



## **WEST DORSET, WEYMOUTH & PORTLAND LOCAL PLAN EXAMINATION**

### **STATEMENT OF COMMON GROUND 2**

#### **1. GENERAL**

- 1.1 This Statement of Common Ground (SOCG) has been produced by West Dorset and Weymouth & Portland Councils' to assist the Inspector at the West Dorset and Weymouth & Portland Local Plan Examination.
- 1.2 The purpose of this SOCG is to explain Natural England's and Dorset County Council's position on the key ecological matters which relate to the West Dorset and Weymouth & Portland Local Plan.
- 1.3 These key matters include the content of policy ENV 2 (Wildlife and Habitats), the Habitat's Regulations Assessment, and the potential impacts of policy CRS 1 which allocates land for development at Crossways.
- 1.4 West Dorset and Weymouth & Portland Councils circulated this SOCG to Mr John Stobart of Natural England and Dr Annabel King, Ecologist at Dorset County Council, for agreement on 31<sup>st</sup> October 2014.

#### **2. CONCERNS RAISED BY RESPONDENTS**

- 2.1 Concerns were raised by respondents including Natural England and DCC with regard to the contents of policy ENV 2. Specifically issues relating to the clarity of the mitigation hierarchy and expectations around compensation were highlighted.
- 2.2 Through the course of discussions to resolve these matters, respondents raised additional concerns in relation to the measurability of one of the monitoring indicators and the requirements at criterion vi of the submission policy.
- 2.3 The Royal Society for the Protection of Birds (RSPB) have raised concerns about the potential impacts on the Dorset Heathlands European and International wildlife designation of the allocation of land for development at Crossways.

- 2.4 These objections relate to the use of Suitable Alternative Natural Greenspace (SANG) as a means of reducing the recreational pressure upon the Dorset Heathlands designation. The RSPB are concerned that this mitigation method is “relatively untested as effective mitigation” whilst acknowledging that “it is clear that SANGs offer perhaps the best opportunity of addressing potential adverse impacts on the European Sites”.

### **3. AGREED POSITION**

- 3.1 Natural England and Dorset County Council confirm that the Councils proposed revised wording to Policy ENV2 (appended to this Statement) would address the concerns previously raised in relation to this policy and that they support the modified Policy ENV2 (as appended to this Statement).
- 3.2 Natural England and DCC support the findings of the Habitats Regulations Assessment (HRA) screening report published in June 2013, to accompany the submission draft of the West Dorset, Weymouth & Portland Local Plan (also published in June 2013), and confirms that the HRA complies with EU Directive (92/43/EEC) on the Conservation of Habitats and of Wild Fauna and Flora (‘the Habitats Directive’) and the Conservation of Habitats and Species Regulations (2010).
- 3.3 Natural England and DCC confirm that policy CRS 1 (Land at Crossways) of the submission draft of the West Dorset, Weymouth & Portland Local Plan is unlikely to have a significant adverse effect upon the Dorset Heathlands European and International site, in light of the mitigation measures incorporated into the allocation, which include the provision of Suitable Alternative Natural Greenspace (SANG).
- 3.4 The position has been agreed by Mr John Stobart and Dr Annabel King on 03 November 2014.

## APPENDIX: REVISED POLICY ENV2 (WILDLIFE AND HABITATS)

The text below shows the Councils proposed revised wording for Policy ENV2. These changes are shown as changes to the Submission version of the Local Plan (June 2013):

Underlined red text: Text added

~~Strikethrough red text~~: Text deleted

Underlined green text: Existing text moved to new position

~~Strikethrough green text~~: Existing text's former position prior to being moved

### WILDLIFE AND HABITATS

2.2.13 The plan area includes a diverse range of habitats and associated species, many of which are protected through law. Some areas are of international significance and are protected by legislation, including the Fleet (an important site for breeding and overwintering birds), lowland heath areas around Crossways in the east, calcareous grasslands in the Cerne and Sydling Valleys, and ancient ash and alder woods. Coastal and marine areas are also proposed for protection at a European level. Many further areas are important at the national or local level. All of the sites designated (and those subject to consultation at the time of publication) are shown on the Proposals Map. Further sites may be designated during the lifetime of this plan.

**Table 2.1 Sites Designated for Nature Conservation**

Importance	Site Designation	Explanation
<b>INTERNATIONAL</b>	<b>RAMSAR SITES</b> Convention on Wetlands of International Importance especially as Waterfowl Habitat, held at Ramsar, 1971	Sites of international importance as wetlands, particularly for their populations of migratory or wintering waterfowl.
<b>INTERNATIONAL</b>	<b>SPECIAL PROTECTION AREAS (SPAs)</b> EC Council Directive on the Conservation of Wild Birds, 1979	Habitats of international importance for birds, designated to ensure the survival and reproduction of rare breeding and migratory species. Together with SACs they form a network of internationally important sites known as "Natura 2000" throughout the European Union.
<b>INTERNATIONAL</b>	<b>SPECIAL AREAS OF CONSERVATION (SACs)</b> EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, 1992 (The Habitats Directive)	Sites of international importance as natural habitats, designated to conserve habitats and species which are rare or threatened within the European Union. Sites hosting habitats or species which

		are particularly threatened have "priority" status. These sites also form part of the "Natura 2000" network.
<b>NATIONAL</b>	<b>NATIONAL NATURE RESERVES (NNRs)</b>  1949 National Parks & Access to the Countryside Act, or 1981 Wildlife & Countryside Act	Sites of key national, or international, biological or geological importance which are managed primarily for nature conservation. They are owned or leased by Natural England or approved bodies.
<b>NATIONAL</b>	<b>SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)</b>  Wildlife and Countryside Act 1981 (as amended)	SSSIs collectively form a nationally important series of sites of biological or geological value and are notified by Natural England in accordance with published guidelines.
<b>COUNTY</b>	<b>SITES OF NATURE CONSERVATION INTEREST (SNCIs)</b>  Non-statutory wildlife sites	Wildlife sites which are important in a county context. In Dorset they are selected in accordance with guidelines published by the Dorset Wildlife Trust. The guidelines are similar to those for SSSI selection, although the thresholds are lower.
<b>LOCAL</b>	<b>LOCAL NATURE RESERVES (LNRs)</b>  S.21 of the 1949 National Parks & Access to the Countryside Act	LNRs are sites of at least local importance for nature conservation, which are declared and usually managed by local authorities

2.2.14 It is important that we take account of the need to plan for this level of biodiversity to thrive at both a local and much larger, landscape-scale, through the appropriate protection of key sites, priority habitats and species, and the strengthening of local ecological networks.

2.2.15 The protection of nationally or internationally designated wildlife sites will be given great weight in planning decisions. The protection of internationally designated wildlife sites through policy ENV2 will be the over-riding policy consideration where development may cause a significant adverse impact to such a site. The strategies set out in table 2.2 have been adopted to safeguard important internationally designated wildlife sites that are known to be sensitive to certain types of development. As and when further issues arise that may adversely impact such sites, the approach to development will be carefully considered and if appropriate, a relevant strategy produced to guide new development.

2.2.16 Wildlife is not confined to designated sites. Development sites may contain or be adjacent to features which support wildlife or provide “stepping stones” for species. Such features should be retained or restored and appropriately managed. A number of rare or threatened species are also found in the plan area, including sand lizards, great crested newts, bats, otters, dormice and water voles. It is a criminal offence to kill, injure, sell or take protected species, or to intentionally damage, destroy or destruct their places of shelter. It is the developer’s responsibility to take reasonable measures to ascertain whether there are protected species on a site.

~~2.2.17 Where land proposed for development may be of wildlife value, applicants will be expected to provide appropriate survey information.~~

~~2.2.18~~ 2.2.17 The cumulative and indirect, as well as the direct, impacts of development need to be taken into account in assessing potential harm. For example, excessive visitor pressure can lead to trampling, erosion and disturbance. Increasing traffic can also create noise and adversely affect air quality, as well as severance of important migration routes for land animals. Consideration will also be given to whether any adverse impact to such sites could be avoided through meeting the need for that development elsewhere. Some habitats, such as ancient woodlands, cannot be replaced.

~~2.2.19~~ 2.2.18 Where development is permitted the The council will seek to ensure that it does not adversely affect the conservation interests of sites and species through the use are conserved and enhanced. Where significant harm resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, it should be mitigated. Mitigation could be on-site or through other measures. In cases where it is not possible to fully mitigate for the loss of appropriate biodiversity interests on a development site the applicants will be encouraged to avoid residual losses via off site compensation measures. Appropriate conditions and obligations may be used to prevent damaging impacts, secure long term protection and provide necessary compensation. ~~Where development would cause significant~~ In the event that the harm to local biodiversity, and this cannot resulting from proposals can not be adequately avoided, mitigated the application will or compensated, permission should be refused.

~~2.2.19~~ Where land proposed for development may be of wildlife value, applicants will be expected to provide appropriate survey information. All appraisals for wildlife interests should be undertaken by a suitably qualified person.

~~2.2.20~~ In order to comply with all relevant government legislation on biodiversity and Natural England advice, an appraisal scheme has been set up in Dorset by the DCC natural environment team; if required, a Biodiversity Appraisal accompanied by a Biodiversity Mitigation Plan (BMP) should be submitted alongside the planning application. This standardised process is the councils preferential scheme but developers can, if they so wish, demonstrate in other ways how they have met the statutory and policy requirements.

~~2.2.20~~ 2.2.21 Development proposals where the primary objective is to conserve or enhance biodiversity are encouraged. Where there are opportunities for enhancements which benefit nature conservation and biodiversity the council will seek appropriate measures to secure this.

**2.2.212.2.22** Where wildlife sites are relatively isolated from each other and from the wider countryside by urban development, it will be important to protect and enhance the remaining wildlife corridors. Work is needed to identify key wildlife corridors and local nature improvement areas through the green infrastructure strategy (see policy ENV 3), giving appropriate consideration to the ecological network across the area and how it connects to adjoining areas.

**2.2.222.2.23** Locally coordinated projects such as Wild Purbeck, Pastures New and the Dorset Wild Rivers Project, the continuing enhancement and extension of the green infrastructure network, together with the development of major sites incorporating areas of open space managed for biodiversity, the restoration of habitats and features within or close to the site and the planting of trees and woodlands, will provide the main opportunities for biodiversity gains during the lifetime of this plan.

**Table 2.2: Strategies to safeguard important internationally designated wildlife sites**

International site	Development type / issue	Strategy
<p><b>Dorset Heathlands</b> important sites which represent some of the biggest and finest remaining areas of lowland heathland in the UK</p>	<p>Residential development involving a net increase in the local resident or staying visitor population, or other developments leading to greater recreational pressure on the heathlands causing disturbance to key species.</p>	<p>The following forms of development (including changes of use) will not be permitted within a 400m buffer around protected heathland:</p> <ul style="list-style-type: none"> <li>- Residential (C3 or C4 of the Use Classes Order or similar) development that would involve a net increase in homes;</li> <li>- Tourist accommodation including built tourist accommodation, caravan and camping sites;</li> <li>- Sites providing accommodation for Gypsy and Traveller and Travelling Show People (permanent and transit); and</li> <li>- Equestrian-related development that may directly or indirectly result in an increased adverse impact on the heathland.</li> </ul> <p>Between 400 metres and 5 kilometres of a protected heathland, development will only be permitted where it takes all necessary steps to avoid or mitigate any adverse effects on the heathlands.</p> <p>There are a range of mitigation measures which may include the provision of Suitable Alternative Natural Greenspace (SANG), access and parking management, warden services, monitoring and education.</p> <p>In the case of large scale development, a bespoke</p>

International site	Development type / issue	Strategy
		<p>mitigation package agreed with Natural England and including the delivery of SANG will be required. Mitigation measures will be expected to be provided in perpetuity and operational before the occupation of new development.</p> <p>Where mitigation is required for smaller scale development, this will be delivered through financial contributions as outlined in the Planning Obligations SPD (and its subsequent replacement) – either in the form of a planning obligation or the community infrastructure levy. The council will ensure that the monies collected are directed towards delivering identified Dorset Heathlands SPA and Ramsar and Dorset Heaths SAC mitigation projects.</p> <p>The provision of mitigation measures and their impact on the protected heathland will be monitored. If necessary, this strategy will be reviewed in light of the results.</p> <p>Proposals which alter patterns of recreational use on existing open spaces within 5km of the European Heathland sites must comply with environmental law by ensuring that significant adverse impacts upon internationally designated wildlife sites are avoided.</p>
<p><b>Poole Harbour</b> important site for breeding passage and wintering birds.</p>	<p>Any development in the Poole Harbour catchment that may potentially contribute to an increase of nutrient loading (nitrogen) discharge into Poole Harbour, primarily through sewage treatment and disposal.</p>	<p>Development will only be permitted where it makes provision to avoid or mitigate any adverse effects of nutrient loading on the ecological integrity of the protected Poole Harbour sites, either as part of the development or through a contribution towards mitigation measures elsewhere.</p> <p>A strategic approach to the mitigation of anticipated adverse effects on these sites is being developed in conjunction with neighbouring authorities also affected (Borough of Poole and Purbeck District Council) the Environment Agency and Wessex Water to ensure that mitigation measures are coordinated and consistent, and to secure their delivery.</p> <p>Mitigation measures may include solutions that tackle point sources from sewage treatment works, or those that deal with diffuse pollution from agriculture.</p>

## ENV 2. WILDLIFE AND HABITATS

- ~~i) Proposals that conserve or enhance biodiversity should be supported.~~
- ii) Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.
- iii) Development that is likely to have an adverse effect upon the integrity of the Poole Harbour and Dorset Heaths International designations will only be permitted where there is provision to avoid or secure effective mitigation of the potential adverse effects in accordance with the strategy in Table 2.2.
- iv)ii) Development that is likely to have an adverse effect upon nationally designated wildlife sites will not be permitted unless the benefits, in terms of other objectives, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.
- iii) In other locations, including locally identified wildlife sites, where significant harm to nature conservation interests cannot be avoided, ~~adequately mitigated or compensated for, it should be mitigated. Where it cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity or~~ development will not be permitted. Features of nature conservation interest should be safeguarded by development.
- v)iv) Proposals that would result in the loss or deterioration of irreplaceable habitats, such as ancient woodlands and veteran trees, will be refused unless the need for and public benefits of the development site clearly outweigh the loss.
- vi)v) ~~Proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged.~~ Development of major sites ~~will~~should be expected to ~~demonstrate no net loss in biodiversity, and~~ take opportunities to help connect and improve the wider ecological networks.
- vii)vi) Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution. Development on sites supporting other protected species will only be permitted where adequate provision can be made for the retention of the species or its safe relocation.



**Monitoring Indicator:** change in areas designated for their intrinsic nature conservation value. **Target:** net increase

**Monitoring Indicator:** condition of sites designated for their nature conservation interest. **Target:** net increase

**Monitoring Indicator:** Heathland bird Populations. **Target:** no net decrease

~~**Monitoring Indicator:** Productivity of heathland birds. **Target:** no net decrease~~

~~**Monitoring Indicator:** Visitor numbers to protected heathland sites **Target:** No net increase~~

~~**Monitoring Indicator:** Visitor numbers to SANGs following implementation **Target:** Net increase~~