

Cabinet

3 March 2020

Dorset Heathlands Framework 2020-2025 Supplementary Planning Document

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr Bryan, Highways, Travel and Environment; all

Executive Director: John Sellgren, Executive Director of Place

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Report Status: Public

Recommendations:

- (i) Cabinet adopts the updated Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD), with any updates, and implements the SPD from 1 April 2020.
- (ii) Signing off any changes resulting from this cabinet meeting and Bournemouth Poole and Christchurch Council meeting be delegated to the Portfolio Holder for Planning and the Service Manager for Spatial Planning.

Reason for Recommendation:

- (i) Due to different report deadlines the SPD is still to be agreed by BCP Council.
- (ii) To ensure the Council maintains a planning framework for mitigating impact of new residential, tourist accommodation and equestrian development on Dorset Heathlands. The document once adopted will have significant weight in decision making, when determining relevant planning applications. It will enable the Council, as Competent Authority under the 'Habitats Regulations', in combination with the appropriate assessments at planning application stage, the certainty that the impact of development can be mitigated avoiding an adverse effect upon the Dorset Heathlands.

1. Executive Summary

- 1.1 The Council is required to meet Habitats Regulations requirements around protected habitats and species. Dorset Heathlands are a network of European, internationally and nationally protected heathlands focussed in the south-east of Dorset Council and adjoining Bournemouth, Christchurch and Poole Council.
- 1.2 The Dorset Heathland Framework 2020-2025 Supplementary Planning Document (Appendix 1) provides the mitigation strategy to support planning policies in extant Local Plans that protect the designated areas. The Council has had a mitigation strategy in place since 2007. The current Dorset Heathland Framework SPD runs from October 2015 to the end of March 2020. Without a renewed SPD providing a mitigation strategy it will not be possible to demonstrate that impact on heathlands from new development can be avoided or mitigated. This could result in the Council not being able to grant planning permission in a zone 5km around protected heathlands in the south-east of the Council area.
- 1.3 The Council has worked collaboratively with Bournemouth, Christchurch and Poole (BCP) Council to consult on an update of the SPD. The consultation took place between 3rd January and 3rd February 2020. 115 responses were received and are summarised in Appendix 2, the consultation report. The responses were considered and any appropriate changes made to the final draft of the SPD; these changes are set out in the main report.

2. Financial Implications

- 2.1 The costs of mitigation will be met through developer contributions including CIL and S106.

3. Climate implications

- 3.1 The mitigation projects may address climate issues, e.g. a Suitable Alternative Natural Greenspace (SANG) could be multi-functional providing flood water storage, or include tree planting towards balancing carbon. SANGs are often created from agricultural land and can be improved for biodiversity in general whilst also providing nitrogen savings in Poole Harbour.

4. Other Implications

- 4.1 The Heathland Infrastructure Projects (HIPS) provide additional accessible open space, providing more opportunities for informal physical activity, improved health and wellbeing.

5. Risk Assessment

- 5.1 Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Without the mitigation strategy provided by the SPD there is a high risk of the Council failing to meet Habitats Regulations requirements which could result in it not being able to grant planning permission, thereby not meeting national housing delivery targets. The strategy provides funding for Strategic Access Management and Monitoring (SAMM), without this income, the Council would need to fund the mitigation from core budgets.

Residual Risk: With a mitigation strategy in place all the risks identified are reduced to low.

6. Equalities Impact Assessment

- 6.1 An EIA screening (Appendix 4) was carried out and no further assessment was required.

7. Main report

- 7.1 To conform to the requirements of the Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations'), the Council, when planning development, has to be certain that development will not have a significant adverse effect upon the Dorset Heathlands. If unmitigated, evidence shows that a rising population places additional pressures upon heathland and the protected species that reside there such as Dartford Warbler and Nightjar. Such pressures include, but are not limited to, disturbance from visitors and dogs, cat predation and incidences of fire.
- 7.2 Dorset Heathlands are a network of European, internationally and nationally protected heathlands focussed in the south-east of Dorset Council and adjoining Bournemouth, Christchurch and Poole (BCP) Council. The specific designations are Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes.
- 7.3 The extant Local Plans of legacy Purbeck and East Dorset Council include policies to require any net increase in housing to provide mitigation for Dorset Heathlands and state that the mitigation strategy will be set out in a supplementary planning document (SPD). These legacy authorities worked together with Natural England to develop a mitigation framework, originally in 2007. The remaining legacy local plans of West Dorset, Weymouth & Portland and North Dorset also include policies to protect the designated heathlands but due to the

limited proximity to heathlands of those areas, the policies were not party to the original framework.

- 7.4 The current SPD providing the mitigation strategy runs out on 31st March 2020. The Dorset Heathlands Planning Framework 2020-2025 ('the framework') is the latest version of an SPD which began life in 2007 as the Dorset Heathland Interim Planning Framework. It will operate as a mechanism for mitigating the adverse effects of additional residential development upon the 'Dorset Heathlands', a collective name for the various European protected sites in South East Dorset.
- 7.5 To ensure compliance with the Habitats Regulations and continue to grant planning permission for new residential development Dorset Council needs to put in place an updated planning framework to take effect from 1st April 2020. The draft SPD at Appendix 1 will replace the existing 2015 -2020 framework if approved.
- 7.6 The mitigation strategy is in two parts (i) Strategic Access, Management and Monitoring (SAMMs); and (ii) Heathland Infrastructure Projects (HIPs). SAMMs are contributions which secure the day to day costs of helping local people to behave in ways less harmful to the local heathlands they access through wardening heathlands, raising awareness and education programmes in local schools and on the heaths, and monitoring the effectiveness of the strategy looking at heathland birds, visitor access patterns and the effects of new development
- 7.7 The SAMMs costs have been calculated on the basis of planned housing growth over the 5 year period and the cost of providing wardening, education and monitoring during that period. The SAMMs is delivered by a combination of the Urban Heaths Partnership and in-house wardens. This reflects the situation inherited from legacy councils.
- 7.8 SAMMs are estimated to cost an additional £580,000 over 5 years for the Dorset Council area, with a resulting SAMMs payment in the North Dorset area of £406 per house and £277 per flat. This is calculated from determining the amount of new homes anticipated between BCP and Dorset Council area within 5km of protected heathlands, and then dividing costs of providing the SAMMs service by the anticipated number of homes within the two council areas.
- 7.9 The Council is proposing to fund the majority of mitigation through the Community Infrastructure Levy (CIL) where relevant charging schedules apply. The exception being the former North Dorset area where there is currently no CIL Charging Schedule in place. The proximity of Dorset Heathlands to that area is limited so funds for SAMMs will be secured through Section 106 agreements.
- 7.10 HIPs are physical infrastructure projects that provide facilities to attract people away from the protected heathland sites. SANGs (Suitable

Alternative Natural Greenspaces) are the most significant element of provision, provides attractive, accessible open space that provide local residents with an alternative choice to visiting heathland, for examples By the Way Field in Wimborne and Frenches Farm at Upton. Other HIPs projects may be appropriate depending upon local circumstances and are likely to be more bespoke to local areas, for example may consist of creating linkages between open green spaces, recreational facilities such as BMX tracks, fire access measures or heathland support areas to reduce pressure on heathland sites.

- 7.11 A public consultation on the draft SPD took place from 3 January to 3 February 2020, jointly with Dorset Council. A total of 115 responses were received, divided more or less equally between organisations, including large landowners and individuals.
- 7.12 The comments included:
- Support for protection of the heathlands;
 - Suggestions for improvements to the SPD;
 - Requests for reference to the Council's declared Climate Change Emergency and Action Plans, Ecological networks and nature recovery networks;
 - Concerns over changes to the SPD from the current adopted SPD;
 - Queries about how the SAMMs were calculated;
 - Concerns from the public about the impact of specific developments upon heathlands from nearby residents, e.g. North of Merley, Talbot Village;
 - Concerns from the public that SANGs in the floodplain do not provide all year round use;
 - Suggestions for possible mitigation projects; and
 - Queries over the impact of student accommodation and nursing homes.
- 7.13 The feedback led to following amendments to improve the SPD. These amendments are all minor in nature and improve the clarity of the SPD rather than introduce new policy:
- Improvements the SPD to ensure it is clearer, e.g. on payment of SAMMs;
 - Updating to reflect good practice suggestions, e.g. the design of SANGs;
 - Explanation of the Appropriate Assessment process;
 - The need for review of the mitigation strategy in the BCP Local Plan;
 - Reference the supporting evidence; and
 - Refer to Climate Change Emergency Action Plans and ecological networks.
- 7.14 Officers will prepare and publish a Monitoring, Projects and Implementation Plan that will be regularly updated to support this SPD. It will set out the amount of development coming forward and identify mitigation projects. This plan will be prepared in consultation with organisations with a shared ambition to mitigate the adverse effects upon the Dorset Heathlands.

- 7.15 To date the expenditure of S106 and CIL funds on heathland mitigation have reported in separate Council monitoring reports. The most recently published report¹ was 31st Dec 2019. Under new regulations delivery of infrastructure will continue to be reported annually but in an updated format.
- 7.16 Officers will also prepare and publish a Monitoring, Projects and Implementation Plan that will be regularly updated to support this SPD. It will set out the amount of development coming forward and identify mitigation projects. This plan will be prepared in consultation with organisations with a shared ambition to mitigate the adverse effects upon the Dorset Heathlands.
- 7.17 Governance for Dorset Heathlands mitigation is currently overseen by the Dorset Heathlands Advisory Group jointly with BCP Council. Officers from Spatial Planning, and equivalents in BCP Council, are currently reviewing the governance arrangements, to potentially also include Habitats Regulations requirements around nitrogen reduction in Poole Harbour. Governance arrangements will be confirmed in 2020.

8. Appendices

Appendix 1 Dorset Heathlands Framework 2020-2025 Supplementary Planning Document
Appendix 2 Dorset Heathlands Framework 2020-2025 Supplementary Planning Document Consultation Report
Appendix 3 Dorset Heathland Development Framework Reference List
Appendix 4 EIA screening

9. Background Papers

None

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

¹ . <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/community-infrastructure-levy/dorset-temporary-page/dorset-council-cil-monitoring-report-2018-2019-final.pdf>