

Cabinet

2 March 2021

Dorset Heathlands Interim Air Quality Strategy

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): all

Executive Director: J Sellgren, Executive Director of Place

Report Author: Sue Bellamy
Title: Senior Planning Policy Officer
Tel: 01929557303
Email: sue.bellamy@dorsetcouncil.gov.uk

Report Status: Public

Recommendations:

- (1) That cabinet agrees to adopt the Dorset Heathlands Interim Air Quality strategy covering the period 2020-2025; and
- (2) That cabinet agrees to allocate up to £187,000 from CIL to fund a project co-ordinator, delivery of projects and monitoring over a five year period.

Reason for Recommendations:

An interim strategy is needed to allow the Council to continue granting planning permission for new development and facilitating growth. The proposed interim strategy will simplify the planning application process by removing the need for applicants to identify and implement bespoke mitigation projects, in most cases, to mitigate the air quality impact of developments upon the Dorset Heathlands. Work needs to begin immediately on identifying and implementing projects.

1. Executive Summary

- 1.1 Several major planning applications in Bournemouth, Christchurch and Poole Council area have triggered the need to mitigate the in-combination effect of nitrogen deposition of additional development upon the Dorset Heathlands designated sites (SPA, SAC and Ramsar).

This has brought the issue into focus across all the South East Dorset protected heathlands.

- 1.2 Airborne nitrogen and ammonia gases from multiple sources, including agriculture and vehicle emissions settle on heathlands, enriching the soil. This favours faster growing plants and the spread of species not normally found on heathlands which outcompete and inhibit the recovery of the characteristic protected heathland features.
- 1.3 A strategy is needed to help address emissions caused by the additional car trips from new development. The proposed joint strategy with Bournemouth, Christchurch and Poole Council in Appendix 1 provides interim mitigation measures in advance of a formal policy position in the emerging BCP Council and Dorset Council local plans.
- 1.4 The strategy is required until at least 2030 when the take up of electric powered vehicles should negate the need for mitigation and improve air quality. Current Council strategies such as modal shift will help, but targeted projects around heathland sites are also needed.
- 1.5 A budget of £750,000 is needed for 5 years mitigation projects, £562,500 from BCP Council and £187,500 from Dorset Council based on the proportions of planned development at £50 per home. The strategy will be paid for by developers from the Community Infrastructure Levy and planning obligations. The Property Management Group and Corporate Strategy Assets Management Group will be made aware of these requirements.

2. Financial Implications

- 2.1 There will be no cost to the Council as projects would be funded from CIL or planning obligations
- 2.2 The appropriate panels/groups will be kept apprised of the projects identified as part of the strategy. A total budget requirement of £750,000 has been identified. The budget is based upon 15,000 homes planned over the 2020-2025 period at £50 per home. Based on planned growth Dorset Council would find £187,500 (25%) and BCP Council £562,500 (75%). The funding would come from CIL or other planning obligations, as appropriate. CIL liable development will be funded through CIL, including exemptions. Other development which is not CIL liable, or development within the 5km heathland buffer zone in the former north Dorset where CIL is not collected but is assessed as having an impact on air quality will be secured through S106 or other planning obligation. The budget would fund a project co-ordinator, the delivery of projects and monitoring over the five-year period.

- 2.3 Further work is needed on costing up individual projects and these will be set out in the separate Monitoring, Projects and Implementation Plan, published after the strategy is in place.
- 2.4 There is potential to link projects involving the change of use of agricultural land to other mitigation strategies to provide more cost-effective solutions such as Suitable Alternative Natural Greenspace, nitrogen offsetting land, biodiversity net gain / compensation projects and carbon offsetting projects.

3. Well-being and Health Implications

- 3.1 The strategy would lead to an overall improvement to air quality to humans as well as the Dorset Heathlands, benefitting public health and well-being. Projects could also provide local residents greater public access to the countryside for exercise, education and general health and wellbeing.

4. Climate implications

- 4.1 Policies encouraging the uptake of low emission vehicles will help meet the aims of the climate change action plan as well as reducing nitrogen deposition on protected heaths.
- 4.2 Projects on agricultural land can be brought forward with 'layered benefits' such as carbon offsetting and net gain in biodiversity. The emerging Environment Bill will make it a requirement for all developers to contribute to achieving a net gain in biodiversity and the Council will be looking for projects to spend developer contributions in coming years.

5. Other Implications

- 5.1 The strategy would have significant environmental benefits by helping to return the Dorset Heathlands to favourable condition, and through a general improvement to air quality.

6. Risk Assessment

- 6.1 Having considered the risks associated with this decision, the level of risk has been identified as:
- 6.2 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.

Without the strategy the Council would have to consider using Grampian conditions on all vehicle generating development (e.g. employment, housing, etc.), preventing the development from being built until mitigation has been put in place. This would hinder developers at a crucial time for jobs and the economy during the recovery from the Covid pandemic. There would be social costs of housing delivery from lack of available housing. There could be damage to the economy and unemployment from a slowdown in construction. The Council would also miss out on Council tax, business rates and New Homes Bonus.

- 6.3 Residual Risk: With an interim strategy in place the risks will be significantly lowered. The interim strategy will speed up the planning process, by providing certainty for all parties that the necessary mitigation will be delivered. This will enable the Council to continue to grant planning permission, continue to encourage growth and gain recognition for its positive approach for facilitating growth whilst improving habitat and air quality.

7. Main Report

- 7.1 The lowland heaths in South East Dorset, collectively known as the Dorset Heathlands are designated as Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.
- 7.2 The Councils are responsible as Competent Authority under the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019 which came into force on 31 December 2020. As Competent Authority the Council must ensure that when granting planning permission, the development will not have an adverse effect upon integrity of the Dorset Heathlands SPA, SAC and Ramsar site.
- 7.3 Air borne nitrogen and ammonia gases from multiple sources including agriculture and vehicle emissions settle on heathlands, enriching the soil. This favours faster growing plants and the spread of species not normally found on heathlands which outcompete and inhibit the recovery of the heathland habitats.
- 7.4 Vehicle emissions cause nutrient deposition and direct toxicity effects, principally within 200 metres of roads. Additional vehicle trips generated by new development, in-combination with all planned development

across South East Dorset, is likely to have a significant adverse effect upon the integrity of Dorset Heathlands.

- 7.5 Whilst air quality on designated sites has been an issue for some time, it was a 2017 High Court ruling in the case of Wealden District Council v Secretary of State that made the impact of air quality on designated sites the responsibility of local planning authorities. The 'Wealdon Judgement' highlighted the need to consider the impact of all development 'in-combination' under the Habitats Regulations, rather than determine each application on a stand-alone basis.
- 7.6 For this reason, Natural England has begun objecting to planning applications in the Bournemouth, Christchurch and Poole Council area that in-combination with other planned developments in South East Dorset would be harmful to the Dorset Heathlands. The applicants for these first schemes have each employed ecological consultants to look at the issue and identify bespoke mitigation packages to ensure that each development does not harm the Dorset Heathlands. This is proving a difficult exercise and the production of the interim air quality strategy would simplify and speed up the process for all parties.
- 7.7 The proposed strategy set out in Appendix 1 will simplify and speed up the planning process, facilitating growth, by avoiding each applicant having to employ ecological consultants to tackle this issue and identify and deliver bespoke mitigation.
- 7.8 Government plans to phase out sales of new petrol and diesel cars and vans by 2030 to accelerate the transition to electric vehicles. Around 2030 or soon after it is expected that the take up of electric vehicles will cut vehicle emissions to the point where this strategy is no longer needed.
- 7.9 The strategy has been prepared jointly with Bournemouth, Christchurch and Poole Council. It identifies 3 phases to facilitate the recovery the Dorset Heathlands towards favourable conservation status with regard to air quality:
- Phase 1: - Measures already in place 2015-2020 – Projects implemented for other reasons but have air quality benefits to the protected heathland nearby;

- Phase 2: Interim approach from 2020-2025 - Projects to deliver benefits ahead of the preparation of formal local plan policy; and
- Phase 3: Local plan approach from 2025 onwards - Projects aligned to new policies set out in the BCP Council Local Plan and the Dorset Council Local Plan. The strategy will be re-evaluated at this point and may become an SPD.

7.10 Phase 2 is the first documented phase of the overall strategy. It is an interim strategy to deliver projects in the short term from 2020-2025. The aim of Phase 3 is to formalise the strategy in policy through local plans from 2025 onwards. The measures will be needed until air pollution levels return to an acceptable level and the conservation objectives of the Dorset Heathlands are achieved in respect of air quality. Measures include:

- Managing heathland adjacent to roads;
- Changing of use of agricultural land adjacent to heathlands to less intensive use;
- Reducing vehicle trips by encouraging modal shift to other forms of transport;
- Reducing vehicle speed past heathlands (e.g. A338 at Hurn & Gravel Hill);
- Encouraging the use of low emission electric vehicles (e.g. charging points, subsidy); and
- The re-siting or cleaning up of certain operations that generate emissions alongside heathlands (e.g. slurry pits, intensive livestock units).

7.11 By taking a holistic approach with other mitigation measures and initiatives this strategy will drive an improving trend in air quality which is targeted to the sources which make the greater contribution to current exceedances. This improving trend might then be taken into account by the Council when undertaking habitats regulations assessment of a development proposal and considering whether to grant planning permission. The improvements to air quality on the Dorset Heathlands will also benefit air quality for local residents.

7.12 The Interim Dorset Heaths Air Quality Strategy has the support of Natural England and would have multiple benefits:

- It would enable the Council to mitigate development and thereby continue to grant planning permission;

- Mitigation of the impact of the development will be passed from the developer to the Council, removing a block from the planning application process;
- It saves planning applicants the cost of ecological consultants as all development that generates car trips would have to provide mitigation;
- It enables the Council to achieve environmental benefits by facilitating the recovery the highly valued Dorset Heathlands towards favourable conservation status with regard to air quality;
- Improvements to air quality would equally benefit human health; and
- Mitigation projects can have 'layered benefits' such as a net gain in biodiversity, carbon offsetting and public access.

8. Equalities Impact Assessment

An EqIA screening has been undertaken and there are no impacts from the interim strategy on people (Appendix 2).

9. Appendices

Appendix 1 Dorset Heathland Interim Air Quality Strategy

Appendix 2 EqIA screening

10. 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.