

NATURE CONSERVATION AND THE PLANNING PROCESS IN EAST DORSET

Natural Environment Supplementary Planning Guidance



East Dorset District Council 2009

Nature Conservation and The Planning Process in East Dorset

NATURAL ENVIRONMENT SUPPLEMENTARY PLANNING GUIDANCE

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Foreword

The natural environment is one of East Dorset's key assets. The District contains significant areas that receive the highest national and international nature conservation protection for the plants and animals they support; approximately 11% of the District is designated in the East Dorset Local Plan for its particular wildlife importance.

Over 2,400 hectares of land in East Dorset lie within sites nationally designated for their Special Scientific Interest (SSSI). Many of these sites also include areas of internationally important heathland, rich in rare plant, insect, reptile and bird-life. The rivers of East Dorset contain an abundant diversity of freshwater plant and animal species whilst its chalk downlands and woodlands, particularly those in the north of the District, also possess great wildlife value. This variety of plants and animals is not just important for its wildlife value alone. It also has wider social functions that enhance people's quality of life. For example the 500 hectare Holt Heath National Nature Reserve to the north of Wimborne is one of Dorset's largest remaining areas of lowland heathland. It also includes the semi-natural ancient woodland of Holt Forest and Holt Wood. The Reserve receives some 15,000 annual visitors, attracted not just by its biodiversity but also for its landscape, recreational and educational opportunities.

East Dorset District Council is firmly committed to meeting its obligations under wildlife and land-use planning law as well as Government regulation and policy. As a member of the Dorset Biodiversity Partnership, the Council works to protect and enhance the District's biodiversity in concert with other agencies.

The importance of the natural environment to the people of East Dorset was emphasised in a local residents' survey carried out in 2002¹. One of the Council's core corporate objectives is to safeguard and manage the quality and sustainability of the natural environment. The planning system can play a significant role delivering this objective and conserving biodiversity.

Legislation and advice regarding nature conservation and the planning process is contained in a significant number of different documents. This advice document seeks to provide a brief overview and identify the principal elements of the current legislation and advice, particularly as they impact upon the development process in East Dorset.

This document was approved as supplementary planning guidance by the Policy and Resources Committee of East Dorset District Council at its meeting on 18th March 2009. It will be used to ensure that the Council's duties and commitments to protect nature conservation interests throughout the District are met and the numerous benefits to both wildlife and local people that follow from a rich natural environment are safeguarded by providing local residents and developers intending to make a planning application with:

- background information, identifying the habitats and species of note in the District and the legislation and policy which protects them;
- a clear indication of how the Council will deal with the nature conservation aspects of planning applications;
- practical information on what wildlife-related information should be included with planning submissions in East Dorset District

¹ 'East Dorset Panel Survey 9', January 2002, prepared by The Market Research Group, Bournemouth University, on behalf of East Dorset District Council

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Introduction

The need for this document

East Dorset is blessed with a rich natural environment that is the result of a number of influences including geology, climate and past and present human activity. Its heathlands, river systems, chalk downlands, forests and woods represent the finest aspects of the District's natural heritage. However, because this high quality environment is located next to the south-east Dorset conurbation, it is also a District under considerable development pressure.

The purpose of this advice is to supplement the nature conservation policies in the East Dorset Local Plan (see Chapter 6, Section 1 and accompanying policies NCON2–4, WENV4 and DES5 of the East Dorset Local Plan (adopted 11 January 2002) - as saved September 2007); to support the formulation of Local Development Framework policies and to ensure that, when the Council, as the Local Planning Authority, determines development proposals, environmental protection and enhancement are achieved through the land-use planning system.

Information contained within this advice note will be treated as a material consideration during the determination of a planning application. Developers should therefore bear in mind that to disregard this guidance may result in the refusal of planning permission.



Avon Valley and the River Avon, both designated for their national and international nature conservation importance

The structure of the document

The document is divided into three sections:

Section 1 - focuses on the natural heritage of East Dorset and the implications for development proposals which impact upon the wildlife infrastructure in this area.

Section 2 - provides practical guidance for developers on how to integrate nature conservation into their proposals.

Appendices A – L - set out in summary form the policy and legislative framework that protects both habitats and the species that live in them and describes the principal nature conservation designations.

Guidance is also provided on both how the Local Planning Authority determines applications which affect these areas (including those Sites of Special Scientific Interest (SSSI) which are also *Special Protection Areas (SPA)*, *Special Areas of Conservation (SCA)* and *Ramsar sites* and require 'appropriate assessment') and what information developers will be expected to provide to enable this to be undertaken. The implications of development affecting regionally and locally-important *Sites of Nature Conservation Importance (SNCI)* as well as *protected species* are also examined.

Factual information is also given on designated sites in East Dorset; Natural England consultation area maps for developments affecting SSSIs; flow charts illustrating the Council's procedures for determining these applications; references and contact details for publications and organisations referred to in the document.

Section 1

Wildlife habitats and species in East Dorset and the implications for development proposals

Part 1 of this Section provides background information regarding the natural heritage of East Dorset.

Part 2 explains the implications for development proposals that are likely to affect those designated habitats/sites, as shown in the Local Plan, as well as those species and features protected by Local Plan policies and provides guidance to developers over how the Council will determine planning applications which are likely to affect protected species and sites designated for their nature conservation value

Part 1 - Important habitats within East Dorset

Heathland
Forests and woodland
Rivers and Watercourses
Chalk Downland
Neutral Grassland

Part 2 – Nature Conservation Designations within East Dorset and the implication for development proposals

- A. Sites of Special Scientific Interest (SSSI)**

- B. SSSIs which are component site of Internationally designated areas (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites)**

- C. Developments affecting regionally and locally important Nature Conservation sites**

- D. Developments affecting protected species**

- E. Developments affecting sites without nature conservation designation**

Part 1

Important habitats within East Dorset

1.1 East Dorset has a rich diversity of habitats many of which benefit from a variety of differing levels of protection. These different levels of designation are identified on the East Dorset Local Plan Proposals Maps with their own legends and within the body of the Local Plan document. Many of these habitats are also noted as 'Priority Habitats' in the South West Regional and Dorset Biodiversity Strategies and form the focus for action in these documents. The landscapes that underpin these habitats have been examined and characterised in the Council's guidance document 'East Dorset Landscape Character Assessment' published in 2008.

Heathland

1.2 As indicated in the East Dorset Local Plan, the southern part District is richly endowed with heathland that is recognised as being of exceptional importance in terms of its diversity and rarity of species and habitats. Dorset heathlands are lowland in nature and comprise a mix of dry and wet heath, mire and bog, wet woodland and acid grassland. The latter being one of the rarest and most threatened habitats. All types can be found in a single area of heathland, see Appendices C and D for details.



Heathland loss and threats

1.3 It has been estimated that Dorset now has only 15% of the heathland present in the mid-18th century. This loss has been due to agriculture, forestry and the pressure of urban development and has continued up until the last decade of the twentieth century. In 1978 there were approximately 2600 hectares of lowland dry heath in Dorset. In 1987 there were almost 2100 hectares – a loss of over 500 hectares or 20% in less than 10 years, mainly because of urban development and road construction.

1.4 As well as direct heathland loss, building on or adjoining to heathland has led to the fragmentation of habitat. This means that many of the smaller patches often lack a variety of heathland plant and animal species and the distance between the patches has also increased. This fragmentation and loss of variety reduces the robustness of the habitat, threatening its ability to sustain this exceptional plant and animal life.

1.5 Pressures from the adjoining urban areas also threaten these fragmented habitats. The pressures are now well-established and include destruction of habitat by arson, from predation of birds and reptiles by cats, erosion by trampling, motor and mountain bike use, disturbance of nesting birds by people and dogs and habitat change caused by dumping of garden waste and the nutrients in dog faeces.

Heathland protection

1.6 As these threats have become better understood and the nature conservation value of heathlands increasingly recognised, Local Plan policies and designations have been established to ensure their protection.

1.7 Many of the District's heathlands have been designated as Sites of Special Scientific

Interest (these are listed in Appendix C) under national legislation and consequently receive strong Local Plan policy protection. Some 2500 hectares of heathland SSSI also receive additional protection from their European designations as Special Areas for Conservation (SAC) under the EC Habitats Directive and Special Protection Areas (SPA) under the EC Birds Directive. Significant parts of the District are also designated under the convention signed in Ramsar, Iran in 1971 as internationally-important wetland areas.

1.8 Dorset's heathlands have also been subject to recommendations for their protection from the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (commonly referred to as the Bern Convention (see Appendix A), whose work underlies the Habitats Directive). These recommendations, endorsed by the Government in 1999, included action to create buffer zones around heathlands, to avoid further development in their vicinity and to provide alternative areas of recreation

Forests and woodland

1.9 Ancient and more recent forest and woodlands also add to the variety of designated nature conservation sites in East Dorset that receive Local Plan protection.

1.10 *Ancient forest and woodlands*, i.e. those that have been here since at least AD 1600, are the most important woods for nature conservation because they are our closest link to the 'Wildwood' which covered much of England 7000 years ago and consequently have great value for research, education, enhancing the landscape and for quiet recreation. These woodlands often contain plants



(such as herb paris or some lichens) and animals (such as Dormice) that have very specialised requirements and are very slow to spread to new woods.

1.11 The trees and ground flora are usually of genetic stock local to the area, and are hence well-adapted to the conditions there and often support habitats and species which are rare in other woodland types, for example, the fallen and standing dead wood needed by many fungi and wood boring beetles, and patches of wetland. Their water-courses and soils have been less modified by the artificial drainage and ploughing used in modern plantation forests or on farmland.

1.12 Bugdens Copse in Verwood, Holt Forest, Oakhill Coppice in Moor Crichel and the remnants of Cranborne Chase forest are all examples of this ancient forest/woodland in the District that are designated as Sites of Special Scientific Interest (SSSI) for their particularly high nature conservation value. Many other woodlands are designated as Sites of Nature Conservation Interest (SNCI).

1.13 *'Recent' forest and woodland* – i.e. those that have been here since AD 1600 – can also be important for nature conservation, especially where they are the only woodland types present in largely agricultural landscapes.

1.14 Many animal species thrive on the habitat provided in East Dorset, for example, the wood mouse builds its burrows amongst decomposing woodland vegetation, some 16 of Britain's resident butterflies species rely on woodland for all or part of their range. Even the more recent conifer plantations help support rare birds such as the nightjar or woodlark, Britain's largest ladybird, the Eyed Ladybird, lives in Dorset's conifer plantations.

Rivers and watercourses

1.15 There are two river systems in the District which are of exceptional importance for nature conservation and have been designated SSSI over much of their lengths. These are the Moors River system (known as the River Crane in its upper reaches) and the River Avon. The River Avon has also been notified as candidate Special Area of Conservation and the Avon Valley (Bickton to Christchurch) as a Special Protection Area for Birds and as a Ramsar Site.

1.16 The Moors River and its tributary, Uddens Water, supports an extremely diverse range of aquatic and wetland plants and animals assisted by its geological diversity. The Moors River, in particular, has long been noted for its outstanding dragonfly and damselfly populations. Some 32 species have been recorded with the ditches of the river's floodplain system also very important as dragonfly habitat. Fish species such as Chub, Pike and Dace are common whilst the chalk stream habitat of the Crane supports one of the county's principle spawning grounds of the Brown Trout.



1.17 The River Avon, which passes near the District's eastern boundary edge, also has an extremely high biodiversity value. Over 180 species of aquatic plant have been recorded, whilst it also has one of the most diverse fish faunas in Britain. The lower Avon supports a variety of breeding, wintering and migrating birds. Good breeding populations of Kingfisher, Reed Warbler and Sedge Warbler are found in the Avon's lower reaches.

1.18 *The River Avon Planning Forum* has been established to help strengthen liaison between planning authorities with respect to the internationally important Hampshire/ Salisbury Avon. It was recognised that there are a large number of Authorities involved with the River Avon, each granting permission or consent for a wide range of developments. There is potential for ecological effects caused by pollution or altered hydrological regime to occur a long distance from each individual development. Consequently, determining whether effects from individual developments will act cumulatively or in-combination is a particularly complex process.

1.19 The Forum aims to co-ordinate the decision-making process by establishing a common database for monitoring proposals along the length of the river and producing common guidance and advice to developers. Membership of the Forum includes all local planning authorities involved with the river in Wiltshire, Hampshire and Dorset (including East Dorset District), Natural England, the Environment Agency, Water Companies, the Forestry Commission and the Highways Agency. It is hoped that the actions of the Forum will help protect the River Avon from the adverse effects of development in the long-term.

1.20 The other two principal rivers that flow through the District, the River Stour and River Allen, are not designated as SSSI, but nevertheless do have significant nature conservation value. They support important plant and animal communities including protected species such as redshank, the native crayfish, water vole and otter populations. The Stour and the Avon also support populations of eel at the end of their journey from their breeding grounds in the Caribbean's Sargasso Sea. Both river systems are spawning grounds for migratory salmon and others have returned to both catchments.

1.21 In addition to the rivers themselves the wider corridors of ditches, grazing marsh, fens, reedbeds and wet woodlands are important supporting habitats for wildlife.

Chalk downland

1.22 Martin and Tidpit Downs and Pentridge Down in Pentridge as well as Bouldsbury Wood in Cranborne are examples of chalk downland in the District whose notable nature conservation importance has been recognised in its SSSI designation.

1.23 The flower-rich chalk slopes found here are characteristic of a landscape created by centuries of grazing which is now rare in Dorset and elsewhere; short turf, broken at intervals by rabbit burrows and occasional patches of hawthorn or blackthorn scrub. Butterflies flourish in this habitat, including the Dark Green Fritillary and Adonis blue. The fine grasses are also interspersed with numerous wild flowers, including species such as the Bastard Toadflax, Squinancywort and the early Purple Orchid.



Neutral Grassland

1.24 This is largely confined to the clay soils around the edges of the heaths in East Dorset and is one of the most endangered habitats in Britain. These grassland sites have, in the past, been and still remain, vulnerable to changes in agricultural practice and to development. Many sites are designated as SNCI and SSSI.



Part 2

Nature Conservation Designations within East Dorset and the implications for development proposals.

A. Sites of Special Scientific Interest (SSSI)

1.25 There are some 25 SSSI in this District and these are listed along with their main habitat types in Appendix C. Over half of these are also internationally-important for their wildlife, receiving additional protection from the EC Habitats and Birds Directives.

The extent of the SSSI boundaries within East Dorset are identified on the Local Plan Proposals Maps

Development Plan Policies and SSSI

1.26 In accordance with government advice in Planning Policy Statement PPS9 development which may adversely affect the integrity of SSSI will only be permitted if it is evident that the benefits arising from the development or land-use clearly outweigh the harm to the intrinsic nature conservation or scientific interest of the site itself or any broader impacts upon the national network of SSSI. In addition, Local Plan Policy NCON3 requires adequate mitigation and compensation for any harm to designated nature conservation sites. Furthermore, Policy NCON4 focuses on the protection of the District's wildlife-rich heathland (much of which is designated SSSI). It seeks to resist proposals that would lead to a loss (or a reduction in the quality) of this sensitive habitat from development on (or nearby) the heathland. It also emphasises this Council's commitment to provide, through planning conditions and obligations, heathland restoration.

Planning applications and SSSI

Consultation arrangements with Natural England

1.27 The Town and Country Planning (General Development Procedure) Order 1995 (as amended) requires Local Planning Authorities to consult Natural England about developments in or likely to affect SSSI.

1.28 In accordance with the Government request in PPG 9, published in October 1994 and now superseded by PPS9 and Circular 06/2005 (see Appendix B), the boundaries of consultation areas around those SSSI containing internationally important sites in East Dorset were notified to the Council in 1995. The consultation areas, as drawn, extend up to a maximum of 2 kilometres from the boundary of an SSSI, the maximum indicated in the PPG and the PPS, although in general they do not extend beyond about 500 metres. (*see maps in Appendix E*). Natural England also advised the Planning Authority that, whilst they would not wish to be consulted on minor house extensions or advertisements, certain development proposals may have long distance effects (for example a major industrial facility) beyond the 2 kilometre maximum.

1.29 Natural England has undertaken further work to refine consultation areas in East Dorset and in July 2006 notified the Council of revised requirements for residential development for heathland SSSI containing internationally important sites. These are set out in Appendix E and proposals for residential development within these zones and up to 5km beyond the boundaries of the heathland SSSI are subject to the terms of The Dorset Heathlands Interim Planning Framework (see above).

Information to be provided by developer

1.30 Developers will be expected to clearly and fully demonstrate that any proposals are in accordance with Development Plan policies and will not adversely affect the integrity of these sites.

The role of Pre-application discussions

1.31 At the earliest possible stage and certainly well before an application is lodged, consultation with Natural England and Development Control Officers in the Council is recommended to deal with any sensitive site location issues and the implication of the presence of protected wildlife habitats or protected species and, where appropriate, any measures of compensation and mitigation. It is suggested that developers may want to appoint their own consultant ecologist at an early date particularly for major schemes.

B. Sites of Special Scientific Interest (SSSI) which are component sites of internationally designated areas (Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites)

SPA, SAC and Ramsar sites

1.32 Many of the District's SSSI receive additional protection from also being designated Special Protection Areas, Special Areas of Protection and Ramsar sites. This reflects their exceptional international importance. The list of SSSI in Appendix C also details those which are component international sites.

(The extent of the SPA, SAC and Ramsar site boundaries within East Dorset are identified on the East Dorset Local Plan Proposals Maps)

1.33 The implications of international designations on development proposals are set out in PPS9; the Conservation (Natural Habitats, &c.) Regulations, (commonly known as the 'Habitats Regulations') and Circular 06/2005. The circumstances in which planning permission will be granted on these sites are extremely limited, permitted development rights are curtailed and existing planning permissions may be modified or revoked. (See Appendix B).

Development Plan Policies

1.34 Structure Plan Environment Policy A states that development which may adversely affect the integrity of these sites will only be permitted if there is no alternative solution and if there are reasons of overriding public interest. In addition, Local Plan Policy NCON3 requires adequate mitigation and compensation for any harm to designated nature conservation sites.

1.35 Furthermore, Local Plan Policy NCON4 as saved seeks to resist proposals that would lead to a loss (or a reduction in the quality) of heathland (much of which is SSSI, SPA, SAC or Ramsar designated) from development on (or nearby) the heathland. It also emphasises this Council's commitment to provide – through planning conditions and obligations – heathland restoration.

Permitted development and SPAs, SACs and Ramsar sites

1.36 As indicated above, certain types of development are given 'permitted development' rights. These are works generally considered so minor that they have deemed planning permission. However as also noted, to prevent any development that is likely to have a 'significant effect' on a SAC or SPA from benefiting from permitted development rights, the Habitat Regulations ensure that any permission granted under the General Development Order does not breach the terms of the Habitats Directive.

1.37 The flow chart provided in Appendix G explains the process developers should follow to find out whether the particular development they propose would benefit from such a permitted development right.

1.38 Developers can seek the opinion of Natural England as to whether their proposal (located either in or near a European site) is likely to have a significant effect on the site. If developers proceed with a development in or near a European site on the assumption that it benefits from a permitted development right, they run the risk of undertaking the project without

the benefit of planning permission and being liable to enforcement proceedings by the local planning authority.

1.39 The Council enters the process at the point where either the developer or Natural England decided that there is a likely significant effect. The Council would then undertake an assessment of the implications of the proposal on the conservation objectives of the site. If, after consulting Natural England, the local planning authority concludes that the proposal would have such an effect, a planning application would be required. If the proposal is found not to affect the site, the Local planning authority must give written approval. The Regulations allow the Local Planning Authority to charge a fee for carrying out the assessment.

1.40 Once the process outlined above is complete, even where the development is found to be permitted development, if it is listed in the site notification as an operation likely to damage the integrity of the site, Natural England must be notified before any work is carried out.

Residential planning applications affecting Heathland SPAs, SACs or Ramsar sites

1.41 There is concern that the intensification of residential development in South East Dorset and the resultant pressures placed upon protected heathland by new occupants living in close proximity is causing a decline in the quality of the heathland habitat.

1.42 Various studies have found that public access to lowland heathland from nearby development, has led to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors.

1.43 On the basis of current information, this effect has been found to be most marked for development within 400m of heathland. Within this distance, measured as a straight line from the boundary of protected heath, additional residential development is judged likely to have a significant adverse effect upon the designated site, either alone or in combination with other developments save in exceptional circumstances (see maps in Appendix E & F). The implication of this is that in most cases it will not be possible for a local planning authority undertaking an appropriate assessment of a proposal for residential development (i.e. Town and Country Planning Use Classes Order 1987, Use Class C3: Dwelling Houses) to be certain that any adverse effects could be avoided or alleviated.

1.44 However in the area between 400m and 5 km, Natural England considers that Local Authorities undertaking appropriate assessment will still identify a significant adverse effect in combination with other proposals, but that avoidance or mitigation measures can normally allow development to be approved. Mitigation of this effect will encompass measures to divert recreational pressure away from heathland, access management measures and resources to enable the aforementioned to be implemented.

1.45 It is in this area between 400m and 5km that the Dorset Heathlands Interim Planning Framework (see Appendix B) will apply.

Environmental Impact assessment

1.46 On sites designated as SSSI, where there are other likely environmental impacts, an 'Environmental Impact Assessment' (EIA) may be required for specified forms of development. An Appropriate Assessment may also form part of that wider study. The types of development affected and the information required are set out the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Further policy guidance on the implementation of the Regulations can be found in Circular 02/99.

1.47 As also noted above an EIA may also be required for such prescribed developments in Areas of Outstanding Natural Beauty. Part of East Dorset lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (See map in Appendix K). In any event significant ecological information is likely to be required to enable proper assessment of development proposals.

C. Development affecting regionally and locally important sites

Regionally Important Geological and Geomorphological Sites (RIGS)

1.48 These sites are recommended to the Council for Local Plan designation by the Dorset's Important Geological Sites Group (DIGS). DIGS includes representatives of Natural England, the Dorset Wildlife Trust, Dorset County Council and Dorset Geologists' Association Group. RIGS are currently considered the most important places for Earth science and landscape features outside statutorily protected land such as SSSI. In East Dorset, RIGS include Badbury Rings and the Knoll Manor clay pit in Corfe Mullen. The sites are identified on the Local Plan Map. PPS9 indicates that these sites have a fundamental role to play in meeting national biodiversity targets. The importance of such sites is currently reflected in the saved Structure and Local Plan Policies E and NCON3 respectively.

Sites of Nature Conservation Interest (SNCI)

1.49 This is a non-statutory designation that identifies sites of local interest for nature conservation. The East Dorset Local Plan Map identifies sites for their District-wide wildlife importance as 'SNCI'. As at 2002 there were over 200 SNCI in the District. They have been proposed by the Dorset SNCI Panel which consists of representatives of Dorset Wildlife Trust, Natural England, Dorset County Council and Dorset Environmental Records Centre. Selection is based entirely on scientific grounds using established Panel guidelines. PPS9 also indicates that such local sites have a fundamental role to play in meeting national biodiversity targets. The importance of these sites is currently reflected in the saved Structure and Local Plan Policies E and NCON3 respectively.

1.50 The notification of SNCI is an on-going process based on monitoring and new research. Since the Local Plan was adopted new SNCI have been proposed to the Council. In East Dorset for Development Control purposes, in accordance with the advice given in PPS9, the presence of species of nature conservation importance will be viewed as a material consideration and given appropriate weight when the Council determines proposals for development on such sites.

Local Nature Reserves (LNR)

1.51 As noted above, these sites are designated by the Council under Section 21 of the National Parks and Access to the Countryside Act 1949. They are places with wildlife or geological features that are of special interest locally, which give people special opportunities to study and learn about them or simply enjoy and have contact with nature. These designated sites are shown as at 2002 on the Local Plan Map and Local Plan Policy NCON 2 refers.

1.52 There are also non-statutory Nature Reserves within the District established and managed by a variety of public and private bodies, such as the Royal Society for the Protection of the Birds and the Herpetological Conservation Trust. These are not designated as a LNR on the Local Plan Proposals Maps and are thus not protected by Local Plan Policy NCON 2. **However, their existence will be a material consideration when the Council is determining planning applications which are likely to adversely affect them and the relevant body will be consulted.**

Development Plan policies

1.53 Structure Plan Environment Policy C states that development which may adversely affect the integrity of RIGS and SNCI will only be permitted if it is evident that the benefits arising from the development clearly outweigh the intrinsic nature conservation or scientific value of the site itself. In addition, Policy NCON2 seeks to protect LNRs by only allowing damaging development where their benefits clearly outweigh the loss to nature conservation or environmental education.

1.54 Policy NCON3 requires adequate mitigation and compensation for any harm to designated nature conservation sites. Policy NCON4 focuses on the protection of the District's

wildlife-rich heathland. It seeks to resist proposals that would lead to a loss (or a reduction in the quality) of this sensitive habitat from development on (or nearby) the heathland. It also emphasises this Council's commitment to provide through planning conditions and obligations heathland restoration.

Planning application consultation framework

1.55 The Council will consult the appropriate body (e.g. Dorset Wildlife Trust, DIGS and/or Natural England) where notified sites are affected by a planning application.

Planning application information to be provided by developer

1.56 It will be in the developer's interest to clearly demonstrate how their proposal avoids any adverse effects on these regionally and locally-important sites. Pre-application discussions with Development Control Officers as well as the relevant geological or nature conservation organisation, is recommended to ascertain likely impacts. Sensitive site choice and design as well as reference to the other practical measures outlined in Section Three would also be beneficial.

D. Development affecting protected species

The purpose of this part of Section One is to provide guidance to developers on the implications of development proposals that affect protected species. It describes the legislative and policy background and provides guidance on those protected species that have been most regularly affected by development proposals in this District.

Development and protected species

1.57 As outlined in Appendix A there is a considerable body of legislation that gives many individual species of animals and plants special protection in law, the contravention of which may result in a criminal prosecution. The level of protection varies according to legislation covering a particular species. However, as the ODPM Circular 06/2005 emphasises (para. 98), in all cases when a Local Planning Authority is determining a planning application, which, if carried out, would be likely to result in harm to the species or its habitat, the presence of a protected species is a 'material consideration' (i.e. a significant factor) in the proposal's determination.

1.58 Under Section 74 of the Countryside and Rights of Way Act ('Crow Act') 2000, the Secretary of State for Environment, Food and Rural Affairs has identified species requiring conservation action as species of principal importance for the conservation of biodiversity in England (these are listed as part of 'Habitat types and species of principal importance in England' in Annex C of ODPM Circular 06/2005 and can also be found as a pdf on www.defra.gov.uk). Local authorities are required to take measures to protect the habitats of these species from further decline through policies in local development documents. PPS9, also advises that planning authorities should ensure that these species are protected from the adverse effects of development, by using planning conditions or obligations where appropriate and further that planning authorities should refuse permission where harm to the species or their habitats would result from a proposal unless the need for, and benefits of, the development clearly outweigh that harm.

1.59 ***It is the responsibility of the developer to check a site for the presence of protected species.*** It is important to do this, ideally before any land purchase, and certainly before drawing up any plans. If a protected species is found at a later stage then this may cause delays and may result in the plans being redrawn, holding up building work and subsequently increasing costs. In some cases it may prevent development altogether. Further information and guidance with regard to checking sites for protected species (for both householders and developers) can be obtained from the Council. It is important to understand that protected

species may readily colonise man made structures. Bats may inhabit relatively modern roofspaces and reptiles may choose to live in compost heaps or under debris in or around redundant buildings.

Development Plan policies (also see Appendix B)

1.60 Structure Plan Environment Policy D as saved states that proposals for development which may result in harm to a specially protected species or its habitat will be allowed only if there is no alternative solution and if there are imperative reasons of overriding public interest.

Planning application information to be supplied by the developer

1.61 When considering a planning application that is likely to affect a protected species, the Council will expect developers to provide sufficient information to enable a satisfactory determination. *Failure to provide adequate information may result in the application not being registered or it being refused planning permission.* In order for the proposal to be determined as efficiently as possible it is naturally in the interests of the developer to submit this material with the application.

1.62 The preferred course of action is for developers to demonstrate in their submissions how the choice and design of the proposed development avoids adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest developers will be required to demonstrate that their proposal incorporates adequate mitigation and compensation measures.

1.63 The accepted mechanism for such a demonstration is an ecological appraisal. This provides an appropriate methodology for gathering the data about the presence of the protected species and the inclusion of appropriate mitigation. In general, such an appraisal would need to include:

- a description of the development;
- an ecological survey, particularly of protected species;
- an assessment of the likely significant effects of the development on animals and plants;
- proposals to avoid, reduce or remedy the impacts of adverse effects.

For further information and guidance regarding such an appraisal etc, see Section 2.

1.64 *In some cases a licence to survey will be required from the Wildlife Management and Licensing Service.* Surveys should always be carried out by a trained and competent surveyor and at appropriate times of the year. For example, it is not always possible for even an experienced surveyor to tell if a badger sett is occupied during the winter. If twelve months have elapsed since a survey was carried out, then a new survey is required. All survey findings should be submitted to the relevant party in accordance with the licence to survey.

Advice and assistance

1.65 In addition to this document and officers within the Planning Service of this Council, a number of other sources of advice are available to developers regarding protected species. (The contact details of these organisations are provided in Appendix L.)

1.66 Circular 06/2005 emphasises the role of English Nature, now Natural England, on those planning applications likely to affect protected species. It is advisable therefore that developers contact Natural England's Dorset office with both specific development enquiries and/or general species information requests.

1.67 Dorset Environmental Records Centre is able to supply information relating to the numbers and distribution of protected species in the County (see contact details in Appendix L). Developers can carry out a search of data to determine if any protected species or priority habitats have been recorded on or near to their sites. Such information can inform whether more detailed surveys are required and whether measures for species or habitat protection should be considered.

1.68 Dorset Wildlife Trust can often advise on the wildlife significance and interest of particular sites. The Trust is also the point of contact for a number of sub-groups that can provide species-specific expertise; for example, Dorset Bat Group, Dorset Otter Group and Dorset's Important Geological Sites Group (DIGS).

1.69 The Herpetological Conservation Trust can provide information on protected reptiles and amphibians.

1.70 It is also advisable that specialist professional advice is sought. Contact details for environmental consultants can be obtained from the District Council, the dorsetforyou website (www.dorsetforyou.com/index.jsp?articleid=351404) and a number of other sources, including professional bodies and published directories. Two such are: the Environmental Consultancy Directory (website address: <http://www.endsdirectory.com/search>) run by the independent publisher Environmental Data Systems and the Directory of Ecologists and Environmental Managers run by the Institute of Ecology and Environmental Management (website address: <http://www.ieem.org.uk/members/commercial.php>).

Protected species in East Dorset

1.71 The legislation that exists for species protection is outlined in previous paragraphs. When dealing with individual cases the full texts of legislation should be consulted. Applicants should also obtain their own legal advice if necessary. The protected species commonly found in East Dorset are listed below although this list is not exhaustive.

Protection of Birds under The Wildlife and Countryside Act (WCA) 1981 (as amended)

1.72 Schedule 1, Section 1 of Part 1 of the WCA makes it an offence to kill, injure or disturb nesting birds. Schedule 1 birds also have special protection, as amended by the CRoW Act 2000. It is an offence to intentionally or recklessly disturb a Schedule 1 bird while it is building a nest or is in or near a nest containing eggs or young, or to disturb the dependent young of such a bird (Section 1 (5)).

Schedule 1 birds that may be found in East Dorset are: Barn Owl, Black Redstart, Crossbill, Dartford Warbler, Firecrest, Garganey, Goshawk, Hobby, Kingfisher, Little Ringed Plover.

Protection of Other Animals under the WCA

1.73 Schedule 5 species with full protection that may be found in East Dorset are: *all species of bat, Dormouse, European Otter, Great Crested Newt, Sand Lizard, Smooth Snake and Water Vole.*

1.74 Species with protection from killing, injury or sale that may be found in East Dorset are: *Adder, Common Lizard, Grass Snake and Slow-worm.*

1.75 Species with protection from taking and sale that may be found in East Dorset are: *White Clawed Crayfish.*

Plant protection under the WCA

1.76 Schedule 8, Section 13 of the WCA identifies measures for the protection of wild plants. It prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8. It also prohibits the sale, or

possession for the purpose of sale of any plants on Schedule 8 or parts or derivatives of Schedule 8 plants.

Schedule 8 plants in East Dorset include: Field Cow Wheat and Ground Pine
European Protected Species

1.77 The Habitats Regulations implement the requirements of the EC Habitats Directive for species listed in Annex IV of the Directive and offer an additional layer of protection to particular species. The Habitats Regulations make it an offence to deliberately capture or kill any wild animal of a European Protected Species; deliberately disturb any such animal; deliberately take or destroy eggs of any such wild animal; damage or destroy a breeding site or resting place of such a wild animal; keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European protected species, or any part of, or anything derived from such a wild animal or plant.

European Protected species which may be found in East Dorset are: all bat species, Dormouse, European Otter, Great Crested Newt, Sand Lizard and Smooth Snake.

Badgers

1.78 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to mistreat a badger or to disturb or damage its sett. Licences are required for activities which would cause disturbance. This species can be found in many areas of East Dorset both rural and urban.

Guidance relating to particular protected species in East Dorset

1.79 Appendix J provides further guidance for developers in respect of those protected species most likely to be affected by development proposals in East Dorset.

E. Development affecting sites without a nature conservation designation

East Dorset wildlife outside designated sites

1.80 PPS 9 requires that local plan policies reflect national, regional and local biodiversity priorities, identifying protected sites and areas where important habitats can be restored or created in support of biodiversity objectives. It also requires local authorities to protect and maintain networks of natural habitat and prevent isolation of areas of biodiversity importance. Whilst the previous parts of this Section emphasise the finest habitats and most endangered species in the District, the wildlife heritage of East Dorset extends throughout its boundaries and not just in designated sites. Features such as hedges, trees, scrub, grassland, ditches and ponds all have the potential to offer habitat, foraging areas and shelter for numerous animal and plant species.

1.81 In an attempt to restrict the further loss of countryside and minimise settlement sprawl, Government guidance and Development Plan policies seek to ensure that the majority of new development takes place within existing settlements. It is therefore important that those 'natural' parts and features of the District's villages and towns which can add to local people's quality of life by providing contact with nature should be protected and enhanced.

Relevant Current Development Plan Policies

1.82 There are a number of East Dorset Local Plan Policies which seek to protect site features which are important for nature conservation:

Policy NCON5 aims to protect features such as small woods, trees, tree belts, earthworks, green lanes or drove roads, hedges, ponds, watercourses, walls and open spaces on locations

outside designated sites. In order to be in accordance with this policy, developers are required to demonstrate that the need for their development outweighs any adverse impacts it might have on these features. It also seeks to ensure that any permitted adverse impacts are compensated for on site or nearby.

Policy DES5 aims to ensure these features are protected in landscaping schemes

Policy WENV4 makes clear that the siting and design of development should protect and enhance the nature conservation interest of the District's rivers.

Planning application information to be provided by developer

1.83 Developers should refer to Section 2 of this guidance and the seven key principles it recommends should be followed in order to incorporate nature conservation into development proposals. The Council will expect planning submissions to demonstrate how they have taken these principles and practical steps into account in their site selection, siting and design in order to accord with the above policies

Environmental Impact Assessment

1.84 As noted above, in order to properly consider the environmental implications that result from major developments, legislation first introduced in 1988 and amended in 1999 sets out the procedures for Environmental Impact Assessment (EIA). EIA is a means of drawing together, in a systematic manner, a project's likely significant environmental effects and is submitted with the planning application.

1.85 The relationship between a proposed development and its location is a crucial factor. The more environmentally sensitive the area the more likely it is that the development will have environmentally significant effects. In relation to the thresholds applied in Schedule 2 of the Regulations certain areas are designated as 'sensitive', within these areas the thresholds do not apply and all specified developments should be screened for the need for an EIA. The particular sites in East Dorset are:

- Sites of Special Scientific Interest and any surrounding consultation areas as notified by Natural England (see above),
- SSSI subject to Nature Conservation Orders
- SSSI overlaid with international designations (i.e. Ramsar, SAC, SPA)
- Areas of Outstanding Natural Beauty (AONB), in East Dorset: the Cranborne Chase and West Wiltshire Downs AONB

Section 2

Integrating nature conservation in development

This Section provides developers with practical advice to help ensure nature conservation issues are incorporated into their development proposals. This advice is of course subject to the legal constraints arising from the appropriate legislation noted elsewhere in this document.

Section 2 Integrating nature conservation into development

Seven nature conservation principles to guide development

- 1 - *Survey*
- 2 - *Avoid existing habitats and features*
- 3 - *Retain existing habitats and features*
- 4- *Provide new benefits*
- 5 - *Mitigate against potentially adverse effects*
- 6 - *Compensate where damage is unavoidable*
- 7- *Manage and Monitor*

Seven nature conservation principles to guide development

2.1 Development is a continuous process that can bring economic and environmental improvements to communities. In the past wildlife considerations were not given a high priority in the initial stages of considering development. However, with increased pressure on the environment and biodiversity, it is increasingly recognized that there is a need to protect wildlife within the development process and to establish principles for the sensitive management of land.

2.2 In order to improve the efficiency of the planning service, development control validation checklists have been adopted by planning authorities as part of the application process. A checklist has been prepared for developers specifically dealing with the nature conservation elements of site assessment. Developers should contact the Council's Planning and Building Control Section or go to the Council's website for further details of the requirements for checklists for applications (www.dorsetforyou.com/index.jsp?articleid=355713).

2.3 The Council wishes to emphasise to developers the wider, value-added benefits that can result from incorporating biodiversity into their plans. As well as contributing to wildlife protection, it is evident that significant commercial value can be added to development that integrates biodiversity concerns. Accommodating existing or creating new features to attract wildlife to a site can enhance the visual amenity of a development and provide opportunities for informal recreation and enable residents to connect with nature.

2.4 Local Plan policies NCON2, NCON3, NCON4, NCON5, DES5, WENV4 (as saved) seek to protect important nature conservation sites, species, habitats and features. It is therefore in the interest of developers to ensure that, by careful choice and design, their proposals accord with such policies.

2.5 As a further guide to developers and, as advised by PPS9 and the associated good practice guide, to ensure that the impacts of planning decisions on biodiversity are fully considered, the District Council, as the Local Planning Authority, promotes seven key principles that developers should follow when considering the nature conservation impacts of their proposals. These provide practical measures that can be incorporated into their plans and should be looked at in conjunction with the rest of this document and the relevant legislation, plans and policies. The principles are applicable to all sites in the District and not just those that have been designated in the Local Plan for their particular wildlife importance.

Principle No. 1 - Survey

2.6 The first key principle is to assess if any existing habitats, species and/or features of nature conservation importance are likely to be affected, and to commission or undertake surveys and document the results. Once this inventory of features is complete it is possible to fully consider the impacts on and off site to nature conservation.

2.7 The level of detail required will vary according to the size and type of development and the habitats and species concerned. If no information is known regarding the site's habitats and wildlife, then the aim is to gather sufficient information to determine the ecological impacts of the development. This will allow an assessment of the site to take place regarding the appropriateness of its development and/or the measures needed to safeguard features, species and habitats of wildlife significance.

2.8 Surveys should be undertaken by competent specialists. Location of a species may not be obvious, and sites that appear relatively devoid of wildlife may be an important foraging habitat. Existing habitats and species will include hedges, trees and shrubs, watercourses, ponds, ditches, wildflower communities, mammals, amphibians, invertebrates and birds and their resting places. Brown field sites may provide habitat and partially derelict buildings, roofspaces and even debris left on site may be occupied by protected species. The timing of surveys may be affected by the habits of particular species and by legislative constraints. This will in turn affect the programming of development works. Suggested survey options include:

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- undertaking a desk study. Information on designated sites and some species groups can be obtained from the Dorset Environmental Records Centre (DERC);
 - commissioning new surveys to collect baseline information of all habitats and species recording abundance and distribution.

All species and habitats that are protected or of importance should have detailed surveys carried out.

2.9 If it is known that a protected species is located on or near to the site, then an appropriate method of survey and assessment should be adopted. An ecological appraisal is the recommended means of presenting this information. More details on what should be included in this appraisal are provided in Section 1 Part D on protected species.

Principle No. 2 - *Avoid existing habitats and species*

2.10 Using careful site selection – informed by this initial survey information – and development design it is possible to avoid adverse impacts on important features by selecting non-sensitive sites and designing with nature conservation in mind right from the start.

2.11 Sites, or locations within sites, where important habitats or species already exist, should be avoided and, subject to expert ecological advice, the phasing of work altered to reflect sensitive times, e.g. breeding, migration or hibernation periods:

- ensure no work is done to trees or scrub that might affect nesting birds (the nesting season is generally March to July, but birds can nest outside these months)
- avoid carrying out work near ponds that might harm migrating amphibians (this can be from March to April and again from the end of June to October to avoid juveniles (this includes a 500 metres radius around great crested newt sites)); (also see Appendix J)
- no activity should take place between December and March if bat hibernation roosts are known to be present, or May to September if maternity roosts are present (also see Appendix J) however bats can be present throughout the year and expert advice must be taken
- work should not be carried out near badger setts between 30th November and 1st July; (also see Appendix J for more detailed advice)
- plant and storage should be sensitively located as ponds and tree roots can be damaged by nearby ground disturbance.

Principle No. 3 - *Retain existing habitats and features*

2.12 The site layout and design should retain and incorporate existing habitats and features of interest. Retain existing vegetation communities (e.g. grassed areas, meadows) wherever possible rather than removing and reseeding them. Established trees, hedgerows and scrub should also be retained where possible.

Buffer zones, free from any development or hardstanding around features of existing wildlife note can be important in protecting the nature conservation interests of the site. These are vegetated areas left undisturbed and/or managed sensitively providing refuge, habitat and foraging areas for plant and animal life. They can make important contributions to creating 'wildlife corridors' which bring more general nature conservation benefits by linking a number of habitats and by affording species a wider and therefore more robust and sustainable range of linked habitats. Appropriately-sized buffer zones around watercourses, waterbodies and wetland areas are especially important as they can:

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- allow the watercourse to undergo natural processes of erosion and deposition, and associated changes in alignment and bank profile, without the need for artificial bank protection works and the associated destruction of natural bank habitat;
 - provide for the terrestrial life stages of aquatic insects, for nesting of water-related bird species, and for bank dwelling small mammals;
 - allow for the maintenance of a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself. This mix of conditions encourages proliferation of a wide range of aquatic species, including fish;
 - allow, where appropriate, for the regrading of banks to a lower and safer profile, in areas where there is public access;
 - prevent overshadowing of watercourses by buildings;
 - reduce the risk of accidental pollution from run-off.

2.14 The size of the buffer zone will depend on factors particular to the site, including its location, size and wildlife significance. The Council will consider advice from the Environment Agency, a statutory consultee for planning applications affecting watercourses, on this matter. Developers are advised to discuss any proposals likely to affect watercourses with Planning Liaison officers at the Environment Agency (contact details provided in Appendix L) before an application is submitted. Local Plan support for the incorporation of buffer zones around watercourses is found in Local Plan policies WENV4 and DES5. These both seek to protect the wildlife interest of the District's watercourses and their value as wildlife corridors.

Principle No. 4 – Provide new benefits

2.15 Enhancing existing habitats and/or creating new ones to maintain or create wildlife corridors between isolated habitat networks. Consideration should be given in development proposals to habitat priorities as detailed within the Dorset Biodiversity Strategy (this can be downloaded at: <http://www.wildlifetrust.org.uk/dorset/Text/projects/biostratdownload.html>).

Any proposed new habitats should take into account the landscape character and ground conditions of the area/site.

New habitats using Sustainable Drainage Systems (SuDS)

2.16 Creating new habitats by using SuDS in new development can make a significant contribution to the nature conservation interest of the site. SuDS address the problems associated with the traditional method of draining new developments which is to mainly pipe the surface water away to local watercourses or the sewerage network:

- piping water away rather than letting it soak into the ground reduces the amount of groundwater, which can cause low flows in streams and rivers, harming biodiversity and amenity. The groundwater resource is also a significant source of drinking water in East Dorset.
- surface water run-off can contain many contaminants such as oil, organic matter and toxic metals. These can be highly polluting to receiving watercourses when there is quick runoff associated with heavy rain.
- high levels of run-off results in an increased risk of flooding, in particular flash flooding. The nature conservation interest of receiving watercourses can also be severely damaged by the 'flush effect' of storm water washing away plant and animal life.

2.17 In essence, SuDS mimic natural drainage processes by allowing rainwater to percolate into the ground and/or discharge more slowly to watercourses. A number of SuDS systems can be applied in new developments that provide amenity, pollution prevention and nature conservation benefits. Moreover, these alternative drainage methods can often be more cost-effective in installation and maintenance terms than piped systems and also offer potential commercial benefits by providing attractive wildlife habitats for users of new development sites.

2.18 An example of a sustainable drainage system is ponds and wetlands. These hold water at times of storm which can then be released at a controlled rate, in order to prevent floods downstream. Ponds and wetlands, especially those designed to hold some water permanently, can provide valuable wildlife habitats and attractive amenity features. Other SuDS examples are infiltration devices such as soakaways and infiltration trenches. These incorporate underground water storage, including chambers with holes in the side and base or within the voids of a layer of coarse crushed rock, allowing surface water to be absorbed into the ground.

2.19 The use of permeable surfaces is another SuDS method. These include gravelled areas, paving blocks and porous paviers, laid on top of a permeable layer. They are designed to allow water to drain into the ground quicker than the rain falls.

2.20 Further information on the incorporation of SuDS within specific development proposals can be gained from Engineering officers at the Environment Agency (contact details provided in Appendix L) and this Council. An Environment Agency guide entitled 'SuDS – a guide for developers' can be viewed at:

www.environmentagency.gov.uk/commondata/105385/a5_suds_v3.pdf

2.21 The Construction Industry and Information Association (CIRIA) also has a section on SuDS on their website, detailing best practice and case studies: <http://www.ciria.org/suds>

2.22 Additional information on SuDS is provided in this Council's Supplementary Planning Guidance No. 26 'Flood Risk, Groundwater and Sustainable Drainage'. Their use as an integral part of new residential development is advocated by Local Plan policy HODEV2.

Restoring watercourses

2.23 Where appropriate, development proposals could also consider re-opening culverts and re-establishing natural watercourses (advice can be obtained from the Planning Liaison and Engineering officers at the Environment Agency). The River Restoration Centre has produced a manual of river/watercourse restoration techniques which can be viewed on their website at: <http://www.therrc.co.uk/manual.php>.

New habitats through planting

2.24 Along with their visual, privacy and anti-pollution benefits, well-designed and maintained planting schemes can have numerous nature conservation qualities.

2.25 Hedges can be particularly beneficial to wildlife as they provide nesting areas, shelter and sources of food. They should be considered for use as boundary treatment, and can for example be combined effectively with low boundary walls. An effective general form of hedging which is particularly attractive to wildlife is a mixed hedge consisting mainly of hawthorn, with a smaller percentage of other native hedging plants. New *tree* planting should be predominantly native species. It is important to relate any proposed tree species to the site because, in certain locations, a particular species may predominate.

2.26 Shrubs and perennial plants can form an effective transition between grass areas and trees. Berrying shrubs provide a good source of food for wildlife, whilst shrubs and other plants high in nectar will attract butterflies.

2.27 The treatment of lawns to encourage wildlife conservation can lead to reduced maintenance costs and avoid the potentially sterile appearance of large areas of close-mown grass. Opportunities should be taken to grow mini-meadows which can co-exist with close-

mown grass. Taller grass provides the right habitat for wild flowers. A typical mowing regime for longer grass might involve leaving some grass uncut until late June, with another area left uncut until September, to encourage late summer wild flowers. The longer grass will provide an excellent habitat for butterflies and grasshoppers and where possible an area should be left uncut until early summer to allow insects to overwinter. Ready-made wildflower turf can be purchased, or a grass and wild flower mix can be sown when creating new areas of grassland. All clippings should be removed from these areas.

2.28 Professional advice should be sought in the formulation of landscaping plans. Additional help is provided in the Council's Supplementary Guidance No. 20 'Design Requirements for Landscaping New Residential Areas' which is available upon request from the Design and Conservation team.

2.29 Native species that reflect local character should be used as some non-native species can threaten local biodiversity if they become invasive. They can quickly dominate areas at the expense of those native species that have developed over time and are vital to the sustainability of local ecosystems. For example, the introduction of Japanese Knotweed has caused many problems along the nation's watercourses. It crowds out native flora and adversely impacts on other wildlife such as insects by reducing the previous food resource. It has also caused flood management problems and damage to property with its rapid and robust growing and re-growing strength, it has been found growing through tarmac. Care should also be taken when selecting imported topsoil which might contain invasive non native species, unless the source and quality of the topsoil is known it is probably better to avoid importing soils to site.

New habitats using 'green' roofs

2.30 With an emphasis on new development taking place within existing settlements to restrict suburban sprawl and loss of countryside, increasing attention is being focused on how to maintain and enhance amenity and nature conservation interest within villages, towns and cities. The roofs of buildings have been identified as offering potential both for amenity and nature conservation value.

2.31 Although not yet a common sight in the UK, an increasing number of developments including residential apartment and office/industrial buildings have incorporated 'green roofs' in their design. For example, two entrants on the shortlist for the Royal Institute of British Architects 2003 Stirling Prize, BedZed in Beddington, Surrey, a mixed use development of 82 homes and 1600 square metres of workspace and the Laban Centre, a dance studio in south London, both have used extensive green roofs as integral to their design.

2.32 A 'green' roof is composed of various layers that create an environment suitable for plant growth that does not damage the fabric of the building. They convert wasted roof area into viable green space for public benefit and for the benefit of biodiversity.

2.33 There are two types of green roof. The 'intensive' green roof normally consists of a deep layer of soil to support a variety of plants such as flowers and shrubs, but requiring regular maintenance. Intensive roof gardens can grow a range of plants, even trees and shrubs, and with native species can provide a rich habitat for wildlife.

2.34 'Extensive' green roofs are lightweight, often with shallower growing material, requiring little maintenance. The roof covering may consist of a grass/wild flower mix and may be used on sloping roofs. It might also consist of a top layer of aggregate from on-site demolished buildings and be allowed to colonise naturally. The habitat created here might replicate that found on previously-used, wasteland/derelect, vacant or under-used land, known as 'brownfield sites'. The Government wishes to encourage housing developments to be built on brownfield sites which often support surprisingly diverse plant and animal communities. These *extensive* or '*brown*' roofs can therefore provide similar habitat through their roof design. They have been used particularly in urban areas in Britain to maintain the population on one of the UK's rarest birds, the Black Redstart.

2.35 Further information on green roofs is available from the following sources:

The Corporation of London has produced an introductory booklet on green roofs in development which can be accessed at :

http://www.cityoflondon.gov.uk/our_services/development_planning/planning/pdf/A5_Green_roofs.pdf

2.36 Background information and case studies of where green roofs have been incorporated into developments, especially for the benefit of Black Redstarts can be found at:

<http://www.blackredstarts.org.uk/>

2.37 A technical report on the potential for green roofs in conserving biodiversity can be viewed at: http://www.english-nature.org.uk/news/news_photo/Greenroofs.pdf.

Principle No. 5 - *Mitigate against potentially adverse effects*

2.38 Damage to established habitats and species should be minimised wherever possible. Specific guidance on mitigation for protected species can be obtained from Natural England (also see Part D of the previous Section on protected species). Development phasing should also be encouraged to ensure works are carried out at appropriate times of the year and must consider the buffering of development from habitats during these periods.

2.39 Developers should note that if there is no prospect of the habitat of a protected species being saved, or a new one being created nearby to which the animals can go, then the Council would normally refuse the application. Other approaches such as translocation, where species are captured, removed and re-released are not always successful and are normally considered inappropriate within East Dorset.

Principle No. 6 - *Compensate where damage is unavoidable*

2.40 Where damage is clearly shown to be unavoidable an equivalent habitat should be created elsewhere in the local area using locally derived native species. Such activities can never be a real substitute for protecting biodiversity already present at a site. Options could involve:

- a new pond can be dug of the same dimensions as the pond being destroyed;
- a new length of ditch could be laid to replace that being lost.

2.41 Timing needs to be considered in the planting or restocking of a new wildlife feature; great crested newts would not survive in a pond dug out the previous day.

2.42 Planning obligations can be effective mechanisms to ensure a developer recreates habitat on or off site. A financial contribution towards the management of nearby sites could also be considered, especially where the development could lead to increased pressure on those sites; for example, noise and disturbance through increased amenity use.

2.43 A developer could also transfer land under contract to a third party such as an environmental trust or a town council, to be managed in perpetuity. In this instance a commuted sum for long term maintenance and management would also be sought by the District Council and incorporated within any contract. The Council would normally expect any sum to cover costs for at least a 10 year period.

Principle No. 7 - *Manage and Monitor*

2.44 Provision must be made by the developer for the appropriate management of retained features and of new or enhanced habitat. Management is necessary to maintain or enhance the nature conservation interest of existing, restored or newly created habitats and should be

ensured for as long as possible. For example if an area of grassland, existing or newly created, is not managed it will eventually close over with scrub and trees.

2.45 Options for long term management may include agreements with a countryside project team or the local parish or town council or a local conservation group.

2.46 The Council will, where appropriate, use planning agreements under Section 106 of the Town and Country Planning Act 1990 to secure the implementation of a management plan and long term monitoring to be funded by the developer. It also recommends that developers enter into negotiations with the Council regarding Section 106 agreements as soon as possible in the development process.

2.47 It is important that any populations of important species or areas of important habitat are monitored during and for a suitable time-period after the development is completed. Monitoring will indicate if there are any declines or increases occurring in numbers of a species or quality of habitat. If declines are revealed by monitoring then corrective measures should be carried out as soon as possible in order to halt or reverse the decline.

Appendices A – L

Appendix A The Legal Framework

International Treaties & National legislation

Statutory Designations

Non Statutory Designations

Appendix B Policy framework for Nature Conservation in Spatial Planning and Development Control

Policy framework

Development Control

Appendix C

Sites of Special Scientific Interest in East Dorset

Appendix D

English Nature/Natural England consultation area maps

Appendix E

Natural England draft revised consultation areas for sites in the vicinity of SSSI

Appendix F

5km zone Dorset Heathlands

Appendix G

Flow charts

Appendix H

The Conservation (Natural Habitats, &c.) Regulations 1994 – a guidance note for landowners and developers

Appendix I

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Appendix J

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Appendix K

Boundary of Cranborne Chase & West Wiltshire Downs AONB in East Dorset

Appendix L

Contact details and useful references

Appendix A

The Legal Framework

This section provides information about the policy and legislative background which protects both habitats and species. It gives an overview of those nature conservation treaties, laws and policies that may affect or influence development proposals.

International Treaties & National Legislation

The following paragraphs provide summary information on the main national and international legislation that protects habitats and species. More detail on the Wildlife and Countryside Act and the Habitats Regulations, in particular, is provided in that part of Section 2 which looks at the implications for development proposals which affect protected species. When dealing with individual cases readers should consult the full texts of legislation and obtain their own legal advice if necessary.

International Treaties

1.1 ***The (Ramsar) Convention on Wetlands of International Importance 1971 (amended in 1982 & 1987)*** is an inter-governmental treaty that aims to stem the progressive encroachment on and loss of wetlands. Under the Convention the Government designates 'Wetlands of International Importance' (Ramsar sites). The Convention requires signatories to 'formulate and implement their planning so as to promote the conservation of the wetlands included in the List and, as far as possible, the wise use of wetlands in their territory'.

1.2 ***The Convention on the Conservation of Migratory Species of Wild Animals 1979 (known as the 'Bonn Convention')*** requires the protection of listed endangered migratory species, and encourages separate international agreements covering these and other threatened species. It is applied in the UK through the Wildlife and Countryside Act 1981 (as amended).

1.3 ***The Convention on the Conservation of European Wildlife and Natural Habitats 1979 (known as the 'Bern Convention', ratified by the UK in 1983)*** is an obligation to conserve wild plants, birds and other animals particularly those which are endangered or vulnerable. It required all signatories to undertake specific conservation activities and to enact appropriate legislation. Many of the requirements of the Convention are covered by the Wildlife and Countryside Act 1981 (as amended).

1.4 ***The EC Council Directive on the Conservation of Wild Birds 1979 (known as the 'Birds Directive')*** gives a general level of protection for all wild birds in the territory of the EC. It aims to protect bird species within the European Union through the conservation of populations of threatened birds, their eggs, nests and habitats. It introduced the concept of Special Protection Areas.

1.5 ***The EC Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna 1992 (known as the 'Habitats Directive')*** requires Member States to take measures to maintain or restore natural habitats and wild species listed in the Directive at a 'favourable conservation status', protecting both sites and species. It introduced the concept of Special Areas of Conservation.

National Legislation

1.6 ***The National Parks and Access to the Countryside Act 1949*** gives local Authorities the power to declare their own Local Nature Reserves and introduced the concepts of Sites of Special Scientific Interest and National Nature Reserves.

1.7 ***The Wildlife and Countryside Act 1981 (as amended)*** forms the statutory basis for habitat and species protection in the UK. The Act is the primary instrument of protection for plant, bird and animal species in Great Britain and gives different levels of protection to many native species. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions) or intentionally damage, destroy or obstruct their places of shelter.

1.8 Part 1 of The Wildlife and Countryside Act 1981 is for the protection of wildlife, including species protection. It is divided into 13 Sections. Sections 1-8 cover birds, 9-12 cover animals and section 13 covers plants. Schedules list the species that are protected by each section, Schedule 1 for birds, Schedule 5, animals and Schedule 8, plants. There is a statutory 5-year review of Schedules 5 and 8, and amendments to the 1981 Act are made accordingly. The Act has been amended by the Countryside and Rights of Way Act 2000.

1.9 The Wildlife and Countryside Act 1981 imposes an important general duty on a range of authorities that exercise functions that are likely to affect SSSI. This general and overarching duty requires such an authority to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the features for which sites are of special interest. This duty applies whenever an authority is exercising its functions and applies at every stage from the formulation of plans, to the carrying out of operations and the making of decisions.

Protection of Birds under The Wildlife and Countryside Act (WCA) 1981 (as amended)

1.10 Schedule 1, Section 1 of Part 1 of the WCA makes it an offence to kill, injure or disturb nesting birds, unless such action is incidental to an otherwise lawful operation and could not reasonably be avoided. In addition to this, Schedule 1 birds have special protection, as amended by the CRoW Act 2000. It is thus an offence to intentionally or recklessly disturb a Schedule 1 bird while it is building a nest or is in or near a nest containing eggs or young, or to disturb the dependent young of such a bird (Section 1 (5))

Protection of Other Animals under the WCA

1.11 There are varying degrees of protection under Section 9, Schedule 5 of the WCA.

Full protection, makes it illegal to intentionally kill, injure, or capture a protected species; deliberately disturb a protected species; damage destroy or obstruct access to areas where a protected species lives or breeds, or any structure such a species uses for shelter or protection; possess or transport a protected species or any part there of, unless acquired legally; sell, barter or exchange a protected species, or parts thereof, alive or dead. Where appropriate, the law applies equally to eggs, tadpoles and juveniles, as well as to adults.

Protection from killing, injury and sale, which makes it illegal to intentionally kill, injure, or capture a protected species; sell barter or exchange a protected species, or parts thereof, alive or dead.

Protection from taking and sale, which makes it illegal to intentionally capture a protected species; sell barter or exchange a protected species, or parts thereof, alive or dead.

Protection of places of shelter or protection, which makes it illegal to damage destroy or obstruct access to areas where a protected species lives or breeds or any structure such a species uses for shelter or protection; disturb a protected species whilst it is in such a place.

1.12 *As amended by the CRoW Act 2000*: It is an offence under the WCA to intentionally 'or recklessly' damage or destroy a place that a Schedule 5 animal uses for shelter or rest, or disturb a Schedule 5 animal whilst it is using such a place.

Plant protection under the WCA

1.13 Schedule 8, Section 13 of the WCA identifies measures for the protection of wild plants. It prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8. It also prohibits the sale, or possession for the purpose of sale of any plants on Schedule 8 or parts or derivatives of Schedule 8 plants.

1.14 **The Environmental Protection Act 1990** made many significant amendments to environmental law in Britain. Part VII established English Nature as the government agency responsible for nature conservation in England. The role of English Nature was incorporated in to Natural England it is now this organisation that is in charge of designating Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs). Natural England also has many other functions including advising the government and undertaking research.

1.15 **The Protection of Badgers Act 1992** which makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a badger, or to attempt to do so; to intentionally or recklessly interfere with a sett or to damage, destroy or obstruct a badger sett or disturb a badger while in its sett.

1.16 **The Conservation (Natural Habitats, &c.) Regulations 1994** (known as the 'Habitats Regulations') apply the EC Birds Directive 1979 and the EC Habitats Directive 1992 in England and Wales affords additional protection to animals and plants listed in Schedule 2. Under the Regulations it is an offence to deliberately kill, injure, take or disturb listed animal species, to destroy their resting places or breeding sites, or to pick, collect, cut, uproot or otherwise destroy listed plant species.

1.17 The Habitats Regulations include a duty upon the Government to designate Special Protection Areas and Special Areas of Conservation for bird and habitat protection and also require all statutory bodies to use their nature conservation powers to secure the requirements of the Directives.

1.18 A full list of the animal and plant species protected under the Habitats Regulations can be found, respectively, on the Stationery Office's website at:
http://www.hmso.gov.uk/si/si1994/Uksi_19942716_en_8.htm#sdiv2
http://www.hmso.gov.uk/si/si1994/Uksi_19942716_en_10.htm#sdiv4

1.19 The Habitats Regulations make it an offence to:

- deliberately capture or kill any wild animal of a European Protected Species;
- deliberately disturb any such animal;
- deliberately take or destroy eggs of any such wild animal;
- damage or destroy a breeding site or resting place of such a wild animal;
- keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European protected species, or any part of, or anything derived from such a wild animal or plant.

1.20 The Habitats Regulations do not provide statutory protection for potential Special Protection Areas (pSPA) or to candidate Special Areas of Conservation (cSAC) before they have been agreed with the European Commission. For the purposes of considering development proposals affecting them, as a matter of policy, the Government wishes pSPAs and cSACs included in a list sent to the European Commission, to be considered in the same

way as if they had already been classified or designated. Listed Ramsar sites, also as a matter of policy, should receive the same protection as designated as SPA and SAC.

1.21 **The Hedgerow Regulations 1997** provide protection for 'important' hedgerows as defined by the Regulations and a system of notification before other hedges can be removed.

1.22 **The Countryside and Rights of Way Act 2000** (known as the 'CRoW Act') strengthens the enforcement of the protected species provisions under the Wildlife and Countryside Act and reinforces the powers relating to Sites of Special Scientific Interest. The Countryside and Rights of Way Act (2000) Section 28G, also places a duty on relevant Local Authorities to prepare and publish Management Plans for their Areas of Outstanding Natural Beauty (AONB).

1.23 **The Natural Environment and Rural Communities Act 2006**, created two new organisations: 'Natural England' and the 'Commission for Rural Communities'. Natural England is now the organisation responsible for enhancing biodiversity and landscape, combining the activities of English Nature, the environment activities of the Rural Development Service and the Countryside Agency's Landscape, Access and Recreation division in a single body. The Act also contains a number of other measures, including changes affecting Defra (Department for the Environment, Farming and Rural Affairs), the JNCC (Joint Nature Conservation Committee), National Parks, AONBs, the CRoW Act, SSSI and setting a duty upon all public bodies to conserve biodiversity.

1.24 Natural England is involved in the conservation of rare species, including those under the Species Recovery Programme. Many species have statutory protection, for example under the Wildlife and Countryside Act. Natural England administers much of this protection, for example issuing permits for study of restricted species. Natural England, formerly English Nature, owns and manages many National Nature Reserves.

1.25 Natural England also advises local planning authorities and makes comments on planning applications and other proposals that might affect protected sites or species.

Statutory Designations

Sites of Special Scientific Interest (SSSI)

1.26 In England important sites of national importance for nature conservation are notified as Sites of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981 (as amended) on behalf of the Secretary of State by the Government's nature conservation body, Natural England, according to specific scientific criteria.

1.27 Under Section 28G(2) all Government departments, local authorities, statutory undertakers and other public bodies are under a general statutory duty to further the conservation and enhancement of SSSIs when exercising their functions. SSSIs are the nation's finest wildlife and geological sites. They form a national network of areas representing in total those parts of Britain in which the features of nature and especially those of greatest value to wildlife conservation are most highly concentrated or of highest quality.

1.28 The implications of SSSI designation on development proposals are set out in Circular 06/2005 *Biodiversity and Geological Conservation* (See Section 2, para. 2.2); Section 28 of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000); the General Development Procedure Order (GDPO) 1995 and '*Sites of Special Scientific Interest: Encouraging positive partnerships – Code of guidance*' published by the Department for the Environment, Farming and Rural Affairs in 2003. The main legal effect of designation is that it becomes unlawful to carry out certain prescribed operations without planning permission or consent from Natural England.

Ramsar Sites, Special Areas of Conservation (SAC) and Special Protection Areas (SPA)

1.29 SSSI can also form components (either in part or whole) of areas notified for their international nature conservation importance as *Ramsar* (Convention on Wetlands of International Importance); *Special Protection Areas* (SPA) (classified under the EC Directive on the Convention of Wild Birds) or *Special Areas of Conservation* (SAC) (EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna –‘The Habitats Directive’).

1.30 *Ramsar* sites are areas designated by the Government under the Convention signed at Ramsar, Iran, to protect wetlands of international importance.

1.31 *Special Protection Areas (SPA)* are areas designated by the Government under Article 4 of the EC Birds Directive as one of the most suitable to protect threatened or rare European bird species and the habitat upon which they depend.

1.32 *Special Areas of Conservation (SAC)*. Candidate areas (cSAC) are designated by the Government for ratification by the European Commission under Article 3 of the EC Habitats Directive as areas containing habitat types and/or species that are threatened or rare in a European context.

1.33 Central to both the Birds and Habitats Directives is the creation of a European Union-wide network of protected sites that intends to make a significant contribution to the conservation of the habitats and species listed in the two Directives. This series of sites is referred to as the **Natura 2000** network, comprising SPA and SAs. Each European Union member state is required to protect Natura 2000 sites by adopting appropriate means to avoid the deterioration of habitats and disturbance of species for which the sites were designated.

1.34 It is Government policy that all terrestrial Natura 2000 sites should be first notified as SSSIs. As the UK Natura 2000 sites overlie SSSI, the existing controls and procedures provided by national legislation remain in force and are strengthened by the relevant EC Directives to protect the features of European importance within the Natura 2000 sites.

1.35 The Government has chosen to apply the procedures described below, unless otherwise specified, to Ramsar sites and potential SPA (pSPA), even though these are not European sites as a matter of law. This will assist the UK Government in fully meeting its obligations under the Birds Directive and Ramsar Convention.

1.36 The Habitats Regulations 1994 (Statutory Instrument No. 2716) seek to transpose into British law the requirement of the Habitats and Birds Directives and their implications for development proposals are examined below.

National Nature Reserves (NNR)

1.37 SSSI can also be declared, in whole or in part, as National Nature Reserves under Sections 16 to 29 of the National Parks and Access to the Countryside Act 1949. (*The extent of NNR boundaries within East Dorset are identified on the Local Plan Proposals Maps*)

Local Nature Reserves (LNR)

1.38 The National Parks and Access to the Countryside Act 1949 (Section 21) gives local authorities the power to designate nature reserves and set up byelaws for their use. They are places with wildlife or geological features that are of special interest locally, which give people special opportunities to study and learn about them or simply enjoy and have contact with nature.

1.39 To establish a LNR the declaring authority must first have a legal interest in the land concerned, for example, they could own it, lease it or have a nature reserve agreement with the owner. Natural England must be consulted by local authorities in their use of the powers given by Section 21. The declaration of a Local Nature Reserve by a local authority is acceptance of the commitment to manage the land as a nature reserve and to protect it from inappropriate uses or development.

Non Statutory Designations

Nature Conservation beyond Statutorily Designated Sites

1.40 The natural wildlife heritage is not confined to statutorily designated sites but can be found throughout the countryside and urban areas. Protected endangered species may be found in many places not notified as SSSIs.

1.41 Many sites of local nature conservation importance are given designations by local authorities and by local conservation organisations (see Section 1, Part 2C for local sites in East Dorset as identified in the East Dorset Local Plan). Statutory and non-statutory sites, together with landscape features can provide wildlife corridors, linking one habitat to another. In some areas the maintenance of traditional agricultural practices is important for nature conservation objectives. Sensitive landscaping and planting, the creation, maintenance and management of landscape features important to wildlife, and the skilled adaptation of derelict areas can provide extended habitats. Guidance for the identification, selection and management of local sites has been published by the Department for Environment, Food and Rural Affairs (Defra).

1.42 The Habitats Directive (see above) requires Member States to endeavour to encourage the management of features of the landscape that are of importance for wild flora and fauna. These features are those that, because of their linear and continuous structure or their function as stepping-stones, are essential for migration, dispersal and genetic exchange. Examples given in the Directive are rivers with their banks, traditional field boundary systems (such as hedgerows), ponds and small woods. Suitable planning conditions and obligations may serve to promote such management.

Regionally important geological/geomorphological sites (RIGS)

1.43 Regionally important geological/geomorphological sites have been identified by local conservation groups, in many cases with the involvement of local authorities. These sites provide valuable educational facilities, and supplement sites notified as SSSI as a result of the Geological Conservation Review.

Trees, Woodland, Hedgerows and other important habitats and species

1.44 Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland, once lost it cannot be recreated. Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) advises that local planning authorities should not grant planning permission for any development that would result in the loss or deterioration of any areas of ancient woodland identified in their areas that do not have statutory protection (e.g. as a SSSI), unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.

1.45 The PPS also advises that local authorities should, through policies in plans, also conserve other important natural habitat types that have been identified in the *Countryside and Rights of Way Act 2000*, Section 74 list, as being of principal importance for the conservation of biodiversity in England and identify opportunities to enhance and add to them (see below).

1.46 When granting planning permission for any development, local planning authorities are under a duty, where appropriate, to impose planning conditions to ensure adequate provision is made for the protection or planting of trees, and to make Tree Preservation Orders (TPOs) as appear necessary in the circumstances. Veteran and other substantial trees and many types of woodland, especially ancient semi-natural woodland, can be of importance for biodiversity conservation. When considering whether particular trees or woodlands merit a TPO in the interests of amenity, local planning authorities should, where appropriate, also include consideration of their nature conservation value.

1.47 The Hedgerows Regulations 1997 were made under section 97 of the Environment Act 1995. They aim to protect important hedgerows in the countryside by controlling their removal through a system of notification to local planning authorities (which administer the Regulations). The system applies to most countryside hedgerows in England and Wales, and covers hedgerows on, or adjoining land used for agriculture or forestry, the breeding or keeping of horses, ponies or donkeys, common land or village greens, SSSIs, or local nature reserves. They do not apply to garden hedges.

1.48 The Regulations set out the criteria to be used by local planning authorities, in determining whether a hedgerow is important. The criteria relates to the value of hedgerows from an archaeological, historical, landscape or wildlife perspective. Hedgerows should be at least 30 years old and meet any of the criteria in order to be deemed important. Permission for removal of a hedgerow is not required if it is less than 20 metres long (unless both ends join with other hedgerows, or, it is part of a longer hedgerow), or is in, or borders a garden. Similarly permission to remove a hedgerow is not required in certain circumstances for emergency/access purposes.

1.49 The potential effects of a development, on habitats or species listed as priorities in the UK Biodiversity Action Plan (BAP), and by Local Biodiversity Partnerships, together with policies in the England Biodiversity Strategy, are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions.

1.50 The Countryside and Rights of Way Act 2000 (see above) has placed new duties on Government Ministers and Departments in respect of the conservation of biodiversity. In Planning Policy Statement 9 (PPS9) (see below), the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function. The lists of the habitat types and species subject to this duty were published by Defra in 2002 and comprise the list of species and habitats identified as priorities under the UK Biodiversity Action Plan. The lists are reproduced in Annex C of Circular 06/2005.

1.51 Networks of natural habitats provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment. Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans. Such networks should be protected from development, and, where possible, strengthened by or integrated within it. This may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers, including those within urban areas.

1.52 The re-use of previously developed land for new development makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However, where such sites have significant biodiversity or geological interest of recognised importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.

Biodiversity within Developments

1.53 Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the PPS a states that local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.

Appendix B

Policy Framework for Nature Conservation in Spatial Planning and Development Control

Policy Framework

The following paragraphs set out the Government's objectives for nature conservation, the regional, county and local planning policy context, the mechanisms for securing wildlife protection through the land-use planning system and other guidance.

National policy and guidance

1.1 'Working with the grain of nature: a biodiversity strategy for England' (published by Defra in 2002) has set out the Government's vision for conserving and enhancing biological diversity in England, together with a programme of work to achieve it.

1.2 Planning Policy Statement 9 '*Biodiversity and Geological Conservation*' (2005) was published in August 2005 in concert with ODPM Circular 06/2005 '*Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System*'. The Statement sets out planning policies on the protection of biodiversity and geological conservation. The Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. The PPS and the Circular are complemented by '*Planning for Biodiversity and Geological Conservation – A Guide to Good Practice*' (ODPM/Defra/EN 2006) that provides advice and examples to local authorities and developers as to how the principles established by the PPS can be achieved.

1.3 The Planning Policy Statement notes that the planning system has a significant part to play in meeting the Government's international commitments and domestic policies for habitats, species and ecosystems, it includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible and sets out the key principles for regional planning bodies and local planning authorities to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.

1.4 The Statement sets out the Government's objectives as follows:

- to promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.
- to conserve, enhance and restore the diversity of England's wildlife and geology by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.
- to contribute to rural renewal and urban renaissance by enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment

Regional planning policy

1.5 *Regional Planning Guidance for the South West (RPG10)* (2001) elaborates on these wildlife and nature conservation themes through a number of policies aimed at the protection, enhancement and management of the south west region's biodiversity assets. Policy EN 1 of the RPG states that local authorities in their plans should indicate that the protection and, where possible, enhancement of the landscape and biodiversity should be planned into new development.

1.6 The South West Regional Assembly (SWRA) submitted its Draft Regional Spatial Strategy (RSS) for the South West 2006 – 2026 to the Government Office of the South West in 2006. The Strategy will also have regard to regional biodiversity and geological conservation and policies for protecting and enhancing the Region's natural and historic environment are contained within Chapter 7. The draft RSS was subject to independent testing at an Examination in Public (EiP) held in 2007. The EiP Panel's report was published on 10 January 2008. The Secretary of State's proposed changes to the draft RSS have been published for consultation and the results of that process are expected in 2009. Once approved the proposals and policies of the RSS will inform those of the District Council's new Local Development Framework (LDF) currently in the course of preparation (see below)

County planning policy

1.7 *The Bournemouth, Dorset and Poole Structure Plan* (2001) provided strategic, county-wide policies which highlighted the importance of wildlife sites of international and national significance and protected species and habitat. Its Environment Policy E as now 'saved' (see below) seeks to maintain and enhance the biodiversity of the county by aiming to re-create 500 hectares of lowland heath. The Structure Plan policies as 'saved' (see below) will remain extant until the approval of the Regional Spatial Strategy (RSS).

Local planning policy

1.8 *The East Dorset Local Plan* (2002) contained policies for the protection and enhancement of the natural environment. The Plan considered economic, social and environmental priorities for the area to provide a balanced framework to achieve sustainable development at the local level. Local Plans are now going through a transitional phase whereby local planning authorities have been able to 'save' selected policies for an initial three-year period until they are replaced by new policies in the Local Development Framework (LDF) (see below), references made to East Dorset Local Plan policies in this document relate to those saved policies.

1.9 Planning Policy Statement 9 (para. 16) expects that local authorities will take an integrated approach to planning for biodiversity and geodiversity when preparing their new local development documents which, as indicated above, will eventually replace the current local plan system. Policies in local development documents are also expected to reflect, and be consistent with, national, regional and local biodiversity priorities and objectives.

1.10 Local development frameworks will also indicate the location of designated sites of importance for biodiversity and geodiversity, making clear distinctions between the hierarchy of international, national, regional and locally designated sites; and identify any areas or sites for the restoration or creation of new priority habitats which contribute to regional targets, and support this restoration or creation through appropriate policies.

1.11 East Dorset District Council is, at the time of this document's approval, currently preparing its core strategy document which will determine the policies in relation to nature conservation. Progress in the preparation of the documents and policies that will make up the LDF can be followed on the Council's web pages on the 'dorsetforyou' website.

1.12 In addition to the need to have regard to the national, regional and county policies outlined above, East Dorset District Council also has a further statutory duty (National Parks and Access to the Countryside Act 1949; Countryside and Rights of Way Act 2000) to improve the physical environment and maintain and enhance the natural beauty and amenity of the land.'

1.13 Operating at both a county and local level is the *Dorset Biodiversity Partnership*. This is a group of organisations, including this Council, brought together by a common aim to reverse the decline of biodiversity through positive, collaborative action. *The Dorset Biodiversity Strategy* was launched in 2003 shortly after the Government's biodiversity strategy for England. It established four Topic Action Plans with accompanying habitat statements and monitoring and review procedures. The Strategy also advocates a new, more coherent approach to land use planning and biodiversity. One recommended way is for local authorities to produce supplementary planning advice which deals with biodiversity issues. It also forms an important reference point for both development interests and development control staff for habitats and species that are of significance within East Dorset.

1.14 Local authorities in South East Dorset whose administrative area is within 5 kilometres of heathland sites of international importance and which have responsibility for the determination of residential planning applications, have adopted *The Dorset Heathland Interim Planning Framework 2006-2009*, a 3 year interim strategy for the protection of heathland to the end of 2009.

1.15 The Dorset Heathlands cover an extensive area of South East Dorset fragmented by urban development and other land uses. It is the view of Natural England that the cumulative effect of further residential development up to 5 kilometres from protected heathland in Dorset would have a significant effect on Dorset's lowland heaths that are covered by several international designations. Mitigation will be required otherwise there is the prospect that Local Authorities will not be able to grant permission for residential development within 5 kilometres of these designated sites. The Interim Planning Framework sets out how harm to the heathlands can be alleviated, based upon measures identified in the background paper accompanying the main document. The costs of the measures will be met by a financial contribution applied to every residential development based upon a standard charge. (see map Appendix F) Further information on the heathlands policy can be found on the dorsetforyou website.

1.16 During that 3 year period the local authorities have worked with Natural England and other partners to continue research into the effects of urban pressures on the protected heaths and to secure a longer term solution through the production of a joint development plan document (DPD). Progress on the production of the plan can be monitored on the dorsetforyou website.

1.17 East Dorset District Council, as a member of the Cranborne Chase and West Wiltshire Downs AONB Partnership, will have regard to the policies and proposals of *the Cranborne Chase and West Wiltshire Downs AONB Management Plan*, which aims to protect and enhance the landscape of the AONB, when considering applications within the designated area. (See map in Appendix K)

Development Control

1.18 East Dorset District Council is the local planning authority and is therefore responsible for the processing and determination of planning applications for most forms of development. The Town and Country Planning Act 1990, Section 54A, states that 'Where, in making any determination under the Planning Acts, regard is to be made to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If

regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. It is therefore in applicants' interest to ensure that proposals comply with the relevant planning policies.

Permitted development and SSSIs

1.19 Certain types of development are given 'permitted development' rights by the Town and Country Planning (General Permitted Development) Order 1995. These are works that are generally considered so minor that they have deemed planning permission. However where the exercise of permitted development rights on a SSSI would constitute an operation listed in the notification of the site as likely to damage its special interest, the owner or occupier must make a written application to Natural England for consent, with the exception noted below. If Natural England refuses consent, or attaches conditions, the owner or occupier may appeal to the Secretary of State. Owners and occupiers can undertake operations on an SSSI where they have obtained the consent or authorisation of a public body in the manner set out in the Wildlife and Countryside Act. Public bodies are however expected to consult Natural England before issuing any such consent or authorisation.

1.20 The Habitats Regulations impose a condition on all permissions granted under the Town and Country Planning (General Permitted Development) Order 1995 to ensure that any permitted development does not breach the terms of Article 6 of the Habitats Directive (see Section 1 above). This ensures that any development that is likely to have a significant effect on a European designated site (cSAC, SAC, SPA, as defined by Regulation 10) will not benefit from permitted development rights unless the local planning authority has determined after consulting Natural England that the development would not adversely affect the site. Although not defined as such within the Regulations, Habitats Guidance Note 6 (published by English Nature 2002) indicates that potential SPA (pSPA) and Ramsar sites are to be treated in the same manner as European sites. However the ODPM Circular 06/2005 states that this regulation does not apply as a matter of policy to such sites. (See the procedure outlined in Flow Chart 2 Appendix G).

Planning applications and SSSIs

1.21 Central to the guidance referred to above is that SSSIs should be protected from any adverse impacts from development proposals both in *and outside* their own designated confines. PPS9 (para. 64) states that: 'the planning authority should bear in mind the possibility that certain developments may affect a site some distance away'. SSSIs can be seriously damaged or even destroyed by development outside their boundaries and heathland SSSIs can be very sensitive to the pressures of nearby residential development. Under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 (the GDPO), planning authorities have a duty to consult Natural England before granting planning permission for any development that is in or is likely to affect a SSSI or development that is within a consultation area around a SSSI notified to the planning authority by Natural England.

1.22 Natural England will also be consulted if the proposed development site lies within an area of particular natural sensitivity or interest and which appears to a local planning authority may be affected by development involving the siting of new establishments or the modification of existing ones or development in the vicinity of existing establishments which could have significant safety implications.

1.23 Natural England may advise that it wishes to be consulted only about certain types of development, it may also advise a planning authority that it would want to be consulted about other types of development (for example, a major industrial facility) beyond the 2 kilometres limit indicated by the GDPO for a consultation area. An authority is also required to consult when an application for development is likely to affect a SSSI, and the application site falls outside the SSSI and any consultation area. This is the case under both the terms of the GDPO and

Section 28(l) of the Wildlife and Countryside Act. (See Appendix D and Appendix E for details of the consultation areas affecting East Dorset).

1.24 In respect of SSSI consultations, the GDPO also provides that a planning authority need not consult Natural England, where Natural England has advised the authority that it does not wish to be consulted (this exception does not apply to consultations relating to major hazards) or where Natural England has provided 'standing advice' to a planning authority. This latter exception does not apply to any application that is for EIA development, that is, an application for which an environmental impact statement must be submitted.

1.25 These provisions do not override the requirement under section 28(l) of the Act for a planning authority to give notice to Natural England before granting a planning permission for operations likely to damage the nature conservation interest features of a SSSI nor do they override the requirement for a planning authority to consult Natural England in respect of plans and projects under the Habitats Regulations.

Natural England Standing Advice

1.26 The requirement for local planning authorities to consult Natural England about a particular type of planning application under the GDPO is removed if Natural England has provided up-to-date standing advice. Where standing advice has been sent to local planning authorities, they must consult that standing advice instead, and take it into account in determining an application for planning permission. The introduction of standing advice allows some planning applications to be processed more quickly. The standing advice will be a material consideration in the determination of the planning application in the same way as any advice received from a statutory consultee under the GDPO. It is up to the planning authority to decide the weight to be attached to the standing advice, in the same way as it would decide the weight to be attached to a response from a statutory consultee. Where standing advice covers only part of the proposed development, a planning authority is still required to consult Natural England.

1.27 Natural England must update its standing advice, or verify that the information is still up-to-date, at least every two years, or the advice cannot act as a substitute for consultation. If advice has not been updated or verified in time, the planning authority must consult Natural England. Natural England may withdraw standing advice at any time by writing to local planning authorities to inform them of the withdrawal.

Planning applications affecting SPAs, SACs or Ramsar sites

Habitat Regulations Assessment (Appropriate Assessment)

1.28 Additional protection is afforded to those SSSIs which have also been designated SPAs and SACs for their European importance. (It is Government policy that these measures also apply to Ramsar sites even though they do not derive from an EC Directive. [See DETR/Defra Ramsar Policy Statement issued November 2000]). Development that is considered to have a significant effect upon such sites will require an impact assessment to be undertaken prior to determination of the application by the Local Planning Authority. This assessment is called an 'Appropriate Assessment' and is a requirement of the Habitats Regulations 1994.

The Council has published a guidance leaflet for landowners and developers on this aspect of the Habitat Regulations and this advice is reproduced in Appendix H.

1.29 Regulation 48 of the Habitats Regulations states that 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:

a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects)

b) is not directly connected with or necessary to the management of the site,

- shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.'

What are 'likely significant effects'?

1.30 Natural England has produced guidance¹ on how to decide whether or not a plan or project is likely to have a significant effect and whether an 'appropriate assessment' is required. This advises that likely significant effect is any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects. In many cases the judgement about a likely significant effect will be less than clear-cut and it will be necessary to look particularly at the nature of the effect and its timing, duration and reversibility, taking into account any readily available information on the site, and especially its conservation objectives.

1.31 The following is a list of examples of types of effects that are likely to be significant and therefore need to be considered more fully. It is important to note that these may result from either on-site or off-site activities and may need to be considered in combination with other plans or projects:

- Causing change to the coherence of the site or to the Natura 2000 series of sites (e.g. presenting a barrier between isolated fragments, or reducing the ability of the site to act as a source of new colonisers);
- Causing reduction in the area of habitat or of the site;
- Causing direct or indirect change to the physical quality of the environment (including the hydrology) or habitat within the site;
- Causing ongoing disturbance to species or habitats for which the site is notified;
- Altering community structure (i.e. the composition of species);
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the site;
- Altering the vulnerability of populations etc to other impacts;
- Causing a reduction in the resilience of the feature against external change (for example, its ability to respond to extremes of environmental conditions);
- Affecting restoration of a feature where this is a conservation objective.

The decision on whether an appropriate assessment is necessary should be made on a precautionary basis. An appropriate assessment is required where there is a probability or a risk that the plan or project will have significant effects on a site.

Documenting the judgement of 'likely significant effect'

1.32 As this consideration of 'likely significant effect' will have practical and legal consequences, the judgement must be properly documented so as to bear scientific or expert

¹ 'The determination of Likely Significant Effect under The Conservation (Natural Habitats &C) Regulations 1994', Habitats regulations guidance note 3, English Nature, November 1999.

scrutiny. Natural England advise 'competent authorities' (this could be a Government Minister, Government Department, a statutory undertaker or public body such as East Dorset District Council) to undertake a two-stage process to adequately document their decision-making:

First Stage - Preliminary Considerations

1.33 The first stage should be for the competent authority, with advice from Natural England, to consider and record the features for which the site has been selected and the conservation objectives for the site. In all cases the following should be recorded:

- What are the qualifying interest features?
- What are the conservation objectives?
- What other relevant site information is available? e.g are there site (SSSI, NNR, SAC/SPA) management plans; list of operations which may cause damage of deterioration?

1.34 Once this information has been gathered the first step is to determine whether the proposal is connected with or necessary for the management of the site for its conservation objectives. A judgement then needs to be made as to whether to proceed to a fuller consideration or to state at this stage that an appropriate assessment is not needed (i.e. that there is no likely significant effect). The latter would be the case only when it was beyond doubt that the site's interest features would not be directly or indirectly affected.

Second Stage - Fuller Considerations

1.35 Where it is not clear whether there is a likely significant effect on the features of interest or conservation objectives, Natural England has advised that a brief risk assessment should be carried out and recorded. This should include:

- The potential hazards of the plan or project and their likely consequences for the conservation objectives of the SAC/SPA features.
- For each hazard, the probability that the hazard will affect the SAC/SPA conservation objective in this case;
- For each hazard, the magnitude, likely duration and irreversibility or reversibility of the effect (recording briefly the assumptions made or evidence used in reaching that conclusion).

1.36 It may be possible to reach a decision as to whether a significant effect is likely at this stage, or the competent authority may ask the plan or project's proponent for further information, although not at this stage requiring an appropriate assessment. If such information is not readily available or if the results are inconclusive, then an appropriate assessment would normally be required.

1.37 The outcome of this fuller consideration should be a fully justified decision that either:

- an appropriate assessment is not needed;

or

- an appropriate assessment is needed, together with some guidance on the likely scope of this assessment.

In practice there have been circumstances where, on the advice of Natural England, additional information from the applicant is unlikely to provide sufficient mitigation to overcome their objection.

1.38 In the event of an appeal against the Council's decision the Planning Inspectorate will then become the 'competent authority' and may then require further information in respect of the proposals for the purposes of determining the appeal.

1.39 Where a proposal is unable to demonstrate that its likely significant effect cannot be satisfactorily mitigated or the mitigation measures being considered will themselves adversely impact on the integrity of the site, this is sufficient to obviate the need for a detailed assessment as consent will not be granted under the terms of the Habitats Regulations and the application of the 'precautionary principle' (i.e. consent will not be given unless it is ascertained that there will be no adverse effect). (See Commission of the European Communities – Communication from the Commission on the precautionary principle, 02.02.2000 com (200)1.)

1.40 Additionally there may be other nature conservation, local plan or highway policies that clearly provide grounds for refusal. (See English Nature Research report 622).

How is an appropriate assessment undertaken?

1.41 Once it is established that an appropriate assessment is required, Natural England guidance² suggests a set of 'key steps' for the competent authority (e.g. The Local Planning Authority) to follow, these are set out in Appendix H. However, there is no set format that the competent authority is required to follow.

1.42 As the competent authority the Council (Under Regulation 48 (3)) must consult Natural England and have regard to any representations made by Natural England. In cases where it proposes to agree to a plan or project despite a negative assessment, the competent authority is required to notify the Secretary of State in advance of any decision.

1.43 Also under Regulation 48 (4) the competent authority may take the opinion of the general public on the implications for the site's conservation objectives.

Implications of the assessment's results

1.44 If the Council concludes that the proposed development or any mitigation proposed will adversely affect the integrity of the site, and this effect will not be removed by conditions, they must not grant planning permission except in closely defined circumstances.

1.45 The Council must be satisfied that there are no *alternative solutions*. In their own interests developers should demonstrate that they have fully considered all alternatives. If there is no alternative and the site does not host a priority natural habitat type or species defined in the Habitats Directive (and provided in the list of SSSI in this document's Appendix C) planning permission must not be granted unless the proposed development has to be carried out for *imperative reasons of overriding public interest*, including those of a social or economic nature. This definition implies that such instances rarely occur and most proposals will not qualify.

1.46 If the site does host a priority habitat or species, and there is no alternative solution, the only considerations that can justify the grant of planning permission are those which relate to human health, public safety, beneficial consequences of primary importance to the environment or imperative reasons of overriding public interest agreed by the European Commission.

1.47 If planning permission is granted for a development which would adversely affect the integrity of an SPA or SAC, Regulation 53 of the Habitats Regulations requires the First Secretary of State 'to secure that necessary compensatory measures are taken to ensure the overall coherence of the Community-wide network of SPA and SAC known as Natura 2000 (see above) is protected'. The provision of such compensatory measures may be costly and often technically difficult or ecologically untried. In certain cases the habitat affected may be

² 'The Appropriate Assessment (Regulation 48) – The Conservation (Natural Habitats &C) Regulations 1994', *Habitats regulations guidance note 1, English Nature, May 1997*

irreplaceable. Agreement to any such plan or project that did not provide for satisfactory compensatory measures to secure the coherence of the Natura 2000 network would be contrary to the requirements of the Directive. The European Commission (and the Ramsar Bureau if relevant) will need to be notified by the First Secretary of State of any compensatory measures adopted.

1.48 Where new habitats are to be created as compensatory measures, the newly created habitats should be in place in time to provide fully the ecological functions that they are intended to compensate for. These newly created habitats should normally be included in the SPA network within a reasonable timescale.

1.49 Article 4(2) of the Ramsar Convention requires Contracting Parties that delete sites or restrict site boundaries to provide compensatory measures for the loss of conservation interests. Compensatory measures should provide, as a minimum, no net loss to the overall value of the national Ramsar site series either by way of quality or area.

Information provided by applicant

1.50 Developers will also be expected to clearly demonstrate that their proposals are in accordance with Local Plan policies and will not adversely affect the integrity of these sites.

1.51 Any mitigation measures proposed as part of the applicant's submission must be achievable and not include proposals for land outside of the control of the applicant. It should be noted that there may be occasions where measures offered in mitigation may satisfy the need to preserve the integrity of the site but will not be acceptable under general planning policies in respect of design or amenity.

1.52 As noted in the guidance leaflet published by the District Council and set out in Appendix H, if an 'appropriate assessment' be required it is advisable for developers to engage the services of a professional ecologist or a company that specialises in this field in order to prepare the additional information required by the Council for the purposes of the assessment.

Environmental Impact assessment (EIA)

1.53 In order to properly consider the environmental implications that result from major developments, legislation first introduced in 1988 and amended in 1999 sets out the procedures for Environmental Impact Assessment (EIA). EIA is a means of drawing together, in a systematic manner, a project's likely significant environmental effects and is submitted with the planning application. An Appropriate Assessment may also form part of that wider study. It is in developers' interest to refer to this regulatory framework.

1.54 The types of development affected and the information required are set out in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Government's Circular 2/99 'Environmental Impact Assessment' provides guidance on the implementation of these Regulations and the Council will refer to both in order to determine whether a planning application requires an EIA. The Circular can be viewed on the Department for Communities and Local Government's website.

1.55 Therefore in sites designated as SSSI, where there are other likely environmental impacts, this more wide ranging assessment may be required for specified forms of development. An EIA may also be required for such developments in Areas of Outstanding Natural Beauty.

1.56 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 makes such an assessment mandatory for projects of the kinds listed in its Schedule 1.

1.57 EIA is also required for projects listed in Schedule 2 of the Regulations where the local planning authority judges the development is likely to have significant environmental effects by virtue of factors such as its size, nature or location. The Regulations can be viewed at the Stationery Office's website at: <http://www.hms.o.gov.uk/si/si1999/19990293.htm>

1.58 The Government's Circular 2/99 'Environmental Impact Assessment' provides guidance on the implementation of these Regulations and the Council will refer to both in order to determine whether a planning application requires an EIA. The Circular can be viewed on the Department of Communities and Local Government website (see Appendix L for address). The Council will also contact Natural England when there is uncertainty about the significance of a project's impacts.

1.59 Certain types of agricultural activity are defined as not being 'development' for the purposes of the Town and Country Planning legislation. Agricultural operations on uncultivated land are considered to be outside the planning system. However landowners and managers should be aware that proposed changes in the management of uncultivated or semi-natural land areas may be subject to the requirements of the Environmental Impact Assessment (uncultivated land and semi-natural areas) (England) Regulations 2001. Details of the application of these regulations can be obtained from Defra (web site:<http://www.defra.gov.uk>)

Protecting wildlife using planning conditions and obligations

1.60 Planning permission for a proposed development may be subject to one or more planning conditions. This may be supplemented with a planning obligation formulated under Section 106 of the Town and Country Planning Act 1990. Planning obligations may be created through agreement between the developer and the local planning authority or may be offered by the developer alone. Either way the local planning authority has the power to enforce a condition or planning obligation. PPS9 requires that local planning authorities protect the habitats and species identified as of principal importance under Section 74 of the CRoW Act from the adverse effects of development by using planning obligations or conditions.

1.61 Planning obligations and conditions will therefore be used in accordance with Government guidance and advice as set out within Sections 70, 72, 91-94, 102 and 106 of the Town and Country Planning Act 1990 and Circular 11/95 and 1/97 respectively. These documents, in essence, limit the application of these mechanisms to circumstances where a specific planning obstacle must be overcome to successfully bring forward a development proposal. Therefore, obstacles must be either relevant to the actual development proposed or its interaction with its surroundings. As a guide, conditions or a planning obligation could be used in the case of wildlife and development to:

- provide initial and ongoing survey and monitoring data;
- prevent and/or mitigate the adverse impacts of development upon wildlife and natural habitats;
- provide compensation by new habitat creation/translocation for preventable losses or impacts to wildlife or natural habitats arising as a result of development;
- create, enhance and/or manage habitats resulting from development proposals;
- provide information and/or interpretive facilities;
- secure commuted sums for the creation, enhancement, and/or management of habitats.

Licensing regime for protected species

1.62 As explained above, where protected species will be affected by development proposals, they are taken into account as material considerations in planning decisions. *However, a further regulatory regime is also in place and so developers should be aware that a separate licence may be required following the granting of planning permission.*

1.63 Information with regard to licensing for activities likely to harm species protected under the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, the Deer Act 1991 and the Habitats Regulations 1994 can be obtained from the Wildlife Management and Licensing Service. Further information is available from Natural England's website: <http://www.english-nature.org.uk/science/licensing>

1.64 The Department for the Environment, Farming and Rural Affairs (Defra) website at: <http://www.defra.gov.uk/wildlife-countryside/vertebrates/default.htm> also provides information with regard to licensing.

Appendix C

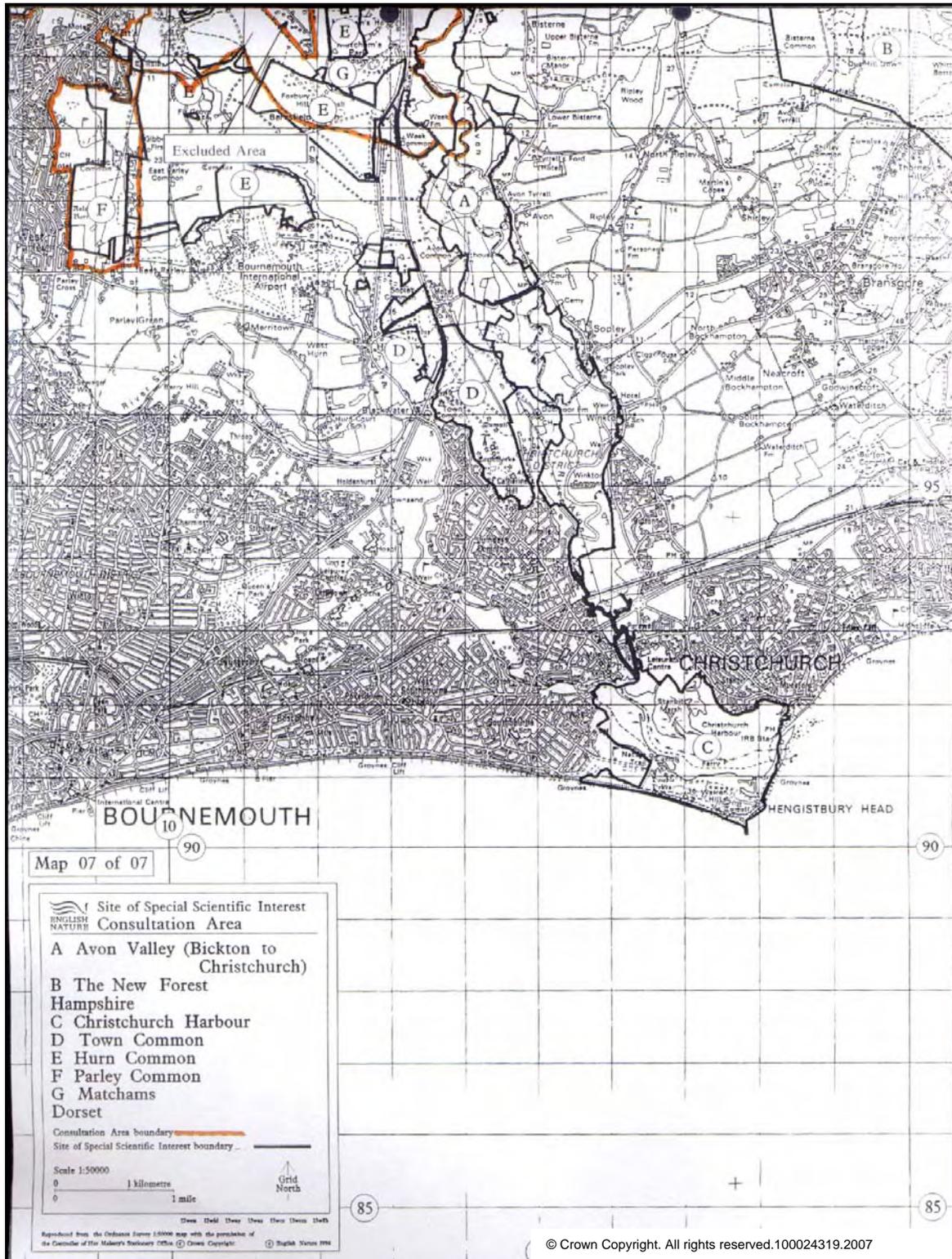
Sites of Special Scientific Interest (SSSI) in East Dorset

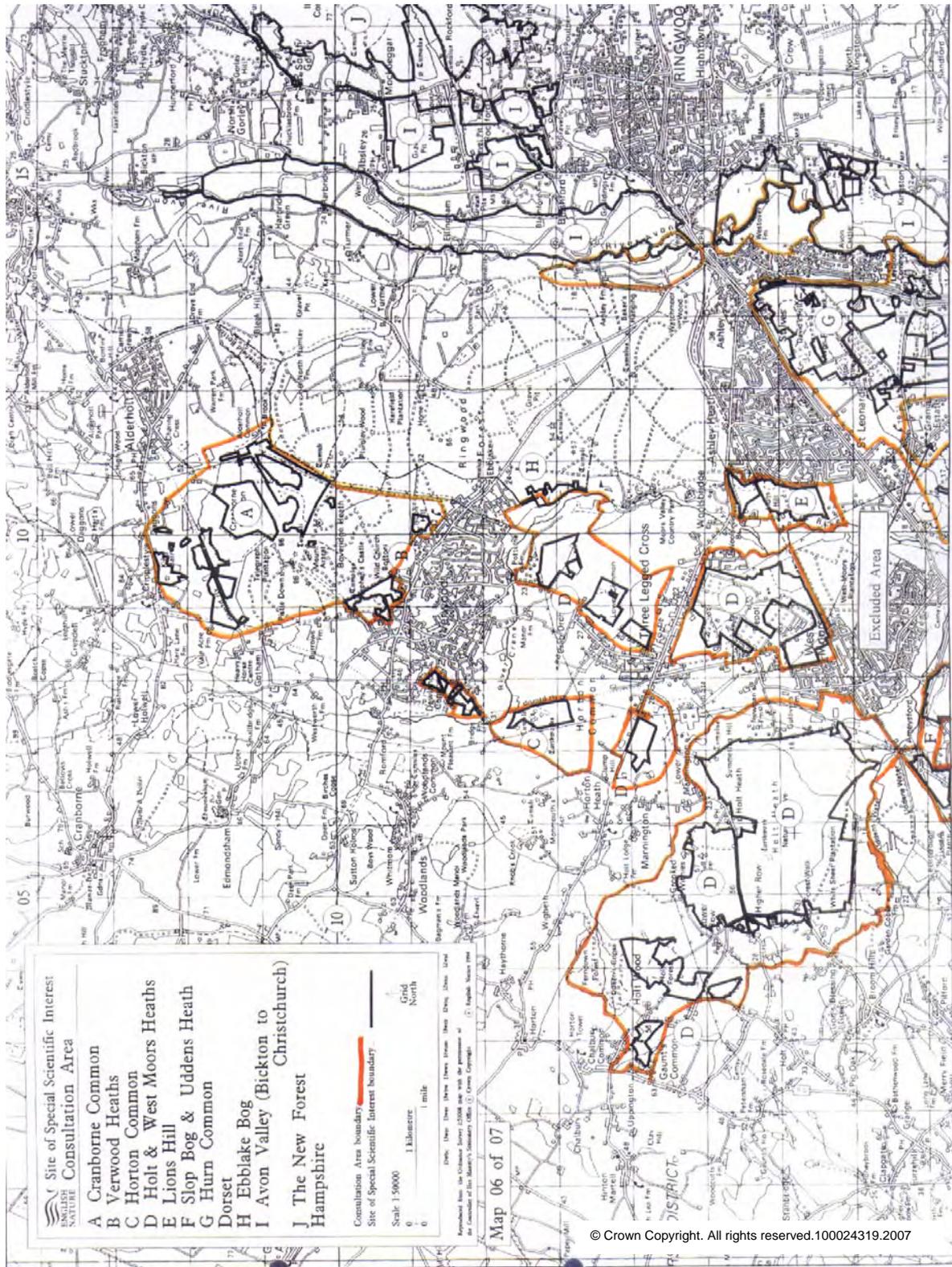
SSSI Title	Parish	Total area of SSSI in hectares	Habitat type	Also designated or part designated component Special Area of Conservation (SAC) Special Protection Area (SPA) and/or Ramsar site
Avon Valley (Bickton - Christchurch)	St Leonards and St Ives	1383.70	river valley, heathland, grassland and woodland	Avon Valley SPA/Ramsar
Boulsbury Wood	Cranborne	119.88	woodland and chalk grassland	
Bugdens Copse & Meadows	Verwood	7.61	ancient woodland and meadow	
Corfe & Barrow Hills	Corfe Mullen	102.80	dry and wet heath	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Corfe Mullen Pastures	Corfe Mullen	11.64	acid grassland and mire	Dorset Heaths SAC, Dorset Heathlands Ramsar
Cranborne Chase	Sixpenny Handley	451.40	ancient forest	
Cranborne Common	Alderholt	101.50	heathland and acidic grassland	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Ebblake Bog	Verwood	11.90	acid mire	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Ferndown Common	Ferndown	64.70	lowland heath	Dorset Heaths SAC, Dorset Heathlands SPA
Holt & West Moors Heaths	Holt, Verwood and West Moors	766.25	heathland and woodland	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Horton Common	Horton	20.40	dry and wet heath	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Hurn Common	St Leonards and St Ives	553.30	dry and wet heathland and acidic grassland	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Lions Hill	St Leonards and St Ives	42.90	dry and wet heath, bog, pine and birch woodland	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Martin & Tidpit Downs	Pentridge	379.48	chalk downland	
Matchams	St Leonards and St Ives	10.30	heathland	Dorset Heathlands SPA
Moors River System	Cranborne, Edmondsham, Ferndown, St Leonards and St Ives, Verwood and West Moors	296.50	chalk stream, low gradient river, chalk river and associated wetlands	
Oakhills Coppice	Moor Crichel	18.80	ancient woodland	
Parley Common	West Parley	168.10	dry and wet heath	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Pentridge Down	Pentridge	63.85	chalk downland	
River Avon System	St Leonards and St Ives	507.79	river	River Avon SAC
St Leonards and St Ives Heaths	St Leonards & St Ives	529.83	heathland	Dorset Heaths SAC
Slop Bog & Uddens Heath	Ferndown	43.50	wet and dry heath	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar
Sutton Meadows	Wimborne St. Giles	4.60	acid hay meadow	
Upton Heath	Corfe Mullen	215.80	wet and dry heath	Dorset Heathlands SPA/Ramsar
Verwood Heaths	Verwood	25.40	dry and wet heath	Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar

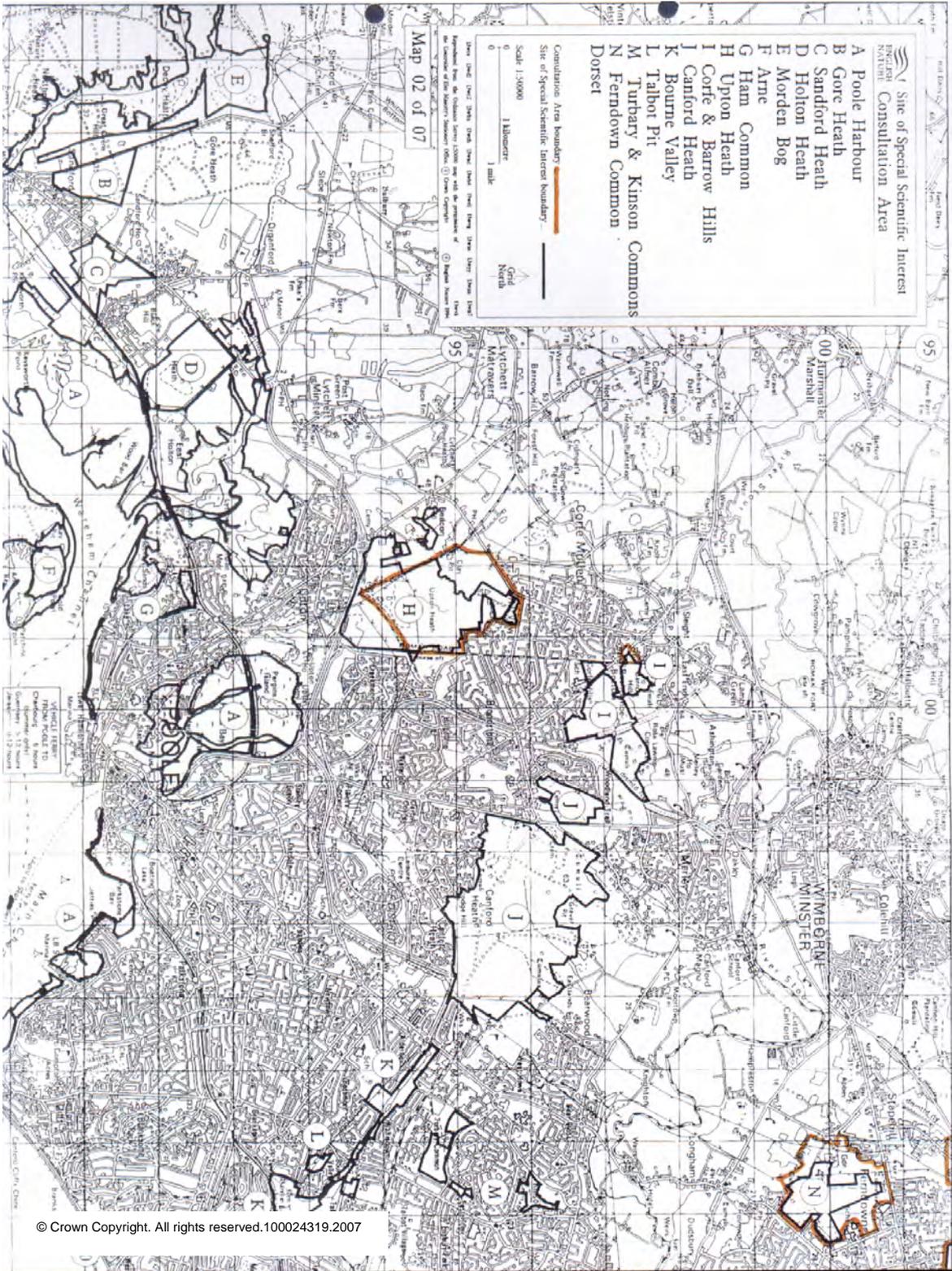
Appendix D

Natural England consultation area maps for sites in the vicinity of SSSI

The Town and Country Planning General Development (Amendment) (No 3) Order 1991 introduced a requirement for Local Planning Authorities to consult English Nature (now Natural England) about developments in the vicinity of SSSIs. English Nature formally notified this Authority of the SSSI consultation areas and these maps are reproduced here.







Appendix E

Natural England (English Nature) Draft Revised consultation arrangements

Mr G Cross
East Dorset District Council
Planning Department
Furzehill
Wimborne
Dorset
BH21 4HN

12 July 2006

Dear Mr Cross

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995
STATUTORY INSTRUMENT 1995 NO 419**

**ADDITIONAL CONSULTATION AREAS AROUND SSSI_s CONTAINING INTERNATIONALLY
IMPORTANT SITES**

**DORSET HEATHLANDS SPA AND RAMSAR SITE, DORSET HEATH SAC, DORSET HEATHS
(PURBECK AND WAREHAM) AND STUDLAND DUNES SAC**

Under the provisions of the above mentioned General Development Procedure, English Nature hereby notifies **East Dorset District Council** of the consultation areas shown on the attached maps. The consultation areas are additional to those previously notified to you. The additional consultation areas cover the SSSIs on the attached list.

Your Council is required under the terms of Article 10(1)(u)(ii) of the above Procedure to consult English Nature (formerly the Nature Conservancy Council for England) before granting planning permission for any development within consultations areas, except insofar as English Nature dispenses with that requirement.

Annex A to this note lists those developments for which consultation is not required.

Please acknowledge receipt of this notification by completing and returning the enclosed form (Annex B)

Yours sincerely

Jim White
Team Manager
Dorset Area Team

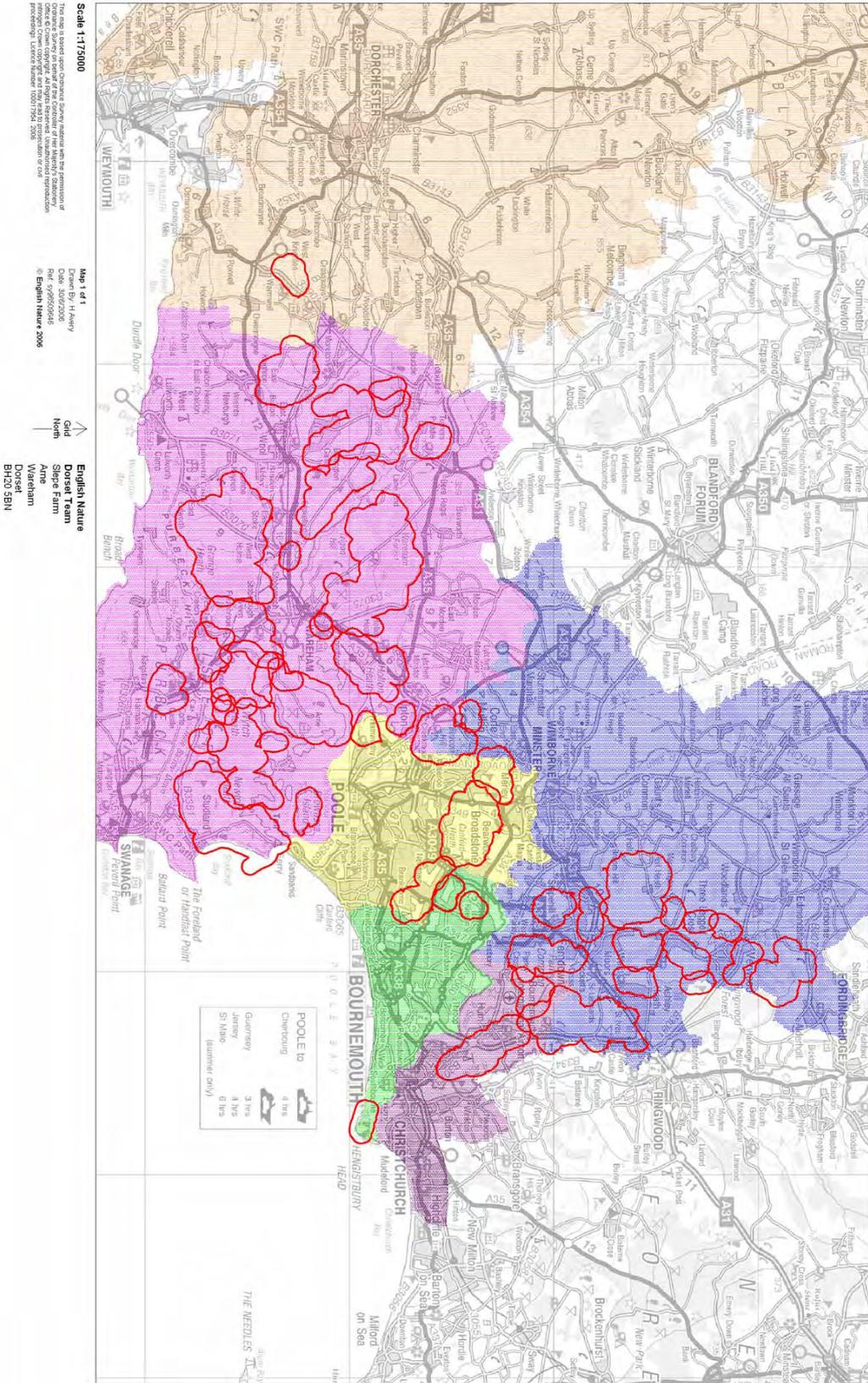
S:\Designated Sites\International Sites\Heathland consultation areas\LA letters\Residential development consultation areas notification letter 2006 FDDC.doc

ANNEX A

Planning applications within the additional consultation areas on which English Nature need not be consulted, except on any land parcel directly bordering an SSSI.

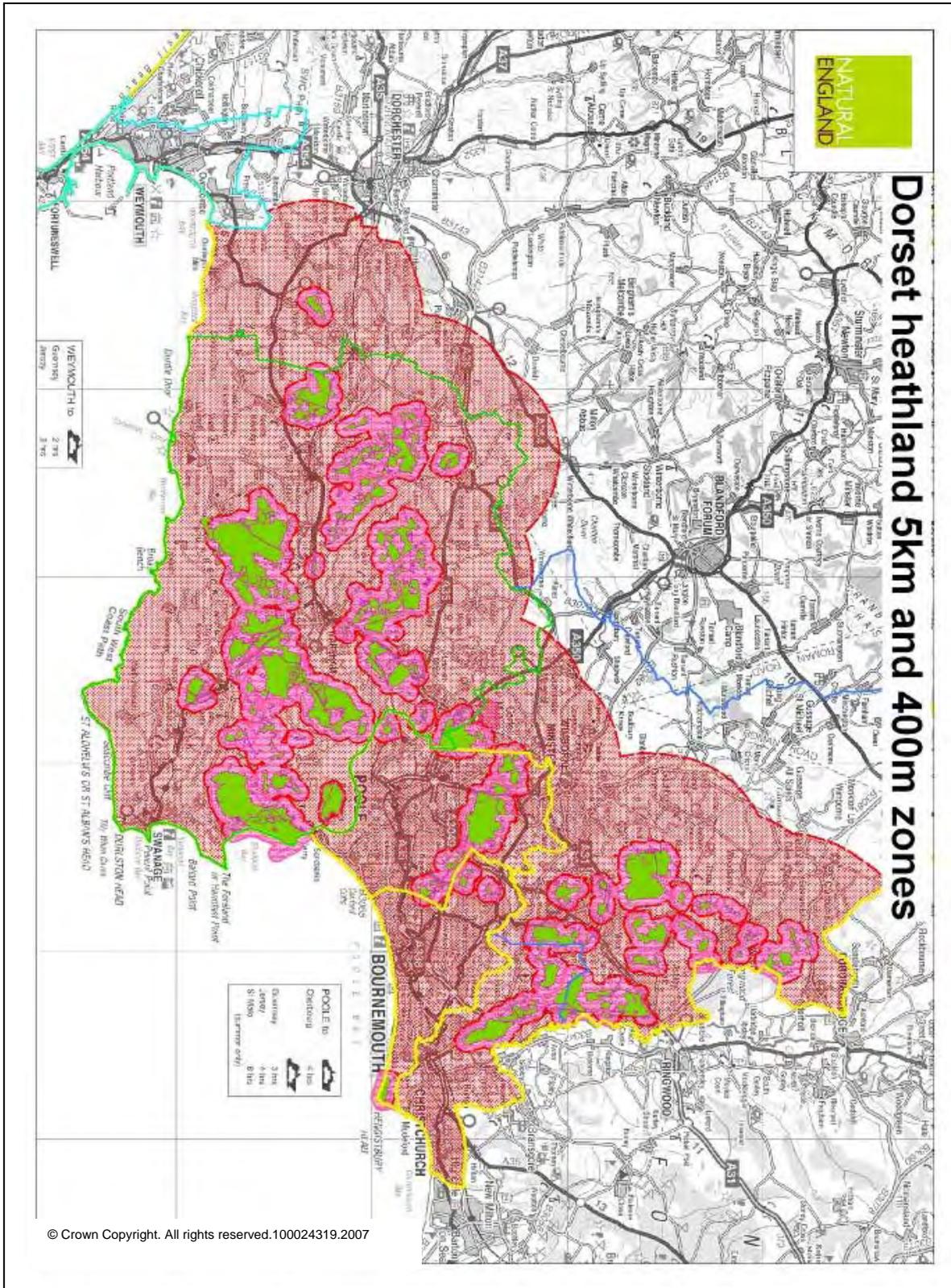
1. All development except residential development. (Consultation on non residential development is addressed by the consultation areas previously notified to you.)
2. Minor development to a single residential property such as an extension (but not to form an additional unit of residential accommodation), outbuildings, and garages.
3. Listed buildings applications.
4. Tree preservation Order applications
5. Reserved matters except where the reserved matters concern mitigation (or exceptionally, compensation) for a plan or project authorised following an appropriate assessment under *The Conservation (Natural Habitats, &c.) Regulations 1994* as amended.

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Appendix F

Dorset Heathlands 5km and 400m zones

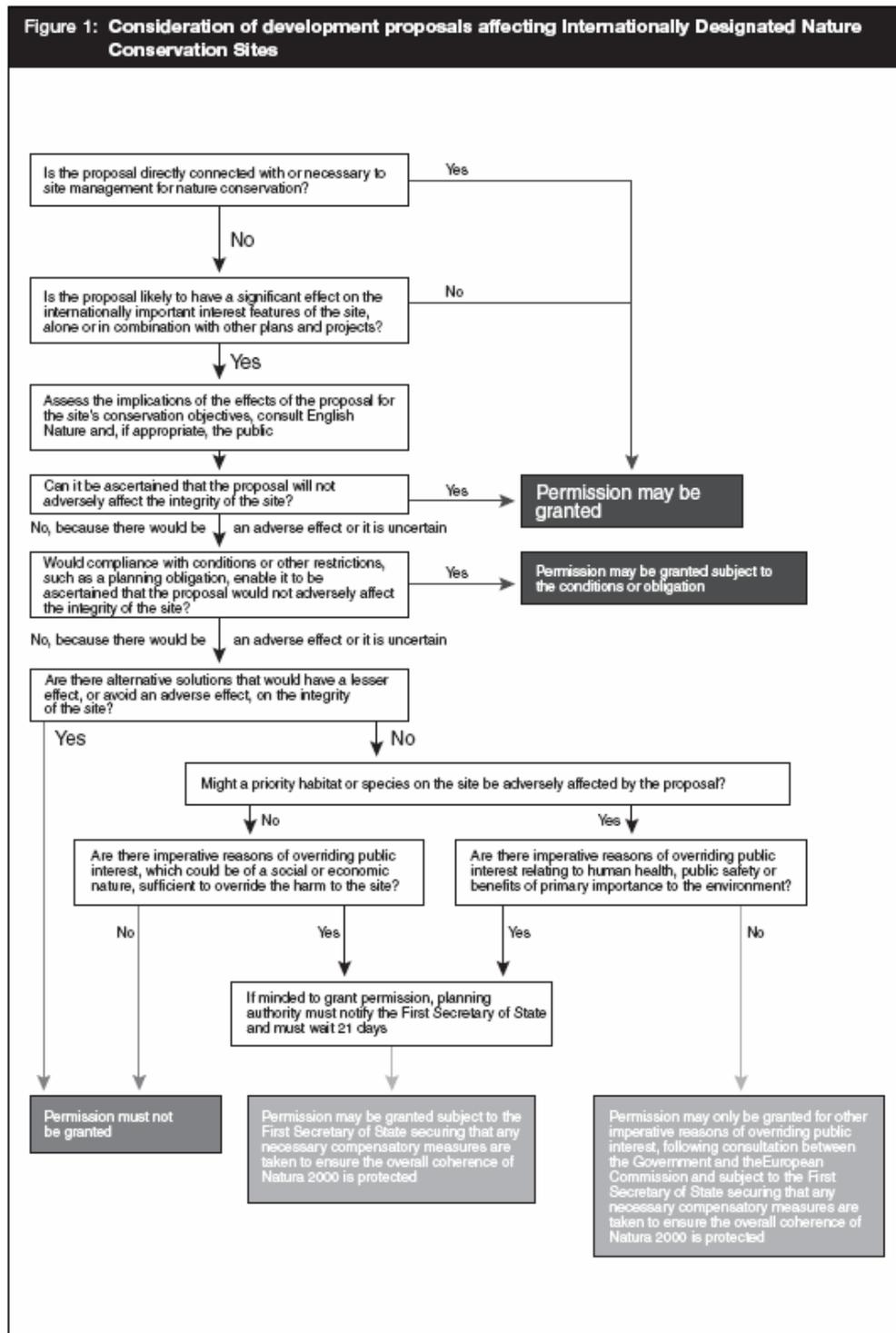


Appendix G

Flow charts explaining determination procedures for development affecting SSSIs with SPA and SAC designation

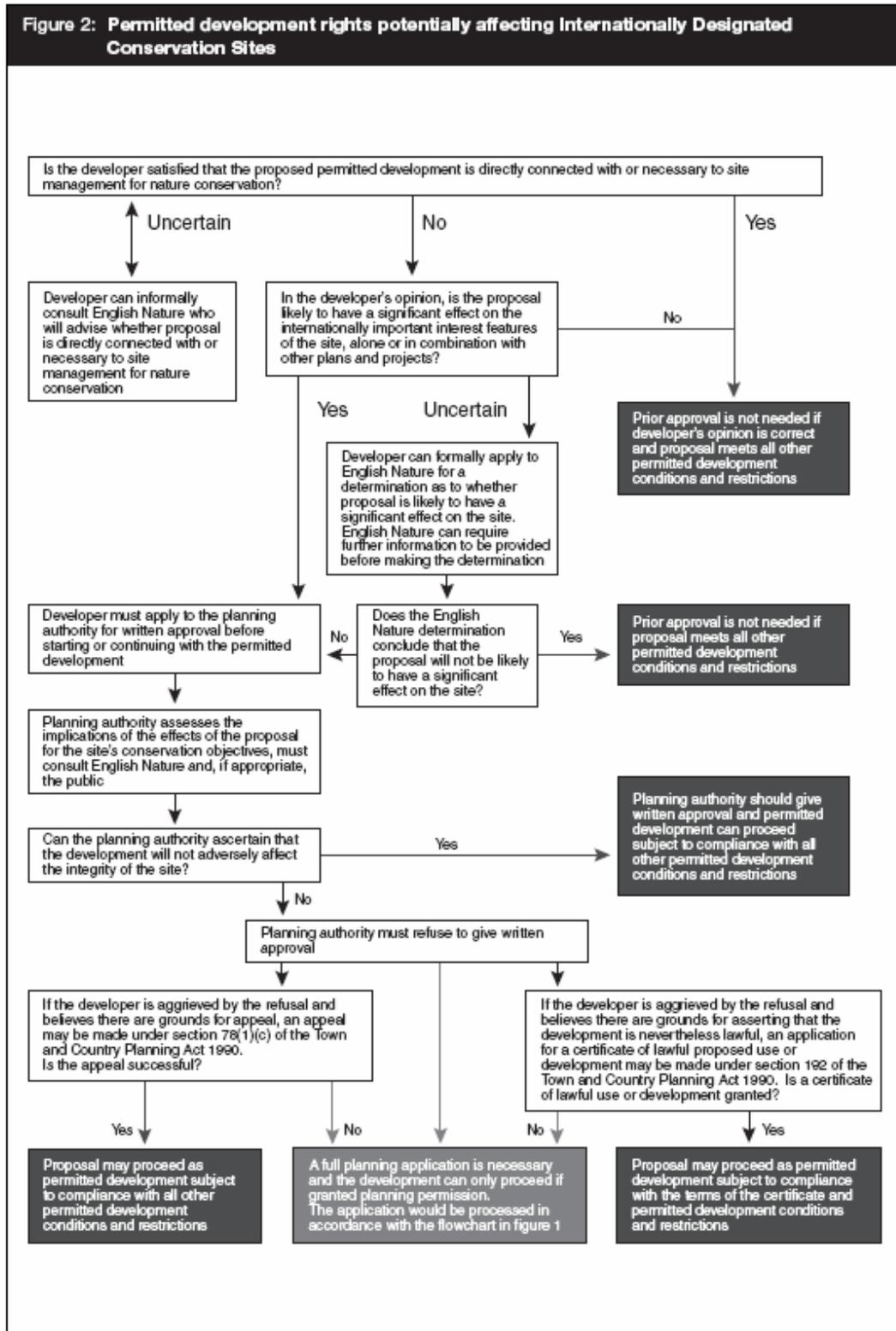
Flow Chart 1

Consideration of Planning applications affecting SSSIs with SPA/ SAC designation



Reproduced from Circular 06/2005
Published by HMSO

Flow Chart 2
Permitted development rights and SSSIs with SPA / SAC designation



Reproduced from Circular 06/2005
Published by HMSO

Appendix H

The Conservation (Natural Habitats, &c.) Regulations 1994

A Guidance Note for Landowners and Developers

(note: all references to 'English Nature' in this section should now read 'Natural England')

The text of this guidance note is based on the Council's interpretation of the Conservation (Natural Habitats &c.) Regulations 1994 (commonly known as the Habitats Regulations) and its understanding of current legislation. Its intention is to help landowners and developers in their understanding of the Habitats Regulations and its influence in determining planning applications. It does not claim to be an authoritative interpretation of the law.

What is an 'Appropriate Assessment'?

Designated sites of wildlife importance, which contain rare species or habitat, are protected by various pieces of legislation. The designations given to each site reflect their nature conservation status in terms of National, European or International importance. Probably the most commonly recognised national designation is a 'Site of Special Scientific Interest' or 'SSSI'. There are, however, other classifications that carry greater protection. A detailed explanation of each designation is given in Central government guidance entitled PPG9 'Nature Conservation'.¹ There are three international nature conservation designations relevant to East Dorset:

Special Protection Areas (SPAs) –

areas designated by the Government (under Article 4 of the European Birds Directive) to protect migratory, rare and vulnerable species of birds and the habitat upon which they depend.

Special Areas of Conservation (SACs) –

areas designated by the Government (under Article 3 of the European Habitats Directive) as important in conserving natural habitats, plants and animal life.

Ramsar Sites –

areas designated by the Government (under a Convention signed at Ramsar, Iran) to protect wetlands of international importance.

Development that is considered to have a significant effect upon such sites will require an assessment of the impact to be undertaken prior to determination of the application by the Local Planning Authority. This assessment is called an 'Appropriate Assessment' and is a requirement of the Habitats Regulations.

Where there are other likely impacts, in addition to nature conservation, a more wide ranging impact assessment is required. This is called an 'Environmental Impact Assessment'.² An Appropriate Assessment may form part of that wider study..

When is an Appropriate Assessment required?

Whether or not such an assessment is required will depend upon the type and scale of development proposed and its relationship to the protected site. The plan or project does not have to be located within a designated area. Significant effects may occur even if the plan or project is some distance away. Further advice concerning the need for an assessment in relation to a specific proposal may be gained from the Local Planning Authority prior to the submission of an application. English Nature is the statutory advisor to Government, public bodies and others on the development and implementation of policies for or affecting nature conservation in England. It is also responsible for advising the Local Authority on the likely impact of development proposals on or near sites of wildlife importance. Local Planning Authorities are obliged to consult English Nature on any application for development within or in the vicinity of such sites.

Who undertakes an Appropriate Assessment?

This relates to the scale and nature of the proposal. Depending on the circumstances, the appropriate Authority (referred to as 'The Competent Authority') could be a Government Minister, Government Department, a statutory undertaker or public body such as the Local Authority.

English Nature must be consulted, during the course of the assessment, but it is the duty of the Competent Authority to undertake the Assessment itself. Most Local Authorities do not have the technical expertise 'in house' to assess the effects of a project and therefore rely on the advice, guidance and recommendations of English Nature.

Whilst the Competent Authority may be charged with the responsibility for undertaking the Assessment, the applicant is required to provide relevant information concerning the plan or project for the Assessment to be undertaken. In most cases the applicant is advised to speak to English Nature at the outset.

How is an Appropriate Assessment undertaken?

Once it is established that an Appropriate Assessment is required, Government Guidance suggests the following procedure for the Competent Authority to follow:.

The Key steps in an Appropriate Assessment:

The 'Competent Authority' - (e.g. The Local Planning Authority)

1. Must consult English Nature
2. May consult the general public
3. Should clearly identify and understand the site's conservation objectives having regard to the advice of English Nature
4. Should require the applicant to provide such information as may be reasonably required for the purposes of the assessment
5. Should identify the effects of the proposal on the habitats and species of international importance and how those effects are likely to affect the site's conservation objectives
6. Should decide whether the plan or project, as proposed, would adversely affect the integrity of the site in the light of the conservation objectives
7. Should consider the manner in which the plan or project is proposed to be carried out, whether it could be modified, or whether conditions or restrictions could be imposed so as to avoid adverse effects on the integrity of the site
8. Should conclude whether the proposal, as modified by conditions or restrictions, would adversely affect the integrity of the site
9. Should record the Assessment and notify English Nature of the conclusions

What goes into an Appropriate Assessment?

The scope and content of an Appropriate Assessment will depend upon the location, size and significance of the proposed plan or project. PPG9 indicates that English Nature will advise on a case-by-case basis according to the nature conservation interest of the site. English Nature will identify particular aspects that an Appropriate Assessment should address.

It is suggested that you therefore contact English Nature for their advice as to whether an Appropriate Assessment will be required for your proposal prior to submitting an application.³

Should an Appropriate Assessment be required in relation to your development, it is advisable to engage the services of a professional ecologist or a company that specialises in this field in order to prepare the additional information required for the purposes of the Assessment. It should be noted that there may be a significant time delay in the determination of any development proposal where an Appropriate Assessment is required as some necessary survey work can only be undertaken at certain times of the year, for example, when reptiles come out of hibernation.

Dorset Heaths

Of particular concern within East Dorset is the impact of new development upon heathland and wildlife, which are internationally protected. English Nature advises that urbanisation pressures from additional residential development near heathland sites, especially development within 400m of such sites, may have a detrimental effect upon that habitat. In response to the recent number of development proposals for new dwellings within close proximity of heathland, this guidance note seeks to clarify the process.

Should your proposal result in the creation of additional residential units within 400m of a protected heathland site or involve larger residential development beyond this zone, the scheme is likely to require an Appropriate Assessment. As part of this process you will be required to provide information to the Local Authority so that they, as the 'Competent Authority' in consultation with English Nature, can undertake the assessment and then determine the planning application.

This impact of any development upon heathland may be direct, indirect or cumulative. Therefore, whilst it may be possible to demonstrate an impact is small, this does not necessarily mean that planning permission will be granted.

Technical documents on the pressures on heathland from nearby development and the outcomes of recent planning appeals into development on this matter will be available from English Nature (and the Local Authority) from late 2004 / early 2005.

- 1 Planning Policy Guidance Note 9 'Nature Conservation' 1994*
 - 2 Environmental Impact Assessment Regulations 1999*
 - 3 English Nature (Dorset Team), Slepe Farm, Arne, Wareham, Dorset.*
- Tel: 01929 557450 Fax 01929 554752 or for more information check the English Nature web site at www.english-nature.org.uk*

Appendix I

Heathland Habitats in East Dorset

Lowland heath is a UK Biodiversity Priority habitat.

1. *Dry* heathland is freely draining and is dominated by heather. It is particularly rich in insect and reptile life. Bees, wasps, ants and spiders are all well represented and a selection of grasshoppers can include the rare Heath Grasshopper. All six native British reptiles live on the heaths and the two rarest, Smooth Snake and Sand Lizard, are more or less restricted to it. Bird species will stray from dry heath to wetter parts, but the typical heathland birds, Dartford Warbler and Stonechat, are closely associated with gorse on dry heath and the former is totally dependant on the habitat. The Nightjar, Hobby and Woodlark favour dry heath with a more diverse structured vegetation.
2. *Humid* heath has developed on soils that remain moist throughout the year and is generally richer in mosses and grasses than dry heath. The Bell Heather of dry heath is replaced by scattered patches of Cross-leaved Heath, but heather remains the dominant dwarf shrub. The nationally scarce Silver-studded Blue Butterfly is frequently found on such areas in Dorset, where the vegetation is generally short and suitable for colonies of ant that are vital for the successful completion of the butterfly's life-cycle.
3. *Wet* heath occurs on predominantly wet soil. It is dominated by Cross-leaved Heath and includes several species of Sphagnum bog moss. A greater diversity of plant species occurs here. Insectivorous sundews (bog plants which trap insects by means of glistening hairs on their leaves and digest them by a juice produced by the leaves) are frequent. One of the last British strongholds of the bright blue, trumpet-shaped flower Marsh Gentian lies on the Dorset heaths. Rare insects also occur in this habitat including the Bog Bush cricket.
4. *Bog* heaths develop where the water table is permanently at or above the ground level, either in valleys or perched on impermeable pockets of clay. Numerous species of bog moss can occur here, supporting a wide range of insect life. Where there are pools, dragonflies and damselflies abound, with more than twenty species found in the best areas, these provide prey for the rare Hobby. Britain's largest and most colourful grasshopper, the Large Marsh Grasshopper, is now restricted to a handful of the wettest bog areas.
5. *Scrub* heathland can occur when heathland is left unmanaged and eventually invaded by woody shrub and tree species. On dry sites European Gorse, Birch and Oak are natural successors but today invasive non-native species like Rhododendron and Pine are as likely to take over. Limited invasion, particularly of native species, initially adds to the diversity of bird and insect life by providing a wider range of nest sites, song posts and food plants. Once established, however, they shade out the typical heathland plants.
6. *Acid Grassland* develops on free draining, nutrient poor acidic soils and is often associated with heathland. Lowland acidic grassland supports a range of characteristic grasses, sedges and wild flowers and is also a UK Biodiversity Priority Habitat.
7. *Wet Woodland* forms on seasonally or permanently waterlogged soil and can be found in pockets within the Dorset heaths. The canopy is usually dominated by downy birch and willow with a ground cover of sedge and purple moor grass. Wet woodland is also a UK Priority habitat.

Appendix J

Guidance relating to particular protected species

This Appendix contains further advice and guidance to developers on the safeguarding for the following protected species that have been most regularly affected by development proposals in East Dorset:

- i) Badgers
- ii) Barn Owls
- iii) Bats
- iv) Reptiles and Amphibians
- v) Water Voles

i) Development affecting Badgers

Habitat, lifecycle and distribution

Badgers live in family groupings known as clans. Different parts of the clan live in multi-entranced burrows known as setts. Each clan will normally have a large main sett, in which the young are usually born, together with a series of peripheral setts. Each clan will occupy a fiercely defended territory and this means that many areas of the countryside are divided into a series of such territories within which badgers forage for food, mainly earthworms and other invertebrates. Badgers and their setts may be found not only in rural areas, but also in urban/suburban fringe and green space locations.

Legal protection

The Protection of Badgers of Act 1992 makes it an offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so;
- to intentionally or recklessly interfere with a badger, or to attempt to do so;
- to intentionally or recklessly interfere with a sett;
- to damage, destroy or obstruct a badger sett or disturb a badger while in its sett.

Development and badgers

Penalties for offences under the Act can be severe (up to £5,000 fines and/or six months' imprisonment) so if there is a possibility of badgers using or occupying a site, developers should take expert advice before committing themselves to a development.

Where they think badgers or their setts might be affected by a development, developers are also advised to seek guidance from Natural England as early as possible before a planning application is submitted.

The preferred course of action is for developers to demonstrate in their submissions how the choice and design of their proposed development site avoids adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest why the proposal might damage or disturb these species developers will be required to demonstrate how their proposal incorporates adequate mitigation and compensation measures.

A further important issue with development and badgers is to ensure that sufficient badger foraging areas remain to support the local population.

Planning application consultation procedure

Where the presence of badgers is known or suspected on a site for which a planning application is received, the Council will, if this has not already been submitted, request that the applicant provides sufficient information to allow the effect on the badgers to be determined. An ecological appraisal of these effects, including the results of a badger survey and proposals for mitigation, is the recommended means of presenting this information. As a minimum, this appraisal should address these questions:

- Are any badgers likely to be affected by the proposal?
- What is the population level at the site or affected by the proposal? This should be evaluated in the context of the local area.
- What impact is the development likely to have upon the species?
- What can be done to mitigate against this impact? This could include redesigning the development to incorporate protection of the badgers or careful timing so as to avoid sensitive times of year such as the breeding season (December-June).
- Is the impact acceptable, are the mitigation proposals possible and would the mitigation operations require a licence from Natural England?

In order to provide this information there may be a requirement for a survey to be undertaken at a particular time of year and this should be allowed for by the planning applicant. Once this information is received and badgers are confirmed, the Council will consult the following organisations on the application:

- a) Natural England;
- b) Dorset Wildlife Trust.

These organisations could lodge an objection to the application or request that conditions are attached to any planning permission granted. The Council may then determine the application paying due consideration to these and other representations and the law. It may refuse permission or attach conditions and/or negotiate a Section 106 Agreement to secure the well-being of the badgers and their habitat.

Need for licence from Natural England

Work that disturbs badgers is illegal under the Wildlife and Countryside Act 1981 unless a licence is obtained from Natural England's Wildlife Licensing Unit . Licenses are not normally issued during the breeding season (December-June) and cannot be issued retrospectively. Full planning permission normally has to be secured before an application will be considered. More information on acquiring licences is available from Natural England (contact details provided in Appendix L).

Further information

Natural England booklet, 'Badgers and development', is a more detailed guide to the protection of badgers in the land-use planning system and can be obtained from Natural England's Dorset office (contact details provided in Appendix L)

ii) Development affecting Barn Owls

Habitat, lifecycle and distribution

Barn Owls make use of farm buildings, church towers, bale stacks and a wide variety of derelict and unused buildings. A pair of Barn Owls will normally use several sites in their home range; for example, a breeding site, several roosting sites and other sites that they visit occasionally. They are mainly active at night where field voles, shrews and mice are their main prey species. A breeding pair and their young can consume as many as 5,000 small mammals during an average year.

It is estimated that there has been a 70% decline in the national Barn Owl population since the 1930s. The main causes of this are the loss of prey-rich habitat following the introduction of intensive farming methods (e.g. use of pesticides and more efficient machinery and field enlargement) and also a decline in roosting and breeding sites as old barns are lost through decay or demolition and new agricultural buildings often fail to provide nesting opportunities.

Identification

Their presence can usually be confirmed by long streaks of 'whitewash' on beams and wall ledges and a build up of droppings underneath the roost site. The absence of these signs, however, is not necessarily proof that Barn Owls do not use the site. The services of a suitably qualified consultant should be employed where Barn Owls are potentially present at a development site.

Legal protection

Barn Owls are protected under the Wildlife and Countryside Act 1981. They are listed on its Schedule 1 which gives them special protection. It is an offence, with certain exceptions, to:

- intentionally kill, injure, or take (handle) any wild Barn Owl;
- intentionally take, damage or destroy any wild Barn Owl nest whilst in use or being built;
- intentionally take or destroy a wild Barn Owl egg;
- intentionally or recklessly disturb any wild Barn Owl whilst building a nest or whilst in, on, or near a nest containing eggs or young.

Development and Barn Owls

Where Barn Owls or their nests might be affected by a development, developers are advised to seek guidance from Natural England as early as possible before a planning application is submitted.

The preferred course of action is for developers to demonstrate in their submissions how the choice and design of their proposed development site avoids adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest developers will be required to demonstrate how their proposal incorporates adequate mitigation and compensation measures.

Planning application consultation procedure

Where a planning application appears likely to result in disturbance to Barn Owls or disturbance or damage their nests, the Council will require the applicant to provide sufficient information to allow these effects to be satisfactorily determined.

An ecological appraisal of these effects, including the results of a barn owl survey and proposals for mitigation, is the recommended means of presenting this information. Developers should seek expert advice when carrying out this appraisal work. Appraisals should also detail how the development will accommodate the birds and minimise disturbance to them. It could also show how

nest boxes in other nearby buildings that are not due for development will be provided. In addition, details of how construction works will be timed to avoid the main breeding season (March-August) could be included. Further details on mitigation measures are provided in the Natural England /Barn Owl Trust booklet referred to below under 'Further information'. Once this information is received, the Council will consult Natural England and the Dorset Wildlife Trust on the application.

These groups may lodge an objection or request that conditions be attached to any planning permission that is granted. The Local Planning Authority will then determine the application paying due consideration to these and other representations and the law, it may refuse permission or attach conditions or negotiate a Section 106 Agreement to protect the Barn Owls and their nests.

Need for licence from Natural England

In addition to any planning permission being granted, licences from Natural England to permit activities which would otherwise be illegal under the Wildlife and Countryside Act 1981 are required.

Licences may be granted for science, research or education, conservation, ringing and marking or photography. Licences are not normally granted for the removal of Barn Owls, for the translocation of Barn Owls or active nests, or for killing Barn Owls. More information on acquiring licences is available from Natural England's Licensing unit (contact details provided in Appendix L).

Further information

A detailed Natural England /Barn Owl Trust booklet entitled 'Barn owls on site – a guide for developers and planners' is available from Natural England (contact details in Appendix L).

iii) Development affecting Bats

Habitat, lifecycle and distribution

All sixteen of Britain's resident bat species have been recorded in Dorset. Bats may roost in trees, caves or buildings during either the summer or winter months. With the reduction in natural roost sites, many now roost more frequently in buildings, for example in roof spaces, under ridge tiles and in wall cavities.

Bats fly and feed in the dark using a system of echolocation. As they fly they make high-pitched sounds, and gain a sound picture of their surroundings from the returning echoes. They feed on insects (a pipistrelle, the most common British bat species, can eat as many as 3,000 insects in a night's feeding) which they catch in flight or pick off the water, the ground or foliage. In late autumn bats mate and begin to build up fat reserves for the winter. As temperatures cool and insects become scarce they find a cool, dark roost suitable for hibernation. If bats are disturbed whilst hibernating they will use up vital energy reserves and may die.

Bat populations suffered major declines in the second half of the twentieth century. For example, the pipistrelle is thought to have declined by an estimated 60% between 1978 and 1986. The main causes are the loss of roosting sites and also a reduction in insect-rich habitat as a result of intensive farming methods (e.g. use of pesticides and more efficient machinery and field enlargement).

Identification

Their presence is difficult to detect and the services of a suitably qualified consultant should be employed where bats are potentially present at a development site. One sign though of a possible presence is bat droppings found outside roost entrances, on the floor in roof spaces, and scattered

under roof beams. Bat droppings are similar in appearance to mouse droppings, but when rubbed between the fingers they crumble into a fine powder of insect fragments.

Legal protection

All sixteen bat species are of international importance and are protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994. This makes it an offence to:

- intentionally or deliberately kill, injure or capture (take) bats;
- deliberately disturb bats (whether in a roost or not);
- damage, destroy or obstruct access to bat roosts;
- possess or transport a bat or any part of a bat, unless acquired legally;
- sell, barter or exchange bats or any part of a bat, alive or dead.

Guidance from Natural England is that a bat roost is 'any structure or place used for shelter and protection'. Bats tend to periodically visit/revisit roosts, and the prevailing legal view is that a roost is protected whether or not bats are present.

Development and bats

Where bats or their roosts might be affected by a development, developers are advised to seek guidance from Natural England as early as possible before a planning application is submitted.

Developers should demonstrate in their submissions how the choice and design of their proposed development site avoids any adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest, developers will be required to demonstrate how their proposal incorporates adequate mitigation and compensation measures.

Planning application consultation procedure

For a planning application that is likely to result in disturbance or damage to bats or their roosts, the Council will require the applicant to provide sufficient information to allow the effects to be satisfactorily determined. An ecological appraisal of these effects, including the results of a bat survey and proposals for mitigation, is the recommended means of presenting this information. Expert advice should be sought by the developer when carrying out this appraisal work.

Once this information is received, the Council will consult Natural England and the Dorset Wildlife Trust and /or the Dorset Bat Group on the application:

These groups may lodge an objection or request that conditions be attached to any planning permission. The Council will then determine the application paying due consideration to these and other representations and the law. It may refuse permission or attach conditions and/or negotiate a Section 106 Agreement to protect the bats and their roosts.

Need for licence to permit normally prohibited activities

In addition to any planning permission being granted, licences to permit activities which would otherwise be illegal under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994 are required. 'Survey' and 'conservation' licences allow activities for scientific purposes such as to disturb or capture bats in order to carry out a survey.

For development other than in dwellinghouses, 'development' licences permit otherwise prohibited acts where this is considered to be for imperative reasons of overriding public interest. These licenses will only be considered if detailed planning permission has already been granted. For development within a dwellinghouse Natural England must be notified of the proposal and allowed reasonable time to advise.

Further information on acquiring licences to carry out normally prohibited bat-related activities is available from Natural England's Licensing Section (contact details provided in Appendix L).

Further information

The following publications which provide more details on bats and development are available from the District Council, Dorset County Council and Dorset Wildlife Trust (contact details provided in Appendix L). Natural England also provides a number of leaflets and publications that are available to view at the internet addresses provided In Appendix L.

'Planning for Bats':

<http://www.wildlifetrust.org.uk/dorset/Media/batpdf/Planning%20.pdf>

'Bats and Bats Roost':

<http://www.wildlifetrust.org.uk/dorset/Media/batpdf/Bats%26Bat%20Roosts.pd>

iv) Development affecting Reptiles and Amphibians

Reptiles and Amphibians native to Britain

All twelve species of reptiles and amphibians (see list) native to Britain receive some degree of protection under the Wildlife and Countryside Act 1981. The following paragraphs describe this general protection and then provide greater detail on those species which are of exceptional importance in East Dorset: Great Crested Newt, Smooth Snake and Sand Lizard.

Reptiles :

- Common Lizard
- Sand Lizard
- Smooth Snake
- Slow-worm
- Adder (or viper)
- Grass Snake

Amphibians:

- Common Frog
- Common Toad
- Great Crested Newt
- Natterjack Toad
- Palmate Newt
- Smooth Newt

General legal protection

The Great Crested Newt, Sand Lizard, Smooth Snake and Natterjack Toad enjoy full protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994. The level of protection is explained more fully in the paragraphs below devoted to the first three of these species.

The Common Lizard, Slow-worm, Grass Snake and Adder are protected under the Wildlife and Countryside Act 1981 to the extent that it is an offence to intentionally kill, injure and trade these species.

The Smooth and Palmate Newts, the Common Frog and Common Toad are protected only by Section 9 (5) of the Wildlife and Countryside Act 1981. This Section prohibits their sale, barter, exchange, transport for sale and advertising to see or to buy.

Reptiles, amphibians and development

Regardless of the level of protection it receives, when considering a planning application that is likely to affect a protected reptile and amphibian species, the Local Planning Authority will expect

developers to provide sufficient information to enable a satisfactory determination of its likely impacts .

Developers should demonstrate how the choice and design of their proposed development site avoids adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest developers will be required to demonstrate how their proposal incorporates adequate mitigation and compensation measures

a) Development affecting Great Crested Newts

Habitat, lifecycle and distribution

Great Crested Newts need a number of different habitats in close proximity: ponds for breeding and for development of their tadpoles, rough grassland for feeding and wood piles, rock piles or ground fissures for hibernation. They frequently return to the pond in which they were hatched to breed and usually hibernate between October and February. During the active part of the year they are nocturnal and hunt for invertebrates on mild nights, venturing several hundred metres from the pond. They can live for over fifteen years and occupy habitats in urban and rural areas.

The Great Crested Newt suffered a major decline in population in the twentieth century. It is estimated that between the 1960s and 1990s around 40,000 great crested newt breeding ponds were lost. The reasons for this include intensive agricultural methods (e.g. use of pesticides and more efficient machinery and field enlargement). Development in the form of residential, industrial and commercial buildings, has also destroyed ponds and associated terrestrial habitats. Newt habitats have become increasingly fragmented through development, roads and other unfavourable land-use; smaller more isolated populations are more vulnerable to extinction than larger, well-connected populations.

Legal protection

Great Crested Newts are protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994. Protection under the former makes it an offence to:

- intentionally kill, injure or take a Great Crested Newt;
- possess or control any live or dead specimen or anything derived from a Great Crested Newt;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place which it uses for shelter or protection;

Under the Habitats Regulations it is an offence to:

- deliberately capture or kill a Great Crested Newt;
- deliberately disturb a Great Crested Newt;
- deliberately take or destroy the eggs of a Great Crested Newt;
- damage or destroy a breeding site or resting place of a Great Crested Newt.
- The legislation applies to all life stages of Great Crested Newts.

Development and Great Crested Newts

It is advisable to check for the presence of Great Crested Newts as early as possible, ideally before any land purchase. For example, if there is a pond (even if it only holds water seasonally) within or up to 500 metres from a proposed development site, expert advice should be sought to determine whether Great Crested Newts are present. Newt surveys can only be done at certain times of the

year and therefore must be carefully programmed, otherwise considerable delays can occur. Alternative sites should be considered and surveyed at an early stage, as activities affecting Newts can only be licensed where there is no satisfactory alternative.

Where they think Great Crested Newts or their habitat might be affected by a development, developers are advised to seek guidance from Natural England as early as possible before a planning application is submitted.

The preferred course of action is for developers to demonstrate in their submissions how the choice and design of their proposed development site avoids adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest why the proposal might damage or disturb these species developers will be required to demonstrate how their proposal incorporates adequate mitigation and compensation measures.

Information to be supplied with the planning application

For a planning application that is likely to result in disturbance or damage to Great Crested Newts or their habitat, the Council will require the applicant to provide sufficient information to allow the effects to be satisfactorily determined. An ecological appraisal of these effects, including the results of a newt survey and proposals for mitigation, is the recommended means of presenting this information:

Information on survey methods and mitigation measures is provided in the Natural England booklet referred to below under 'Further information'. Any survey and assessment work should be carried out by suitably qualified professionals.

It is important to note that because of the protection afforded to Great Crested Newts by the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994, *a licence to carry out normally prohibited activities is required in addition to any planning permission granted. Mitigation measures as part of these development proposals should therefore address the key licence criteria.*

Licences are issued for normally unlawful activities for the purposes of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment' (Regulation 44(2) (e) of the Habitats Regulations 1994); where:

- 'there is no satisfactory alternative' (Regulation 44(3) (a) of the Habitats Regulations 1994);
- and
- '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' (Regulation 44(3) (b) of the Habitats Regulations 1994).

Planning application consultation procedure

Once this survey and assessment has been received with the planning submission, the Council will consult Natural England and the Dorset Wildlife Trust and/or the Herpetological Conservation Trust

The Council will consider the presence of the protected species alongside the proposed mitigation and, on advice from Natural England, assess what impact this would have on the conservation status of the Newts. The Council will then determine the application paying due consideration to the representations and the law. It may refuse permission or attach conditions and/or negotiate a Section 106 Agreement to protect the Great Crested Newts and their habitat.

Further information

A more detailed Natural England booklet entitled 'Great Crested Newt mitigation guidelines' is available from Natural England (contact details provided in Appendix L).

Further information on acquiring licences to carry out normally prohibited Great Crested Newt-related activities is available from Natural England's Licensing Section (contact details provided in Appendix L).

b) Development affecting Sand Lizards and Smooth Snakes

Habitat, lifecycle and distribution

The *Sand Lizard* is a medium sized lizard (up to 20cm in total length) that in Britain is limited to sandy habitats – hence its name. It lays eggs in late May or early June which hatch between August and early October. The eggs are left buried in sand exposed to the sun which helps to keep them warm; this is why the species is confined to sandy habitats.

The *Smooth Snake* is non-venomous and feeds mainly on small mammals (especially shrews and nestling rodents) and lizards, in particular Common Lizards and Slow-worms which are captured and constricted in coils of its body. Live young, which look very similar to the adults, are born in September. It is a secretive animal and when it basks in the sun it normally does so camouflaged amongst the stems of heather plants. The Smooth Snake also hides under stones, logs and other debris exposed to the sun and this is where it is most often encountered.

These two species are of particular importance as an estimated 80-90% of Britain's Sand Lizard and Smooth Snake population are found on Dorset's heathlands. The county has lost some 85% of its heathland since the 1750s to agriculture, forestry and development. Given this and the additional pressures on the remaining fragmented heathland areas (as identified in Part A of this Section) resulting from nearby residential development, the Sand Lizard and the Smooth Snake represent two of Britain's most endangered species.

Legal protection

Both Sand Lizards and Smooth Snakes are protected by the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994. Protection under the former makes it an offence to:

- intentionally kill, injure or take a Sand Lizard and/or Smooth Snake;
- possess or control any live or dead specimen or anything derived from a Sand Lizard and/or Smooth Snake;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place which they use for shelter or protection;
- intentionally or recklessly disturb a Sand Lizard and/or Smooth Snake while it is occupying a structure or place which it uses for that purpose.

Under the Habitats Regulations it is an offence to:

- deliberately capture or kill a Sand Lizard and/or Smooth Snake;
- deliberately take or destroy the eggs of a Sand Lizard and/or Smooth Snake;
- damage or destroy a breeding site or resting place of a Sand Lizard and/or Smooth Snake.

The legislation applies to all life stages of Sand Lizards and Smooth Snakes.

Sand Lizards, Smooth Snakes and development

As both of these species are normally confined to heathland habitat, for proposals on or near heathland, developers should be aware of the implications of encountering them on their potential development site.

Where Sand Lizards and Smooth Snakes or their habitat might be affected by development, developers are advised to seek guidance from Natural England as early as possible before submitting a planning application. Suitably qualified professional advice should also be sought if checking for the presence of Sand Lizards and Smooth Snakes.

The preferred course of action is for developers to demonstrate in their submissions how the choice and design of their proposed development site avoids adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest, developers will be required to demonstrate how their proposal incorporates adequate mitigation and compensation measures.

Information to be supplied with the planning application

For a planning application that is likely to result in disturbance or damage to Sand Lizards and Smooth Snakes or their habitat, the Local Planning Authority will request that the applicant provides sufficient information to allow the effects to be satisfactorily determined. An ecological appraisal of these effects, including the results of an appropriate survey and proposals for mitigation, is the recommended means of presenting this information. Expert advice should be sought by the developer when carrying out this appraisal work.

Because of the protection afforded to Sand Lizards and Smooth Snakes by the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994, *a licence to carry out normally prohibited activities is required in addition to any planning permission granted.*

Licences may be granted for scientific purposes to disturb or to capture species in order to carry out a scientific survey. Licences may not be required for all survey work. They will be required if the work is likely to cause disturbance or require taking or capture of Sand Lizards and Smooth Snakes.

Licences can only be issued for normally unlawful activities for the purposes of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment' (Regulation 44(2) (e) of the Habitats Regulations 1994); and where:

- 'there is no satisfactory alternative' (Regulation 44(3) (a) of the Habitats Regulations 1994);
- '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' (Regulation 44(3) (b) of the Habitats Regulations 1994).

Planning application consultation procedure

Once this information has been received with the planning submission, the Council will consult Natural England and the Dorset Wildlife Trust and/or the Herpetological Conservation Trust.

The Council will consider the presence of the protected species alongside the proposed mitigation and, where appropriate, on advice from Natural England, assess what impact this would have on the conservation status of the Sand Lizards and Smooth Snakes. The Council will determine the application paying due consideration to the representations and the law. It may refuse permission or attach conditions and/or negotiate a Section 106 Agreement to protect the Sand Lizards and/or Smooth Snakes and their habitat.

Further information

Further information on acquiring licences to carry out normally prohibited Sand Lizard and Smooth Snake-related activities is available from Natural England's Licensing Section (contact details provided in Appendix L).

v) Development affecting Water Voles

Habitat, lifecycle and distribution

Water Voles live in colonies extending along watercourses. They construct complicated tunnel systems in the banks with entrances both above and below the waterline. Water Voles are herbivorous, feeding largely on the stems and leaves of waterside plants. They seem to prefer slow-moving watercourses with lush bankside vegetation and no extreme water level fluctuations. Canals, ditches, water meadows and ponds are also used. They are found in both urban and rural locations; in urban situations, less than ideal areas are often inhabited as the lack of predators can compensate for reduced bankside cover. Although they do not hibernate, Water Voles tend to be less active in the winter months.

Their numbers have suffered a huge decline in recent years. The first national survey work took place in 1989-90 and this revealed an estimated national population of 7.3 million. When this survey was repeated in 1996-98, 88% of sites where there was evidence of the species in 1989-90 no longer showed these signs. This meant that the national population estimate had fallen to 875,000. As a consequence, the Water Vole is on the point of extinction in several counties.

Loss, fragmentation and degradation of habitats are thought to be the most important reasons for this decline. Suitable waterside habitats have been lost as a result of *in situ* development, engineering works and the inappropriate management of bankside vegetation (the most notable problems being the timing and severity of cutting). These factors destroy actual or potential breeding areas, resting places and refuges. Fragmentation causes the loss of interconnecting river corridor habitats and suitable ditches. Intensive farming methods including use of rodenticide and more efficient machinery and field enlargement have also contributed to the decline. Another important factor has been the introduction and spread of mink, an effective predator of water voles.

Legal protection

Since April 2008 the Water Vole has received legal protection through the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- intentionally kill, injure or take a Water Vole;
- possess or control any live or dead specimen or anything derived from a Water Vole;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place which they use for shelter or protection;
- intentionally or recklessly disturb a Water Vole while it is occupying a structure or place which it uses for that purpose.

Water Voles and development

Where they think Water Voles or their habitat might be affected by a development, developers are advised to seek guidance from Natural England and the Environment Agency as early as possible before a planning application is submitted.

Developers should demonstrate, in their submissions, how the choice and design of their proposed development site avoids adverse impacts on protected species and their habitat. Where there is no alternative solution or there are reasons of overriding public interest why the proposal might

damage or disturb this species and their habitat, developers will be required to demonstrate how their proposal incorporates adequate mitigation and compensation measures.

Planning application consultation procedure

For a planning application that is likely to result in disturbance or damage to Water Voles and their habitat, the Council will require submission of sufficient information to allow the effects to be satisfactorily determined.

An ecological appraisal of these effects, including a Water Vole survey and mitigation proposals, is the recommended means of presenting this information. Expert advice should be sought by the developer when carrying out this appraisal work.

As Water Voles seem to confine the great majority of their activities to within five metres of the edge of water, developments should ideally incorporate appropriately-sized buffer zones around any watercourses and waterbodies, which should be left undeveloped and/or sympathetically managed.

More detailed information on survey methods and mitigation measures is provided in the joint Environment Agency, Natural England and Wildlife Conservation Research Unit Water Vole conservation handbook referred to below under 'Further information'.

Once this information is received, the Council will consult Natural England, the Environment Agency and the Dorset Wildlife Trust.

These groups may lodge an objection or request that conditions be attached to any planning permission. The Council will then determine the application paying due consideration to these and other representations and the law. It may refuse permission or attach conditions and/or negotiate a Section 106 Agreement to protect the water voles and their habitat.

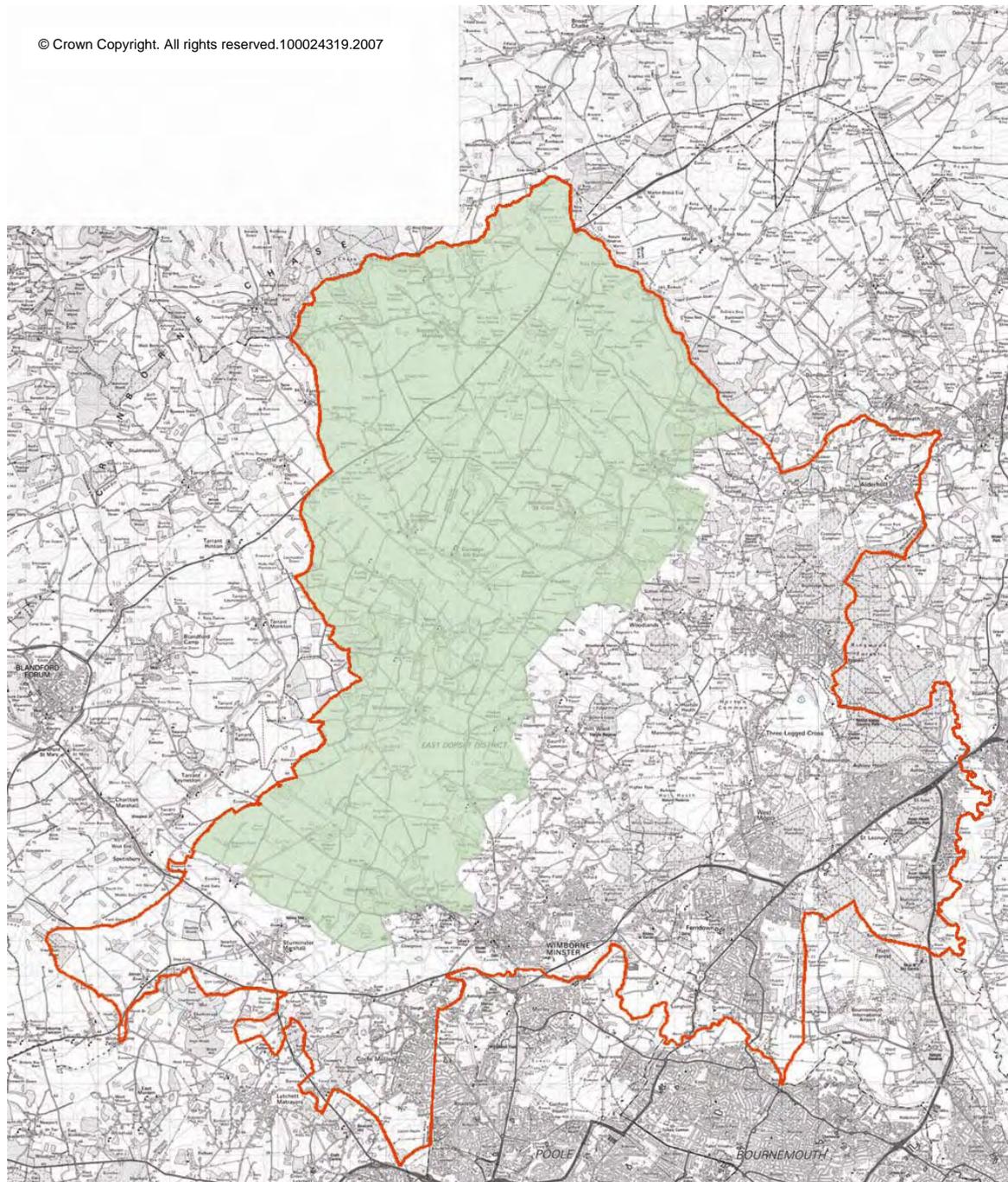
Further information

'Water Vole conservation handbook' by Rob Strachan, published by the Environment Agency, English Nature and the Wildlife Conservation Research Unit (WCRU) of Oxford University It is available from WCRU for £20 (inc. p&p) contact details in Appendix L

'Water Vole – Guidance for planners and developers' is an introductory 5-page Natural England leaflet available from their Dorset office (contact details provided in Appendix L).

Appendix K

Boundary of Cranborne Chase and West Wiltshire Downs AONB within East Dorset District



Appendix L

Useful references and contact details

Contacts

The Bat Conservation Trust

Unit 2, 15 Cloisters House 8 Battersea Park Road London SW8 4BG
Tel: 020 7627 2629
Fax: 020 7627 2628
W: <http://www.bats.org.uk>

Cranborne Chase & West Wiltshire Downs AONB Partnership

AONB Office, Castle Street, Cranborne, Dorset, BH21 5PZ
T: 01725 517417
F: 01725 517916
W: info@cranbornechase.org.uk

Department for the Environment, Food and Rural Affairs (Defra)

For information on any aspect of Defra's work, please contact the Defra Helpline by telephone on 08459 33 55 77 or by email at helpline@defra.gsi.gov.uk
W: <http://www.defra.gov.uk/wildlife-countryside/vertebrates/default.htm>

Dorset County Council

Natural Environment Team, County Hall, Colliton Park, Dorchester, Dorset DT1 1XJ
T: 01305 224290
W: <http://www.dorset-cc.gov.uk/>

Dorset Environmental Records Centre (DERC)

Library Headquarters, Colliton Park, Dorchester, Dorset DT1 1XJ
T: 01305 225081 F: 01305 224402 E: Enquiries@derc.org.uk
W: <http://www.derc.org.uk/>

Dorset Wildlife Trust

Brooklands Farm, Forston, Dorchester, Dorset DT2 7AA
T: 01305 264620 F: 01305 251120 E: dorsetwt@cix.co.uk
W: <http://www.wildlifetrust.org.uk/dorset/>

Natural England (local)

Natural England, Government Buildings, Prince of Wales Road, Dorchester, Dorset, DT1 1PY
Tel: 01305 257086
Email: dorset@naturalengland.org.uk

Natural England, Dorset Team, Slepe Farm, Arne, Wareham, Dorset, BH20 5BN

Tel: 01929 557450
Fax: 01929 554752
W: <http://www.naturalengland.org.uk>

Wildlife Licensing Unit Natural England

Burghill Road, Westbury-on-Trym, BRISTOL BS10 6NJ
Telephone 0845 6014523 (local rate)
0845 6013438 (local rate)
wildlife@naturalengland.org.uk
Please quote: For attention of the Wildlife Licensing Unit

Environment Agency (local)

Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford Forum, Dorset DT11 8ST

T: 01258 456080 F: 01258 455998

W: <http://www.environment-agency.gov.uk/>

Herpetological Conservation Trust – Group dedicated to the conservation of reptiles and amphibians:

655a Christchurch Road, Boscombe, Bournemouth, Dorset BH1 4AP

T: 01202 391319 F: 01202 392785

W: <http://www.herpconstrust.org.uk/>

Royal Society for the Protection of Birds

South West Regional Office, Keble House, Southernhay Gardens, Exeter EX1 1NT

T: 01392 432691

W: <http://www.rspb.org.uk/>

Wildlife Conservation Research Unit,

Department of Zoology, Oxford University, South Parks Road, Oxford OX1 3PS

T: 01865 271289

Reference

Legislation, Policy Guidance and Relevant Documents

The Conservation (Natural Habitats, &C.) Regulations ('The Habitats Regulations') 1994 – view the Regulations at: http://www.legislation.hmso.gov.uk/si/si1994/Uksi_19942716_en_1.htm

Bournemouth, Dorset and Poole Structure Plan – download the document by visiting: <http://www.dorset-cc.gov.uk/> then click on 'Environment and Transport', then 'Plans and Policies' and then the 'Structure Plan' link.

Countryside and Rights of Way Act 2000 ('The CROW Act') – view the Act at: <http://www.legislation.hmso.gov.uk/acts/acts2000/20000037.htm>

Dorset Biodiversity Strategy – download the document at: <http://www.wildlifetrust.org.uk/dorset/Text/projects/biostratdownload.html>

East Dorset Local Plan – view the Local Plan text at <http://www.eastdorset.com>

East Dorset Landscape Character Assessment – view on www.dorsetforyou.com

Cranborne Chase and West Wiltshire Downs Integrated Landscape Character Assessment – view on www.ccwwdaonb.org.uk

Guidance for Local Authorities on implementing the Biodiversity Duty – view and download from www.defra.gov.uk

Hedgerow Regulations – view the Regulations at: <http://www.legislation.hmso.gov.uk/si/si1997/97116001.htm>

Planning Policy Statement 9 'Biodiversity and Geological Conservation' (PPS9) -download the document at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/historicenvironment/planningpolicystatement/>

'Planning for Biodiversity and Geological Conservation - A guide to good practice' – download at: <http://www.communities.gov.uk/publications/planningandbuilding/planningbiodiversity>

Planning to halt the loss of biodiversity PAS2010 – published by BSI, details at <http://bsi-global.com/bsonline>

Regional Planning Guidance for the South West (RPG10) – view developments in the regional planning process at www.gosw.gov.uk

'Sites of Special Scientific Interest: Encouraging positive partnerships – Code of guidance' by the Department for the Environment, Farming and Rural Affairs – download the document at: <http://www.defra.gov.uk/wildlife-countryside/ewd/sssi/sssi-code.pdf>

State of the Natural Environment, Natural England report – view and download from www.naturalengland.org.uk

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