



Purbeck Core Strategy Development Plan Document

Examination into the soundness of the plan

Statement on behalf of Purbeck District Council

Hearing date: Thursday 10 May 2012 – 2pm

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

Issues

- 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?
- 11.2 What is the role of the Joint Dorset Heathlands DPD and should there be greater reference to it?
- 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?
- 11.4 Is it sufficiently clear that developers should only provide heathland mitigation to meet the demands arising from their development?

Introduction

1. This statement considers all the issues within Matter 11: Biodiversity and Geodiversity (Policies BIO, DH and PH).

Statements of common ground

2. Statements of common ground (SCG) have been agreed between Purbeck District Council and the following in relation to this Matter:
 - Natural England
 - Dorset County Council in regard to paragraph 8.8.7.8
 - Wyatt Homes and Natural England regarding mitigation of Policeman's Lane, Upton
3. By the deadline for submission of statements on the matters and issues (18th April 2012), the following SCG were yet to be agreed between Purbeck District Council and:
 - Bloor Homes, Natural England and the Scott Estate regarding mitigation of Worgret Road, Wareham
 - The Hampshire Family and Natural England regarding mitigation of Huntick Road, Lytchett Matravers
 - RSPB

Why the Council considers the Core Strategy sound

4. Each issue raised by the Inspector is considered in turn below:

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?

5. The Council is confident that suitable mitigation can be achieved for the three allocated housing sites. The Council, with support from ecological consultants, has undertaken extensive work as part of the Habitats Regulations Assessment (HRA) to assess the right amount and distribution of housing, and then plan appropriate mitigation to ensure development can satisfy the Habitats Regulations. Close working with Natural England and landowner/developers has led to a position where all parties for the three sites are agreed on the principal of providing mitigation. Recent work on the SCGs has confirmed more detail and ensures landowners/developers agree and that the mitigation can therefore be delivered. The HRA for the Proposed Changes to the Pre-Submission Core Strategy¹ concludes that mitigation measures are adequately integrated into the plan.
6. Through the detailed work on the SCG, the Council has identified some changes to the Core Strategy that would provide greater certainty over the future provision of

¹ SD16 Habitats Regulation Assessment for Proposed Changes to Core Strategy Pre-Submission 2011

SANGs. These changes are set out at the end of this statement and will need to be subject to consultation after the hearings.

7. Landowners promoting the other settlement extensions at Swanage, Bovington and Bere Regis will be expected to provide suitable mitigation to accompany their proposals in the relevant subsequent plan. The HRA has concluded that the range of suitable options for these settlements should ensure that new development is capable of implementation (HRA, para 5.64)
8. All other housing development will contribute towards mitigation measures set out in the Dorset Heathlands Interim Planning Framework (IPF)², and its replacement the Heathlands DPD.
9. The Core Strategy will be subject to a final appropriate assessment before adoption so that it can be assessed with up to date information and assess the modifications put forward by the Council. This will ensure that the adopted Core Strategy satisfies The Habitats Regulations.

11.2 What is the role of the Joint Dorset Heathlands DPD and should there be greater reference to it?
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10. The Heathland DPD will replace the IPF and provide a longer term mitigation strategy. This DPD will also ensure that there is a strategic approach to heathland mitigation across South East Dorset. Whereas the Core Strategy includes SANGs for specific housing developments, the Heathland DPD will identify strategic SANGs located in the best possible areas to intercept people travelling from population centres to European protected sites.
11. The Council's ecological consultants have, through the Habitats Regulations Assessments, recommended other strategic SANGs in Purbeck. These are to the north of Wareham and also between Upton and Bere Regis to divert users of Wareham Forest.
12. The Heathland DPD will also identify other mitigation measures such as the management of public access to heathland to avoid particularly prone areas where protected species live. Measures could include reviewing the size and location of car parking and access points to heathland. Contributions from development will pay towards the mitigation. On going monitoring work, to inform the DPD and as part of the measures within the DPD will act as an early warning, monitoring changes in access, success of measures etc. to ensure that the mitigation measures are successful.
13. The Council, at the Pre-Submission stage, intended that the mitigation of housing growth in the Core Strategy would be entirely delivered through the Heathlands DPD. However, the HRA for the Pre-Submission Core Strategy³ highlighted the need to incorporate mitigation measures into the Core Strategy to provide greater certainty of delivery.
14. The Heathland DPD has been delayed as partner authorities have concentrated resources on their Core Strategies and to compile evidence of the effectiveness of

² CD105 Dorset Heathlands Interim Planning Framework (2010)

³ SD6 Habitats Regulation Assessment for Core Strategy Pre-Submission 2010

the first implemented SANGs through monitoring of visitor patterns⁴. Through partnership working it has become clear that the Heathland DPD is a strategic document and other mitigation is better provided at a local level through core strategies.

15. The Council therefore delayed submission of the Core Strategy, to prepare the Proposed Changes to the Pre-Submission that includes greater detail on the mitigation measures for the allocated housing sites. Further reference to the Heathland DPD in the Core Strategy is therefore unnecessary.

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?

16. Para 118 of the NPPF affords the same protection for possible SPA and SACs as designated SPA and SACs. Natural England representations to the Proposed Changes to the Pre-Submission Core Strategy highlighted four possible SPAs in Purbeck that require protection in the Core Strategy. The boundaries of these sites have not been defined. Therefore Natural England has advised the Council to include a criteria based policy that sets a risk based approach to development schemes, that will ensure that development proposals are weighed up against the possible impacts on non-designated habitats.

17. The Council has asked the Inspector through the Minor Changes Schedule⁵ (changes 84 and 85) to add reference to the risk based approach in Policy BIO: Biodiversity and Geodiversity. Natural England has agreed to this change in its SCG with the Council. The change will be consulted upon as a modification to the Core Strategy after the hearings have been completed.

18. The Council has been advised by its ecological consultants undertaking the HRA that the possible SPAs do not have any particular implications for the three housing allocations. Therefore any future 400m buffer zone around these possible sites would not rule out development proposed in the Core Strategy.

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

19. Para 173 of the NPPF expects that planning obligations that would include heathland mitigation development, should not over burden development and threaten viability. However, unless certainty can be provided that effective mitigation will be delivered, the proposal will fail to satisfy The Habitats Regulations.

20. The Council is advised by its ecological consultants and Natural England that SANGs need to be attractive and provide an alternative and similar experience to visiting heathland. Visitor survey work shows that a significant proportion of existing residents visit heathland to walk their dog because of the open access and ability to let the dog off the lead. For SANGs to be effective it would need to replicate this experience. SANGs need to provide a 2-2.5km circular walk, which on some land holdings could require 18-20 hectares of land. This is an extensive land area for a landowner to gift as mitigation of housing growth. However, smaller SANGs would

⁴ CD107 Analysis and presentation of IPF monitoring and projects to inform the Heathland DPD

⁵ SD26 Minor Changes Schedule

not be able to replicate the heathland experience and would therefore be unlikely to divert people from heathland.

21. The aim of heathland mitigation is to ensure that there is no net increase in people visiting heathlands. In practice not all of the inhabitants of a new housing site will choose to use the accompanying SANGS and may instead choose to visit heathland. Therefore SANGS can attract existing residents, who may in the past have visited heathland as they had little option in terms of locally attractive and accessible green infrastructure. By diverting existing heathland users in this way, there would be no net increase in the overall number of visitors to the heathland, and therefore no adverse harm to European protected sites from additional development, satisfying The Habitats Regulations.

Suggested changes for the Inspector to consider

22. Update as per changes 84-86 of the Minor Changes Schedule⁶. Changes 84 and 85 make reference to the risk-based approach in Policy BIO for possible SPA sites. Change 86 provide flexibility to Policy PH, as it is still unclear whether all developments will be required to make contributions. These three changes will be consulted upon after the hearings have been completed.
23. The SCGs set out in para 2 and 3 above include some changes to the Core Strategy that will ensure that housing growth is linked to the delivery of suitable mitigation. These changes will be put forward to the Inspector prior to the hearings as part of a Modifications Schedule that will be consulted on in the summer. The SCGs will lead to the following proposed amendments:

Dorset County Council

To resolve Dorset County Council's concerns, add the following to paragraph 8.8.3:

- *'The restoration of former minerals sites will also contribute to improving biodiversity'*

Also amend paragraph 8.8.7.8:

- *'In summer increased tourism and camping on the rural southern shores can lead to disturbance and during winter months visitors can disturb over wintering birds when they are at their most vulnerable.'*

Natural England

To resolve Natural England's concerns, amend paragraphs 8.8.7.5, 8.8.7.6 and 8.8.7.7 as follows:

- 8.8.7.5 *'A joint approach to ensure that new development is nitrogen neutral is underway (including an options appraisal and timetable of actions). It will cover the relevant local authority areas and will be essential to ensure that mitigation measures are coordinated and consistent, and to secure their delivery. The Council is working with West Dorset District Council, Borough of Poole, Environment Agency, Wessex Water and Natural England to develop a strategic*

⁶ SD26: Minor Changes Schedule

mitigation/avoidance approach for Poole Harbour SPA and Ramsar in respect of nutrient (nitrogen) enrichment. This approach will also have positive benefits for the River Frome SSSI which is also suffering from nutrient enrichment. ~~This should be worked out in the context of the Nutrient Management Plan for the Harbour, currently being developed by Natural England, the Environment Agency and Wessex Water.~~

8.8.7.6 At this stage it is not possible to determine which of several different options for mitigation will be most appropriate but they will broadly fall into two categories, those that tackle point sources from STW or those that ~~deal/divert with~~ diffuse pollution currently arising from existing agriculture.

8.8.7.7 The three strategic settlement extensions at Wareham, Upton and Lytchett Matravers are located within the catchment of Poole Harbour. The change of use of these agricultural sites to housing and suitable alternative natural green space will remove the use of nitrate fertilisers. This is considered capable of offsetting the increase in nitrates from sewerage resulting from the new dwellings, depending on the areas and type of existing agricultural use. This will ensure that these developments are nitrogen neutral. The mitigation measures for these three sites may also provide a degree of mitigation for other planned housing development within the catchment in Purbeck but this will require a further investigation. The Council will continue to work with partners to investigate this and other means of providing strategic mitigation and will ensure a clear process for the funding and implementation of these ~~se agreed~~ measures; ~~if necessary involving contributions from development should be laid out.~~ Monitoring of the delivery and effectiveness of mitigation measures will be needed and if necessary, ~~should will~~ trigger a review of ~~the phasing and /or distribution and /or scale of~~ housing provision. The Council will provide applicants with details on how their proposals can provide suitable and proportionate mitigation that will allow development to come forward in a planned manner with the necessary certainty.

Also add to Appendix 3: Monitoring, Policy HS: Housing Supply and Policy PH: Poole Harbour as follows:

<i>Indicator</i>	<i>Type of Indicator</i>	<i>Local Target</i>
<i>That sufficient nitrogen mitigation has been provided by new housing in the Poole Harbour catchment</i>	<i>LOI</i>	<i>Sufficient nitrate mitigation has been provided to offset the increase in population equivalents (PE)¹.</i>

¹ PE is a clearly defined measure for sewage works load and is incorporated into the EU Urban Wastewater Directive as follows: 1 p.e. (population equivalent)" means the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60g of oxygen per day.

Add to Policies NE and CEN under the bullets for each housing allocation and in Policy NW:

'Mitigation measures that will ensure the development including the SANGS are nitrogen neutral'

Add to paras 7.1.8, 7.3.8 and 7.4.8. Addressing Impacts on European protected habitats and wildlife as follows:

'(iii) ensuring new development is nitrogen neutral' and

'Early indications are that the change of use of agricultural land to provide the settlement extension and the accompanying SANGs will offset the increase in nitrates from sewerage resulting from new dwellings, thereby ensuring the development is nitrogen neutral with no adverse harm upon water quality in Poole Harbour.'

24. The above changes will be consulted on as a modification to the Core Strategy after the hearings have been completed.