

Purbeck District Council Core Strategy Examination in Public

Written Statement
on behalf of Ashvilla Estates (Wareham) Ltd
(Respondent Reference 2799)

Matter 11: Biodiversity and Geodiversity (Policies BIO, DH and PH)

April 2012

Purbeck District Council Core Strategy

Examination in Public

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(Respondent Reference: 2799)**

Matter 11: Biodiversity and Geodiversity (Policies BIO, DH and PH)

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1.0 INTRODUCTION

- 1.1 This Statement is submitted on behalf of Ashvilla Estates (Wareham) Ltd to Matter 11: Biodiversity and Geodiversity (Policies BIO, DH and PH) of the Examination in Public into the Purbeck District Core Strategy Examination in Public. Ashvilla Estates (Wareham) Ltd are the promoters of strategic residential led development of land to the West of Wareham.
- 1.2 This Statement is specifically intended to respond to the Inspector's questions and set out Ashvilla Estates (Wareham) Ltd case on matters of soundness.

2.0 RESPONSE TO INSPECTOR'S QUESTIONS

Issue 11.1: How can it be certain that the proposed heathland mitigation measures (primarily the SANGs) would be sufficient and could be satisfactorily provided, bearing in mind that precise details about their form and means of implementation appear not to be known?

11.1.1 This is the basis for our response under Matter 14.4; based on the information contained within the Core Strategy, there is insufficient certainty both that the proposed SANGs could be satisfactorily provided, and that they are appropriately located to be sufficient and effective. We would therefore like to respectfully direct the Inspector to the Hearing Statement submitted on behalf of Ashvilla Estates (Wareham) Ltd. in response to Matter 14.

Issue 11.2: What is the role of the Joint Dorset Heathlands DPD and should there be greater reference to it?

11.2.1 The Dorset Heathlands Planning Framework 2012 – 2014 SPD Consultation Draft (February 2012) sets out the approach for strategic heathland mitigation in South East Dorset. Representation to the recent SPD consultation submitted by Mr Philip Colebourn of EPR on behalf of Ashvilla Estates (Wareham) Ltd. addresses a number of limitations with the current approach (set out at **Appendix 1**). This document will be superseded by the Joint Dorset Heathlands DPD. Based on the contents of the current SPD, considerable concern should be raised as to the weight that the current Core Strategy places on the forthcoming DPD.

11.2.2 The crucial detail related to bespoke SANGs provision that is lacking within policies NW, NE, CEN, SW, SE is proposed to be dealt with through the Heathlands DPD, yet one of the biggest concerns in respect of the current SPD is the lack of detail regarding bespoke SANGs provision and its relationship to the overall heathland protection strategy. It will be crucial for the Joint Heathlands DPD to provide proper clarity about these issues, and adopt a reasonable approach.

11.2.3 The Joint Heathlands DPD once delivered could be pivotal to a robust holistic approach to heathland mitigation within Dorset given adequate development of detail. However until this document is drafted and delivered, the timeframe for which has not been specified, sufficient information related to bespoke SANGs provision should be included within the Core Strategy to ensure adequacy and deliverability of proposed SANGs and ultimately Habitats Regulations compliance.

11.2.4 There would be strong advantages in the Joint Heathlands DPD setting out targets for heathland re-connection and re-creation, in order to attract landowner participation.

Issue 11.3: Should a risk-based approach be taken towards non SPA habitats used by species listed in Annex 1 of the EC Birds Directive?

No comments

Issue 11.4: Is it sufficiently clear that developers should only provide heathland mitigation to meet the demands arising from their development?

11.4.1 For the reasons set out in the submission by EPR on behalf of Ashvilla Estates (Wareham) Ltd to the Dorset Heaths SPD, referred to above, it is considered that it is insufficiently clear that developers should only be required to mitigate for their own effects. Greater clarity is required as to the distinction between bespoke and strategic provision.

APPENDIX 1



Ecological Planning & Research

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14 March 2012

Dorset Heathland Consultation
Planning & Regeneration Services
Borough of Poole
Civic Centre
Poole BH15 2RU

Dear Sir,

DORSET HEATHLANDS SPD: CONSULTATION

**Comments Prepared by Ecological Planning & Research Ltd
On behalf of ASHVILLA ESTATES.**

We refer to the Dorset Heathlands Planning Framework 2012 – 2014, Supplementary Planning Document, Consultation Draft Questions 2 and 3;

Q2: Does the Project list represent a range of projects to satisfactorily mitigate the adverse impacts of residential development on heathland?

Q3: Is the level of contribution per dwelling reasonable?

We address these in the round, and would make the following points:

1. Section 3 'Towards a solution' contains significant logical flaws, particularly when taken with para 6c of Section 6. Para 3.2 and para 6c state, respectively, that the:

 'obligations will be applied to every residential development regardless of number of units proposed',
 and;

 'contributions will be required from all qualifying developments'.
2. These are clear statements that all residential developments will need to contribute.
3. In contrast, para 3.3 states equally clearly that;

 'large scale developments will be expected to explore ways of mitigating their adverse impacts . . . through on-site measures or more likely off-site measures to facilitate the implementation of Alternative Natural Greenspace' (SANG) and that 'Recourse to financial payments in line with the SPD should be the fallback position only after exploration with Natural England and the relevant local authority of potential mitigation measures'.

4. These statements leave considerable doubt as to what is in fact required. If sufficient mitigation is provided so as to avoid any 'likely significant effects' of the large-scale development, such that it can be permitted in compliance with the Habitats Regulations, then it must follow, as para 3.3 states, that no recourse would be needed to payments under the SPD.

The text of 3.2 and 6c should be amended to reflect this fact that no payment may be required from large scale developments that have provided satisfactory SANG.

5. There is, however, a further logical difficulty that calls into question the reasonableness of the charge.
6. The SPD clearly contemplates, and indeed requires, that large-scale developments provide their own mitigation. However, no allowance for the benefits of such mitigation measures appears to be made in Natural England's evaluation of the *overall* level of mitigation necessary under the SPD.
7. In the absence of knowledge of what specific on-site or off-site SANG any specific large scale development can or will provide, we consider it is not possible for Natural England to have robustly ascertained what *additional* measures are in fact necessary under the HOF in order to secure *overall* mitigation of the incremental effects of population growth in south east Dorset.
8. This must cast doubt on the overall quantum of works and funding necessary, and therefore;
the justification for the proposed Contribution per dwelling has not been properly established.
9. Further, if the measures to be provided by the large-scale developments, and their net effects, have not been quantified, it cannot be possible to determine whether the residents of each specific new large-scale development should be required to contribute to the HOF.
10. Therefore, the overall per-dwelling cost of such additional measures cannot properly be calculated.

To summarise, the determination within the SPD that £5.6M of expenditure, supported by a requirement for paying contributions, will solve a problem the extent of which has not been fully defined, does not appear justified or reasonable.

Yours sincerely



Phil Colebourn MA MSc MRTPI MIEEM
Managing Director
Cc N Paterson-Neild, P Davenport