

Reviewing the Plan for Purbeck's future

Purbeck Local Plan Partial Review
Heathlands Background Paper, January 2015



Thriving communities in balance
with the natural environment

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Value and importance of heathland

1. Purbeck District lies in an area of considerable importance for nature conservation. 20% of the District is designated Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site (wetland of international importance). Both SPAs and SACs are referred to collectively as Natura 2000 sites or European protected sites. The aim of the protection of these sites is to assure the long-term survival of Europe's most valuable and threatened species and habitats. Whilst Ramsars are not Natura 2000 sites, the government treats them as if they are in policy terms.
2. Heathland is a well-known habitat type in the lowlands of the UK. It occurs on acidic, impoverished, dry sandy or wet peaty soils, and is characterised by the presence of a range of dwarf-shrubs, including various types of heather and gorse.
3. Lowland heathland is a priority for nature conservation because it is a rare and threatened habitat. It has declined greatly in extent during the last two centuries – in England it is estimated that only one sixth of the heathland present in 1800 remains – and it still faces major pressures.
4. The habitat is also home to numerous highly specialised plants and animals. It is particularly important for reptiles, especially large lowland heathland blocks in southern England, which provide prime locations for rare reptiles and birds. Many scarce and threatened invertebrates and plants are found on lowland heathland.
5. The UK has an obligation to conserve this habitat, given that it supports about 20% of the lowland heath in Europe. It also has high intrinsic appeal and provides a special sense of wilderness. Lowland heathland is classed as a priority habitat under the UK Biodiversity Action Plan and five lowland heathland habitat types are listed under Annex I of the EU Habitats Directive.
6. Heathlands are an important part of Purbeck's outstanding and distinctive natural environment. A network of heathland sites - Dorset Heaths SAC, Dorset Heaths (Wareham and Purbeck) and Studland Dunes SAC, Dorset Heathlands SPA and Dorset Heathlands Ramsar - make up over 5% of the UK's lowland heathland and are among the best of their type in the UK. Within the Dorset Heaths the dry heath is very important for Annex 1 bird species including Dartford warbler (26% of UK population), European nightjar (over 15% of UK population) and woodlark (7% of UK population). All six species of native British reptiles, including 56% of the UK's sand lizard population lives within the Dorset Heaths¹.

Legislation and the Council's responsibilities and duties

7. In summary, under the Habitat Regulations, the local planning authority has a duty to demonstrate that development will not adversely affect the integrity of protected heathlands. A Habitats Regulations Assessment will be prepared alongside the Partial Review, and the Council will need to demonstrate that any proposals in the plan will not harm the heathlands, or any other European protected site.

¹ Habitat Regulations Assessment of the Purbeck Core Strategy, Pre-submission Draft
<https://www.dorsetforyou.com/evidence/purbeck>

8. The Habitats Regulations are explained in the Habitats Regulation Assessment for Proposed Changes to Core Strategy Pre-Submission 2011². A summary extract is set out below:
9. “The Conservation of Habitats and Species Regulations 2010, normally referred to as the ‘Habitats Regulations,’ transpose the requirements of the European Habitats Directive 1992 into UK law. The EC Habitats Directive and UK Habitats Regulations afford protection to plants, animals and habitats that are rare or vulnerable in a European context.
10. Earlier European legislation, known as the Birds Directive 1979, protects rare and vulnerable birds and their habitats and includes the requirement for all Member States to classify ‘Special Protection Areas’ (SPA) for birds. This involves each State identifying the most suitable areas of land, water and sea for the protection of rare and vulnerable species listed in the Directive, and areas which are important for migratory species, such as large assemblages of waterfowl. In 2009 an updated Birds Directive was adopted by the European Parliament, which now replaces the original 1979 directive and incorporates all past modifications. The new Directive is now referenced in the Habitats Regulations 2010.
11. The Habitats Directive increased the protection afforded to plants, habitats and animals other than birds, through stricter protection of species and by the creation of ‘Special Areas of Conservation’ (SAC). This required the UK to designate the best areas for habitats and species listed in annexes to the Directive. Article 6(1) and (2) of the Habitats Directive impose duties on Member States to establish ecological conservation management measures for these areas, to avoid deterioration of their natural habitats and the habitats of species, and to avoid significant disturbance of the species in the areas.
12. Importantly, through Article 7 of the Habitats Directive, the procedures relating to the protection of SAC equally apply to SPA. Article 7 of the Habitats Directive supersedes the previous requirements of the first sentence of Article 4(4) of the Birds Directive.
13. When the Habitats Regulations were amended in 2007 the requirement to assess the potential effects of a spatial or land use plan upon European sites was introduced. Those requirements are now fully integrated into the 2010 Regulations.”
14. The UK is also party to the Ramsar Convention. This is a global convention to protect wetlands of international importance, especially those wetlands used as waterfowl habitat. In order to ensure compliance with the requirements of the Convention, the UK Government expects all councils to treat listed Ramsar sites as if they are part of the suite of designated European sites, as a matter of policy. Most Ramsar sites are also an SPA or SAC, but the Ramsar features and boundary lines may vary. Collectively proposed and classified SPA, SAC and European Offshore Marine Sites (EOMS) are often referred to as European sites. Article 6(3) and (4) of the Habitats Directive, and Regulations 61 and 102 of the Habitats Regulations, impose duties on all public bodies

² <https://www.dorsetforyou.com/evidence/purbeck>

to follow strict regulatory procedures in order to protect the European sites from the effects of plans or projects.

Current Approach

15. The current approach to heathland mitigation in Purbeck and south east Dorset is informed by two strands of research: the impact of visitors on heathlands; and visitor access patterns to heathlands.
16. Various studies have found that public access to lowland heathland, from nearby development has an adverse effect on the heathland ecology. The effects include an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance of wildlife by humans and their pets.³
17. Research in 2008 on visitor access patterns⁴ indicates that as many people walk to heaths as drive to them. There is a strong link between walking to heaths from up to 1,500m and visiting by car between 1500m and 5km.
18. The evidence shows that dog owning households visit heaths about three times as often as dog free households. Analysis of the data on visitor access patterns shows two critical bands of 0-500m and 500m-5km from heathland. In addition cat predation from development within 400m of heathland has serious impacts upon ground nesting species.
19. Natural England advised that the only certain way of preventing any adverse effects from new development was to impose a buffer zone of 400 metres around SPA/SACs where no new housing or tourism development could take place. Natural England also advised that people are likely to travel up to 5 kilometres to visit heathlands, and therefore any new housing granted permission outside of 400 metre buffer but within 5km could also have an adverse effect, particularly from dog walkers.
20. Natural England considers that development between 400m and 5km of heathland will lead to significant adverse effects in combination with other proposals, but that development between 400m and 5km can be allowed if avoidance or mitigation measures are put in place.

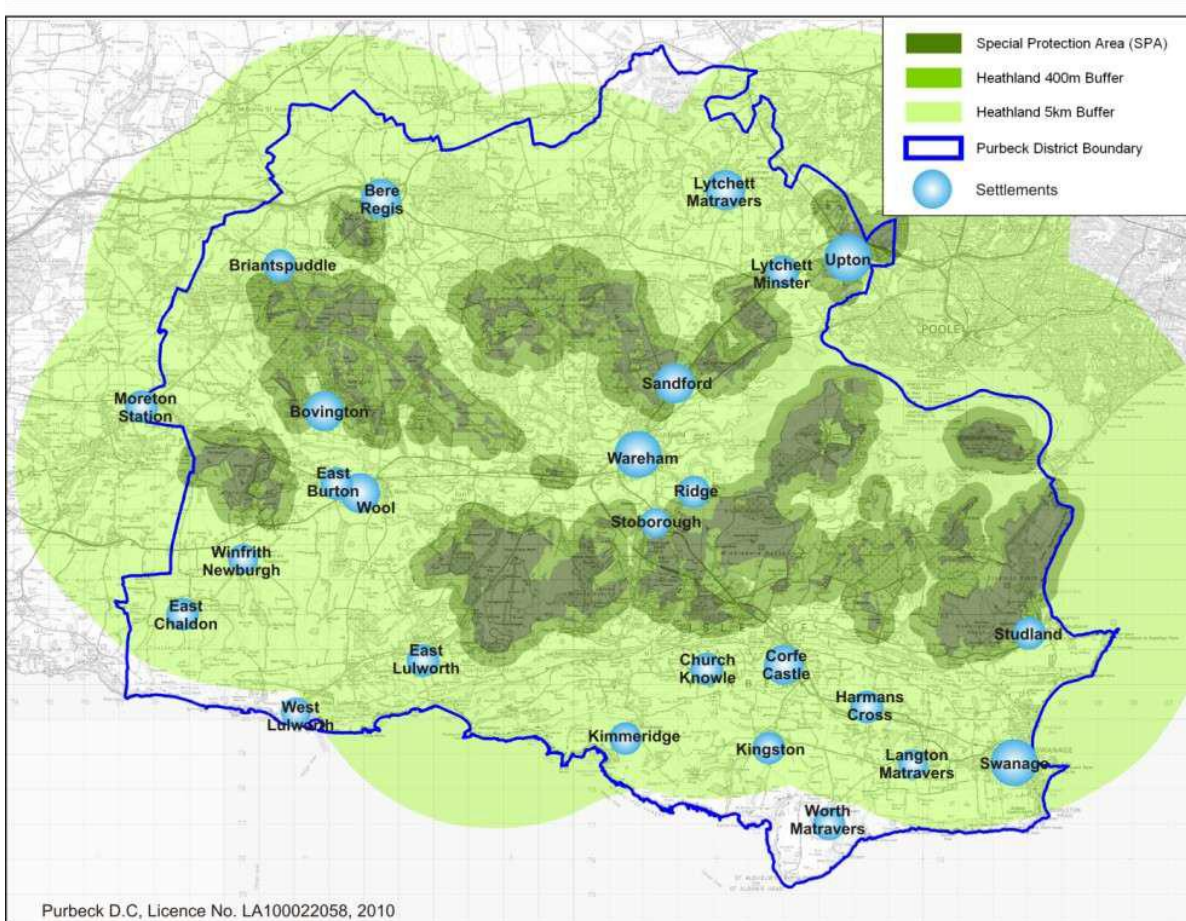
³ De Molenaar, H. (1998) Convention on the Conservation of European Wildlife and Natural Habitats. On-the-Spot Appraisal of the Dorset Heathland (United Kingdom). Report and Recommendations. Council of Europe., Strasbourg.;

Haskins, L. (2000) Heathlands in an urban setting - effects of urban development on heathlands of south-east Dorset. *British Wildlife*, 11, 229–237; Underhill-Day, J.C. (2005) A Literature Review of Urban Effects on Lowland Heaths and Their Wildlife. *English Nature*, Peterborough

⁴ Clarke, R. T., Sharp, J. & Liley, D (2008) The Dorset Household Survey 2008 part 1: Consequences for Future Housing and Greenspace Provision by and Access Patterns in South-east Dorset, The Dorset Household Survey 2008 part 2: Consequences for Future Housing and Greenspace Provision
<https://www.dorsetforyou.com/evidence/purbeck>

Durwyn Liley, Ralph Clarke, David Tyldesley, John Underhill-Day & James Lowen (2007) Evidence to support Appropriate Assessment of development plans and projects in south-east Dorset. Unpublished report, Footprint Ecology. © Dorset County Council /Footprint Ecology Ltd.. <https://www.dorsetforyou.com/407483>

21. This has led to the current approach to heathland mitigation of
- no residential development, tourism accommodation, or equestrian development within 400m of a designated heath; and
 - mitigation provided for all residential development and tourist accommodation within 400m – 5km.
22. The map below shows the distribution of protected heathland sites, the 400m, and 400m-5000m zones:



Map 1: Extent of 400m and 5km zones

23. There are three main approaches to mitigation:
- improvements to existing public open space to make them more attractive and accessible;
 - new alternative sites for recreation, such as Suitable Alternative Natural Greenspaces (SANGs); and
 - visitor access management projects to promote appropriate behaviour on heathlands.

24. Improving existing open space and creating new open space are aimed at encouraging people away from the more sensitive heaths. Purbeck Local Plan Part 1 and the latest draft Heathland SPD include guidelines on the establishment of SANGs. Given that people will continue to visit protected sites, mitigation also includes projects to promote appropriate behaviour when doing so.
25. Developers have attempted to show that their developments could be mitigated through the use of cat proof fences to stop cats getting onto heathland or covenants on new housing preventing ownership of cats and dogs. At appeal, inspectors have consistently followed Natural England's advice and dismissed applications within the 400 metre buffer. The buffer has been implemented consistently and upheld at appeal since its introduction in 2007. In February 2012, following the call in by government of a planning application granted by the Borough of Poole for 400 dwellings within the 400 metre buffer at Talbot Village, government overturned the planning permission. The Secretary of State agreed with the Inspector who felt that the mitigation proposed by the developer was not suitable. The cat proof fences would create a prison environment and any covenants on dog or cat ownership would be unenforceable in the longer term.

Review of approach

26. We are taking the opportunity of the Partial Review of Purbeck Local Plan Part 1 (PLP1) to review our approach to heathland mitigation and check whether it is still appropriate. Any revised policy approach will still need to demonstrate that development will not adversely affect the integrity of the protected heathlands and we will continue to work closely with Natural England to ensure this.

Strengths, Weaknesses, Opportunities and Threats

27. As part of the review, we have looked at the perceived strengths, weaknesses, opportunities and threats of the current approach to heathlands (SWOT analysis). We held two workshops with town and parish councils on 23 and 24 October 2014. At the workshops, we presented an initial SWOT analysis for discussion, and asked attendees to add to this, prioritise the issues and make additional comments. The outcomes of the workshops are summarised below.

Strengths

28. The top three strengths identified were:
 - Enables residential development within 5 km.
 - Consistent across SE Dorset.
 - Consistent approach, and tried and tested.

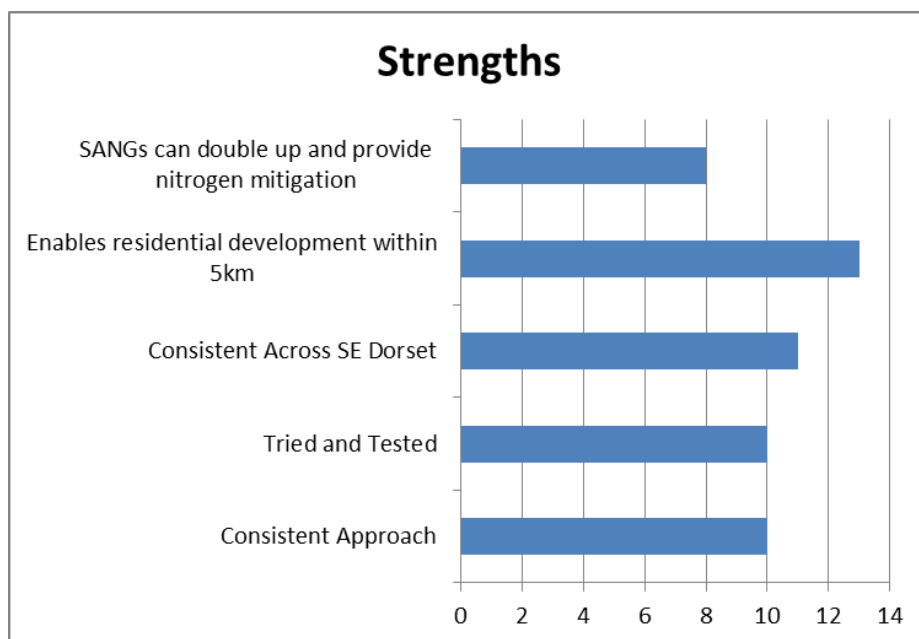


Chart 1: Prioritisation of strengths

29. The additional comments and suggestions relating to strengths focussed on improvements to publicity and information, alongside concentrating on Purbeck, rather than South East Dorset and acting upon parish/town council suggestions. The comments are listed in table 1.

Weaknesses

30. The top three weaknesses were identified as:

- Restrictions in 400m zone puts extra pressure on greenfield sites whilst brownfield sites remain undeveloped.
- 400m zone could be more flexible.
- Direct link between monitoring data and SANGs, in particular, unproven.

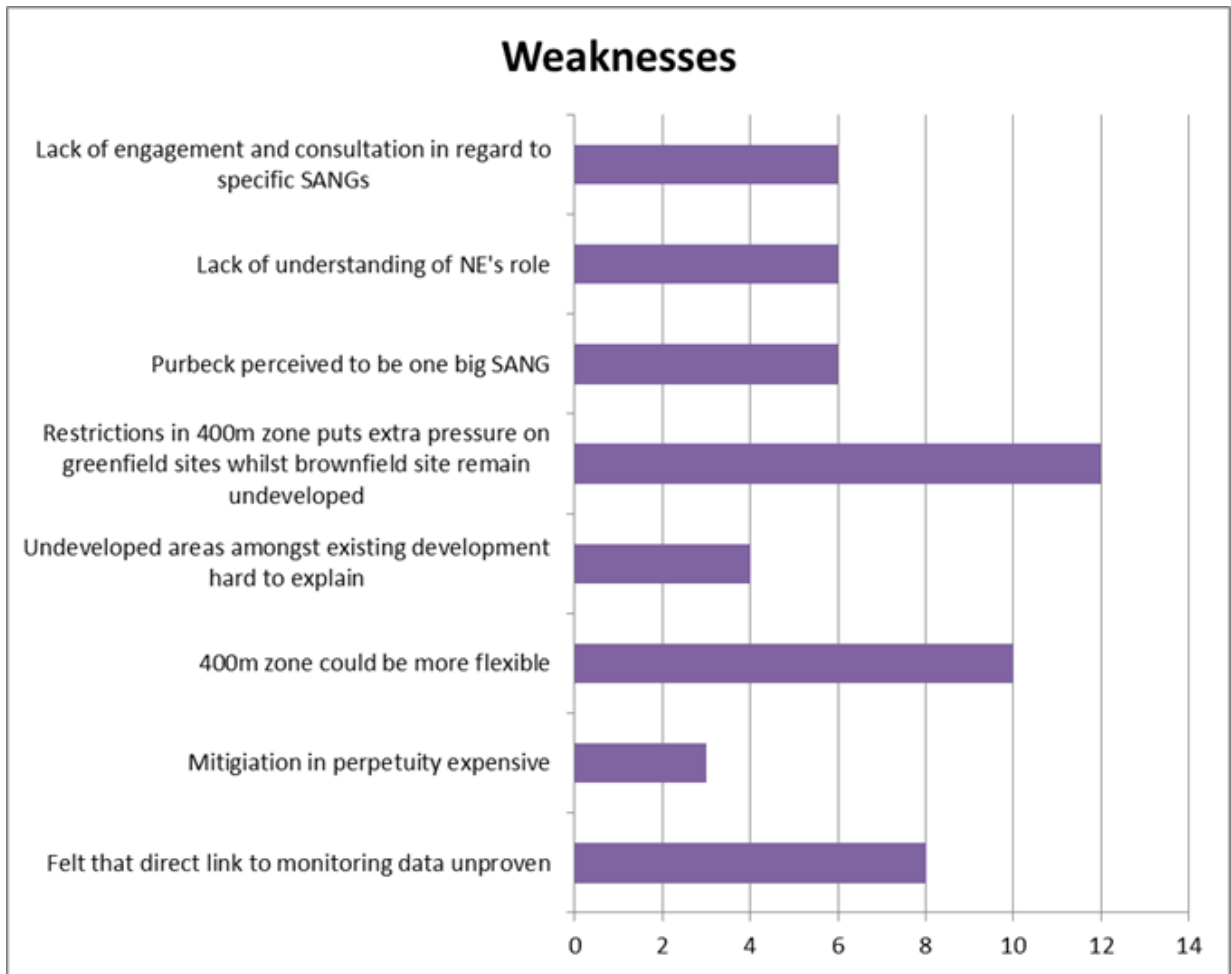


Chart 2: prioritisation of weaknesses

31. The additional comments varied with no particular focus but illustrate wide ranging, and in some cases opposing, views. The comments are listed in table 1.

Opportunities

32. The three top opportunities were identified as:

- Review 400m boundary rigidity.
- 400m-5km zone – are there areas where mitigation is not required.
- Improve working between heathland owners, managers and projects.

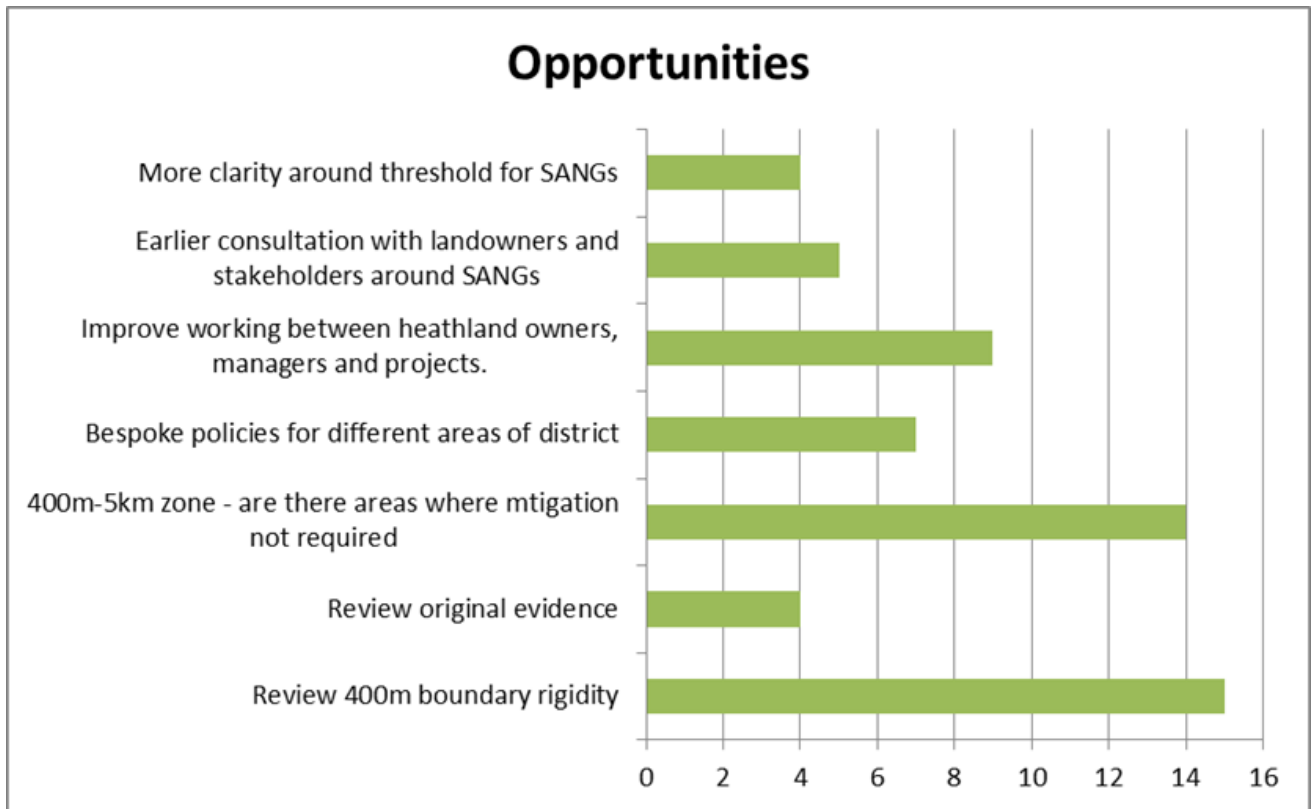


Chart 3: prioritisation of opportunities

33. The additional comments are listed in table 1.

Threats

34. The top three concerns considered to be threats were identified as:

- No development if we cannot demonstrate no adverse impact on heathlands.
- Escalating costs of perpetuity.
- Development exempt from CIL must still be mitigated for.

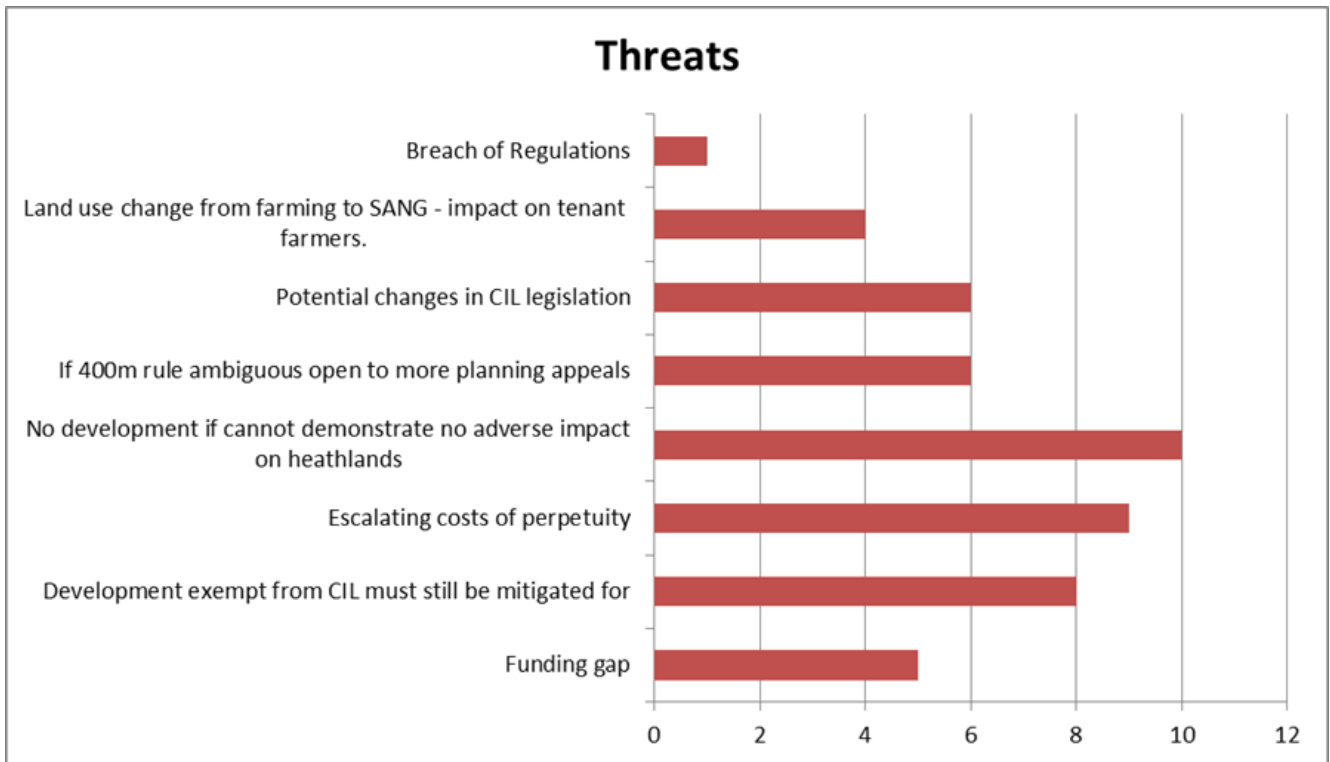


Chart 4: prioritisation of threats

- 35. The additional comments are listed in table 1.
- 36. Council officers have put together an initial response to the additional comments:

Comment	PDC Officer Initial Response
Strengths	
Improved signage and advertising	We will investigate the possibility of improved publicity and promotions through meetings with Natural England and other nature conservation and countryside bodies.
Publicise and emphasis the benefits	
Concentrate on Purbeck not SE Dorset	Agree that it will be important that any solution addresses the specific needs of Purbeck. However, strategic joint working is also important, as people and wildlife are not limited by district boundaries.
Listen to the parish/town council – and act on what is said.	We do listen to parish and town councils, and we act upon suggestions where possible. However, our actions are also constrained by regulations and resources.
Weaknesses	
Development contribution model review	When government introduced CIL in 2010 it was agreed that it would be reviewed nationally after five years. A national review is expected to be launched late spring/early summer, and CIL will be reviewed regularly locally. The next major review in Purbeck is planned to align with the Partial Review of PLP1.
Ensure heathland ‘avoidance’ where possible. Is the data reliable and valid?	Noted Question noted. This is something we may wish to consider further as we review our approach to heathland mitigation.
The future can choose whether to pay for it or not. The price needs to be paid.	Demonstrates opposing viewpoints in the district.
Criteria for barriers.	We can include this in our discussions with Natural England but what seems to be clear is that they have to be significant barriers, e.g. a single carriageway main road is not a barrier to people or animals, but a dual carriageway with central reservation is likely to be accepted as a barrier
These brownfield sites could be used as dog-walking areas.	Unlikely to be possible as they are in private ownership and not likely to attract dog walkers.

Comment	PDC Officer Initial Response
Opportunities	
Development of distinctive signage, with heathland logo (cf National Trust acorn) to advise people of proximity/boundary to heathland; with key messages, e.g. advice for dog owners and education in general of public/business etc.	Wild Purbeck is looking at a range of possible projects which may include improved interpretation of heathlands.
If SANGs continue to be required, should we provide more clarity about the number of houses that will be a threshold for the requirement and what is required from a SANG.	We already have detailed guidance on SANGs in our current Local Plan, but we may need to look at how we can raise awareness of this guidance. We will also investigate the option of identifying a specific site-size threshold, above which a SANG would be required.
Engage in dialogue with future population, i.e. young people. How do they want to use green land/open spaces? Ask them to be involved in the process	The Urban Heaths Partnership undertakes some work in schools already. However, we may need to raise awareness of this work.
Effective lobbying of policy making bodies to reflect local interests	The Council is currently reviewing its approach to heathlands, and this is partly because of local views. Officers are working hard to explain local concerns and issues to the Government's advisory body, Natural England.
Develop fully the 'discovery' model of access	This is more about visitor management, not part of policy development. There may be other agencies who can take this principle forward. Wild Purbeck may identify some visitor management projects for the future.
Perenco – contributory funds	It may be possible to use some of Perenco's Section 106 contribution to support some projects that contribute to heathland mitigation. Wild Purbeck will help identify any possibilities.

Comment	PDC Officer Initial Response
Threats	
Perenco and/or Tourist tax could help fill funding gap	It may be possible to use some of Perenco’s Section 106 contribution to support some projects that contribute to heathland mitigation. Wild Purbeck will help identify any possibilities. The Council held a workshop with tourism/hospitality industry in 2011 to investigate the possibility of a tourist levy but not progressed on lack of viability grounds
Does mitigation have to be provided in perpetuity?	This is the subject of current negotiations between all SE Dorset authorities and Natural England.
If 400m rule changed, must be drafted unambiguously	Noted
Threat to local family agricultural businesses when landowner provides area for SANG but it is being used by one or more tenants as vital part of the business. Policy should allow landowner to purchase other less sensitive land for a SANG. Criteria for SANG should include not adversely affecting local industry	There is nothing restricting purchase of land to provide a SANG but it must meet the functionality criteria laid out in the guidelines. The SANG criteria can only address the requirement for providing heathland mitigation. Renegotiation of leases is a matter for discussion between the landowner and leaseholder.
Administrative costs of dealing with individual cases	Noted
Breach of Regulations causes punitive sanctions	Noted

Table 1: additional comments on SWOT analysis

Next Steps

37. The Council is asking for further views and ideas on heathland mitigation through the Partial Review Issues and Options consultation. A revised Heathland SPD has also recently been published for consultation. We will consider the responses we receive to these consultations, as well as the results of the SWOT analysis, when working with Natural England on any changes to our approach.
38. Any proposed changes to policy will be subject to further consultation as part of the Partial Review of the Local Plan. Below is a summary of the forthcoming stages of the Partial Review:
- Issues and options consultation: January - March 2015
 - Preferred options consultation: January - February 2016
 - Pre-submission draft consultation: September - October 2016
 - Submit the plan to the Secretary of State - February 2017
 - Public examination (including hearing sessions): spring/summer 2017
 - Adoption: autumn 2017
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