ash Dog rose Deadly nightshade Bramble Nettle	<3	#25	N 2 E 2 S 2 W 2	0.0 NE SW	M	Fair/Poor -some areas overgrown with climbing plants and limited woody species -noticeable amount of Mare's tail growing around base of hedge	-cutting and clearing of climbing plants from within the hedgerow -consider controlled removal of Mare's tail	<30	3	BC2
H7	Privet hedge Bind weed	<2	#410	N 1 E 1 S 1 W 1	0.0 NE SW	M	Poor/Fair -some areas overgrown with climbing plants and limited woody species	-cutting and clearing of climbing plants from within the hedgerow	<20	1.2	C1
T3	Hawthorn	3	20	N 2 E 2 S 2 W 2	1.0 N	EM	Fair/Poor -young tree growing within hedge	-no work	<20	2.4	C1
G2	Oak Ash	<9	#25	N 2 E 2 S 2 W 2	2.0 S	EM	Fair/Poor -unable to completely assess condition neighbour's trees -Oak growth suppressed by adjacent Ash tree	-no work	<30	3	C2
H8	Bramble Bindweed Nettle Mares Tail	<2	N/A	N 1 E 1 S 1 W 1	0.0 NE SW	N/A	Poor -limited to no woody species -hedgerow adjacent to domestic garden	-replant	N/A	N/A	U
H9	Sloe Dogwood Willow Crack	<3	#25	N 2 E 2 S 2 W 2	0.0 NE SW	EM	Fair/Poor -hedgerow adjacent to domestic garden	-areas requiring controlled species management, to maintain a healthy even hedgerow	<30	3	C2
H10	Lavender	<7	#30	N 2 E 2 S 2 W 2	0.0 NE SW	EM	Poor/Fair -partly maintained conifer hedge -hedgerow adjacent to domestic garden	-down-reduce part of hedgerow which has not been maintained	<30	3.6	C2
H11	Willow (crack)	<2	#20	N 2 E 2 S 2 W 2	0.0 NE SW	EM	Fair/Poor -maintained as hedgerow	-no work	<30	2.4	C2



**LEGEND**

- Tree Location & Number: ● T1
- Trees not detailed within the Topographical Survey: ⊕
- Canopy Spread: —
- Area available for construction with limited Tree Constraints: [Hatched Area]

**British Standard 5837-2012 Tree Categories Key**

- BS 5837:2012 Category B Tree Root Protection Area: [Blue Circle]
- BS 5837:2012 Category C Tree Root Protection Area: [Green Circle]

**Site Address:**  
Partway Lane  
Hazelbury Bryan  
Sturminster Newton, DT10 2DP

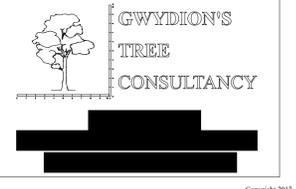
**Client:**  
R J and DC Hannam and Son

**Drawing Title:**  
Tree Constraints Plan

Rev. 01 Paper Size and Scale: A1 - 1:500  
Date: 25/09/2017 Project Ref: GH1749  
Drawing Ref: GH1749a

**IMPORTANT NOTICE**  
This plan is based on the plans and/or site layout plans provided. All measurements must be checked with these plans and appropriate documents. All dimensions to be checked on site prior to commencement of work. Differences between drawings, specifications or structural engineer's details are to be referred immediately to Graydon's Tree Consultancy. Work should only be undertaken from local authority approved drawings. For further information see associated report GH1749

THIS PLAN SHOULD BE VIEWED IN COLOUR





Worst-case scenario	YES	NO	x	DERC search	YES	X	NO	N/A	SNCI	YES	NO	X
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**29/08/2017**

The site measures 2.9 hectares and comprises of agricultural pasture land (100% perennial rye-grass). The north, south and west boundaries of the field are lined with mature hedgerows and trees. The east boundary is lined a hedgerow, fencing and is partially open. The north and west boundaries lie adjacent to agricultural fields. The east boundary lies adjacent to neighbouring properties and Partway Lane. The south boundary lies adjacent to the neighbouring property and an agricultural field. A footpath runs north to south through the site. There are no structures with the site. The site is accessed via a gravel track from the east boundary of the site. The access track and margins of the field have some rudimental plants. The boundaries are lined with mature hedgerows and trees. No notable species were found. The hedgerows fall under the Hedgerow Regulations Act.

**Bats/trees**

The English oak trees have PRF's that could be used by bats. The oak trees and hedgerows will be used by commuting and foraging bats. Refer to section E for mitigation.

**Nesting birds**

The trees and hedgerows will be used by nesting birds. During the survey greater tit, sparrow and swallows were observed within the site. Refer to section E for mitigation.

**Badger**

The site was reassessed for badger activity on 19/04/2018. The possible badger holes and commuting paths observed on 29/08/2017, when the vegetation was overgrown, were reassessed. They were identified as rabbit holes and deer paths. No latrines were found within the site. No further surveys are recommended. Refer to section E for mitigation.

**Reptiles**

The field has a LOW potential to be used by reptiles, as it is cut regularly. The boundaries of the site have the potential to be used by commuting and hibernating reptiles. Refer to section E for mitigation.

**Amphibians**

MAGIC, OS and Google maps show nine ponds within a 500 metre radius of the site. 100m south, 240m east, 2 x 390m north, 430m north, 470m north and 3 x 500m east. There are no ponds within the site. The southern boundary has potential for use by amphibians, as it is within 100 metres of the nearest pond. Refer to section E for mitigation.

**Dormouse**

The hedgerows have the potential to support dormice, as they have good connectivity with the wider landscape. Refer to section E for mitigation.

**Data search**

Dorset Environmental Records Centre hold the following records within a 1km radius of the site. 22 bat roosts (brown long-eared, long-eared, serotine, whiskered/brandts and pipistrelle sp.) 1 badger sett. 14 x Western European hedgehog records. Reptiles recorded in 2006. Great Crested Newt pond last recorded in 1999. Birds, higher flowering plants, lepidoptera, otter, water vole and harvest mouse.



DETAILS OF MITIGATION, METHOD STATEMENT, MONITORING/COMPLIANCE & DESCRIPTION OF BAT ROOST FEATURES. INCLUDE: PLAN SHOWING LOCATIONS OF ACCESS POINT(S), BAT BRICKS/BOXES, INTERNAL ROOSTING FEATURES

N/A

DESCRIPTION OF TEMPORARY REPLACEMENT ROOST. INCLUDE: POSITION E.G. EXISTING BUILDING, NEW STRUCTURE

N/A

Section E: Other Protected Species (NOT BATS): Mitigation Summary

TYPE OF MITIGATION

Avoidance of harm through best practice	X	Measures to deter individuals from location		Capture and translocation of individuals	
Controlled destruction of place of shelter / breeding site		Replacement of place of shelter / breeding site		Habitat enhancement measures	X
EPS/NE Licence required	YES	NO	Low impact licence required	YES	NO

Section F: Other Protected Species (NOT BATS) & Habitats: Mitigation & Method Statement

Please list and quantify where possible all mitigation features that must be applied to mitigate impacts to protected species and habitats and will form a permanent part of the new development (e.g. number of bird boxes, length of native hedge planting, number or area of ponds). Include monitoring/compliance measures as appropriate.

### **Nesting birds**

1. Any work to the trees and/or hedges will be carried out between 1st September and 28th February, so as to avoid the bird nesting season.
2. As an enhancement to the site a built in bird nesting box will be incorporated into the north or east elevations of at least half of the proposed garages. The boxes will be at least 3 metres above the ground. Full details will be provided in the full planning / reserved matters application.

### **Badgers**

1. If badgers or signs are badgers are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Reptiles**

1. The grass within the site will be maintained as short sward up until and during the build. If this is not done a presence/ absence survey and possible reptile translocation will be required.
2. If reptiles are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Amphibians**

1. If amphibians are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Dormice**

1. If dormice or signs of dormice are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Western European Hedgehog**

The hedgehog is a Priority Species for conservation action under the UK Biodiversity Action Plan and protected from harm in the UK under Schedule 6 of the Wildlife and Countryside Act 1981 and the NERC Act 2006, the hedgehog is categorised as a 'Species of Principal Importance' for biodiversity.

1. If the proposed gardens are to be fenced a 10cm by 10cm gap will be left at the base of each fence to allow hedgehogs to pass through the gardens. Appendix A - Plan 5.

### **Further survey work**

1. The ecology report and Dorset Biodiversity Mitigation Plan will be updated prior to the full planning application/reserved matters..
2. Photographic evidence of the enhancements will be emailed to the ecologist. The photographs will be sent to the Natural Environment Team for post monitoring purposes and to the Local Planning Authority for them to sign off the planning conditions.

## Section G: Enhancement Measures / On-site Compensation Measures (ALL SPECIES)

Please summarise the measures to be secured in accordance with National Planning Policy Framework and Section 40 of the Natural Environment & Rural Communities Act 2006. PLEASE DO NOT INCLUDE MITIGATION IN THIS SECTION.

### **Bats**

1. An Ibstock bat brick or Schwegler 1FR bat tube will be built into the south or west elevations of at least half of the proposed dwellings. Plan 5.
2. Ibstock bat brick <http://www.nhbs.com/title/187691/ibstock-enclosed-bat-box-b> Plan 6.
3. Schwegler 1FR bat tube <https://www.nhbs.com/1fr-schwegler-bat-tube> Plan 7.
4. No security lighting will be placed above or below the bat tubes/boxes. Any security lighting will be low level and will be on timers so that the level of light pollution is kept to a minimum.
5. If an injured or underweight bat is found the consultant [REDACTED] and Bat Conservation Trust will be contacted on [REDACTED] for details of the nearest bat care worker.

### **Nesting birds**

1. Any work to the trees/bramble will be carried out between 1st September and 28th February, so as to avoid the bird nesting season.
2. As an enhancement to the site a built in bird nesting box will be incorporated into the north or east elevations of at least half of the proposed garages. The boxes will be at least 3 metres above the ground. Full details will be provided in the full planning / reserved matters application. Appendix A - Plan 5.
3. Woodstone-build-in-open-nest-box. Width: 22cm. Height: 18cm. Depth: 18cm <http://www.nhbs.com/woodstone-build-in-open-nest-box> Appendix A - Plan 8.

### **Badgers**

1. If badgers or signs are badgers are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Reptiles**

1. The grass within the site will be maintained as short sward up until and during the build. If this is not done a presence/absence survey and possible reptile translocation will be required.
2. If reptiles are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Amphibians**

1. If amphibians are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Dormice**

1. If dormice or signs of dormice are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

### **Western European Hedgehog**

The hedgehog is a Priority Species for conservation action under the UK Biodiversity Action Plan and protected from harm in the UK under Schedule 6 of the Wildlife and Countryside Act 1981 and the NERC Act 2006, the hedgehog is categorised as a 'Species of Principal Importance' for biodiversity.

1. If the proposed gardens are to be fenced a 10cm by 10cm gap will be left at the base of each fence to allow hedgehogs to pass through the gardens. Appendix A - Plan 5.

## **Planting**

1. To enhance the biodiversity of the site, the landscape/planting scheme will include plants and trees that can be used by bees and other pollinators throughout the year. Refer to the list below or to RHS website for further details <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/perfect-for-pollinators>

### **Wild plants**

Common foxglove *Digitalis purpurea*  
Common honeysuckle *Lonicera periclymenum*  
Common yarrow *Achillea millefolium*  
Dark mullein *Verbascum nigrum*  
Greater knapweed *Centaurea scabiosa*  
Guelder rose *Viburnum opulus*  
Hemp agrimony *Eupatorium cannabinum*  
Large thyme *Thymus pulegioides*  
White clover *Trifolium repens*  
Wild marjoram *Origanum vulgare*

### **Garden plants**

Bergamot *Monarda didyma*  
Caryopteris *Caryopteris × clandonensis*  
Common jasmine *Jasminum officinale*  
Dame's violet *Hesperis matronalis*  
English lavender *Lavandula angustifolia*  
Hyssop *Hyssopus officinalis*  
Purple top *Verbena bonariensis*  
Rose campion *Lychnis coronaria*  
Sweet William *Dianthus barbatus*  
Weigela *Weigela florida*

2. The existing hedgerows will be retained. Any gaps or poor quality hedging will be replanted/replaced, with native species (refer to list below). Appendix A - Plan 5.
3. No houses will be built within 2 metres of the existing hedgerow. The hedges will form part of the garden boundaries.
4. A HERAS fencing buffer zone of 2 metres will be erected around the existing hedgerow. No materials, no vehicles and no equipment will be stored in the buffer zone. Appendix A - Plan 5.
5. A hedge management plan will be produced and agreed with the LPA, prior to the commencement of the development.

### **Hedging/hedge trees**

Blackthorn *Prunus spinosa*  
Common hazel *Corylus avellana*  
Dog rose *Rosa canina*  
Elderflower *Sambucus nigra*  
Field maple *Acer campestre*  
Hawthorn *Crataegus monogyna*  
Guelder rose *Viburnum opulus*  
Hawthorn *Crataegus monogyna*  
Wild privet *Ligustrum vulgare*  
Wild crabapple *Malus sylvestris*  
Wild plum *Prunus domestica*

### **Further survey work**

1. The ecology report and Dorset Biodiversity Mitigation Plan will be updated prior to the full planning application/reserved matters..
2. Photographic evidence of the enhancements will be emailed to the ecologist. The photographs will be sent to the Natural Environment Team for post monitoring purposes and to the Local Planning Authority for them to sign off the planning conditions.

**Section H: Off-site Compensation (N.B. Off-site measures will not be covered by planning condition)**

Residual biodiversity losses may occur due to loss of nesting habitat, rough grasslands, hedgerows etc. and maybe addressed by an appropriate funding contribution or equivalent measures on another site.

After on-site mitigation will the scheme result in a residual loss to biodiversity? <i>NB. If 'yes' please submit details of compensation to the local planning authority.</i>	YES		NO	X
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**Section I: Declaration ( To be completed by applicant PRIOR TO SUBMISSION)**

*I hereby confirm that the measures set out in this Biodiversity Mitigation Plan will be completed in full including where stated above an application for an EPS/NE/Low Impact licence.*

Name of APPLICANT/ AGENT	PRINT STEVE TAPSCOTT OF CHAPMAN LILY PLANNING ON BEHALF OF MR RJ AND MR HANNAM	SIGN 	DATE 06/04/18
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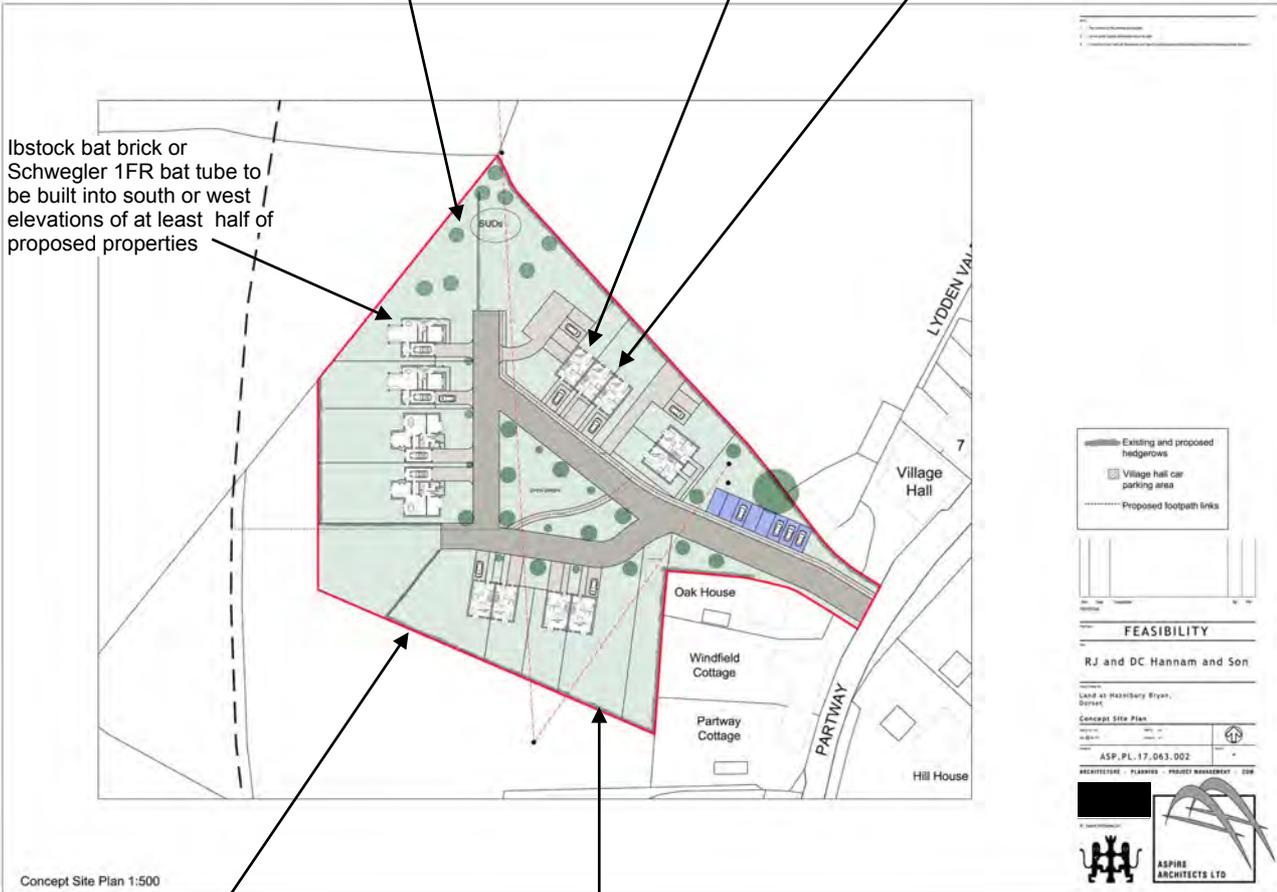
- Please read the published guidance for completing BMP forms and ensure it is fully complied with. Please visit [www.dorsetforyou.com](http://www.dorsetforyou.com) to access the Dorset Biodiversity Appraisal Protocol guidance sheet for consultants.
- Please ensure ALL Biodiversity Mitigation Plans are submitted with ecology reports (unless agreed otherwise with the Natural Environment Team prior to submission) to [net@dorsetcc.gov.uk](mailto:net@dorsetcc.gov.uk)
- Please expand boxes above or use a continuation sheet. Please ensure ALL pages and continuation sheets are dated and signed by the applicant or planning agent PRIOR to submission.
- Payment MUST be made with submission. For charges please visit [www.dorsetforyou.com](http://www.dorsetforyou.com)
- Data submitted may be extracted by Dorset Environmental Records Centre.

**Plan 5 - Proposed site plan and mitigation**

Trees to be planted will be native species

Wood stone built in birds boxes to be built into north or east elevations of half of proposed garages

10cm by 10cm gap will be left at the base of each fence to allow hedgehogs to pass through the gardens.



1bstock bat brick or Schwegler 1FR bat tube to be built into south or west elevations of at least half of proposed properties

2m Heras fencing buffer zone to be erected from hedgerow and trees on north boundary. No materials, no vehicles and no equipment will be stored in the buffer zone

Existing hedgerows and all trees on site to be retained. Any gaps or poor quality hedging will be replanted/ replaced, with native species

Plan 6 - Example of lbstock bat brick



Plan 7 - Example of Schwegler 1FR bat tube

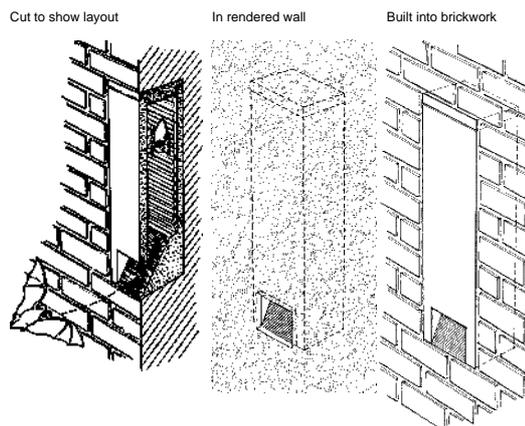


Height 475mm  
Width 200mm  
Depth 125mm  
Weight 9.8kg

Size of access:  
Width 150mm  
Depth 20mm

The Schwegler 1FR bat tube maintains excellent climatic conditions inside the tube allowing the bats to either hang onto the wooden rear or onto the wood-concrete front. It requires no maintenance because droppings fall out of the entrance ramp.

It can be installed on external walls – either flush or beneath a rendered surface in concrete and, during renovation work, under wooden paneling or in building cavities (e.g., slab-type building structures, bridges, etc). If required, it can be painted using standard air-permeable exterior paint. Birds will not occupy this box.



Plan 8 - Example of built in bird box



# **Lowans Ecology & Associates**

Louise Lowans BSc. (Hons), MCIEEM

## **Biodiversity survey/assessment for land at Hazelbury Bryan, Blandford, Dorset**

**Prepared for:** Chapman Lily Planning Limited on behalf of RJ and DC Hannam and Son

**Prepared by:** Louise Lowans BSc. (Hons), MCIEEM

**Prepared on:** 12/10/2017, 20/03/2018. Updated 23/04/2018. Updated 4/05/2018

**Version no:** 5

Correspondence Address:



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## 1 Executive summary

**Survey date:** 29/08/2017 and 19/04/2018

**Grid reference:** ST 74250 08761

- Protected sites:** The site falls within the Impact Risk Zone for Dorset Area of Outstanding Natural Beauty (AONB), Rooksmoor Special Area of Conservation (SAC) and Blackmore Vale Commons and Moors Sites of Special Scientific Interest (SSSI). The LPA should therefore consult Natural England on the likely risks that the application may have on the protected sites. In addition, the site lies within 2000 metres of the following notable and protected sites. Rooksmoor SAC, Blackmore Vale Commons and Moors SSSI, Coastal and floodplain grazing marsh, Good quality semi-improved grassland, Lowland meadows, Purple moor grass and rush pastures, Lowland fens, Deciduous woodland and Traditional orchard.
- Data search:** Dorset Environmental Records Centre hold the following records within a 1km radius of the site. 22 bat roosts (brown long-eared, long-eared, serotine, whiskered/brandts and pipistrelle sp.) 1 badger sett. 14 x Western European hedgehog records. Reptiles recorded in 2006. Great Crested Newt pond last recorded in 1999. Birds, higher flowering plants, lepidoptera, otter, water vole and harvest mouse.
- Habitats:** The site measures 2.9 hectares. It comprises of agricultural pasture land (100% perennial rye grass), accessed via a gravel track from the east boundary of the site. The access track and margins of the field have some rudimental plants. The boundaries are lined with mature hedgerows and trees. No notable species were found. The hedgerows fall under the Hedgerow Regulations Act.
- Bats:** The English oak trees have PRF's that could be used by bats. The oak trees and hedgerows will be used by commuting and foraging bats. Refer to section 5 for recommendations and precautionary mitigation measures.
- Nesting birds:** The trees and hedgerows will be used by nesting birds. During the survey greater tit, sparrow and swallows were observed within the site. Refer to section 5 for recommendations and precautionary mitigation measures.
- Badger:** The site was reassessed for badger activity on 19/04/2018. The possible badger holes and commuting paths observed on 29/08/2017, when the vegetation was overgrown, were reassessed. They were identified as rabbit holes and deer paths. No latrines were found within the site. Refer to section 5 for recommendations and precautionary mitigation measures.
- Reptiles:** The field has a LOW potential to be used by reptiles, as it is cut regularly. The boundaries of the site have the potential to be used by commuting and hibernating reptiles. Refer to section 5 for recommendations and precautionary mitigation measures.
- Amphibians:** MAGIC, OS and Google maps show nine ponds within a 500 metre radius of the site. 100m south, 240m east, 2 x 390m north, 430m north, 470m north and 3 x 500m east. There are no ponds within the site. The southern boundary has potential for use by amphibians, as it is within 100 metres of the nearest pond. Refer to section 5 for recommendations and precautionary mitigation measures.
- Dormice:** The hedgerows have the potential to support dormice, as they have good connectivity with the wider landscape. Refer to section 5 for recommendations and precautionary mitigation measures.
- Enhancements:** The recommendations in section 5 for will be conditioned as part of the outline planning application and will be adhered to.
- Surveyor:** Louise Lowans (Natural England Licences: Bat 2015-16733-CLS-CLS. Barn Owl CL29/00005. Dormouse 2016-21322-CLS-CLS.

## **2 Introduction**

### **2.1 Field survey**

The aim of the ecology survey (extended Phase 1 Habitat Survey) was to confirm the presence/absence of; any protected/notable plant or animal species, any suitable habitats for protected species, such as bats, badgers, reptiles, nesting birds, amphibians, barn owl, dormouse and/or any protected habitats on the site and provide mitigation and/or enhancement as appropriate.

The site was assessed for species and/or habitats protected by the Wildlife and Countryside Act 1981 (as amended), The Protection of Badgers Act 1996, The Hedgerow Regulations Act 2007, The CROW Act 2000 and the Conservation of Habitats and Species Regulations 2017. Species and habitats of principal importance and general biodiversity interest of the site (Natural Environment and Rural Communities Act 2006) were also considered. Surveys were carried out following all relevant guidelines (refer to Section 6 References).

Local Planning Authorities are required to take into account nature conservation issues, incl. species and habitats protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and The Wildlife and Countryside Act 1981 (as amended) when making planning decisions. Local Planning Authorities also aim to conserve and enhance biodiversity (National Policy Planning Framework 2012 (NPPF)) and to have regard to conserving biodiversity, which includes restoring and enhancing a population or habitat under the Natural Environment and Communities Act 2006 (NERC 2006)).

The remit of the ecologist is to recommend a course of action that; protects the interest of the European Protected Species and other protected species. Protects the owners and their agents from committing an offence under the legislation and is the best course of action for primarily the welfare of the protected species, but with some regard to the implementation of the owners' project.

### **2.2 Site location**

The site is situated within Hazelbury Bryan, OS Grid Reference ST 74250 08761. Appendix A - Plan 1.

### **2.3 Site description**

The site measures 2.9 hectares and comprises of agricultural pasture land. The north, south and west boundaries of the field are lined with mature hedgerows and trees. The east boundary is lined a hedgerow, fencing and is partially open. The north and west boundaries lie adjacent to agricultural fields. The east boundary lies adjacent to neighbouring properties and Partway Lane. The south boundary lies adjacent to the neighbouring property and an agricultural field. A footpath runs north to south through the site. There are no structures with the site. Appendix A - Plan 2. Appendix B - Figures 1 to 5.

### **2.4 Description of proposal**

It is proposed to apply for outline planning permission for 13 dwellings. The hedgerows and trees will be retained. Appendix A - Plan 3.

## **3 Method**

### **3.1 Desk study**

#### **3.1.1 Protected and other notable sites**

The location was checked for habitats protected under the Wildlife and Countryside Act 1981 (as amended), and other habitats that could be County Wildlife sites or Biodiversity Action Plan habitats using the Multi-Agency Geographic Information for the Countryside (MAGIC) Defra website.

#### **3.1.2 Data search**

A data has been requested Dorset Environmental Records Centre.

### **3.2 Date of survey**

The date and time of the survey were recorded.

### **3.3 Weather conditions**

The weather conditions were recorded.

### **3.4 Limitations of survey**

Limitations that may affect the overall survey result were recorded.

### **3.5 Survey scope**

This report includes surveys for the wildlife detailed below:

Survey Scope: habitats, bats, nesting birds, badgers, reptiles, amphibians and dormice

### 3.5.1 Habitats

The site was surveyed for important vegetation communities such as unimproved grassland, ancient woodland or hedges (that might be protected under the Hedgerow Regulations Act) and water features.

#### Hedgerow Regulations

Hedges were surveyed for features cited in the Hedgerow Regulations Act, namely features such as up to 7 woody species, presence of woodland plants, a ditch, bank, links to other hedges etc.

### 3.5.2 Bats

#### 3.5.2.1 Daytime survey trees

The trees on site were assessed for potential roost features (PRF's). PRF's that may be used by bats include: woodpecker holes, rot holes, hazard beams, other vertical or horizontal cracks and splits (such as frosting cracks) in stems or branches, partially detached platey bark, knot holes arising from naturally shed branches or branches previously pruned back to the branch collar, man made holes or cavities created by branches tearing out from parent stems, cankers (caused by localised bark death) in which cavities have developed, other hollows or cavities including butt-rots, double leaders forming compression forks with included bark and potential cavities, gaps between overlapping stems and branches, partially detached ivy with stem diameters in excess of 50mm, bat, bird or dormice boxes.

### 3.5.3 Nesting birds

The site was surveyed for signs of nests of swallows, house sparrows and other birds as building works should not conflict with bird breeding seasons.

### 3.5.4 Badger

The site was searched for the following signs of badger *Meles meles*: tracks, hair on fences, feeding holes, latrines, scratching posts and setts.

### 3.5.5 Reptiles

The site was assessed for its potential to support fully protected reptiles and common reptiles, positive features being open undisturbed habitats, sandy banks, tall sward grassland and permanent scrubby areas.

### 3.5.6 Amphibians

The site was assessed for ponds and ditches that could be used by amphibians.

### 3.5.7 Dormouse

The site was accessed for its potential to support hazel dormouse *Muscardinus avellanarius*.

## 3.6 Field equipment

Equipment available for use during the survey included. Maglite (LED bulb) torch, ladders, Snap-On endoscope, binoculars, compass, notebook, pen, chest waders, Echo Meter EM3+ bat detector, Echo Meter Touch and Kaleidoscope software for data analysis.

## 3.7 Details of surveyor

Louise Lowans BSc. (Hons), MCIEEM. Director and Principal Ecologist of Lowans Ecology & Associates. Ecologist for over 20 years. Natural England Licences held Bat Licence 2015-16733-CLS-CLS. Dormouse 2016-21322-CLS-CLS. Barn Owl CL29/00005.

## 4 Results and discussion

### 4.1 Protected and other notable sites

The site falls within the Impact Risk Zone for Dorset Area of Outstanding Natural Beauty (AONB), Rooksmoor Special Area of Conservation (SAC) and Blackmore Vale Commons and Moors Sites of Special Scientific Interest (SSSI). The LPA should therefore consult Natural England on the likely risks that the application may have on the protected sites. In addition, the site lies within 2000 metres of the following notable and protected sites. Rooksmoor SAC, Blackmore Vale Commons and Moors SSSI, Coastal and floodplain grazing marsh, Good quality semi-improved grassland, Lowland meadows, Purple moor grass and rush pastures, Lowland fens, Deciduous woodland and Traditional orchard.

#### 4.1.2 Data search

Dorset Environmental Records Centre hold the following records within a 1km radius of the site. 22 bat roosts (brown long-eared, long-eared, serotine, whiskered/brandts and pipistrelle sp.) 1 badger sett. 14 x Western European hedgehog records. Reptiles recorded in 2006. Great Crested Newt pond last recorded in 1999. Birds, higher flowering plants, lepidoptera, otter, water vole and harvest mouse.

### 4.2 Date of survey

The site was surveyed on 29/08/2017 at 10.00 hours.

### 4.3 Weather conditions

**29/08/2017**

The weather conditions were dry with 100% cloud cover. The air temperature was approximately 18°C. There was a light wind measuring 1 on the Beaufort Scale.

### 4.4 Limitations of survey

There were no limitations to the survey.

### 4.5 Survey scope

#### 4.5.1 Habitats

The site measures 2.9 hectares. It comprises of agricultural pasture land, accessed via a gravel track from the east boundary of the site. The access track and margins of the field have some rudimental plants. The boundaries are lined with mature hedgerows and trees. No notable species were found. The hedgerows fall under the Hedgerow Regulations Act. Appendix A - Plan 4.

#### North boundary (B1)

Ash *Fraxinus excelsior*  
 Blackthorn *Prunus spinosa*  
 Bramble *Rubus fruticosus*  
 Crack willow *Salix fragilis*  
 Dog rose *Rosa canina*  
 Dogwood *Cornus sanguinea*  
 Elder *Sambucus nigra*  
 Elm *Ulmus minor*  
 English oak *Quercus robur* tree (T1)  
 Field maple *Acer campestre*  
 Hawthorn *Crataegus monogyna*  
 Hazel *Corylus avellana*

#### Vegetation in field margin of north boundary (V1)

Broad leaved dock *Rumex obtusifolius*  
 Hedge bindweed *Calystegia sepium*  
 Stinging nettle *Urtica dioica*

#### East boundary (B2) - Opens on to Partway Lane

Cherry *Prunus avium*  
 Dog rose  
 Elm

#### Vegetation on east boundary (V2)

Bramble *Rubus fruticosus*  
 Broad leaved dock  
 Buddleia *Buddleja davidii*  
 Cat's-ear *Hypochaeris radicata*  
 Cow parsley *Anthriscus sylvestris*  
 Creeping thistle *Cirsium arvense*  
 Dandelion *Taraxacum officinale*  
 False oat grass *Arrhenatherum elatius*  
 Hedge bindweed  
 Hedge woundwort *Stachys sylvatica*  
 Herb robert *Geranium robertianum*  
 Mugwort *Artemisia vulgaris*  
 Pendulous sedge *Carex pendula*  
 Ragwort *Jacobaea vulgaris*  
 Red clover *Trifolium pratense*  
 Stinging nettle  
 White clover *Trifolium repens*  
 Willow herb *Epilobium sp.*

#### East boundary (B3) - Adjacent to neighbouring properties

Post/wire fence, closed wooden board fence and five bar metal gate  
 Blackthorn  
 Cotoneaster *Cotoneaster horizontalis*  
 Crack willow  
 Dogwood  
 English oak

Hawthorn  
 Leylandii *Cupressus × leylandii*  
 Wild privet *Ligustrum vulgare*

**Vegetation on east boundary (V3)**

Bramble  
 Cow parsley  
 Creeping thistle  
 False oat grass  
 Hedge bindweed  
 Horsetail *Equisetum sp.*  
 Ivy *Hedera helix*  
 Mugwort  
 Snowberry *Symphoricarpos albus*  
 Stinging nettle  
 White dead nettle *Lamium album*  
 Yorkshire fog *Holcus lanatus*

**South boundary (B4)**

Ash  
 Blackthorn  
 Hawthorn  
 Dog rose  
 Elder  
 English oak tree (T2)  
 Hazel

**Vegetation on south boundary (V4)**

Bittersweet *Solanum dulcamara*  
 Bramble  
 Cocksfoot *Dactylis glomerata*  
 False oat grass  
 Hedge bindweed  
 Hogweed *Heracleum sphondylium*  
 Horsetail  
 Ivy  
 Silverweed *Potentilla anserina*  
 Stinging nettle  
 White clover

**West boundary (B5)**

Ash  
 Blackthorn  
 Dog rose  
 Hazel

**Vegetation on west boundary (V5)**

Bramble  
 False oat grass  
 Hedge bindweed  
 Ivy  
 Thistle  
 Stinging nettle  
 White clover

**Agricultural pasture (V6)**

100% perennial rye grass *Lolium perenne*

**4.5.2 Bats**

**4.5.2.2 Bats/Trees - daytime survey 29/08/2017**

The English oak trees have PRF's that could be used by bats. The oak trees and hedgerows will be used by commuting and foraging bats. Refer to section 5 for recommendations and precautionary mitigation measures.

### 4.5.3 Nesting birds

The trees and hedgerows will be used by nesting birds. During the survey greater tit, sparrow and swallows were observed within the site. Refer to section 5 for recommendations and precautionary mitigation measures.

### 4.5.4 Badger

The site was reassessed for badger activity on 19/04/2018. The possible badger holes and commuting paths observed on 29/08/2017, when the vegetation was overgrown, were reassessed. They were identified as rabbit holes and deer paths. No latrines were found within the site. Refer to section 5 for recommendations and precautionary mitigation measures.

### 4.5.5 Reptiles

The field has a LOW potential to be used by reptiles, as it is cut regularly. The boundaries of the site have the potential to be used by commuting and hibernating reptiles. Refer to section 5 for recommendations and precautionary mitigation measures.

### 4.5.6 Amphibians

MAGIC, OS and Google maps show nine ponds within a 500 metre radius of the site. 100m south, 240m east, 2 x 390m north, 430m north, 470m north and 3 x 500m east. There are no ponds within the site. The southern boundary has potential for use by amphibians, as it is within 100 metres of the nearest pond. Refer to section 5 for recommendations and precautionary mitigation measures.

### 4.5.7 Dormouse

The hedgerows have the potential to support dormice. The hedgerows will be retained. Refer to section 5 for recommendations and precautionary mitigation measures.

## 5 Recommendations and precautionary mitigation measures

National Planning Policy Framework sets out national planning policies on the protection of biodiversity and geological conservation. Circular 06/05 (DEFRA 01/05): Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within The Planning System provides administrative guidance on application of the law in England relating to planning and nature conservation.

The following recommendations will be conditioned as part of the planning application and will be adhered to.

### Bats

Bats are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 and Schedule 5 and 6 of the Wildlife and Countryside Act 1981 (as amended).

1. An Ibstock bat brick or Schwegler 1FR bat tube will be built into the south or west elevations of at least half of the proposed dwellings. Appendix A - Plan 5.
2. Ibstock bat brick <http://www.nhbs.com/title/187691/ibstock-enclosed-bat-box-b> Appendix A - Plan 6.
3. Schwegler 1FR bat tube <https://www.nhbs.com/1fr-schwegler-bat-tube> Appendix A - Plan 7.
4. No security lighting will be placed above or below the bat tubes/boxes. Any security lighting will be low level and will be on timers so that the level of light pollution is kept to a minimum.
5. If an injured or underweight bat is found the consultant [REDACTED] and Bat Conservation Trust will be contacted on 0845 1300 228 for details of the nearest bat care worker.

### Nesting birds

All birds, their nest and eggs are protected by the Wildlife and Countryside Act 1981, which makes it an offence to intentionally kill, injure or take any wild bird. It is an offence to intentionally take, damage or destroy the eggs, young or nest whilst it is being built or in use or prevent parent birds access to their nests.

1. Any work to the trees and/or hedges will be carried out between 1st September and 28th February, so as to avoid the bird nesting season.
2. As an enhancement to the site built in bird nesting boxes will be incorporated into the north or east elevations of at least half of the proposed garages. The boxes will be at least 3 metres above the ground. Full details will be provided in the full planning / reserved matters application. Appendix A - Plan 5.
3. Woodstone-build-in-open-nest-box. Width: 22cm. Height: 18cm. Depth: 18cm <http://www.nhbs.com/woodstone-build-in-open-nest-box> Appendix A - Plan 8.

**Badgers**

Badgers are protected under the Protection of Badgers Act 1992. It is illegal to: willfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett.

1. If badgers or signs are badgers are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

**Reptiles**

Reptiles are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 and Schedule 5 and 6 of the Wildlife and Countryside Act 1981 (as amended).

1. The grass within the site will be maintained as short sward up until and during the build. If this is not done a presence/absence survey and possible reptile translocation will be required.
2. If reptiles are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

**Amphibians****Great Crested Newt *Triturus cristatus* and Natterjack Toad *Bufo calamita***

The Great Crested Newt and Natterjack Toad and their respective habitats are fully protected under Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2010. It is illegal to kill, injure, capture, handle or disturb them, and the places they use for breeding, resting, shelter and protection are protected from being damaged or destroyed. They are both UK Biodiversity Action Plan priority species.

Great crested newts are also protected by the Protection of Animals Act 1911 and under the Abandonment of Animals Act 1960.

**Common amphibians**

The more common British amphibians, i.e. common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris* and palmate newt *Lissotriton helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981. This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy, and is not relevant to this situation.

Common toad is now a UK Biodiversity Action Plan Priority Species and Species of Principle Importance in England (Section 41 of the Natural Environmental and Rural Communities Act 2006 (NERC)).

1. If amphibians are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

**Dormice**

Dormice and their breeding sites and resting places are fully protected under UK and European Law. Without a licence it is an offence for anyone to deliberately disturb, capture, injure or kill them. It is an offence to damage or destroy their breeding or resting places, to disturb or obstruct access to any place used by them for shelter. It is also an offence to possess, or sell a wild dormouse.

1. If dormice or signs of dormice are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates [REDACTED] contacted immediately for advice.

**Western European Hedgehog**

The hedgehog is a Priority Species for conservation action under the UK Biodiversity Action Plan and protected from harm in the UK under Schedule 6 of the Wildlife and Countryside Act 1981 and the NERC Act 2006, the hedgehog is categorised as a 'Species of Principal Importance' for biodiversity.

1. If the proposed gardens are to be fenced a 10cm by 10cm gap will be left at the base of each fence to allow hedgehogs to pass through the gardens. Appendix A - Plan 5.

**Planting**

1. To enhance the biodiversity of the site, the landscape/planting scheme will include plants and trees that can be used by bees and other pollinators throughout the year. Refer to the list below or to RHS website for further details <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/perfect-for-pollinators>

**Wild plants**

Common foxglove *Digitalis purpurea*  
 Common honeysuckle *Lonicera periclymenum*  
 Common yarrow *Achillea millefolium*  
 Dark mullein *Verbascum nigrum*  
 Greater knapweed *Centaurea scabiosa*  
 Guelder rose *Viburnum opulus*  
 Hemp agrimony *Eupatorium cannabinum*  
 Large thyme *Thymus pulegioides*  
 White clover *Trifolium repens*  
 Wild marjoram *Origanum vulgare*

**Garden plants**

Bergamot *Monarda didyma*  
 Caryopteris *Caryopteris × clandonensis*  
 Common jasmine *Jasminum officinale*  
 Dame's violet *Hesperis matronalis*  
 English lavender *Lavandula angustifolia*  
 Hyssop *Hyssopus officinalis*  
 Purple top *Verbena bonariensis*  
 Rose campion *Lychnis coronaria*  
 Sweet William *Dianthus barbatus*  
 Weigela *Weigela florida*

2. The existing hedgerows will be retained. Any gaps or poor quality hedging will be replanted/replaced, with native species (refer to list below). Appendix A - Plan 5.
3. No houses will be built within 2 metres of the existing hedgerow. The hedges will form part of the garden boundaries.
4. A HERAS fencing buffer zone of 2 metres will be erected around the existing hedgerow. No materials, no vehicles and no equipment will be stored in the buffer zone. Appendix A - Plan 5.
5. A hedge management plan will be produced and agreed with the LPA, prior to the commencement of the development.

**Hedging/hedge trees**

Blackthorn *Prunus spinosa*  
 Common hazel *Corylus avellana*  
 Dog rose *Rosa canina*  
 Elderflower *Sambucus nigra*  
 Field maple *Acer campestre*  
 Hawthorn *Crataegus monogyna*  
 Guelder rose *Viburnum opulus*  
 Hawthorn *Crataegus monogyna*  
 Wild privet *Ligustrum vulgare*  
 Wild crabapple *Malus sylvestris*  
 Wild plum *Prunus domestica*

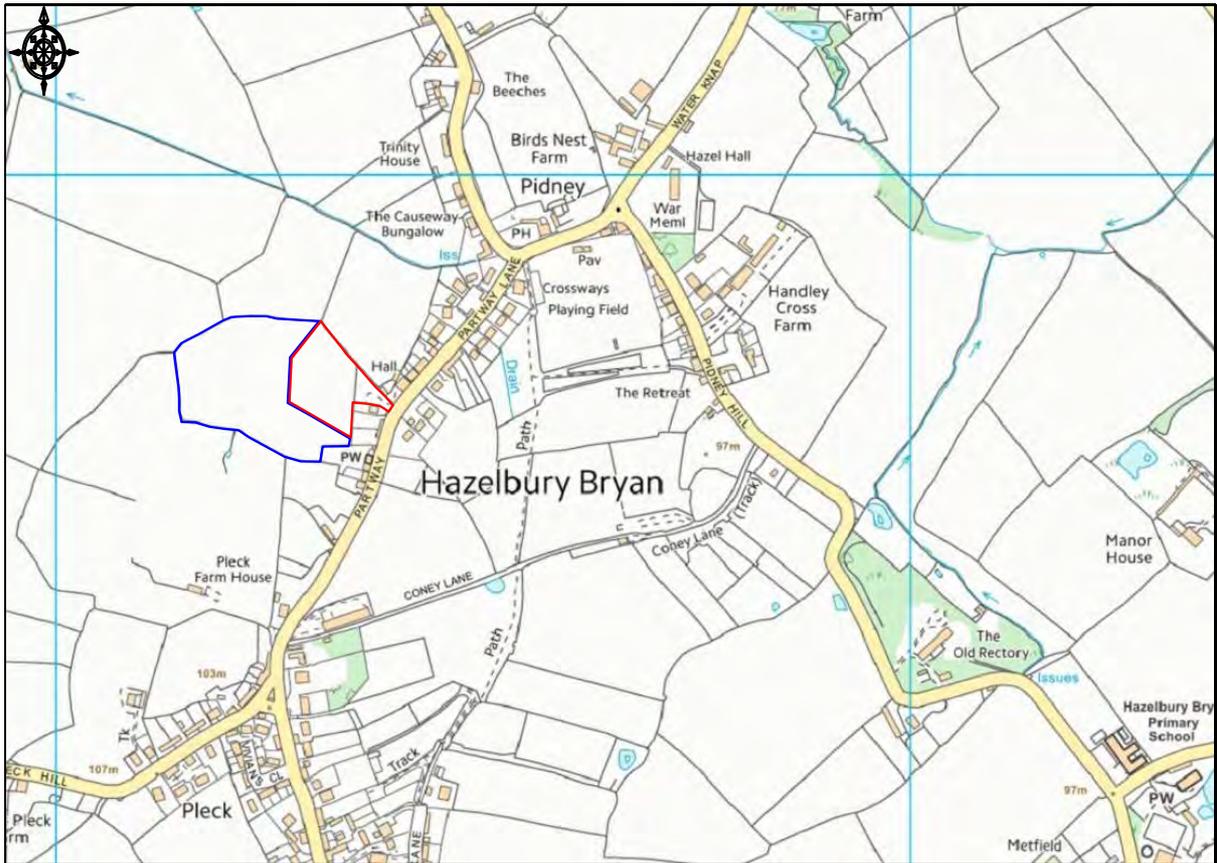
**Further survey work**

1. The ecology report and Dorset Biodiversity Mitigation Plan will be updated prior to the full planning application/reserved matters.
2. Photographic evidence of the enhancements will be emailed to the ecologist. The photographs will be sent to the Natural Environment Team for post monitoring purposes and to the Local Planning Authority for them to sign off the planning conditions.

## 6 References

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- Royal Horticultural Society Perfect for Pollinators <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/encourage-wildlife-to-your-garden/plants-for-pollinators>
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- Stebbing, R.E., Yalden, D.W. and Herman, J.S. Which bat is it? 3rd Edition. Mammal Society. 2007.
- Strachan, R., Moorhouse, T. and Gelling, M. Water vole Conservation Handbook. 3rd Edition. Wildcru. 2011.
- Swift, S. M. Long-eared bats. Poyser Natural History. 1998.

**7 Appendices**  
**7.1 Appendix A - Plans**  
Plan 1 - Location plan



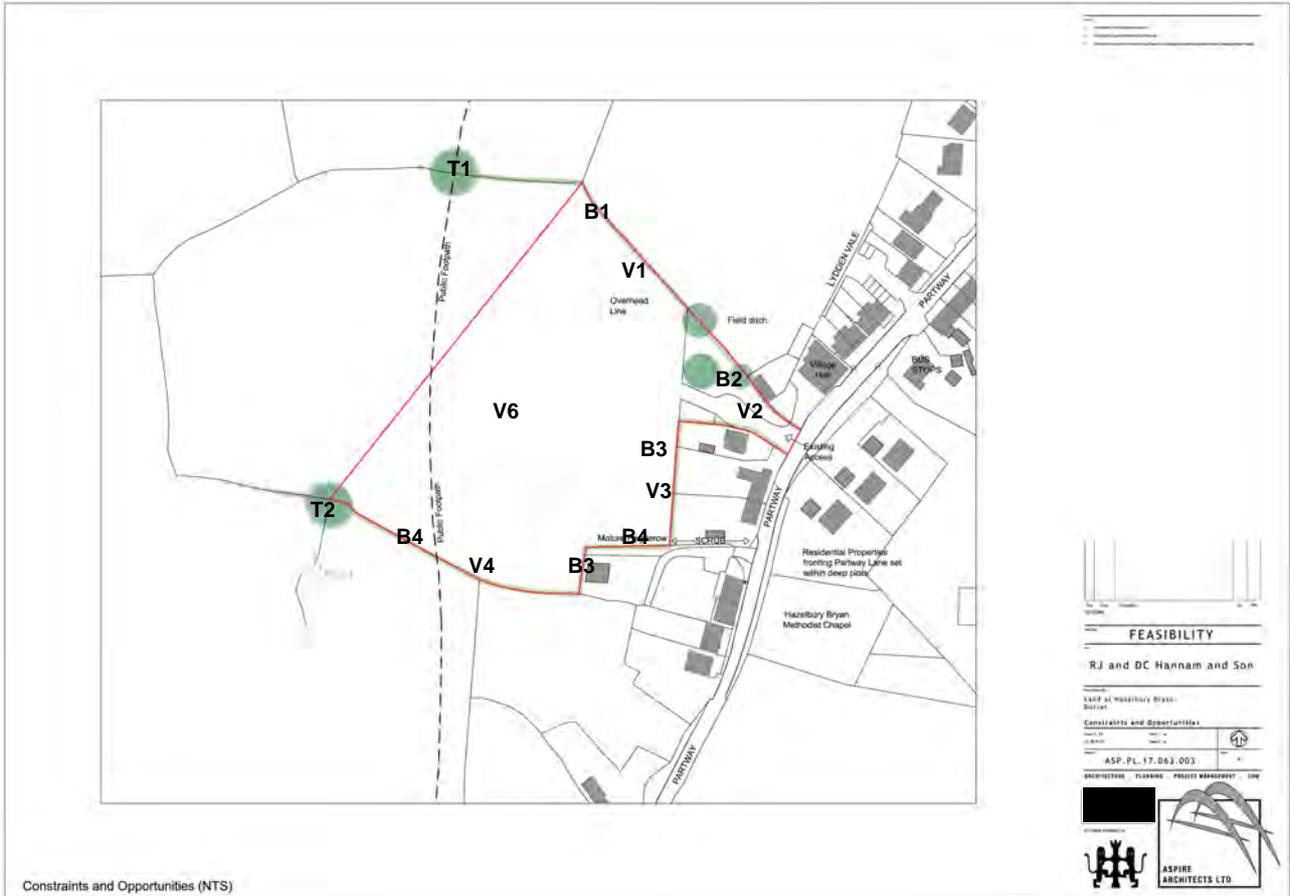
Ordnance Survey © Crown Copyright 2016. All rights reserved. Licence number 100022432. Plotted Scale - 1:7500



Scale 1:7500

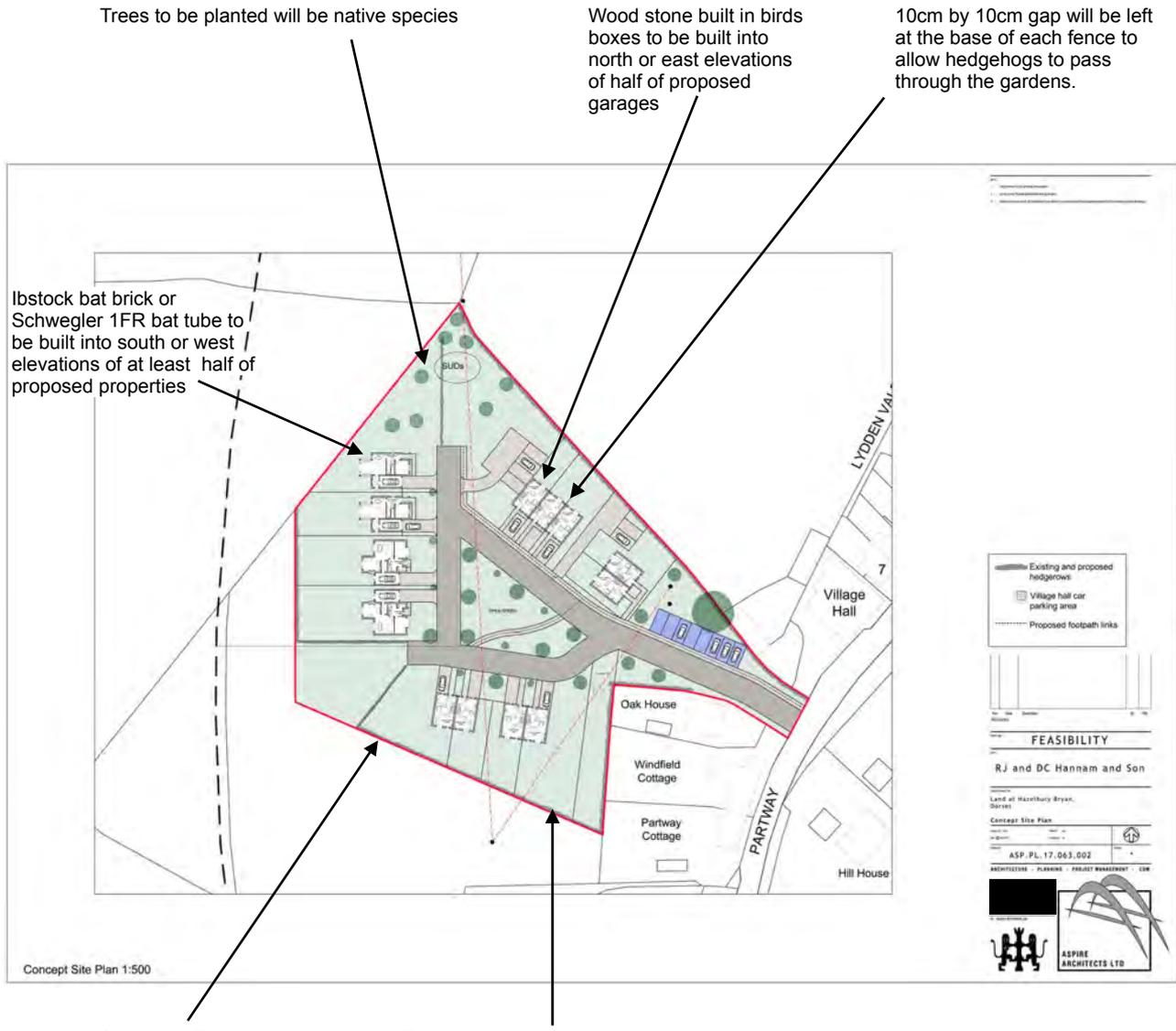


Plan 4 - Habitats



Constraints and Opportunities (NTS)

**Plan 5 - Proposed site plan and mitigation**



2m Heras fencing buffer zone to be erected from hedgerow and trees on north boundary. No materials, no vehicles and no equipment will be stored in the buffer zone

Existing hedgerows and all trees on site to be retained. Any gaps or poor quality hedging will be replanted/ replaced, with native species

Plan 6 - Example of lbstock bat brick



Small Red  
215 x 215 mm

Plan 7 - Example of Schwegler 1FR bat tube



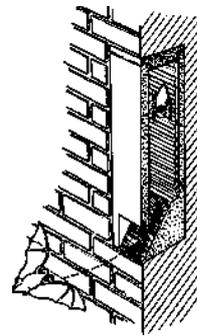
Height 475mm  
Width 200mm  
Depth 125mm  
Weight 9.8kg

Size of access:  
Width 150mm  
Depth 20mm

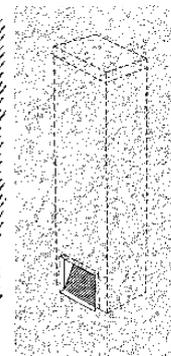
The Schwegler 1FR bat tube maintains excellent climatic conditions inside the tube allowing the bats to either hang onto the wooden rear or onto the wood-concrete front. It requires no maintenance because droppings fall out of the entrance ramp.

It can be installed on external walls – either flush or beneath a rendered surface in concrete and, during renovation work, under wooden paneling or in building cavities (e.g., slab-type building structures, bridges, etc). If required, it can be painted using standard air-permeable exterior paint. Birds will not occupy this box.

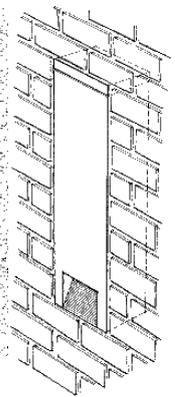
Cut to show layout



In rendered wall



Built into brickwork



Plan 8 - Example of built in bird box



**7 Appendices**  
**7.2 Appendix B - Figures**

Figure 1 - Part of north boundary



Figure 2 - Part of east boundary



Figure 3 - Part of east boundary



Figure 4 - Part of east and south boundary



Figure 5 - View of site looking west - pasture field (V6)



## Certificate of Approval

### Biodiversity Mitigation Plan

From Louise Lowans (Lowans Ecology & Associates)  
Dated 6<sup>th</sup> April 2018  
For Land at Hazelbury Bryan, Blandford, Dorset for 13 dwellings

**This is to certify that this Biodiversity Mitigation Plan for **OUTLINE PLANNING PERMISSION** is approved by the Natural Environment Team. NB. This certificate relates solely to the application number/proposed works described above/within the Biodiversity Mitigation Plan.**

Regulation 9(3) of The Conservation of Habitats & Species Regulations 2010 places a duty on the planning authority, in considering an application for planning permission, to have regard to its effects on European protected species<sup>1</sup>. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, also places a duty on Local Planning Authorities, to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.

In this case, providing the above Plan, and its implementation in full, is conditioned as part of any grant of planning permission, it is the opinion of the Natural Environment Team of Dorset County Council that the planning authority will have met these duties. In conditioning this Plan, the planning authority is entitled to rely:

Either That the Biodiversity Mitigation Plan avoids the likelihood of deliberate disturbance,  
Or That the Biodiversity Mitigation Plan provides sufficient measures likely to remedy any disturbance whereby Natural England, in considering an application for a disturbance licence, would likely be satisfied that the test in Regulation 55(9)(b)<sup>2</sup> is capable of being met<sup>3</sup>.

And the Plan is considered to provide reasonable ecological mitigation and enhancement measures to meet the NERC Act 2006 duty.

Should the proposed development change materially prior to application submission to the planning authority, the measures put forward in Biodiversity Mitigation Plan should be reviewed. The Natural Environment Team should be given the opportunity to comment on any revisions to the Plan.

Natural Environment Team  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
Dorset DT1 1XJ

Signed



Issued 8<sup>th</sup> May 2018

### **THIS APPROVAL IS VALID FOR THREE YEARS FROM ISSUE DATE**

<sup>1</sup> European Protected Species include the following terrestrial species: all bat species, Great Crested Newt, Sand Lizard, Smooth Snake, Dormouse and Otter. Under Regulation 41(1) a person who deliberately captures, injures or kills, or deliberately disturbs these wild animals, or takes or destroys the eggs, or damages or destroys a breeding site or resting place is guilty of an offence.

<sup>2</sup> Habitats Regulations, 2017, Regulation 55(9)(b) 'The relevant licensing body must not grant a licence under this regulation unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

<sup>3</sup> The issue of this Certificate does not guarantee a licence, nor does it provide any legal defence against possible offences. It is relevant only to the purposes of consideration of the proposed development by the **Local Planning Authority. This Certificate does not in any way prejudice Natural England's decision on whether a licence regarding European Protected Species should be issued to the applicant.**

## Hazelbury Bryan Neighbourhood Plan: land west of Hazelbury Bryan flood risk and surface water drainage review

12/10/17

173523

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### Introduction

1. Vectos have been commissioned on behalf of Mrs Dorothy Hannam to provide a flood risk and surface water drainage review to support the promotion of land to the west of Hazelbury Bryan, Dorset. Within this context, it is important to draw attention to paragraphs 100 and 101 of the National Planning Policy Framework (NPPF) that sets out the key elements that should be taken into account when making decisions in relation to flood risk.

**Paragraph 100.** *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:*

- *applying the Sequential Test*
- *if necessary, applying the Exception Test*
- *safeguarding land from development that is required for current and future flood management*
- *using opportunities offered by new development to reduce the causes and impacts of flooding*
- *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations*

**Paragraph 101.** *The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.*

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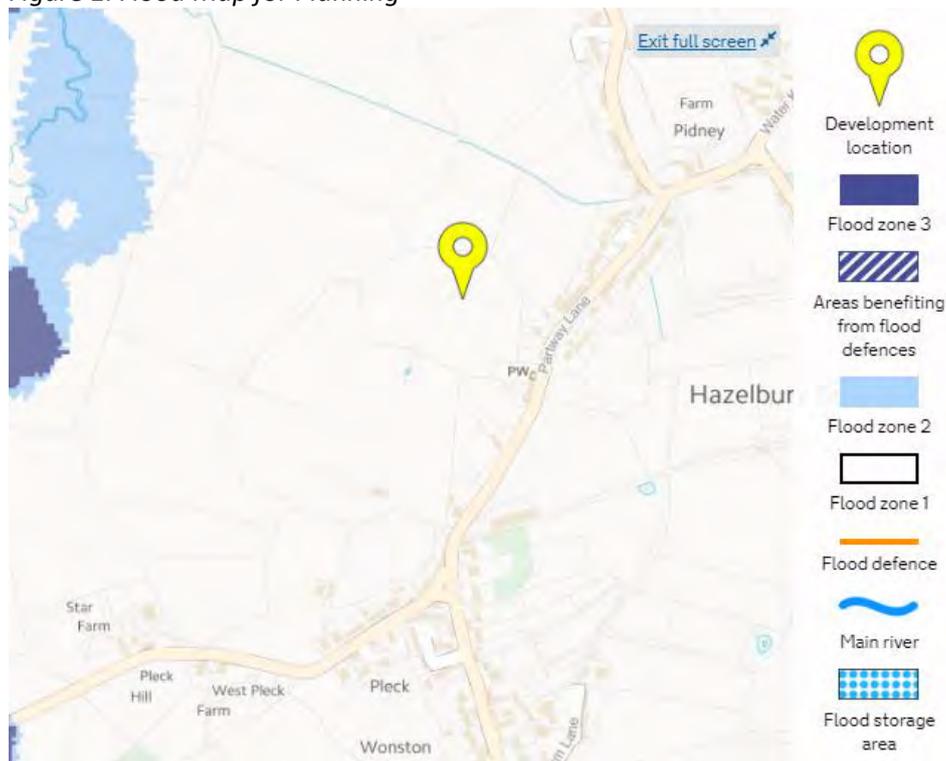
## Site Description

- The site is located to the west of Hazelbury Bryan. The land is currently used for agricultural purposes. It is located on a hillside that slopes towards a stream adjacent to the northern boundary. The topography flattens out somewhat beside the stream.

## Flood Risk

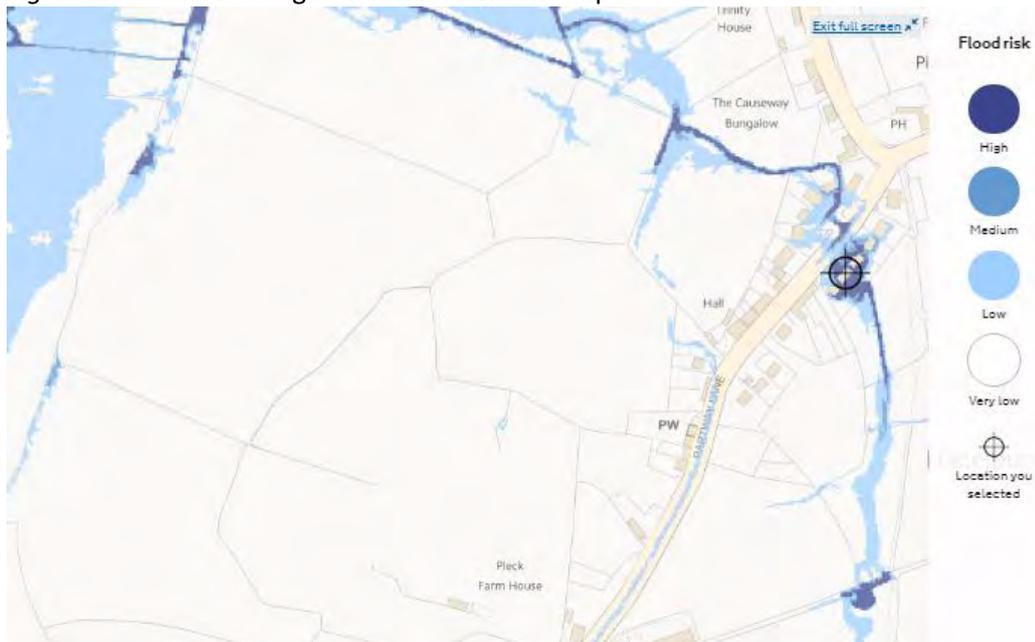
- The flood risk from fluvial and tidal sources to land areas in England are defined on the Environment Agency's Flood Map for Planning. The risk of flooding is defined as one of three Flood Zones, as summarised below, with these having been defined using a national flood modelling study:
  - Flood Zone 1 – land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%);
  - Flood Zone 2 – land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year; or
  - Flood Zone 3 – land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- The Flood Map for Planning is intended to form the starting point for determining where areas are suited to certain land use. According to the Environment Agency Flood Map for Planning (see Figure 1), the site is entirely located in Flood Zone 1, which as classified above, are areas of low fluvial and/or tidal risk. New residential land use in Flood Zone 1 is in accordance with national planning policy and thus supports the development of the site.

Figure 1: Flood Map for Planning



5. A desk based study has been undertaken, which has not revealed there to be any other flood sources that would impact upon the built development. This has included a review of online flood mapping, a review of the Strategic Flood Risk Assessment (SFRA) and a consideration of the topography.
6. The risk of flooding from surface water has become an important consideration, with separate flood maps available to show where surface water runoff flows or ponds. Typically, the surface water flood maps show similar areas as being affected by flooding to those of the Flood Map for Planning, but also additional areas such as the flooding from ordinary watercourses which may not have otherwise been captured.
7. An extract of the Risk of Flooding from Surface Water map is provided in Figure 2. Almost the entire site is located in an area defined as Very Low risk. A negligible part of the site, towards the east boundary, is defined as Low risk. This is classified as an area that has an annual chance of flooding of between 1 in 1000 (0.1%) and 1 in 100 (1%) and is associated with very shallow flooding. Built development would be positioned elsewhere and surface water flooding is not considered a development constraint.

Figure 2: Risk of Flooding from Surface Water Map



8. The National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPAs) to appraise the risk of flooding in their areas by undertaking a Strategic Flood Risk Assessment (SFRA). An SFRA takes into account the impacts of climate change and assesses the impact that land use changes and development in the area will have on flood risk. LPAs use the SFRA to support spatial planning decisions.
9. The SFRA was reviewed, which has confirmed there to be no flood risk at the site, nor does it identify any historic flooding incidents in its vicinity. Flood risk at the site is considered to be negligible, largely as a result of its hillside topography, which will not promote the accumulation of water. Any surface water runoff would instead flow overland towards the small stream adjacent to the northern site boundary.

## **Surface Water Drainage**

10. Surface water would be managed on site through the use of Sustainable Drainage Systems (SuDS), which could include a combination of features for both infiltration and attenuation of runoff. SuDS will also be incorporated to provide additional community and environmental benefits to the site and surrounds, such as with the use of features that offer ecological and water quality improvements.
11. A desktop review has identified the solid geology beneath the site to consist of mudstone, whereas the soils in the area are classified as having a loamy and clayey texture and with slightly impeded drainage. This is unlikely to be a suitable material for an infiltration led surface water drainage strategy. Therefore, an attenuation led strategy is anticipated, with a conveyance and outfall to the stream adjacent the northern site boundary.
12. The topography flattens out towards the northern part of the site adjacent to the stream. This would be a suitable place for the provision of the majority of the SuDS. These could consist of a detention basin or a pond. However, given the large amount of space available on site, further measures could also be incorporated, such as swales or bio-retention areas. The SuDS would be designed to ensure that runoff discharged from the site would be at predevelopment (greenfield) rates and volumes, which would ensure that there would be no detrimental impact to third parties and meet with both national and local planning policy.

## **Summary**

13. The site is located entirely in Flood Zone 1 and would therefore be steering development in the area to land where the risk of flooding is lowest. A preliminary assessment of other flood sources has been completed, including from the overland runoff of surface water, and has assessed the flood risk to be low.
14. Whilst development proposals have the potential to adversely impact the surface water runoff regime and therefore the risk of flooding, a surface water drainage strategy would be incorporated as part of the development of the site to manage the surface water runoff rates and volumes. This will be achieved using Sustainable Drainage Systems (SuDS) to manage the surface water runoff from the developed site. Features would be used that provide additional community and environmental benefits, such as improvements to water quality and benefits to ecology.
15. Therefore, from a flood risk and surface water drainage perspective, the land west of Hazelbury Bryan is capable of delivering development which is compliant to national and local planning policy, and that could incorporate a sustainable drainage scheme to provide additional benefits to the site and surrounds.

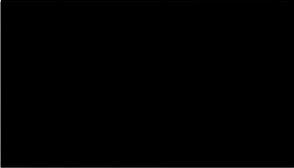
**HAZELBURY BRYAN PARISH COUNCIL**

**Clerk:** Malcolm Wilson, 4 The Orchard, Ibberton, Blandford Forum, Dorset, DT11 0EL

**Web site:** [www.hazelburybryan.net](http://www.hazelburybryan.net) **Tel:** 01258 817786 **E-mail:** [parishclerk@hazelburybryan.net](mailto:parishclerk@hazelburybryan.net)

Brett Spiller

Chapman Lily Planning Ltd



Dear Mr Spiller

**Hazelbury Bryan Neighbourhood Plan – preferred sites – higher field to rear of village hall – site 2 – R & M Hannam**

I am writing you on behalf of Hazelbury Bryan Neighbourhood Plan Group, to give you an update on the results of the options consultation, and what this means in terms of the sites put forward for consideration.

First, I hope you are pleased to hear that your site was scored by local residents as one of the most suitable sites for future development. We are therefore looking to work with yourself and the owners of the other ‘top scored’ sites, to better understand how they could be developed in accordance with the wishes of the local community, and, from that, incorporate suitable policies for the selected sites’ development in the draft Neighbourhood Plan. Please note that your site scored highly based on the provision of community benefit from a car park for the village hall and a formal footpath link to the Barn End/Red Barn public footpath. Without these benefits the site would not have been a front runner as judged by the community.

The housing need analysis work we have undertaken has suggested a need for about 25 dwellings to be allocated through the Neighbourhood Plan for the period to 2031. We are also considering identifying reserve sites, that could be for the period beyond 2031, and brought forward if required during the plan period.

At this stage I would like to make clear that we cannot guarantee that your site will be included in the plan, but simply repeat that it is one of the front-runners. One of the key messages from local residents was that their preference is for small scale sites, which we consider to be up to 13 dwellings. Community benefits associated with some of the sites have also had a bearing on the extent to which they are supported. Key points from the evidence collected to date relevant to your site, including the site assessment and the SEA analysis, are available to see on our web site – follow the following link <http://www.hazelburybryan.net/nconsultation2017.html>.

The next stage therefore will be to better understand your ideas for the site, and the extent to which these are aligned to the community aspirations for the area. We hope you can advise us of your ideas and any issues that may arise from meeting the community aspirations, including any issues in terms of site layout, capacity / housing numbers and viability that these may pose. We ask that you respond along these lines by no later than Friday 8<sup>th</sup> December 2017.

We will also be looking to commission the following studies sufficient for the requirements of the Strategic Environmental Assessment, and would like your agreement to reimburse the Parish Council for the associated costs as applied to your site, which will be no more than £200 per site in total. If you already have these then we would be happy to receive electronic copies of your reports instead.

- a. Ecology survey
- b. Heritage impact assessment

Finally, to avoid confusion or criticism of the process, we would ask you to avoid pursuing any separate presentations, leafleting or distributing other promotional material / events without our consent, until after the plan is submitted for its examination.

I hope the above information is helpful to you, and would ask you to respond (by e mail or post) to confirm receipt. If you have any other points or queries you would to raise in respect of any of the above, please let us know.

Yours sincerely

A solid black rectangular box used to redact the signature of Malcolm Wilson.

Malcolm Wilson  
14<sup>th</sup> November 2017

Hazelbury Bryan Parish Council  
4 The Orchard  
Ibberton  
Blandford Forum  
Dorset  
DT11 0EL

Chapman Lily Planning Ltd

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

By email: [parishclerk@hazelburybryan.net](mailto:parishclerk@hazelburybryan.net)

Date: 12<sup>th</sup> December 2017  
Our reference: BS 646

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mr Wilson

**HAZELBURY BRYAN NEIGHBOURHOOD PLAN POTENTIAL DEVELOPMENT SITE: HIGHER FIELD TO REAR OF VILLAGE HALL (SITE 2)**

Thank you for your letter of mid November 2017 confirming that the above site has been shortlisted by the Neighbourhood Plan Group.

My client, R & M Hannam, has paid careful consideration to the feedback set out in your letter and has sought to respond positively to the Neighbourhood Plan Group's aspirations. To this end, I herewith enclose an updated masterplan showing how up to thirteen new homes could be delivered within the reduced site area, as well as a new east / west footpath connection and additional car parking spaces for the village hall.

At this scale, my client would look to provide a mix of house types and tenures, broadly compliant with policies 7 and 8 of the North Dorset Local Plan: Part 1 and the mix advocated in the Strategic Housing Market Assessment published in 2015. Notwithstanding this, we have been particularly mindful of local housing needs and have sought to temper the mix accordingly. Whilst there is no housing needs survey for the Parish, we have taken account of the responses to question 4 of the Neighbourhood Plan Group's Autumn 2016 consultation. As you will recall, the responses indicated an overwhelming desire to see starter homes and 2 and 3-bedroom homes brought forward. I have summarised the housing evidence base in appendix [1].

Higher field to the rear of the village hall could viably deliver:

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[REDACTED]

- A policy compliant percentage of affordable homes, with a bias towards discounted market (discounted in perpetuity to meet the locally identified need to assist those looking to get on the housing ladder).
- Semi-detached and detached homes suitable for those looking to 'right-size' or families looking to move up the housing ladder.
- A small proportion of detached 4-bedroom family homes to aid viability.



My client would be amenable to forming addition parking spaces to serve the village hall and dedicating this to the Parish as part of the proposal. We would welcome the opportunity to discuss this with representatives of the Village Hall Sub-committee. The aim being to arrive at an acceptable quantum of spaces and explore the terms of any land transfer on a without prejudice basis. I would be grateful if you could suggest potential dates for a meeting or put me in touch with the Chairperson of the sub-committee. I would also point out the scheme would also afford the opportunity for on-street parking, in a safe environment, which might serve the village hall at peak times.

The east-west footpath link would enhance connectivity throughout the village. Higher field land rear of the village hall enjoys a sustainable location in close proximity to the local services.



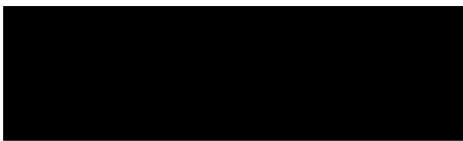
You will recall that my client has already acceded to the Neighbourhood Plan Groups request for a financial contribution towards the Heritage Impact Assessment and supplied a copy of the phase 1 habitat survey for the site. A topographic survey, arboricultural survey and high-level drainage appraisal have also previously been supplied. For completeness I re-attach the submitted surveys / appraisals.



My client also noted that one consultation response raised doubts over the acceptability of the access. We therefore felt it prudent to look more closely at this aspect of the scheme. I herewith attach a technical note prepared by Vectos which serves to demonstrate that a safe means of access and egress can be delivered.

I trust this supplementary information will assist you, but please do not hesitate to contact me if I can be of further assistance.

Yours sincerely



Brett Spiller BA (Hons) BTP MRTPI MCIWM

**Director**

## **APPENDIX [1]**

### **North Dorset District Council: Housing Mix Policies**

Policy 7 (Delivering Homes) of the adopted NDLP1 says for market housing, about 40% should be one or two bedroom properties and about 60% three or more bedrooms. For affordable housing, about 60% should be one or two bedrooms and about 40% three or more. These proportions will be the starting point for negotiations on the mix of house sizes on all sites where 10 or more dwellings are proposed, although a different mix may be permitted if it can be soundly justified by local circumstances or viability considerations.

Where evidence exists, provision of housing for people requiring specially adapted or supported housing should be provided as part of the general mix of housing on a site. For sites of 10 or more dwellings this mix should be determined through early engagement with registered social landlords, Dorset County Council and NHS Dorset health and social care services.

Policy 8 (Affordable Housing) requires 40% from sites of 11 or more dwellings. Tenure should be 70-85% affordable rented or social rented, with the remaining 15-30% intermediate. However, local circumstances could provide evidence for an alternative mix.

### **Strategic Housing Land Assessment**

The above policies reflect the 2012 SHMA update, which is now out of date.

The 2015 SHMA says market homes mix across North Dorset should be:

- 1 bedroom 4.2%
- 2 bedrooms 37.6%
- 3 bedrooms 42.5%
- 4+ bedrooms 15.7%

Affordable homes:

- 1 bedroom 45.9%
- 2 bedrooms 36.5%

3 bedrooms 16%

4+ bedrooms 1.6%

**Public feedback from the October 2016 consultation:**

Q4 Which types of dwelling are most needed?

Small starter homes: 82

Homes for retirement: 15

Bungalows: 8

2 to 3 bed houses: 49

4 to 5 bed houses: 7

**Figures from the housing register:**

6 x single beds

1 x couple

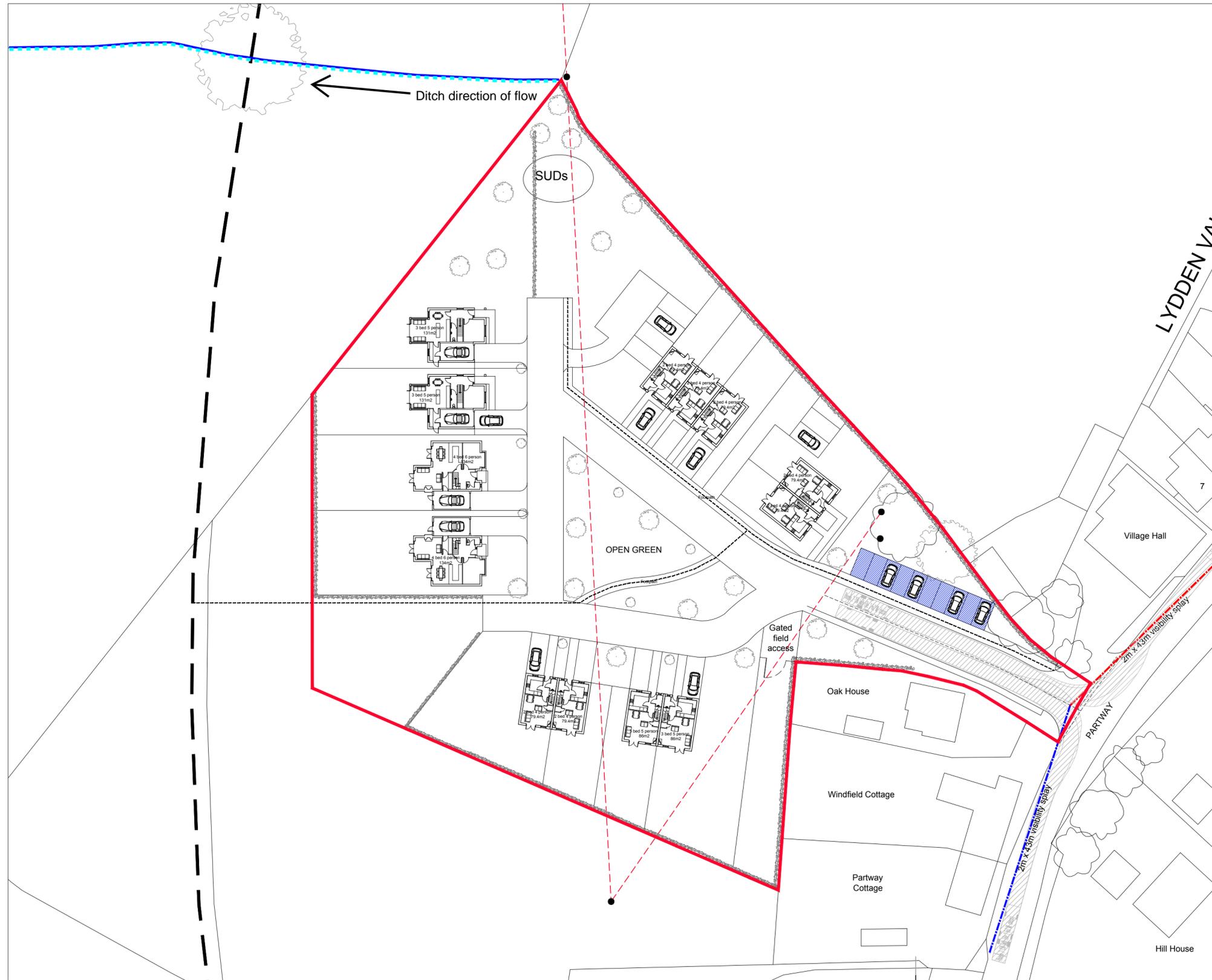
3 x 2 beds

1 x 3 beds

1 x 4 beds

Total = 12.

- NOTES:
1. The contents of this drawing are copyright.
  2. Do not scale. Figured dimensions only to be used.
  3. Contractors must verify all dimensions and report any discrepancies before putting work in hand or making any shop drawings.



- Existing powerlines
- Existing and proposed hedgerows
- Village hall car parking area
- Proposed footpath links
- Existing ditch

Rev	Date	Description	By	PM
B	04.07.18	Updated to suit client comment	CR	CW
A	02.07.18	Detailed junction information added	CR	CW

REVISIONS

Project Stage: **FEASIBILITY**

Client: **RJ and DC Hannam and Son**

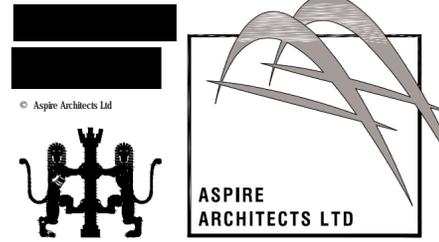
Project & Drawing Title: **Land at Hazelbury Bryan, Dorset**

**Concept Site Plan**

Scale @ A2: 1:500  
 Date: © Dec 2017  
 Drawing No: ASP.PL.17.063.002  
 Revision: B

ARCHITECTURE - PLANNING - PROJECT MANAGEMENT - CDM

© Aspire Architects Ltd



Concept Site Plan 1:500

Hazelbury Bryan Parish Council

By email:

[hazelburybryanpc@outlook.com](mailto:hazelburybryanpc@outlook.com)

Chapman Lily Planning Ltd

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: 01/05/18

Your reference: Neighbourhood Plan pre-submission  
consultation

Our reference: BS-646

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sir or Madam,

**Re: Hazelbury Bryan Neighbourhood Plan pre-submission consultation response**

Thank you for inviting comments on the Regulation 14 consultation on the draft Hazelbury Bryan Neighbourhood Plan. I herein enclose a response form, completed on behalf of the landowners, Messrs Hannam. However, I would also like to take this opportunity to provide additional information in support of the potential allocation for 13 homes plus community benefits at Site 2 (Higher field to rear of Village Hall, Partway Lane, Partway).

I note the objectives of the plan and support the goal to allow Hazelbury Bryan to grow at a rate that is sustainable. In summary, I support the following draft policies:

- HB3 (Local Green Spaces) and draft Policy HB4 (Key Rural Views), which rightly seek to protect key landscape features;
- HB7 (Partway Distinctive Character), which aims to ensure that developments in the vicinity of Partway respect its intrinsic attributes, including being set back from the highway; respecting hedgerows; and using materials that complement the vernacular style.
- HB13 (Settlement Boundaries and Important Gaps), which identifies the parish's important gaps and is mindful of the landscape impacts of perceived coalescence.
- HB14 (Supporting Community Facilities), which recognises the important local facilities and services valued by the community and the enabling role that development can have in supporting their future.
- HB16, which seeks to deliver the predominant need for 2-3 bedroom homes.
- HB23 (Parking Provision), which requires a minimum of two spaces per dwelling, adequate turning space and permeable surfacing.

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[REDACTED]

I also support draft Policy HB26 (Supporting Highway Infrastructure Improvements) in principle, but would respectfully suggest that minor modifications be made to bring it in line with the National Planning Policy Framework (NPPF). Suggested modifications are in appendix 1 of this letter (alterations in track changes).

Overall, I believe that the majority of the plan is well conceived and a credit to the Parish Council, which has a clear vision for the future development of the parish. Noting the plan's objectives and the aims set out in the policies highlighted above, it is clear that development at Site 2 is integral to the plan, which is why I welcome its recognition in draft Policy HB20 (Site 2 – Higher field to rear of Village Hall, Partway Lane, Partway). This signals the community's acceptance of its development in principle. However, I wish to register my objection to its status in draft Policy HB15 (Meeting Housing Needs – Amount and Location of New Dwellings) and draft Policy HB20 as a reserve site, rather than a site that should be phased early in the plan period.

Below are the reasons why I feel the site's identification as only a reserve site would likely lead to the plan failing the basic conditions tests. This is on grounds of:

- The housing target;
- Questionable deliverability of Site 11;
- Delay in delivering a current need for affordable homes;
- Delay in delivering community benefits, which constitute a current need; and
- Site 2's sustainability credentials, compared with other allocated sites.

I address each of these in turn.

### **The housing target**

Looking at the Hazelbury Bryan Housing Needs Review (2017) that informed the policy and forms part of the plan's evidence base, I see that the 2011 Census figures have been used as the basis for calculating the 5.26% 'pro-rata' estimation for the population of Hazelbury Bryan, compared with Stalbridge and the 17 other villages in the district. I do not agree that a calculation based on the 2011 population should be an appropriate starting point to derive a housing number.

Looking then at how the target was refined, I do not dispute the vital role that community involvement brings in shaping neighbourhood plans, but I would respectfully err on the side of caution in respect of using averaged-out local opinions. These are notoriously inaccurate because they are not empirically based and can reflect a bias from those not wishing to see any development. I am also nervous about relying on past build-out rates as indicators, which in this instance suggests an average local delivery of 2-3 dwellings per annum over the last 14 years. This is based on a number that has been suppressed by settlement boundaries in the parish and the limited space for additional development therein.

Another factor used to tailor the housing target is through information gleaned from the housing register. This is an important point of reference, but I do not believe it has been used appropriately in the Housing Needs Review paper. This is because the neighbourhood plan is looking to cater for future housing delivery, but the number given in the housing register represents the current, not projected, need. In other words, just planning for the current need goes against the very essence of what a development plan document seeking growth should do. Looking more closely at the figures, the plan indicates that 12 affordable homes are needed, yet the register identifies 17 households in need. The number has been reduced to reflect five households that do not have a local connection to the parish, but it is not appropriate for a plan to differentiate between those with and those without a local connection to a parish: need is need and it should be catered for. This should be borne in mind alongside the findings of the 2015 Eastern Dorset Strategic Housing Market Assessment (SHMA), which is clear that need is far outstripping the rate at which affordable homes are being delivered and that need is predicted to go up. This therefore sets a compelling case for additional land to be identified to ensure that local needs are met.

Turning to the more specific wording of the policy, I see it proposes a cap on housing delivery. I would argue that setting a maximum cap on housing numbers is likely to fall foul of the NPPF and the Planning Practice Guidance's (PPG) requirements to plan positively. Guidance published by the Royal Town Planning Institute<sup>1</sup> clarifies that stating a cap is inappropriate, as it would not allow for any new residential development above the maximum figure, no matter how sustainable a proposal is.

In summary, the combination of an inappropriate starting point for apportioning growth to the parish; the use of historic delivery rates; not catering for future affordable housing need; and imposing a cap on housing growth make me believe that the plan's housing strategy will struggle to pass three of the basic conditions:

*a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

The PPG<sup>2</sup> confirms that a neighbourhood plan '*must not constrain the delivery of important national policy objectives.*' In this case, one of those objectives is to '*boost significantly the supply of housing.*'

*e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)*

As stated in the PPG<sup>3</sup>, this is basic condition is concerned with '*the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*' I

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<sup>1</sup> [www.rtpi.org.uk/media/1282939/deconstructed\\_planning\\_policies.pdf](http://www.rtpi.org.uk/media/1282939/deconstructed_planning_policies.pdf)

<sup>2</sup> Reference ID: 41-069-20140306

<sup>3</sup> Ref ID: 41-074-20140306

believe that the calculations that underpin the housing target are misguided and therefore a capped housing target is unjustified.

*g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

As detailed in the PPG<sup>4</sup>, this basic condition refers to ‘*having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made.*’ As the evidence underpinning the housing target is a material consideration but appears to be misguided, it casts doubt that it should be used as a basis for the neighbourhood plan housing target.

#### Proposed modification

Figures from Dorset County Council<sup>5</sup> estimate that there are 32,293 homes in North Dorset (2016) and the Eastern Dorset Strategic Housing Market Assessment (SHMA) (2015) calculates an objectively assessed need of 330 new homes per annum across the district. Over a 20-year plan period, this equates to 6,600 new homes, or a 20.4% increase in the housing stock. It is also worth bearing in mind the Government’s mooted standardised method for calculating housing numbers<sup>6</sup>, which sets the need at 366 homes per annum, or 7,320 homes over 20 years. This represents a 22.66% increase on the current stock. Using these percentages is more appropriate than apportioning growth through the 2011 population figures.

According to Dorset County Council-published figures<sup>7</sup>, Hazelbury Bryan parish contains 496 residential properties. An increase in housing stock in Hazelbury Bryan of 20.4 – 22.66% would equate to an increase of 101 – 112 homes over a 20-year period, or circa five per annum. Thus, over the period 2018-2031 identified in draft Policy HB15, the plan should aim to deliver at least 65 homes. See appendix 1 for the proposed modification to this policy.

Additional land will be required to achieve this target and Site 2 presents a logical opportunity. It would provide around 13 additional homes, of which 40% would be affordable. Rather than identifying it as a reserve site, its allocation and early phasing would guarantee a supply of housing. As proven by the technical studies that have helped support its promotion through the neighbourhood plan, it is evidently deliverable and developable.

#### **Questionable deliverability of Site 11**

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<sup>4</sup> Ref ID: 41-079-20140306

<sup>5</sup> <https://apps.geowessex.com/stats/AreaProfiles/District/north-dorset>

<sup>6</sup> <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

<sup>7</sup> <https://apps.geowessex.com/stats/AreaProfiles/Parish/hazelbury-bryan>

Site 11 (Martin Richard Tractor site) has been identified in the draft neighbourhood plan to deliver 13 dwellings. The landowner recently applied for planning permission for the redevelopment of Site 11 for nine dwellings (ref. 2/2018/0180/OUT), but permission was refused. As set out in the case officer's report and the decision notice, this site is allocated for employment use in saved policy 3.2 of the North Dorset Wide Local Plan (First Revision) and Policy 11 of the North Dorset Local Plan Part 1.

My fear is that the neighbourhood plan allocation may not pass the following basic condition because it is arguably not in general conformity with the strategic development plan policy that identifies the land for employment:

*'e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).'*

Moreover, there is a fundamental issue here that constitutes a potential clash with the neighbourhood plan's own objective to *'grow at a rate that is sustainable.'* The proposed strategy of the plan is to relocate existing employment sites and mitigate the loss of c.1ha of employment land by allocating a new employment site at King Stag Mill (Site 12). However, this site is only 0.84ha in size and therefore the plan is achieving a net loss in employment. This calls into question the balance of the plan and the level of sustainability, given that housing stock is due to increase. This could lead to a conflict with the following basic condition:

*'d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.'*

#### Proposed modification

The plan should either identify additional employment land to provide a net increase in employment provision, or discontinue the identification of Site 11 for residential development. Site 2 should be identified to come forward in an early stage of the plan period, as it is readily deliverable, available and unconstrained. See appendix 1 for the proposed policy modifications.

#### **Delay in delivering affordable homes**

Draft Policy HB15 identifies Site 2 as a reserve site to come forward through a review of the neighbourhood plan, or after 2026 if there is clear evidence the minimum housing target will not be achieved without its release.

As set out above, there is a clear and unmet need for affordable housing in Hazelbury Bryan. The draft plan says in table 5 that the 12 affordable homes identified to be needed are to come from larger sites of 10+ homes, rural exception sites and a proportion of smaller plots for modest-sized self-build homes. Looking at the breakdown in draft Policy HB15, this would not be achieved for the following reasons:

- Site 7 is set to deliver four affordable homes and a commuted sum;

- Site 11 is arguably undeliverable and may not deliver any homes at all;
- Sites 12 and 13 are set to deliver one home each, neither of which will be affordable as per the definition of affordable housing set out in the NPPF, nor required to provide a commuted sum towards affordable housing delivery;
- Rural exception sites cannot be relied upon as a source for affordable housing in the parish because they are, by their very nature, unplanned. They have also not proven a reliable source of delivery in the past;
- Draft Policy HB15 cites approved developments in the plan area, which total 21 homes. Of these, only one at Handley Cross Farm will deliver affordable housing, representing six units. Elsewhere, infill opportunities are cited in draft Policy HB15, but it is difficult to see how there are any sites large enough to produce any affordable housing (there is also a lack of supporting evidence detailing where any of these infill opportunities are).

The result will realistically be 10 onsite affordable homes, or 14 if Site 11 comes forward. Either way, this is less than the current identified need for the parish of 17 homes and does not take into account any future needs. My fear is that the plan as drafted would risk not complying with the following basic condition:

*'d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.'*

As stated in the PPG, *'a qualifying body must demonstrate how its plan or Order will contribute to improvements in... social conditions.'* In delaying, or potentially preventing, Site 2 coming forward, there is a real risk to affordable housing delivery.

#### Proposed modification

Site 2 should be allocated, not reserved, and phased early through the neighbourhood plan. It has the potential to provide a policy compliant quantum of 40% affordable housing and is available and deliverable now.

#### **Delay in delivering community benefits**

As shown in table 4 and figure 9 of the draft plan, the parish benefits from many public rights of way, but a link is missing to allow pedestrians to join the N41/32 from the village hall. In the Facilities, Services and Amenities paper that forms part of the plan's evidence base, it states that *'the Red Barn represents the only local shop providing basic essentials, a weekly post office and other retail services including acting as a collection point... Run by a self employed couple from within the village its greatest concern remains the safety of its customers given the lack of a footpaths towards the centre of the village and Kingston.'*

As stated at paragraph 11.5 of the draft plan, there is a current, identified need for additional parking in the village:

*'There are insufficient parking places serving several of the main amenities of the village, most notably the village hall... and Methodist church. The result is that for popular events... cars are parked in the roadway, thereby making it more hazardous for traffic. In addition, pedestrians then walk from their parked cars along the road to the venue. Parking for the inhabitants has also become more of an issue over the years. Many houses do not have any, or have insufficient, off road parking. All this leads to more vehicles being parked in the road, reducing the usable width and obstructing visibility.'*

And lastly, the Facilities, Services and Amenities paper notes how the village hall *'currently provides the primary meeting place for the village and as a result is well utilised by village clubs, societies and representatives, particularly in the evenings when it is almost fully booked.'* The Cerne Abbey Surgery Practice holds weekly surgeries in the village hall and says that should the population of the village grow substantially, the surgery would require further development of the village hall and use thereof. Furthermore, the Methodist Church holds a number of regular activities ranging from weekly toddler groups on Fridays, two youth clubs for varying ages, a monthly coffee morning, a craft club and occasional discussion groups. The paper concludes that *'given its position in the village, like the village hall close by, parking causes some problems having only a small car park.'*

It is therefore clear that a footpath link and parking are currently needed, not only in the interests of the amenity of villagers, but also for their safety. Both of these community benefits could be delivered through Site 2 and in the short term. However, draft Policies HB15 and HB20 of the neighbourhood plan seek to delay their delivery to either a review of the plan; or post-2026, depending on the rate of housing delivery. 2026 seems arbitrary and is not justified.

In summary, Site 2 presents a genuine opportunity to deliver much-needed community benefits in the short term. It does not seem logical to either delay or prevent them coming forward, given the identified need and safety issues. I fear that the plan may fail two of the basic conditions:

*a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

*As stated in the PPG<sup>8</sup>, 'qualifying bodies should plan positively to support local development, shaping and directing development in their area.'* Withholding identified community benefits is arguably not planning positively.

*g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

*As already clarified above, the PPG says that this basic condition refers to 'having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made.'*

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<sup>8</sup> Ref. ID: 41-070-20140306

As there is an identified need that is not being met, the plan is not having due regard to the evidence underpinning it.

Proposed modification

Site 2 should be allocated and phased early through the neighbourhood plan. Planning conditions attached to a grant of planning permission could ensure the early delivery of community benefits, which the landowners are committed to delivering.

**Site 2’s sustainability credentials, compared with other allocated sites**

The draft plan is supported by a Strategic Environmental Assessment (SEA), which provides a table in the summary section. This shows how policies and sites compare against SEA objectives. My comments on the SEA below include reference to Site 11, the delivery of which I believe is questionable. Nevertheless, it is necessary to refer to this site to illustrate certain points about consistency.

The previous SEA was published for the November 2017 consultation, an excerpt of which is in figure 1 below:

*Table Sustainability Assessment – Overview of Potential Impacts*

SEA objective	Biodiversity, fauna & flora	Landscape	Cultural heritage	Soil, water and air pollution	Climatic factors: flooding	Housing, jobs and community	Safe and accessible	Minerals safeguarding
2 - Higher field to rear of Village Hall	👉	-	-	-	👉	✓✓	✓✓	-
4 - Field beside solar farm Kingston	-	-	-	-	-	✓✓	✗	-
7 - Former Martin's Depot, Back Lane	-	✓	-	👉	-	👉	✗	-
8 - The Antelope Field	👉	-	✗	👉	👉	✓✓	👉	-
10 - Paddock by Kingston Row	👉	-	👉	-	-	✓	✗	✗
11 - M Richard's Tractors site	-	✓	👉	👉	-	👉	✗	-
12 - Beside Kings Stag Mill	-	-	-	👉	👉	✓✓	✗	-
13 - The Retreat / Coney Lane (N part)	👉	-	-	-	-	✓	-	-
14 - Paddock off Silly Hill	👉	✗	👉	-	-	✓	✗✗	-
15 - The Causeway / sewage works	👉	-	-	✗✗	-	✓✓	-	-
16 - The Retreat / Coney Lane (S part)	👉	-	-	-	-	✓	-	-
18 - NW of Chicken Farm, to Military Rd	👉	✗	-	-	-	✓✓	✗	-
20 - Field opposite School at Droop	👉	✗	👉	-	-	✓✓	👉	✗
21 - Churchfoot Lane opp. Cemetery	👉	✗	-	-	-	✓✓	-	✗
601 - Shop side of The Causeway	-	-	-	👉	-	✓	-	-

**Figure 1: summary table excerpt from the 2017 version of the SEA**

The 2017 excerpt above shows how Site 2 incurred no negatives and scored more positively than any other site. Nevertheless, sites 7, 11, 12 and 13 now feature ahead of Site 2 in the pre-submission plan, assessed in the latest SEA as follows:

*Sustainability Assessment – Cumulative Impacts*

SEA objective	Biodiversity, fauna & flora	Landscape	Cultural heritage	Soil, water and air pollution	Climatic factors:	Housing, jobs and community	Safe and accessible	Minerals safeguarding
Policy HB1. Local Landscape Character	✓	✓✓	✓	-	-	-	-	-
Policy HB2. Protecting Local Wildlife	✓✓	✓	-	-	-	-	-	-
Policy HB3. Local Green Spaces	✓✓	✓✓	✓✓	-	-	✓	✓	-
Policy HB4. Key Rural Views	-	✓	-	-	-	-	-	-
Policies HB5-12. Locally Distinctive Development	-	✓	✓	-	-	-	-	-
Policy HB13. Settlement Boundaries & Gaps	-	✓	-	-	-	✓	-	-
Policy HB14. Supporting Community Facilities	-	-	-	-	-	✓✓	✓✓	-
Policy HB15. Amount / Location of Dwellings	✓	✓	✓	✎	✎	✓✓	✓	-
Policy HB16. Dwelling Types	-	-	-	-	-	✓✓	-	-
Policy HB17. Site 11	✓	✓	✓	-	-	✓	✎	-
Policy HB18. Site 7	✓	✓	-	-	-	✓✓	✎	-
Policy HB19. Site 13	-	-	-	-	-	✓	✎	-
Policy HB20. Site 2	-	✗	-	-	✎	✓✓	✓✓	-
Policy HB21. Economic Development	-	-	-	-	-	✓	✎	-
Policy HB22. Site 12	-	-	-	✎	✎	✓✓	✎	-
Policy HB23. Parking Provision	-	✗	✗	-	-	-	✓✓	-
Policy HB24. Highway Infrastructure	-	-	-	-	-	✎	✓✓	-

**Figure 2: pre-submission SEA excerpt**

The most recent SEA in figure 2 above shows how concerns have now been introduced regarding the landscape impacts at Site 2. This does not appear to be supported by the Important Views Report; Environmental Survey; Environmental Assessment; or the Local Green Spaces report that form the plan's evidence base. Indeed, there is no empirical evidence to say that the landscape at Site 2 is sensitive, including through the North Dorset Landscape Character Assessment work. Meanwhile, all the negatives from the other sites have now been upgraded. For example, Sites 7 and 11 have gone from previous neutral impacts on biodiversity to positive. However, the SEA's conclusions for both of these sites do not marry with the summary table in respect of biodiversity, flora and fauna:

Site 7: 'A brownfield site with no significant wildlife interest other than the hedgerow boundaries, which have a range of native woody species and appear to be quite old, and as such may qualify as Important Hedgerows under the Hedgerow Regulations Act (1997). Policy requires retention of hedgerows along the north-eastern and south-eastern site boundaries, with additional landscape

*planting using native species provided along the southeastern and south-western site boundaries adjoining open fields.'*

*Site 11: 'A brownfield site with no significant wildlife interest. The native hedgerow and shallow ditch along the north-eastern boundary has a range of species that suggest this may be an old hedgerow, and is the most important ecological feature of the site Policy requires the north-eastern hedgerow and shallow ditch should be retained, and additional landscape planting using native species should be provided along the south eastern and south-western site boundaries adjoining open fields.'*

Bearing this in mind, Site 2 is recorded as follows: *'A large improved agricultural field of little ecological interest apart from the hedgerow boundaries, which have a range of native woody species and appear on the 2nd Edition Ordnance Survey map, and as such may qualify as Important Hedgerows under the Hedgerow Regulations Act (1997).'*

Given the stark similarities in the SEA's conclusions between sites 2, 7 and 11 in respect of biodiversity, it is highly curious why Site 2 has been down-scored from neutral to 'impact uncertain but unlikely to be significantly adverse.' Meanwhile, sites 7 and 11 have gone from neutral to positive. Site 13 is even more curious in this respect: draft Policy HB19 of the plan says that a mature ash tree may need removal, along with an Important Hedge, yet the SEA scores it neutrally in biodiversity terms. Site 12 may also require hedgerow removal, yet still scores neutrally. There is no justification for the plan's biodiversity concerns regarding Site 2 – indeed the ecological report submitted to the Parish Council during the most recent neighbourhood plan consultation concluded that:

*'No evidence of species or habitats were found, that would in principle, preclude development... there is no reason to suggest that this site would not be deliverable through the neighbourhood plan.'*

Since the publication of the ecological report, the Natural Environment Team at Dorset County Council has issued a certificate approving the Biodiversity Mitigation Plan (BMP) for the development of the site. The BMP, ecology report and the certificate are all attached to this letter for your records.

Site 2 has also been downplayed in other respects. For example, in the table before draft Policy HB20, this lists the following issues with the site:

- Potential surface water flood risk (if not properly understood and mitigated)
- Visual impact as seen from the footpath network to the north
- Potential loss of hedgerows

Looking at each in turn, the Parish Council was provided with a copy of a flood risk and surface water drainage review, as well as a topographic survey during the most recent neighbourhood plan consultation. This information shows that the site is in flood zone 1 (at the lowest risk of flooding) and that a Sustainable Urban Drainage System could mitigate surface water run-off. This information should also assuage the concern highlighted in the SEA on 'climatic factors', which relates to water quality.

The site is not within any recognised landscape designation and is not shown in any evidence to be of landscape value. Indeed, the table says that the site is '*moderately visible... no landscape features.*' As such, fears about landscape impacts are arguably unjustified.

It is important to stress that no hedgerows or important trees would need to be removed to enable the development of Site 2 and there is considerable opportunity for additional planting to the benefit of landscape and biodiversity. Furthermore, part (f) of draft Policy HB20 specifically requires the retention of hedgerows onsite. An arboricultural assessment was provided to the Parish Council through the most recent neighbourhood plan consultation.

Comparing Site 2 with the other allocated sites in other respects shows additional strong support for its allocation and early phasing. The following are important to bear in mind.

#### Affordable housing

Sites 7 and 11 are previously developed and will therefore have higher clean-up and preparations costs. There is potential for contaminated land and the existing structures will need disposal. The costs for this could negatively affect viability and therefore the ability to deliver 40% affordable housing. Site 2 would be much more viable in comparison and could be delivered much more quickly, without the need to involve site clearance. Sites 12 and 13 would not provide any affordable housing.

#### Location

Site 2 is located in the best position of all the sites for access to facilities and services, including the village hall, pub, church, bus stops, allotments, sports pitches, pavilion and retail provision. Sites 7 and 11 are more than 800m from most of the key community facilities and without pavement links. Sites 12 and 13 are found themselves in similar positions.

#### Economy

Sites 7 and 11 would lead to the loss of local employment. Site 2 would not result in any job losses.

#### Heritage

Site 11 adjoins a grade II listed building. Site 2 is free from heritage constraints.

#### Community benefits

Site 2 is the only site that would provide community benefits.

In summary, when compared with other sites, it becomes immediately apparent that Site 2 has a number of advantages that ought to make it more favoured than the allocated sites. Fundamentally, the above analysis serves to highlight numerous errors and discrepancies in the SEA, giving rise to concerns in respect of compliance with the following basic conditions:

*a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

As identified above, the PPG clarifies that this basic condition is in respect of '*having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made.*' The SEA is a material consideration, but its findings appear flawed.

*d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*

Site 2 is clearly a more sustainable option than other sites the plan is seeking to allocate ahead of it.

#### Proposed modification

Site 2 should not be a reserve site. It should be allocated for early phasing in the plan period, enabling the most sustainable site in the parish to come forward ahead of the less sustainable alternatives. This would also lead to the timely delivery of the much-needed community benefits.

#### **Conclusions**

Overall, I am supportive of the majority of the draft neighbourhood plan and find it a well thought out and logical document. I recognise the effort the community has made in shaping it so far and the time invested by Hazelbury Bryan Parish Council. I have identified above a number of reservations with the plan as drafted, which have led me to lodge objections. However, I hope these do not dishearten the Parish Council – in common with the Parish Council, I too hope that the plan will pass the basic conditions, but I fear that it will not in its current form. This could be remedied through the modifications set out in this letter.

The inclusion of Site 2 to come forward in an early phase of the plan, rather than as a reserve site, would help achieve a more sustainable strategy than the one currently put forward and would plug the gap left by the necessary omission of Site 11. I hope that my clarifications as to the sustainability benefits and the clear public benefits on offer from the site will help persuade the Parish Council that the plan would be strengthened and have a greater chance of success at examination, if Site 2 were reconsidered more favourably.

Yours faithfully,

A solid black rectangular box used to redact the signature of Steve Tapscott.

Steve Tapscott MRTPI MA BA (Hons)  
**Senior Planner**

## Appendix 1: suggested modifications in track changes

### Policy HB15 Meeting Housing Needs – Amount and Location of New Dwellings

Provision is made for ~~up to 52~~ at least 65 additional net dwellings to be built in Hazelbury Bryan between 2018 and 2031, to meet the projected local needs of the community. The following sites are allocated in the Neighbourhood Plan (which together with the 21 dwellings at Handley Cross Farm, conversions in line with the Local Plan, and appropriate infill opportunities within the settlement boundary that may arise, is expected to meet this need):

- Site 11: Martin Richard's Tractors UK site, Back Lane, for ~~up to~~ around 13 dwellings including affordable housing
- Site 7: Former Frank Martin's Agricultural Depot, Stockfield Drive, for ~~up to~~ around 11 dwellings including affordable housing
- Site 13: Land immediately adjoining the Retreat, Coney Lane, for 1 dwelling
- Site 12 – Land adjoining King Stag Mill, The Common, for 1 site manager's dwelling
- Site 2: Higher field to rear of village hall for around 13 dwellings, including affordable housing

~~Site 2: Higher field to rear of Village Hall has been identified as a reserve site for up to 13 dwellings. The release of this reserve site should be phased through the review of the Neighbourhood Plan, or alternatively it may be permitted after 2026 if there is clear evidence that the minimum target of 45 homes will not be achieved without its release. Should there be clear evidence that the housing target will not be delivered, a review of the Neighbourhood Plan will explore additional development opportunities.~~ The release of unallocated greenfield sites outside the settlement boundary for open market housing should therefore be resisted.

### Policy HB20. Site 2 – Higher field to rear of Village Hall, Partway Lane, Partway

Higher field site to rear of Village Hall, as shown on Figure 10, is allocated to provide off-road parking for the village hall and ~~up to~~ around 13 dwellings, to include on-site provision of affordable housing, and subject to all of the following requirements:

a) The type and size of housing accords with Policy HB16

~~b) As a reserve site, the phasing of any housing accords with Policy HB15~~

c) The design of the development accords with Policies HB5 and HB7

d) 12 parking spaces for use in perpetuity by village hall users should be provided within the site in an accessible location close to the hall, either in advance of the housing or at an early phase of the development

e) A public footpath connection through the site to N41/32 is secured, and designed to be attractive to all potential users

f) Retaining existing hedgerow boundaries. Additional landscape planting using native species should be provided along the site boundaries adjoining open fields, to create a soft edge with the countryside

g) The development accords with requirements for biodiversity mitigation in Policy HB2

h) A detailed flood risk assessment of the surface water drainage is undertaken, and any necessary mitigation measure incorporated into the design and layout

Policy HB24 Supporting Highway Infrastructure Improvements

Developer contributions may be sought where reasonable, ~~and~~ necessary and viable for improvements to the road infrastructure as identified through Project HBP1.

# Neighbourhood Plan Pre-Submission Consultation April / May 2018

## Hazelbury Bryan Parish Council

This response form is intended to assist people in responding to the presubmission consultation. You can choose to comment on all or any of the policies, and there is a section at the end for general comments (and you can add extra pages). Alternatively you can write or email in, but please refer to the policy or page that you are commenting on, and be clear what changes you think should be made and why. Please keep your responses as concise as possible. The Plan and all associated documents are available to view at our web site –

[www.hazelburybryan.net/nconsultation2018.html](http://www.hazelburybryan.net/nconsultation2018.html)

We also ask that you include your name and address and organisation if you are responding on their behalf to help us have a clear audit trail of who responded on what issues, and which also allows us to contact you for further clarification if necessary. We will not publish your email or address. If you are responding as an individual, we do need permission under data protection laws to hold any identifying personal information i.e. a combination of your name and address email for the purposes of finalising this neighbourhood Plan – so if you do not give your permission please leave your contact details (\* asterisked) blank. Please make sure you return this form by **noon on Monday 21 May 2018** to Parish Clerk, HBPC, 4 The Orchard, Ibberton, DT110EL or email it to [hazelburybryanpc@outlook.com](mailto:hazelburybryanpc@outlook.com) or leave in the ballot box at the village hall or shop.

<b>About you</b>	<b>Your name and contact details</b>	
<b>Organisation (if applicable)</b>	Chapman Lily Planning Ltd	
<b>Name</b>	Brett Spiller	
<b>*Address</b>	[REDACTED]	
<b>* Email</b>	[REDACTED]	
<b>SECTION</b>	<b>Your comments on the policies and supporting text</b>	
<b>4 (Landscape Character)</b> <i>If you object say what change should be made and why</i>	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Object <input type="checkbox"/> Comment	Support - see accompanying letter.
<b>5 (Wildlife)</b> <i>If you object say what change should be made and why</i>	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Object <input type="checkbox"/> Comment	Support - see accompanying letter.
<b>6 (Green Spaces and Rural Views)</b> <i>If you object say what change should be made and why</i>	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Object <input type="checkbox"/> Comment	Support - see accompanying letter.
<b>7 (Hamlets and Important Gaps)</b> <i>If you object say what change should be made and why</i>	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Object <input type="checkbox"/> Comment	Support - see accompanying letter.
<b>8 (Community facilities)</b> <i>If you object say what change should be made and why</i>	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Object <input type="checkbox"/> Comment	Support - see accompanying letter.
<b>9 - Policies HB15 &amp; 16 (Housing)</b> <i>If you object say what change should be made and why</i>	<input type="checkbox"/> Support <input type="checkbox"/> Object <input checked="" type="checkbox"/> Comment	Object to HB15 - see accompanying letter. Support HB16.

*Continued on next page...*

<b>9 - HB17 (Tractors UK site)</b> <i>If you object say what change should be made and why</i>	<input type="checkbox"/> Support <input type="checkbox"/> Object <input checked="" type="checkbox"/> Comment	See accompanying letter - there are doubts over the deliverability of this site.
<b>9 - HB18 (Frank Martin's depot)</b> <i>If you object say what change should be made and why</i>	<input type="checkbox"/> Support <input type="checkbox"/> Object <input checked="" type="checkbox"/> Comment	Comments - see accompanying letter questioning why this site is allocated ahead of Site 2, which is much more sustainable.
<b>9 - HB19 (land adj the Retreat)</b> <i>If you object say what change should be made and why</i>	<input type="checkbox"/> Support <input type="checkbox"/> Object <input checked="" type="checkbox"/> Comment	Comments - see accompanying letter questioning why this site is allocated ahead of Site 2, which is much more sustainable.
<b>9 - HB20 (rear of Village Hall)</b> <i>If you object say what change should be made and why</i>	<input type="checkbox"/> Support <input type="checkbox"/> Object <input checked="" type="checkbox"/> Comment	Support identification, but object to its status as a reserve site. See accompanying letter.
<b>10 (Employment)</b> <i>If you object say what change should be made and why</i>	<input type="checkbox"/> Support <input type="checkbox"/> Object <input type="checkbox"/> Comment	Support in principle, though would question the wording allowing a manager's dwelling 'if appropriate.' The appropriate circumstances are not set out and therefore the policy is imprecise.
<b>11 (Roads, traffic and parking)</b> <i>If you object say what change should be made and why</i>	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Object <input type="checkbox"/> Comment	Support HB26, subject to minor alterations to highlight viability as a key determining factor in development supporting off-site infrastructure.

**Please use the space below to add to or make any other comments. Please make clear any changes you think should be made to the plan**

Please see accompanying letter for additional comments and suggested alterations that would allow the plan to meet the basic conditions. A key alteration required is for the identification of Site 2 to come forward early in the plan period and not as a reserve site. This will enable the delivery of affordable housing and key community benefits, for which there are identified and immediate needs.

**And finally...**  
Please tick one of the following

- I support the plan as drafted
- I generally support the plan but would like to see some minor changes
- I do not support the plan and it needs fundamental changes