

From: Nayan Gandhi
To: ['teame4@planninginspectorate.gov.uk'](mailto:teame4@planninginspectorate.gov.uk)
Cc: Nick Laister
Subject: RE: Planning Inspectorate APP/D1265/C/22/3313965: Gundrys Farm, School Lane, BH21 6RU
[Dorset Council Enforcement Notice Gundrys Farm 4th Oct 22.pdf](#); [ENF/17/0094 Gundys Farm, School Lane, Three Legged Cross.; Start Letter - David Hancock - 10 Feb 2023.pdf](#); [Southern-Damselfly-Management-Handbook-compressed_0.pdf](#);
Attachments:
Sent: 20/03/2023 17:20:16

Dear Faiza,

We write to you following receipt of the attached 'corrections' notification from the Local Planning Authority in an email dated 6th March 2023, which relates to the associated Regulation 37 Notice that was attached to the Enforcement Notice subject to the above Appeal (original Enforcement Notice and Regulation 37 Notice also attached for convenience). The Planning Inspectorate may not be aware of these corrections and have not been able to consider the implications of the LPA's actions.

The LPA's correction notice sought two corrections to the Regulation 37 Notice that was served on our client, as follows:

1. To amend the reference to the Enforcement Notice subject to the current Appeal, instead of a different Notice (which was in fact withdrawn); and
2. It has removed references to the provision of the LPA's Screening Opinion that was supposedly found in Appendix A of the Regulation 37 Notice, which was not provided by the LPA alongside the Regulation 37 Notice.

These are significant changes, which appear to respond to nullity points set out in the submitted Statement of Matters (attached). The Appellant is seeking legal advice from its barrister regarding whether the 'corrections' can be lawfully made if the Notice is a nullity, on the basis that it is not possible to correct a Notice that does not exist. From past experience, we believe that this is not possible, but we will confirm with our client's barrister. The Inspector is invited to take a view in any event.

There is also an issue with the amendment being made after the deadline to make an Appeal. If the corrections can be accepted, we believe that these changes create a substantial injustice, particularly as there are multiple parties to whom the Notice was addressed, and it is not known whether any of these parties might have appealed against the Notice (or Appealed on different grounds) had they seen a 'corrected version' of the Regulation 37 Notice when it was first issued or, at least, before the deadline by when an Appeal should have been made. It appears that the 'correction' to the Regulation 37 Notice should be withdrawn altogether, alongside the Notice (the Council may wish to then re-issue the Notices, but that would be a matter for them). This would ensure that there are no injustices caused by the 'corrections' made so late in the process.

In any event, the corrections will result in the Appellant seeking costs against the LPA for wasted expenses. We are due to submit our Appeal Statement of Case by 24th March 2023, and the corrections substantially alter the nature of the case, particularly the Ground (a) Appeal. Without prejudice to whether the LPA can lawfully make this change at this late stage, **we therefore requesting an extension of 4 weeks to deadline for the submission of the Statement of Case, to 17th April 2023, to allow us a full 6 weeks from the date of the correction to prepare the Appellant's Statement.**

As the same time, the Council has affectively withdrawn their Screening Opinion which would have informed the Appellant of the case for a Regulation 37 Notice with the second correction above. This makes it more difficult to understand the reasons behind the LPA's case. However, in the Regulation 37 Notice (if the corrections are upheld), the case indicates that there might be an effect on European Sites (Dorset Heath) nearby, some areas of which are designated for the presence of Southern Damselfly, according to the JNCC record here: [Southern damselfly \(Coenagrion mercuriale\) - Special Areas of Conservation \(jncc.gov.uk\)](#). According to the British Dragonfly Society's Southern Damselfly Management Handbook Page 14 (attached), "*Transects should be carried out during the peak adult flying period, between early June and the end of July.*" This is clearly after the date by when the Appellant's Statement must be submitted. Due to the timing of when the Enforcement Notice was served, and the 'corrections' to the Regulation 37 Notice were received, it has not been possible to carry out relevant surveys of ecological matters, which the LPA has cited as being a particular reason for the making of a Regulation 37 Notice (following correction).

In order to appropriately carry out an assessment of the potential impact of the alleged development on the European Sites in an Environmental Statement as required by the corrected Regulation 37 Notice (which itself will inform our case for the Ground (a) Appeal), such surveys will need to be carried out in the summer, and thereafter, the Environmental Statement can be completed. **It is therefore necessary to request a further extension to provide a Statement of Case, with an Environmental Statement in September.** This should provide sufficient time to allow the Appellant's professional team to be appointed and for the relevant surveys to be carried out and reported on in an Environmental Statement and new Statement of Case. **We hereby request an extension to allow the submission of the Statement of Case, with an Environmental Statement, by middle of September 2023.**

Please would you kindly urgently pass these requests to the Inspector and let us know if the above extensions can be granted.

We would be more than happy to answer any further questions arising on this matter in order for the Inspector to make an informed decision on whether the corrections are lawful and can be accepted and whether extensions of time can be agreed to. We look forward to hearing from you.

Kind regards,

Nayan

Nayan Gandhi
Director
Laister Planning Limited

Mobile: 07538 139797

Email: nayan@laister.co.uk

Laister Planning Ltd is a company registered in England under no. 13091207.

Registered Office at Ground Floor, Oddfellows Hall, London Road, Chipping Norton, Oxfordshire OX7 5QH

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From: teame4@planninginspectorate.gov.uk <teame4@planninginspectorate.gov.uk>

Sent: Friday, February 10, 2023 7:15 PM

To: David Hancock <David@laister.co.uk>

Subject: Planning Inspectorate APP/D1265/C/22/3313965: Gundrys Farm, School Lane, BH21 6RU

The Planning Inspectorate (England)
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

How we use your information

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

From: [Patryk Motyl](#)
To: Nayan Gandhi
Subject: ENF/17/0094 Gundys Farm, School Lane, Three Legged Cross.
Attachments: [Regulation 37 correction_.docx](#)
Sent: 06/03/2023 10:41:48

Dear Nayan Gandhi,

This email is to let you know that a Regulation 37 Correction has been posted to the parties named on the enforcement notice in relation to Gundys Farm, School Lane, Three Legged Cross. For clarity a copy of said correction is attached.

Kind Regards

Patryk Motyl
Enforcement Assistant
Economic Growth and Infrastructure
Dorset Council

[01305 838082](tel:01305838082)
dorsetcouncil.gov.uk



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The Planning Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5358
Customer Services:
0303 444 5000

Email: teame4@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Your Ref: LPL1259

Our Ref: APP/D1265/C/22/3313965

Mr David Hancock
Laister Planning Ltd
Oddfellows Hall
Ground Floor, London Road
CHIPPING NORTON
OX7 5AR

10 February 2023

Dear Mr Hancock,

Town and Country Planning Act 1990
Appeal by Royale Parks (Dorset) Limited
Site Address: Gundrys Farm, School Lane, Three Legged Cross, WIMBORNE,
DORSET, BH21 6RU

Thank you for your Enforcement Notice Appeal(s). I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeal(s) is valid. If I later find out that this is not the case, I will write to you again.

If you have not sent copies of your appeal form(s) and other relevant documents to the local planning authority (LPA), please do so immediately.

The procedure and starting date

We have applied the criteria and considered all representations received, including your preferred choice. We consider that the Inquiry procedure is suitable and we intend to determine this appeal(s) by this procedure.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date.

Sending documents to us and looking at the appeal(s)

If you post your documents please send us 2 copies of everything and put the full appeal reference number(s) on each copy.

If you email them please quote the full appeal reference number(s). Guidance on communicating with us electronically can be found at: <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>.

Where applicable, you can use the Internet to submit documents, to see information and

to check the progress of cases through GOV.UK. The address of the search page is <https://www.gov.uk/appeal-planning-inspectorate>.

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (a), (b), (c), (d), (f), (g) as set out at Section 174(2) of the 1990 Act.

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal(s) promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. You must note the details of the following timetable because we will not send any reminders.

You must send a copy of your representations to all those on whom a copy of the enforcement notice was served.

We will be sending out a form later in the process regarding witness and estimated timings. In order to assist in the smooth running of the inquiry we would be very grateful if you would fill it out and return it within the deadline given.

The following documents must be sent within this timetable.

By 24 February 2023

The LPA should send us and you a copy of their completed appeal questionnaire and supporting documents, including relevant development plan policies.

By 24 March 2023

Please send me 2 copies of your statement giving full details of the case which you will put forward at the inquiry including a list of any documents, maps or plans you intend to refer to or use in evidence. The LPA may require you to send them any such document (or relevant part of such a document).

I will send a copy of your statement to the LPA and send you a copy of their statement. I will send you and the LPA a copy of any comments I receive from other interested persons or organisations.

By 14 April 2023

You and the LPA should send me 2 copies of any final comments you and they have on each other's statement and on any comments from interested persons or organisations. You must not send your final comments instead of, or to add to, your statement. No new evidence is allowed at this stage. I will send you a copy of the LPA's final comments at the appropriate time.

No later than 4 weeks before the inquiry

You and the LPA must send me 2 copies of your proofs of evidence (and a written summary if the proof is over 1500 words in length). A 'proof of evidence' is a written statement that you, the LPA or a witness wishes the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence. When a summary is provided, only that will be read at the inquiry.

You must also send a copy of the agreed statement of common ground, listing all matters agreed between you and the LPA. This should include basic facts such as the site description, area, planning history, relevant planning policies, and all other matters of agreement relating to the appeals. The Inspector may question the information in the statement. Further guidance on producing statements of common ground (and a model form) can be found at: <https://www.gov.uk/government/publications/statement-of-common-ground>.

If you propose to give, or call another person(s) to give evidence at the inquiry, you must also send us in writing an estimate of the time required to present all their evidence and confirmation of the number of witnesses you intend to call.

Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation you must read the guidance, which is available from: <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>.

A final draft, agreed by all parties to it, must be submitted to me no later than 10 days before the inquiry opens.

Withdrawing your appeal(s)

If you decide to withdraw your appeal(s), please contact me immediately on the telephone number or email address provided. You must confirm your decision in writing.

Costs

Costs can be awarded in this type of appeal. Details can be found on GOV.UK - <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You are advised to read this guidance very carefully as it contains important information about how one party might have to pay another party's costs. You should be aware that withdrawal at any stage in the proceedings without good reason, may result in a successful application for costs. A successful application is also possible should an event be adjourned because of the submission of late evidence. Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

Further information

Further information about the appeals process can be accessed at - <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>. I recommend that you

read the relevant guidance.

Yours sincerely,

Faiza Kanwal

Faiza Kanwal

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>



Planning Services

County Hall, Colliton Park
Dorchester, Dorset, DT1 1XJ

☎ 01305 838336- **Development Management**

🖱 www.dorsetcouncil.gov.uk

**The Company Secretary
Royale Parks (Dorset) Ltd
Site Office Gundry's Farm,
School Lane
Three Legged Cross
Wimborne
BH21 6RU**

Date 4th October 2022
Contact Mark Hitchcott
Our Ref ENF/17/0094
Telephone 01202 228813
Email mark.hitchcott@dorsetcouncil.gov.uk

Dear Sir/Madam

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

ISSUE OF : ENFORCEMENT NOTICE

LAND AT : Gundry's Farm School Lane, Three Legged Cross, Wimborne, Dorset.

Dorset Council considers it expedient to serve an Enforcement Notice regarding the unauthorised change of use of part of the land known as Gundry's Farm.

The plan attached to the notice identifies the area of land which the notice relates to and, section 3 of the notice describes the breach which in this case consists of the unauthorised material change of use of the land and operational development integral to the unauthorised use.

Please read the attached notice carefully. I would draw attention to the fact that after discussions with the agent for the owners' that the notice does not take until 28th December 2022, a longer period than normal. This is to enable more time for an appeal to be lodged. Unless an appeal against the notice, as set out in the additional information provided in the Annex to the notice, is lodged by this date the notice will come into effect and all the requirements there in should be completed within the compliance period.

If you require further information in respect of the notice, please do not hesitate to contact me.

Your co-operation is much appreciated. A list of parties on whom the Enforcement Notice has been served appears below.

Yours faithfully

**Mark Hitchcott
Senior Enforcement Officer**

The enclosed copy Enforcement Notice(s) has/have been served on the following individuals/Company:

The Company Secretary
Royale Parks (Dorset) Ltd
Royale House
1550 Parkway,
Whiteley, Fareham,
Hampshire.
PO15 7AG

The Company Secretary
Royale Parks (Dorset) Ltd
Site Office Gundry's Farm,
School Lane
Three Legged Cross
Wimborne
BH21 6RU

FAO The Board Of Managers
ICG-Longbow Investment NO. 5 S.A.R.L
(incorporated in Luxembourg)
2 Boulevard Konrad Adenauer, L-1115
Luxembourg Grand, Luxembourg,

FAO Graeme Troll.
Longbow Real Estate Capital LLP,
42 Wigmore Street,
London W1U 2RY

Site Notice (at the site)
To whom it may concern
Gundry's Farm
School Lane
Three Legged Cross
Wimborne
BH21 6RU

Mr Basil Reginald Pitt and Mrs Loraine Pitt,
Westerly Grange
Ringwood Road
Three Legged Cross,
Wimborne.
BH21 6RD.



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**

REGULATION 37 NOTICE

ISSUED BY: DORSET COUNCIL

1. **THIS IS A FORMAL NOTICE** is issued by the Council under Regulation 37 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in connection with the Council's Enforcement Notice dated 24/03/2021 in respect of the land at Gundrys Farm, School Lane, Three Legged Cross, Wimborne, Dorset, shown edged red on the attached plan, in connection with the alleged breaches of planning control:

Without planning permission:

- a. Contrary to section 171A(1)(a) of the Town and Country Planning Act 1990 the unauthorised material change in the use of the Land marked on the attached plan as "Planning Unit A" from a lawful mixed use of agriculture and a caravan site for exempt organisations in accordance with Part 5 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 and schedule 1 of the Caravan Sites and Control of Development Act 1960 to a mixed use of agriculture and an authorised caravan site consisting of:
- i. The stationing of caravans (with and without awnings), motorhomes, campervans, trailer-tents and tents for the purpose of human habitation; and
 - ii. The storage of caravans.
 - iii. The keeping of donkeys,

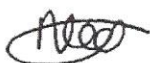
and;

- b. Contrary to section 171A(1)(a) of the Town and Country Planning Act 1990, the carrying out of unauthorised operational development on the Land marked on the attached plan as "Planning Unit A", which facilitated the unauthorised material change in use of the land alleged in a. The unauthorised operational development consisted of the installation of the following, in the approximate positions marked X on the attached plan:
- i. Hard standings and tracks;
 - ii. Toilet and shower blocks;
 - iii. Sceptic Tanks
 - iv. Electrical hook-up equipment;
 - v. Fire hydrants;
 - vi. A water/waste water facility
 - vii. Location signs.
 - viii. Animal shelter and concrete base

2. It is the Council's opinion that the development to which the Enforcement Notice relates is "Schedule 2 development" within the meaning of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 being Tourism and leisure development covering more than 1 hectare and potentially accommodating over 200 units comprising of caravans, motorhomes and tents which is considered likely to have significant effects on the environment for the following reasons:
- the development's size and likely capacity to be able to accommodate over 200 plus caravans, tents and/or camper vans on former agricultural land, in accumulation with what is deemed to be lawfully established on the site (a total of 54 units comprising of caravans, tents and/or camper vans, making no distinction between them, on land measuring approximately 1.9 hectares);
 - together with the necessary infrastructure to facilitate such a large camping and caravanning use;
 - together with the amount of significant traffic movements associated with such a use, noise and general nuisances caused by the coming and going of users of such a facility, and;
 - its proximity to Holt and West Moors Heath SSSI which is also an Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (wetlands and waterfowl) protected by international legislation, which will add visitor pressures to these areas, and risk of predation of wildlife at this site by cats, disturbance to ground nesting birds by dogs

3. Accordingly, subject to any direction by the Secretary of state to the contrary, any appeal under Section 174 of the Town & Country Planning Act against the Enforcement Notice must be accompanied by two (2) copies of an Environmental Statement. Please read the notes below for information about appeals, directions and Environmental Statements.

DATED: 4th October 2022



Signed:

Anna Lee
Service Manager for Development Management & Enforcement

On behalf of: Dorset Council
Planning Services
County Hall
Colliton Park
Dorchester.
DT1 1XJ

ANNEX

APPEALS/NOTES

If you wish to appeal against the Enforcement Notice, you must follow the instructions provided with the Planning Enforcement Notice. Please remember that the Secretary of State consider your arguments against the Enforcement Notice if you fail to observe the time limit for appeal specified in that Notice.

Should you decide to appeal under section 174(1) of the Town & Country Planning Act 1990 (Appeal against enforcement notice) you are required to submit to the Secretary of State with the notice, 2 copies of an Environmental Statement relating to that EIA development.

Please note that the Council has provided the Secretary of State with a copy of this Regulation 37 Notice and a list of the other persons to whom a copy of the Notice has been served or has an interest in it.

DIRECTIONS

A copy of the Council's screening opinion has been attached to this Notice at **Appendix A**.

In accordance with Regulation 38, and as a person on whom the notice has been served, you may, within 3 weeks beginning with the date this notice is served on you, apply to the Secretary of State for a screening direction and the following shall apply—

38 (a) an application for a screening direction under this regulation must be accompanied by—

- (i) a copy of the regulation 37 notice;
- (ii) a copy of the enforcement notice which accompanied it; and
- (iii) the information required under regulation 6(2), such information to be prepared, where relevant, in accordance with regulation 6(4);

(b) at the same time as applying to the Secretary of State, the applicant must send to the authority by whom the regulation 37 notice was served a copy of the application under this regulation and of any information or representations provided or made in accordance with paragraph (a)(iii);

(c) if the Secretary of State considers that the information provided in accordance with sub-paragraph (a) is insufficient to make a direction, the Secretary of State must notify the applicant and the authority of the matters in respect of which additional information is required; and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice;

(d) the Secretary of State must make a screening direction within—

- (i) 3 weeks beginning with the date of receipt of a request made pursuant to this regulation; or

(ii) where the Secretary of State gives notice under paragraph (c), such longer period not exceeding 90 days beginning with the date on which the person making the request for a screening direction submits the information required under paragraph (c) as may be reasonably required;

(e) the Secretary of State must send a copy of the direction to the applicant; and

(f) without prejudice to paragraph (e), where the Secretary of State directs that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, the Secretary of State must send a copy of the direction to every person to whom a copy of the regulation 37 notice was sent.

ENVIRONMENTAL STATEMENTS

An Environmental Statement is a document or series of documents prepared for the purposes of enabling the Secretary of State to assess the likely impacts on the environment of the development to which this Notices relates.

For Guidance on how to prepare Environmental Statements, and other in respect to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, please use the following link:

<https://www.gov.uk/guidance/environmental-impact-assessment>

IMPORTANT

Please remember that an application for a direction in the connection with this Regulation 37 Notice does not affect the time limit for an appeal specified in the Enforcement Notice. An appeal against the Notice must be received by the Secretary of State before the date specified in the Enforcement Notice as the date on which it takes effect.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: Dorset Council (the Council)

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the Land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

The Land at Gundry's Farm, School Lane, Three Legged Cross, Wimborne, Dorset, shown edged red on the attached plan (the Land).

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the unauthorised material change in the use of the Land:

A. Contrary to section 171A(1)(a) of the Town and Country Planning Act 1990 the unauthorised material change in use of the Land edged red on the attached plan marked as "Planning Unit A" from a lawful mixed use of agriculture and a caravan site for exempt organisations in accordance with Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and schedule 1 of the Caravans Sites and Control of Development Act 1960 to a mixed use of agriculture and an unauthorised caravan site consisting of:

- i. The stationing of caravans (with and without awnings), motorhomes, campervans, trailer-tents and tents for the purpose of human habitation; and
- ii. The storage of caravans.
- iii. The keeping of donkeys,

and;

B. Contrary to section 171A(1)(a) of the Town and Country Planning Act 1990, the carrying out of unauthorised operational development on the Land edged red on the attached plan marked as "Planning Unit A", which facilitates the unauthorised material change in use of the land alleged in section A. above. The unauthorised integral operational development consisting of the following:

- i. Hard standings and tracks;
- ii. Toilet and shower blocks;

- iii. Sceptic Tanks
- iv. Electrical hook-up equipment;
- v. Fire hydrants;
- vi. A water/waste water facility
- vii. Location signs.
- viii. Animal shelter and concrete base

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred in the last ten years and as such is not immune to enforcement by virtue of section 171B(3) of the Act.

The presumption in favour of sustainable development does not apply for the unauthorised development in this location unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the nearby habitat's sites. No such assessment has concluded this is the case.

The location, scale and distribution of the unauthorised development fails to conform to the settlement hierarchy. The unauthorised development is considered as a whole to erode the site's openness and as such undermines the Green Belt's essential characteristics increases visitor pressure on the Dorset Heaths and in the absence of any possible or appropriate mitigation the unauthorised development is not acceptable.

The site also lies within a 400m to 5km distance of a number of other protected heathland sites, including other parts of Holt and West Moors Heath SSSI to the north of the site and other protected habitats in the area. The unauthorised development is considered of a type that would have the same impacts as a C3 Residential use, which would not be appropriate in this location, and, therefore, the unauthorised development is not acceptable in this location.

The potential noise, impact upon residential amenity, general disturbance, traffic generation, unlawful works and unauthorised use are considered contrary to policy. The unauthorised development has a harmful impact on the amenity of the area.

Whilst this business site makes a positive contribution to the local rural economy through tourism (many local attractions), such a use of land must not cause harm to the openness of the Green Belt nor have adverse impacts on sensitive habitats. The unauthorised use increases visitor pressure on the Dorset Heaths and in the absence of any possible or appropriate mitigation the development would be contrary to adopted policies.

The unauthorised development is therefore considered contrary to: Policies HE2, HE3, KS1, KS2, KS3, ME1, ME2, PC4 and PC6 of the Core Strategy; Saved Policy TODEV2 of the East Dorset Local Plan 2002; policies 84, 137, 148, 149, 174 to and including 182 and 185 of the National Planning Policy Framework and; Dorset Heathlands Planning Framework 2020-2025.

Whilst the imposition of conditions may mitigate some of the harmful impacts identified

it is considered that planning permission would not be granted for the unauthorised development as conditions could not overcome all the adverse impacts identified above.

5. **WHAT YOU ARE REQUIRED TO DO**

Permanently:

A. Cease* the use of the Land for the stationing of caravans (with and without awnings), motorhomes, campervans, trailer-tents and tents for the purposes of human habitation

*This notice does not affect any existing use rights or uses that are not development of land 'or any applicable permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015.

B. Cease the use of the Land for the storage of caravans

C. Demolish and remove from the Land, all:

- i. toilet and shower blocks including associated decking and fencing;
- ii. electrical hook-up equipment;
- iii. fire hydrants;
- iv. water / waste water facilities
- v. location signs

6. **TIME FOR COMPLIANCE**

3 Months after this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on the 4th January 2023, unless an appeal is made against it beforehand.

DATED : 4th October 2022

Signed :



Mike Garrity
Head of Planning

On behalf of:

Dorset Council
County Hall
Colliton Park
Dorchester
Dorset
DT1 1XJ

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice. Please go to <https://www.gov.uk/appeal-enforcement-notice> whereby you can obtain information about how you can appeal this Notice.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

EXPLANATORY NOTE

Your attention is drawn to the provisions of Sections 171A, 171B and 172-177 of the Town and Country Planning Act 1990, as follows:-

S.171A Expressions used in connection with enforcement

- (1) For the purposes of this Act -
 - (a) carrying out development without the required planning permission; or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,
constitutes a breach of planning control.
- (2) For the purposes of this Act -
 - (a) the issue of an enforcement notice (defined in section 172); or
 - (b) the service of a breach of condition notice (defined in section 187A),
constitutes taking enforcement action.
- (3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

S.171B Time limits

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be

- (3) taken after the end of the period of four years beginning with the date of the breach. In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- (4) The preceding subsections do not prevent –
 - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
 - (b) taking further enforcement action in respect of any breach of planning control, if during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

S.172 Issue of enforcement notice

- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them –
 - (a) that there has been a breach of planning control; and
 - (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) a copy of an enforcement notice shall be served –
 - (a) on the owner and on the occupier of the land to which it relates; and
 - (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place –
 - (a) not more than twenty-eight days after its date of issue; and
 - (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect

S.173 Contents and effect of notice

- (1) An enforcement notice shall state –
 - (a) the matters which appear to the local planning authority to constitute the breach of planning control; and
 - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are –
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require –
 - (a) the alteration or removal of any buildings or works;
 - (b) the carrying out of any building or other operations;
 - (c) any activity on the land not to be carried on except to the extent specified in

- the notice; or
- (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides
- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building –
 - (a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
 - (b) may differ from the demolished building in any respect which, if the demolished building has been altered in that respect, would not have constituted a breach of planning control;
 - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b))
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.
- (11) Where –
 - (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
 - (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
- (12) Where –
 - (a) an enforcement notice requires the construction of a replacement building; and
 - (b) all the requirements of the notice with respect to that construction have been complied with,
 planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction

S.174 Appeal against enforcement notice

- (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
- (2) An appeal may be brought on any of the following grounds –

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.
- (3) An appeal under this section shall be made either –
 - (a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
 - (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or
 - (c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.
- (4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing –
 - (a) specifying the grounds on which he is appealing against the enforcement notice; and
 - (b) giving such further information as may be prescribed.
- (5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering an ground as to which the appellant has failed to give such information within that time.
- (6) In this section “relevant occupier” means a person who –
 - (a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence in writing; and
 - (b) continues so to occupy the land when the appeal is brought.

S.175 Appeals: supplementary provisions

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may –
 - (a) require the local planning authority to submit, within such time as may be

- prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
- (b) specify the matters to be included in such a statement;
 - (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
 - (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
 - (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
 - (4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under s.289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.
 - (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
 - (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.
 - (7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

S.176 General provisions relating to determination of appeals

- (1) On an appeal under section 174 the Secretary of State may –
 - (a) correct any defect, error or misdescription in the enforcement notice; or
 - (b) vary the terms of the enforcement notice,
 if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.
- (3) The Secretary of State –
 - (a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
 - (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- (4) If the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) or to allow an appeal and quash the enforcement notice under

- paragraph (b) of that subsection, he need not comply with section 175(3).
- (5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

S. 177 Grant or modification of planning permission on appeals against enforcement notices

- (1) On the determination of an appeal under section 174, the Secretary of State may
- (a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;
 - (b) discharge any condition or limitation subject to which planning permission was granted;
 - (c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful of any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.
- (1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if –
- (a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
 - (b) references to the local planning authority were references to the Secretary of State.
- (1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.
- (2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.
- (3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.
- (4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.
- (5) Where an appeal against an enforcement notice is brought under section 174, the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.
- (5A) Where –
- (a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
 - (b) any fee is payable under regulations made by virtue of section 303 in respect

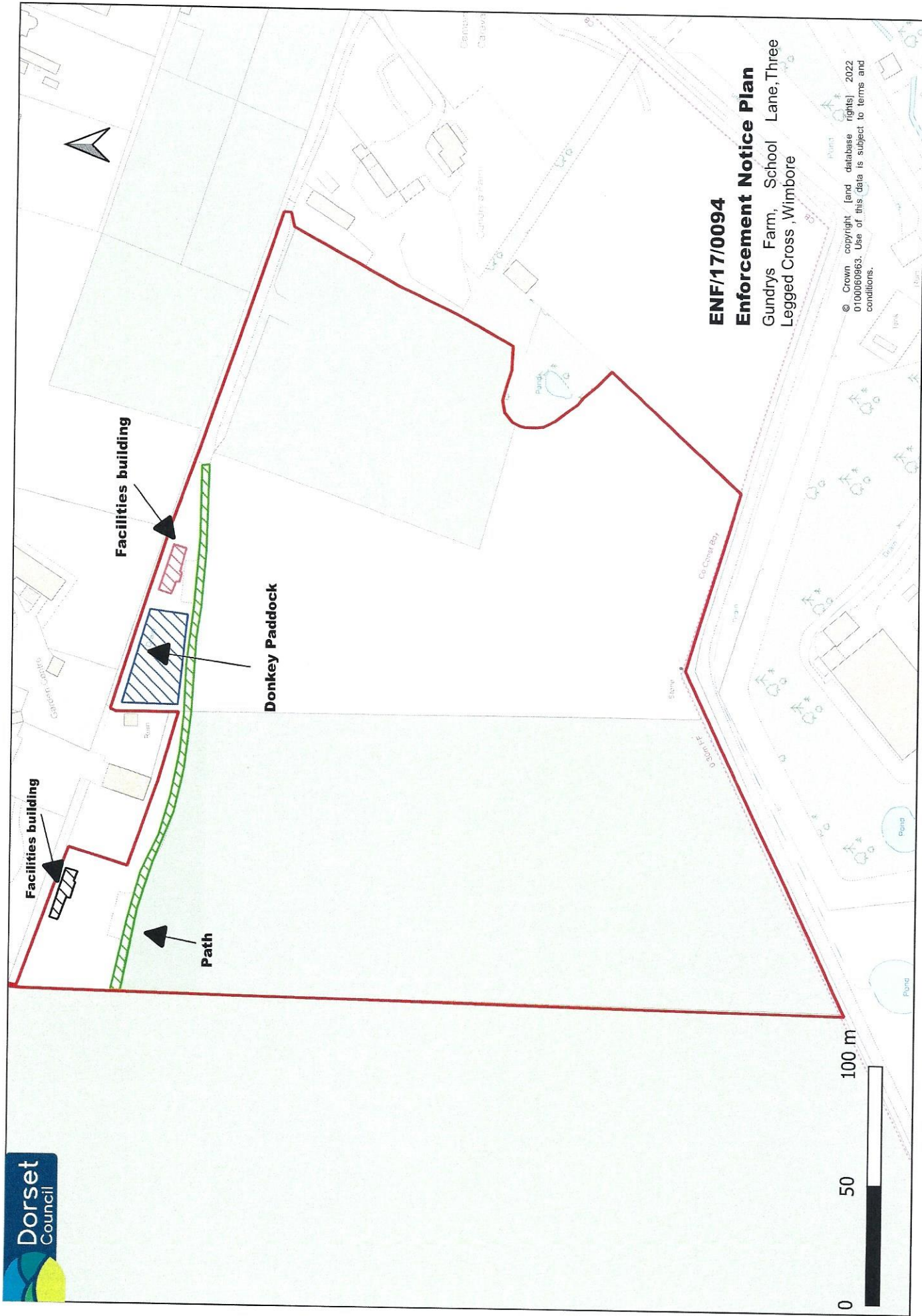
- of the application deemed to be made by virtue of the appeal; and
- (c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,
- then, if the fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.
- (6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.
- (7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.
- (8) For the purposes of section 69 of the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

APPEAL FEE

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00 being twice the amount of the fee payable to Dorset Council in respect of an application for planning permission for the matter stated in the Enforcement Notice as constituting the breach of planning control. You should pay the whole fee (£924.00) to the Dorset Council (made payable to Dorset Council). Joint appellants need only pay one set of fees.

GROUND(S) OF APPEAL

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.



ENF/17/0094

Enforcement Notice Plan

Gundrys Farm, School Lane, Three
Legged Cross, Wimbore

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Southern Damselfly

Management Handbook



Summary

The Southern Damselfly (*Coenagrion mercuriale*) is found in south and west Europe and North Africa. The species is threatened throughout its range; it is extinct, or close to extinct, in seven countries in Europe and declining in three. In the UK, the species declined by 30% between 1960-2000¹³. The Southern Damselfly is listed as Near Threatened in the European and Global Red Lists and as Endangered in the British Red List.

The Southern Damselfly is protected throughout Europe, with several countries, including the UK, extending this protection through legislative measures. In Europe, the species is listed as an Annex II species of the European Community Habitats and Species Directive (1992). This requires the protection of important species, such as the Southern Damselfly, through the designation of Special Areas of Conservation (SACs). The Southern Damselfly is also listed under Appendix II of the Berne Convention on the Conservation of European Wildlife and Natural Habitats (1979). This is implemented in the UK through the Wildlife and Countryside Act (1981) Schedule 5 which protects both the species and its habitat. It is also listed as a species of principal importance under Section 41 & 42 of the Natural Environment and Rural Communities Act (2006).

In the UK, the Southern Damselfly is found in scattered locations in Hampshire, Dorset, Devon, Oxfordshire, Pembrokeshire, the Gower Peninsula and Anglesey.

The Southern Damselfly has very particular habitat requirements for a mid-successional, management dependent habitat. It is important to ensure that sites holding Southern Damselfly populations are managed according to these requirements, as well as potentially suitable adjacent land. Due to their limited dispersal ability, only small areas of the watercourse should be managed in any one year. In addition, potentially suitable areas close to existing populations or between current populations can be managed to reconnect them.

This document aims to provide information on the habitat requirements of the Southern Damselfly and the habitat management techniques practised in order to fulfil these requirements. The use of these techniques will be demonstrated through a series of case studies of sites which are currently managed for Southern Damselfly. This will be achieved by drawing together information from non-governmental organisations (NGOs), statutory agencies, individuals and academic institutions with experience in the habitat requirements and management of Southern Damselfly.

The most important method of sustainable management for Southern Damselfly is the implementation of appropriate grazing. Many sites are no longer suitable for the species due to inadequate grazing. This causes encroachment of the vegetation and, in some cases canalisation, of the watercourse. Grazing also creates the marginal habitat the species requires, with tussocky vegetation for roosting and mating.

The majority of Southern Damselfly sites are Sites of Special Scientific Interest (SSSIs). Management on a SSSI can only be carried out prior to consultation with Natural England or Natural Resources Wales, unless in accordance with an agreed management plan.



Habitat Requirements

The Southern Damselfly is found in three main habitat types: small streams on heathland (e.g. The Preseli Hills, Pembrokeshire), old water meadow ditch systems on chalk and chalk streams (e.g. Itchen Valley Country Park, Hampshire) and fen habitat (e.g. Dry Sandford Pit, Oxfordshire). However, within these three broad habitat types are found the same conditions required by the Southern Damselfly: unpolluted, base-rich, shallow streams with a constant, moderate flow rate and relatively high water temperatures. Many sites are also at a low altitude³. These physical and vegetative requirements are described in more detail below.

Channel profile

Studies in the UK have shown that on heathland and fen, Southern Damselfly larvae are most abundant in shallow (<40cm deep), relatively narrow (usually <5m wide) streams, flushes and runnels¹. On chalk meadow ditch systems, the species is also found on larger water courses, with shallow ledges along the edge of the ditch². These conditions help provide the warm waters that the species requires, while also reducing water flow and creating a variety of niches and vegetation structures used by the species throughout its life-cycle³.

Channel bed

Southern Damselfly populations are found to thrive on streams with a bed of inorganic substrate, such as gravel, overlain with peat or silt, up to 30cm in depth¹. In chalk meadow ditches, larvae are found in silty deposits in ditch edges².

Channel temperature

Southern Damselfly larvae require warm minimum water temperatures and are intolerant of freezing of the water course³. The small streams and shallow water favoured by the

species provides warmer water temperatures, with the ability to increase in temperature at a faster rate than larger rivers.

Permanent flow

Southern Damselflies require channels with a permanent flow⁴. The larvae cannot tolerate the drying out of a watercourse during their two year life cycle and a permanent flow also prevents freezing during colder months.

Unpolluted water

Southern Damselfly larvae require unpolluted water with a high oxygen content³.

Unshaded streams

Both oviposition and emergence takes place in open and exposed water courses⁴. In addition, heavy shading of a stream reduces water temperature and water can be lost through evapotranspiration by nearby trees, creating unsuitable habitat for both larvae and adults.



Vegetation

The Southern Damselfly is not particularly associated with a specific plant species across its range. However, it is often found in association with certain plants at different sites and different stages of its life cycle. The Southern Damselfly requires sites with moderate to high emergent plant cover but with open banksides, with vegetation heights of generally less than 75cm. Nearby roosting habitat for the adult damselflies is also necessary³.

Submerged and emergent vegetation

On heathland sites, the Southern Damselfly is particularly associated with Bog Pondweed (*Potamogeton polygonifolius*) and Marsh St-John's-wort (*Hypericum elodes*)³. On chalk stream and chalk meadow ditch sites, the species is largely associated with Water Mint (*Mentha aquatica*), Fool's Watercress (*Apium nodiflorum*), Watercress (*Rorippa nasturtium-aquaticum* agg), Water Forget-me-not (*Myosotis scorpioides*) and the speedwell family (*Veronica* species)³. These plants are used by adults for ovipositing and perching and the roots are used as shelter by larvae.

Emergent plants are used for emergence, perching, foraging and shelter. On heathland sites, Common Spike-rush (*Eleocharis palustris*) and Jointed Rush (*Juncus articulatus*) are associated with Southern Damselflies. On chalk streams and ditches, they are particularly associated with Reed Sweet-grass (*Glyceria maxima*), Reed Canary-grass (*Phalaris arundinacea*), Yellow Iris (*Iris pseudacorus*) and Branched Bur-reed (*Sparganium erectum*)³.



Southern Damselfly resting on Bog Myrtle (*Myrica Gale*) © Phil Watts

Bankside and surrounding vegetation

Southern Damselflies require suitable surrounding vegetation for roosting and feeding, with adults roosting up to 50m away from the watercourse. Commonly used plants are tussocky species. On chalk sites, this is predominantly represented by Hard Rush (*Juncus inflexus*) and Tufted Hair-grass (*Deschampsia cespitosa*), while on heathland sites Soft Rush (*Juncus effusus*) and Purple Moor-grass (*Molinia caerulea*) is commonly used. Gorse (*Ulex* species) and Bog Myrtle (*Myrica gale*) are also frequently utilised by roosting adults³. Dense scrub and woodland is not desirable on Southern Damselfly sites as it creates unsuitable shaded conditions and also impedes dispersal, preventing population expansion and exchange of individuals between adjacent populations. However, a small amount of scrub or a few trees are useful to provide a degree of shelter on exposed sites³.



A tandem pair of Southern Damselflies resting on Water Mint (*Mentha aquatica*) © Dave Smallshire

Habitat Management

In order to provide the ideal habitat conditions for Southern Damselfly populations, three main influencing factors must be managed appropriately. These are the physical characteristics, the vegetative characteristics and the chemical characteristics of the site.

Management of physical characteristics

The management techniques discussed in this section are concerned with providing the Southern Damselfly with the shallow, warm water and moderate, permanent water flow they require.

Many of these management techniques are usually required to return a site to its former condition after a period of neglect or in lieu of the necessary conditions. In ideal circumstances, the correct physical conditions should be maintained through a reliable water supply and the poaching actions of grazing hardy ponies or cattle.

Use of livestock

Heavy livestock (particularly hardy cattle) poaching the sides of streams, flushes and ditches used by Southern Damselfly is vital in creating the conditions required by the species³. Sheep can also be used effectively on some relatively exposed moorland-edge sites, such as at Prewley Moor, Devon. The action of livestock creates a shallow, open-edged watercourse with a slow to moderate flow. Poaching by livestock sometimes provides the only suitable habitat in watercourses with too high a flow rate in the main channel³. In addition, poaching opens up areas of bare silt or mud, encouraging the colonisation and growth of the submerged and emergent plants with which the Southern Damselfly is associated^{3,5}.

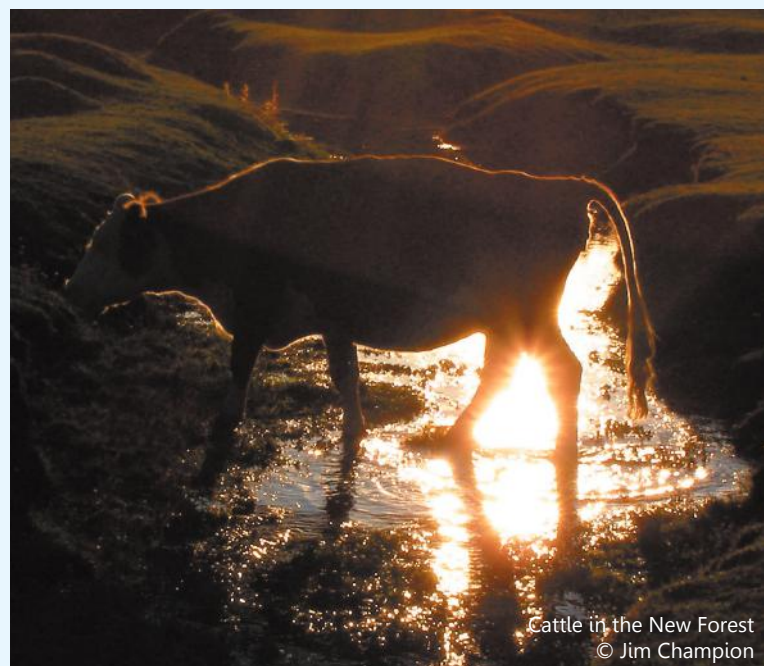
Re-profiling of the watercourse

A common problem with both current and potential Southern Damselfly sites is channel

deepening and/or the encroachment of vegetation on watercourses due to a lack of trampling and grazing by heavy livestock. This causes watercourses to become steep sided channels with increased shading and flow rates. Streams, flushes or ditches which have been intentionally canalised through historical management are similarly changed from shallow, slow flowing and meandering water bodies to fast, steep-sided channels. These conditions are not suited to the Southern Damselfly and, additionally, do not support the plants that the species relies upon. It is therefore important to return any streams that have reached this condition to a more suitable profile.

Re-profiling of a water course should not be undertaken lightly. Excavations on current Southern Damselfly sites have negative impacts upon the resident population, which can take several years to recover, and only if nearby populations can act as a refuge³. However, such re-profiling is an important last resort for sites whose channels have become greatly overgrown by both vegetation and peat or whose stream profile is not currently suitable for the species. If it is used carefully, such management can have a very positive long-term effect.

When carrying out re-profiling work, it is important to bear in mind the end goal. The intention is not to create bigger, deeper channels but instead to create shallow watercourses with gentle, shallow margins. Methods of re-profiling are site specific, but below are some general guidelines and considerations when planning such work.



Cattle in the New Forest
© Jim Champion

Methods of re-profiling

The fragile nature of Southern Damselfly habitat means care must be taken to cause the least collateral disturbance as possible. It is advised that reconstruction work only be carried out on streams where the Southern Damselfly is not currently present or carried out only on a small proportion of a channel which is inhabited by the Southern Damselfly, with as little disturbance as possible to adjoining areas. Reconstruction work can be costly and complicated due to issues of site access with mechanical diggers, the removal and disposal of large volumes of spoil and potential for damage to surrounding habitat and other protected species.

Before carrying out restoration work, it is important to consider whether intrusive re-profiling work is necessary. Watercourses can sometimes be returned to suitable condition by the addition of heavy livestock with access to the watercourse. A greater than usual stock density, or concentration of stock in the desired area of the site, for a very limited period can have the required effect. A small change to a site's hydrology can also allow the natural regeneration of suitable conditions without invasive reconstruction work. It is also worth considering whether a site can be improved through manual re-profiling using spades. This has been achieved on small sites with a strong volunteer workforce, such as at Moortown Bottom, Devon⁷.



Aylesbeare Common © Col Ford & Natasha de Vere

CASE STUDY

By 1998, runnels on heathland at Aylesbeare Common RSPB Reserve, Devon, which had previously supported Southern Damselfly, had become overgrown with tussocks of Black Bog-rush (*Schoenus nigricans*) and Purple Moor-grass (*Molinia caerulea*). For a limited period of two weeks during the following winter, 17 Red Ruby Devon cows intensively grazed the site. Trampling of tussocks and grazing of *Schoenus nigricans* successfully re-opened the runnels and created the shallow, open habitat that the Southern Damselfly requires. The site has since been grazed less intensively by hardy ponies and cattle. In response, the peak count has increased from single figures to more than 300 individuals, without the need for mechanical reconstruction of the habitat⁶.

CASE STUDY

Venn Ottery Common, a Wildlife Trust reserve in Devon, held Southern Damselfly populations until intrusive ditch digging and relaxed grazing caused the species to go extinct in 1989¹⁶. As part of efforts to re-establish the Southern Damselfly here, holes were created in the sides of one such artificial ditch, allowing the water to run down the slope. This has naturally recreated a network of braided, shallow runnels which have since been populated by Southern Damselflies following a successful reintroduction programme⁶.



© Gills San Martin

On chalk meadow sites, derelict ditches sometimes lack the shallow edges which the damselfly and its associated plant species require. Such ditches can be re-profiled to provide these conditions. This can be through re-profiling the whole channel, creating shallow edges, or by the creation of shallow ledges ('berms'), between 0.6 and 0.9m wide, excavated in the existing bank of a ditch³.

These ledges become populated by a broad fringe of emergent vegetation, perfect for the needs of Southern Damselfly. The additional benefits of creating berms in a ditch bank are reduced water flow speed and a reduction in headwater erosion and siltation³. A number of other invertebrate and bird species also benefit from the additional habitat provided by poached, shallow ditch margins⁸.

On heathland, re-profiling often involves drawing back encroaching peat and vegetation, creating gently sloping edges to the stream. These shallow edges should continue to the bottom of the channel, ensuring that shallow

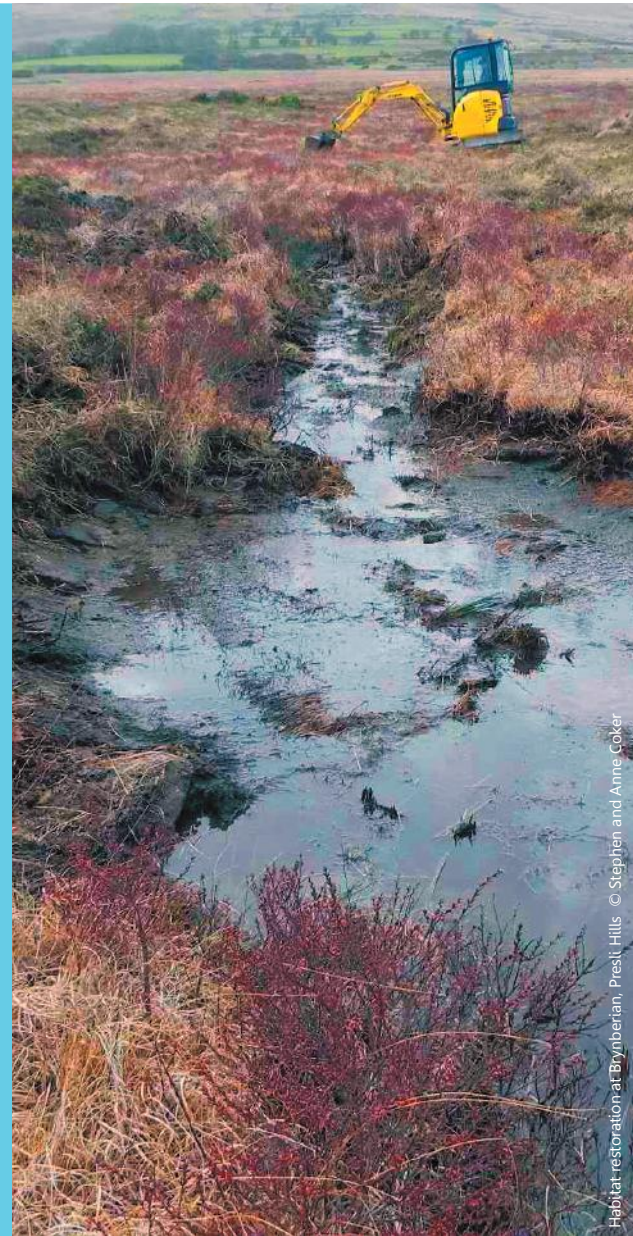
edge habitat will be available despite differing water levels throughout the year. However, the bottom of the channel itself should not be excavated. It is often necessary to widen the stream in order to create this shallow edge profile. Widening will also prevent rapid re-encroachment of surround peat and vegetation in the absence of sufficient grazing.

It is important when undertaking re-profiling work to consider how quickly the vegetation will once more impinge on the stream. Ideally, grazing livestock should be re-introduced to a site once re-profiling has taken place, maintaining open conditions. However, if this is not possible, a substantial amount of vegetation should be removed and the stream widened significantly in order to achieve suitable conditions for a reasonable amount of time after reconstruction work.

Once re-profiled, small interventions can be carried out rotationally on a regular basis to maintain the required conditions.

CASE STUDY

The Preseli Hills SAC, Pembrokeshire, is one of only three areas in Wales with Southern Damselfly populations. A reduction in traditional grazing in the SAC has caused many of the historic Southern Damselfly streams to become deeply incised, with layers of peat and vegetation covering the surface in many places. This has caused a serious decline in numbers of the species across the SAC. In partnership with Natural Resources Wales and the Pembrokeshire Coast National Park Authority (PCNPA), the British Dragonfly Society undertook work in 2015 to restore targeted areas of stream where known habitat had been lost, as well as to create new areas of habitat. Mechanical diggers were used to draw peat and vegetation back from the streams, to widen streams and to create extra pools and channels. The PCNPA have been working with local graziers to establish a more appropriate grazing regime on the site to maintain the conditions needed for Southern Damselfly.



In addition to creating a gentle stream profile, it is sometimes also necessary to recreate meanders, or reconnect historical meanders, to a stream. This allows silt deposition, which slows water flow, creating further deposition, and supports emergent plant growth. Similarly, the creation of braided channels can slow water flow and create additional suitable habitat within an area. This can be effective, but success is site specific, dependent upon its particular hydrology. In some cases, a lack of sufficient control over the inflowing water can cause one side of the channel to become dominant over the other, leading to the other branch of the channel drying out in periods of decreased water availability. This creates a population sink, as Southern Damselfly adults may lay eggs on the channel which later dries out, killing the larvae⁹.

Use of dams

Dams are a useful means by which to slow the flow of a watercourse, create high water levels year round or force a single watercourse to spread, creating an area of shallow runnels. Dams can also be used effectively as silt traps. However, it is not desirable to create sequences of still pools through damming. Furthermore, damming is not suitable on very shallow heathland runnels due to an insufficient water supply³.

Various materials have been used to create dams on Southern Damselfly sites, including tongue and groove wooden planks, Purple Moor-grass (*Molinia caerulea*) tussocks, earth dams⁶ and heather bales¹⁰, which are effective silt traps in addition to slowing the water flow. On chalk meadow ditches a variety of dams can be used. Drop-board weirs are a particularly useful means by which to control water availability, providing high water levels in spring and summer and shallow surface flooding in winter³.



Mating pair of Southern Damselfly © Paul Ritchie

CASE STUDY

The Itchen Valley Country Park in Hampshire is a key site for the Southern Damselfly with suitable ditches through water meadow habitat. The site receives water via carrier streams coming from the main River Itchen. A number of different types of dam are used to control the flow of water onto the site from the carriers. Some examples from the site are: a small dam with a through-pipe and rotating elbow, allowing fine adjustment on small carrier streams and drop-board weirs, which control water levels but not flows.



Weir at Itchen Valley Country Park © Kevin Young

Management of vegetative characteristics

The management techniques described under management of physical characteristics should provide the conditions needed, at appropriate sites, for suitable plants to develop for the Southern Damselfly. For example, the emergent plants which develop on shallow berms in ditches. The majority of this section is therefore concerned with maintaining the correct sward height and preventing encroachment by vegetation on watercourses.

Grazing

Grazing by hardy cattle and/or ponies is the most important tool in managing a site for Southern Damselfly. As well as creating poached conditions on the edge of a watercourse, grazing livestock maintain a suitable sward height, preventing vegetation from encroaching on the watercourse. Hardy cattle are particularly effective for this purpose as they are more inclined to venture into boggy areas and their

weight creates the poached habitat desired³. The livestock should be allowed access to the watercourse. The density and timing of stocking will be site specific and vary with annual fluctuations in conditions. Moderate grazing should generally be provided, depending on the degree to which the site has become overgrown; a brief hit of heavy grazing in the winter has been used effectively to break up heavily overgrown sites. The correct levels of grazing can often lead to improved conditions for other species too. For example, the open conditions created by cattle grazing for Southern Damselfly on Aylesbeare Common also benefited plants such as Bog Pimpernel (*Anagallis tenella*) and Round-leaved Sundew (*Drosera rotundifolia*)⁶.

It can be useful to have methods by which to focus grazing animals on a particular area of need. This can be achieved in a number of ways, such as using temporary fencing to direct cattle to certain areas, using strategic placement of supplementary feed or drinking water sources (such as pools) to encourage livestock to pass through a certain area or by removing unpalatable vegetation in areas where poaching and grazing are desirable.

CASE STUDY

Colaton Raleigh Common, Devon, has a small population of Southern Damselfly which is maintained largely through the action of cattle, poaching the runnels and controlling the Purple Moor-grass (*Molinia caerulea*) and Black Bog-rush (*Schoenus nigricans*) tussocks through grazing. It had been observed that the cattle created particularly ideal habitat where vegetation had been brushcut for the instatement of an electric fence, encouraging the livestock to venture into these areas. In response to this, runnels which specifically needed targeting for Southern Damselfly were brushcut in winter and the vegetation removed, encouraging cattle to graze and poach here. Additionally, cattle opened up other areas through repeated tracking to and from supplementary feed and water¹⁴.



Controlled burning

Winter burning on heathland is used at some sites to improve the quality of the grazing¹¹, particularly in the vicinity of Southern Damselfly channels to encourage grazing in those areas. It can also be used to prevent or reverse the encroachment of scrub on heathland channels¹².

However, there is research to suggest that burning can be detrimental to Southern Damselflies, showing that it can reduce the amount of aquatic vegetation, damage bog-mosses (*Sphagnum* species) and pollute the stream³.

If burning is to be used at a site supporting Southern Damselflies it should be in small amounts on large sites whose management has featured successful controlled burning in the past. Burning should strictly not be carried out on areas with bare peat, marshy areas or those with rare plant features. The burning codes for England and Wales state that burning should not take place within 5 or 10 metres, respectively, of a watercourse, unless as part of an agreed restoration or environmental management project^{17,18}. Therefore, burning should be considered very carefully and on a site by site basis.

CASE STUDY

Dartmoor National Park includes areas of lowland heath supporting populations of Southern Damselfly. Since first finding the Southern Damselfly there in 1995, the Dartmoor National Park Authority (DNPA) have been directly managing relevant habitat for the species. As part of this management work, the DNPA has implemented burning of Gorse and Purple Moor-grass (*Molinia caerulea*) adjacent to runnels at two Southern Damselfly sites. Removing this vegetation has encouraged the livestock to graze near runnels, creating poached areas and controlling the vegetation⁷.



Tree and scrub control

Many sites have declining Southern Damselfly populations due to the encroachment of scrub on the channel. This has multiple negative effects, including overshading, reduced water availability due to transpiration, excess nutrients in the channel and an impediment to adult damselfly dispersal to adjacent sites. Therefore, scrub and tree removal is an effective, and very important, management tool in restoring suitable habitat for the species and in long-term management of such habitat, particularly in the absence of sufficient grazing.

Trees should be removed from alongside channels. It may be necessary to also remove stumps, if the tree species in question is likely to re-grow, for example willow. Tree stumps away from the watercourse can be treated with herbicide to prevent regrowth.

Regular removal of scrub and herbaceous plants along channels, both on heathland and chalk meadow sites, in sections on a

rotational basis, can keep them sufficiently clear for Southern Damselfly, although establishing a grazing regime is preferable. This can be achieved with a brush cutter and/ or pulling, simulating the effects of grazing. It may be necessary occasionally to mechanically remove vegetation from banksides even with a grazing regime in place as cattle can sometimes avoid plant species, such as Black Bog Rush (*Schoenus nigricans*) which are known to shade out channels⁶.

It is important to retain scattered areas of scrub within 20 metres of, but not directly adjacent to, the channel, as this is used by adults for shelter and roosting sites. However, scrub should not be retained when it lies between adjacent sites or between a current site and potential future habitat as this will prevent dispersal. All cleared material must be removed from the site to prevent enrichment of the watercourse¹². If cut material is burnt on site, the fire should be positioned away from the water and all ash removed afterwards to prevent enrichment of the watercourse and surrounding soil.

CASE STUDY

Creech Heath in Dorset is about 80 hectares of old clay workings, with a mix of permanent pools, running water and seepages. It is home to a small colony of Southern Damselfly but in recent history much of the site had become overgrown with vegetation and no longer suitable for the species. In 1994, Amphibian and Reptile Conservation (ARC) opened up 120 metres of stream, with 80% of the Willow scrub removed, leaving small clumps for roosting and shelter. Further work in 1998-9 cleared a number of hollows and gullies which linked adjacent sites. Chainsaws were used to clear some trees, while those nearest to the channel were removed using bow saws, avoiding contamination of the watercourse with petrol and/or chain oil. Material was removed and burned while large logs and some stumps were removed using a winch. Stumps away from the channel were treated with Triclopyr herbicide to prevent regrowth. Further channels were dug by hand and additional pine and birch removed, further decreasing shading.

Prior to this work, around 40-70 Southern Damselflies had been counted with the population centred on the few remaining open areas. Within two years of the clearing work, however, Southern Damselflies were seen on the cleared channels, with numbers at around 150-200 in the early 2000s¹⁵.



Clearance work at Creech Heath © Chris Dresh (ARC)

Management of chemical characteristics

Southern Damselflies are sensitive to water pollution, making clean water with a high oxygen content an important part of their habitat requirements. Whilst water pollution does not account for the majority of recent declines in Southern Damselfly populations in the UK, it is thought to have had a detrimental impact in the past³ and is therefore an important consideration when managing sites for the species.

Regular monitoring of a Southern Damselfly site should pick up changes in vegetation signalling eutrophication of the water course, such as algal blooms and an abundance of plants species indicative of site enrichment¹.

Nutrient run-off from farmland is the usual source of enrichment in the water course. This should be kept to an absolute minimum in farmland in the surrounding catchment, through negotiations with local farmers on the level of artificial fertiliser use³ and use of land management schemes. Some worm treatments are also harmful to invertebrates and care must be taken that local farmers are not using such treatments¹².

Siltation is a potential problem. Re-profiling watercourses, from fast flowing, deep and steep channels to meandering shallow channels with slower flow, and using dams such as heather and straw bales, can reduce siltation. It is particularly important to prevent siltation when carrying out reprofiling work upstream of a Southern Damselfly population.

An additional concern at clay extraction sites is increased suspended solids in the water, which can be harmful to Southern Damselfly populations. These should be kept below 25mg/litre³.



Straw bales acting to prevent siltation downstream © Mair Rees

CASE STUDY

At Cefn Bryn, on the Gower Peninsula, south Wales, the Southern Damselfly is threatened by lack of sufficient grazing. In January 2016, reprofiling work was carried out by the Swansea Natural Resources Management Team, part of Natural Resources Wales, with advice from the BDS and Pembrokeshire Coast National Park Authority. Small sections of the streams were made wider and more shallow using a mechanical digger. The area most in need of work was upstream of one of the remaining Southern Damselfly populations. To prevent siltation downstream of the management area, straw bales were placed in the channel, effectively catching any sediment released into the waterbody.



Egg laying female Southern Damselfly © Paul Ritchie

Monitoring of populations

In order to understand the strength and size of a site's population of Southern Damselflies, and its response to habitat management, it is vital to undertake regular population monitoring. This can either be done at the larval or the adult stage. Larval monitoring can be done at any time of the year and can give a more accurate reflection of those areas of stream used for breeding, as adults are often found elsewhere on the site, roosting or hunting. However, it can be more time consuming and difficult to identify the larvae and small populations can be missed as only small sections of the watercourse will be sampled. Monitoring using counts of adult males has the disadvantage of being only possible within a very small time window and within narrow weather conditions. However, it is a quicker method and can highlight small populations which may otherwise be missed. Habitat monitoring is also important to assess the suitability of habitat, both on current sites and potential sites. Population and habitat monitoring on occupied sites should be carried out annually¹².

As the Southern Damselfly is protected under Schedule 5, it is essential for all surveyors who may disturb Southern Damselfly populations/ habitat or catch and handle Southern Damselflies, to

be licensed by the relevant statutory conservation agency (Natural England or Natural Resources Wales) before any work begins. Only the licence holder or their accredited agent must carry out the survey, complying with the licence conditions and carrying a copy of the licence at all times.

Larval monitoring

A fixed transect should be conducted at each site with a larval survey carried out at marked 10m intervals. The surveyor should work upstream, starting from 2m downstream of the 10m interval marker, so all dislodged larvae are washed into the sieve by the water flow. At each 10m interval, the 2m survey section should be split into three with each surveyed in succession for a minute. A kitchen sieve, or similar equipment, should be drawn through the water, in particular focusing on disturbing water plants and bottom sediment to dislodge larvae. The contents should be emptied into a white tray and any dragonfly/ damselfly larvae identified. The contents of the white tray from each minute long survey section should be emptied into the same section before the next is carried out. By working upstream, double counting returned larvae will be avoided.



Adult monitoring

For each Southern Damselfly site, a fixed transect should be walked while counting the number of mature males within 5m of the observer. The idea is that, regardless of who the observer is, the transect should be carried out in exactly the same way. It should be a fixed distance with a set start and end point marked using permanent landmarks and GPS readings. On larger sites, transects should cover 100m of every 500m of stream or mire. On smaller sites, transects should cover the whole site. If the watercourse is wider than 5m, both sides should be walked. This count will provide an Index of Abundance that can be used to assess population changes over time¹².

Transects should be carried out during the peak adult flying period, between early June and the end of July. They should be conducted in warm (>17°C with 50% sunshine), dry and still weather conditions between 11.00 and 14.00¹². Ideally multiple counts should be conducted at the same site on different days. Counts of adult males should be the priority. If the observer is confident with mature female identification, a separate count can be conducted at the same time for these. Additional behaviour, such as mating and ovipositing, can be recorded.

Experienced surveyors can identify mature male Southern Damselflies using close focus binoculars or a camera. However, inexperienced surveyors may, at times, wish to use a net to confirm identification. Prior to using a net, an experienced dragonfly surveyor should be consulted for advice on how to net an individual without causing harm. It is also important to remember to obtain a Schedule 5 licence prior to this.

Habitat Monitoring

This can be done at the same time as adult monitoring but only needs to be undertaken once per site annually¹². Recording a set of key habitat attributes is a quick and easy way to monitor the state of the habitat on site. The key habitat attributes are as follows³:

Key Habitat Attributes	Definition of upper and lower limits for favourable condition
Open, unshaded lengths of ditch with slow water velocity or only moderate velocity in the central channel and shallow, slow flowing areas at the edges	Upper limit of extent on site: 100% of ditch/stream. Lower limit of extent on site: Same % of ditch/stream covered by such habitat in last survey or 50% of ditch/stream.
Ditch edges with broad fringes of herbaceous emergent and submerged macrophytes, typically including some cover of Reed Sweet-grass (<i>Glyceria maxima</i>), Water Mint (<i>Mentha aquatica</i>), Fool's Watercress (<i>Apium nodiflorum</i>), Watercress (<i>Rorippa nasturtium-aquaticum</i>) and brooklime/water speedwell (<i>Veronica</i> spp.).	Lower and upper limit of cover: 20–80% for both emergent and submergent portions. Upper limit of extent on site: 100% of ditch/stream. Lower limit of extent on site: Same % of ditch/stream covered by such habitat in last survey or 50% of ditch/stream.
Areas of adjacent bankside vegetation with medium-height tussocks.	Lower and upper limit of height: 0.2–0.6 m. Upper limit of extent on site: 100% of bankside. Lower limit of extent on site: Same % of watercourse/mire covered by such habitat in last survey or at least 30% of bankside.
Ditch largely unshaded by bankside shrubs and trees.	Lower and upper limit of scrub or trees shading ditch: 0–40% cover.
Unpolluted conditions indicated by absence of encroaching algae and bacterial film. No invasive tall emergents such as Reed Canary-grass (<i>Phalaris arundinacea</i>).	Upper limit of extent on site: 25% of watercourse. Lower limit of extent on site: 0% of watercourse
Some cover of silt or other organic substrate in ditch/stream.	Upper limit of extent of encroachment on site: 100% of ditch/stream Lower limit of extent on site: Same % of mire or watercourse covered by such habitat in last survey or at least 50% of ditch/stream



Left: Southern Damselfly habitat at Moortown Bottom, Devon © Genevieve Dalley

Acknowledgments

Many thanks to the following people and organisations for contributing to this document: Dave Smallshire, Chris Dieck (RSPB), Kevin Young (Eastleigh Borough Council), Norman Baldock (Dartmoor National Park Authority), Lesley Kerry, Debbie Lewis (Berks, Bucks and Oxon Wildlife Trust), Jennifer Thomas (Natural England), David Boyce, Chris Dresh (Amphibian and Reptile Conservation)

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Left: Southern Damselfly habitat at Moortown Bottom, Devon © Genevieve Dalley, Southern Damselflies © Paul Ritchie, Southern Damselfly Habitat, Preseli Hills © Claire Install, Pair of Southern Damselfly, ©Dave Smallshire



The British Dragonfly Society was founded in 1983 and has since grown substantially, with a current membership of around 1,600. Through its various committees, local groups and members, the society is the principal body overseeing the study, recording, conservation and education effort focused on Dragonflies in the UK.

Written by Genevieve Dalley, Conservation Officer for the BDS. Release December 2016

