

Appropriate Assessment for Application: Land south of Curtis Fields, Chickereil Road, Weymouth

This document represents the Appropriate Assessment undertaken by Dorset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

This Appropriate Assessment considers the reserved matters applications under the outline planning permission which includes:

- Phase 2B, WP/19/00273/RES;
- Phase 4 WP/19/00635/RES;
- Phases 2A, 3A and 3B; and
- WP/19/00693/RES.

In accordance with *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17), Dorset Council has concluded that, discounting any mitigation, the above application will have a likely significant effect on the Chesil and the Fleet European wildlife site (including Ramsar sites).

The Chesil Beach and the Fleet European site is characterised by a 29km long shingle storm beach and a coastal lagoon called the Fleet.

The primary reasons for the designation of the Chesil and the Fleet SAC are the following habitats:

- Coastal lagoon;
- Mediterranean and thermos-Atlantic halophilous scrubs (*Sarcocornetea fruticoia*);
- Perennial vegetation of stony banks; and
- Annual vegetation of drift lines.

The shingle beach encloses a brackish lagoon called the Fleet, which is the largest lagoon in England occupying 495ha and supports the greatest diversity of habitats and species of any lagoon in the UK¹. Due to the salinity gradient, peculiar hydrographic regime, and associated reedbed and intertidal habitats, the Fleet is extraordinarily rich in wildlife with outstanding numbers of aquatic plants and animals present.

The Mediterranean and thermos-Atlantic halophilous scrubs habitat is largely associated with the lagoon habitat, since it is found predominantly on the seaward margin of the Fleet.

¹ Bamber, R. N. 1997. Assessment of saline lagoons within Special Areas of Conservation (SACs). Peterborough: English Nature

Chesil Beach represents a large area of 'perennial vegetation of stony banks' habitat which supports the most extensive occurrences of the rare sea-kale *Crambe maritima* and sea pea *Lathyrus japonicas* in the UK, together with other grassland and lichen-rich shingle plant communities typical of more stable conditions.

In addition, Chesil beach is also one of two representatives of Annual vegetation of drift lines on the south coast of England. The inner shore of the beach supports extensive drift-line vegetation dominated by sea beet *Beta vulgaris maritima* and orache *Atriplex*.

The Chesil Beach and the Fleet SPA occupies the Fleet lagoon and immediate surroundings which support saltmarshes and reedbeds. The SPA supports over wintering bird species such as the Dark Bellied Brent Goose *Branta bernicla*. In Spring and Summer, Chesil Bank is an important breeding ground for the Little Tern *Sterna albifrons* which feed in the shallow waters of the lagoon. The site also provides a habitat for bird species which do not breed at this location, such as Wigeon *Mareca Penelope*.

Chesil and the Fleet is also a designated Ramsar site in recognition of its international importance as a wetland.

Designated site	LSE Y/N	Adverse effects caused by:
Chesil Beach and the Fleet SPA	Y	Phase 2 to 4 of the Curtis Fields application will result in an additional 425 dwellings approx. 0.9km to the east of Chesil and the Fleet European site.
Chesil and the Fleet SAC		Natural England objected to the reserved matters planning applications for Phases 2 to 4 of the Curtis Fields development (WP/19/00635/RES, WP/19/00693/RES, WP/19/00273/RES) in November 2019 ² and March 2020 ³ , and requested the following:
Chesil Beach and the Fleet Ramsar		<ul style="list-style-type: none"> • Details of the likely recreational impacts on the designated site features and the scope for mitigation; and • An Air Quality Assessment of the likely impacts of traffic movements on designated sites. <p>Natural England advised that the increase in residential dwellings of up to 500 units within a kilometre from Chesil Beach and the Fleet European site, as a result of the Curtis Fields development as a whole (Phases 1 to</p>

² Letter from Jack Potter c/o Natural England to Dorset Council, dated 7th November 2019 (ref: 297149 and 297654)

³ Letter from Jack Potter c/o Natural England to Dorset Council, dated 9th March 2020 (ref: 297149 and 297654)

		<p>4), would be likely to substantially increase the recreational pressures on the features of the designated area. This may result in an 'alone' impact given the proximity to and connectivity with the European site.</p> <p>Natural England advise that trampling of habitats and species by people are resulting on adverse effects on the features of the SAC designation. Furthermore, recreational pressure particularly from dog walkers and water sports during the winter period is having an adverse effecting the over-wintering birds of the SPA.</p> <p>Natural England cited evidence on the excess recreational use of the Chesil and the Fleet European Site which has emerged since they provided advice on the outline application in 2015, including:</p> <ul style="list-style-type: none"> • 'Chesil Beach 2019 Recreational Activity Strategy', Footprint Ecology (2019) (ref: 549); and • Supplementary Advice for Conservation Objectives (SACO) for the Chesil Beach and the Fleet SPA, Natural England (2019)⁴. <p>Natural England advice is that the Footprint Ecology report confirms that there is currently an unacceptable level of existing recreational pressure at Chesil Beach and the Fleet which is likely to be compromising the integrity of the SAC site features.</p> <p>The SACO identified significant concerns regarding recreational pressures on the features of the site, in particular Little Tern, which is in unfavourable condition with a target to restore to the former population numbers to those upon designation.</p> <p>Natural England commented in March 2020 that no air quality assessment had been made of the likely air quality impacts as a result of additional vehicular movements upon the Chesil and the Fleet European site from the Curtis Fields development.</p> <p>In addition to the impacts of the proposed development 'alone', Natural England have advised that the proposed development is also likely to contribute to the 'in-combination' effects from the existing recreational</p>
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⁴ SACO for Chesil and the Fleet may be viewed here, at the time of writing:
<https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9010091&SiteName=&SiteNameDisplay=Chesil+Beach+and+The+Fleet+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=2>

		<p>pressures on the Chesil and the Fleet European site. Effects from recreational activities frequently act in a cumulative way requiring a careful visitor management approach.</p> <p>Natural England have advised Dorset Council that a wider strategy is also likely to be needed to address the 'in-combination' issue of recreational pressures at Chesil and the Fleet.</p>
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Designated site affected	Confirmation that adverse effects on integrity are avoided for <u>all</u> features with avoidance/mitigation secured by adherence to the SPD Y/N
Chesil Beach and the Fleet SPA	<p>In light of Natural England's comments, Dorset Council recognise that a strategic solution is required to tackle the effects of recreational pressure at Chesil and the Fleet. This will ensure that future development which comes forward through the emerging Dorset Local Plan which is currently scheduled for adoption in 2023, will not affect the integrity of the Chesil and the Fleet European site.</p> <p>Substantial evidence, which includes site-specific data on the recreational use of Chesil Beach and the Fleet, will need to be gathered to ensure that the strategy comprehensively addresses the issue. It is currently not possible to undertake these works due to the measures in place to tackle the Covid-19 virus.</p> <p>In the interim period, prior to evidence being gathered and a strategy being adopted, Natural England have suggested that a potential approach is for the local authority to consider interim measures. This would allow the Curtis Fields planning application to be determined in the shorter term, prior to a more permanent strategy being adopted.</p> <p>Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid the impacts of recreational pressure upon the Chesil and the Fleet European Site in the interim period (Appendix A).</p> <p>Natural England have also estimated the costs of these measures to be £191,673 per year, which over the period to 2038 equates to a total cost of £3,450,114 (Appendix B).</p> <p>The approach taken has been to estimate the charge per dwelling which will need to be secured through planning obligations in order to fund the mitigation required to</p>
Chesil and the Fleet SAC	
Chesil Beach and the Fleet Ramsar	

	<p>address the impacts. This has been derived from the cost of the mitigation required and the anticipated housing supply within the surrounding areas.</p> <p>Dorset Council do not currently have sufficient data to determine where visitors to Chesil Beach and the Fleet for recreational purposes are travelling from. Natural England have advised that the approach should focus on development within 5km of the Chesil Beach and the Fleet European site (see map in Appendix C).</p> <p>This anticipated housing delivery from future strategic development and windfall development in the areas surrounding Chesil and the Fleet in the period up to 2038 totalled 6,904 dwellings (see Appendix D and E).</p> <p>The cost charge per dwelling is therefore £499.73 (£3,450,114 / 6,904), plus an administration fee of 5%.</p> <p>This approach has been applied to the Curtis Fields development, to ensure that it contributes to the mitigation at Chesil and the Fleet in a fair and proportionate way.</p> <p>Phase 2 to 4 of the Curtis Fields application will result in an additional 425 dwellings, and the proportionate contribution towards mitigation is therefore:</p> $(425 \times £499.73) + 5\% = £223,003.10$ <p>This financial contribution towards the mitigation will be taken from Dorset Council's CIL pot⁵.</p> <p>In terms of air quality, the applicant has submitted an air quality screening report⁶ to explore the potential impacts of the additional traffic as a result of the development. The report concludes that:</p> <p style="padding-left: 40px;">“the increase in traffic on Portland Beach Road due to the proposed development in-combination with committed development is less than 1,000 AADT. Therefore, the impact on the integrity of the protected areas due to emissions from road traffic generated by the proposed development will be insignificant and detailed assessment should not be required.”</p>
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⁵ For further explanation please refer to the report going before Dorset Council's Place Scrutiny Committee on 23 July 2020 titled: "Dorset Council – Community Infrastructure Levy Governance Arrangements".

⁶ 'Screening Statement', Air Quality Assessments Ltd, dated 17th March 2020 (document ref: J0402/1/F1)

Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites, an Appropriate Assessment was undertaken by Dorset Council as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive.

The Appropriate Assessment concluded that in light of the mitigation provided, there will be no adverse effect on the integrity of the designated sites.

Appendix A: A table showing the interim mitigation measures required to address the impacts of recreational pressure at Chesil and the Fleet (provided by Natural England)

Ecological Impact	Source of Impact	Mitigation Measure
Land based disturbance to breeding Little Terns	Dogs and walkers	<ul style="list-style-type: none"> • Little Tern wardening, fencing, monitoring, volunteer co-ordination • Visitor Centre presence for dissuading inappropriate activities and source of information for users • Chesil Beach Carpark spaces and charges review • Expansion of Dorset Dogs • Interpretation; leaflets, signage (land and water), smartphone app, • Infrastructure projects • Seasonal by-laws to re-inforce encouragement of positive behaviour • Provision of alternative strategic green space • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Water based disturbance to breeding Little Terns	Recreational watercraft users	<ul style="list-style-type: none"> • Little Tern Wardening, fencing, monitoring, volunteer co-ordination • Interpretation; leaflets, signage (land and water), smartphone app, • Review of water access points • Use of existing watercraft permit system

Land based disturbance of wintering birds	Rambling, dog walking, wildlife watching and jogging	<ul style="list-style-type: none"> • Wardening of activity hotspots • Interpretation; leaflets, signage (land and water), smartphone app, • Provision of alternative strategic green space • Infrastructure projects • Expansion of Dorset Dogs • Identify key bird watching points and provide screening and viewpoints • Engagement with user groups and agree codes of conduct where appropriate • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Trampling of terrestrial/intertidal vegetation	footfall or launching of craft	<ul style="list-style-type: none"> • Wardening of activity hotspots • Interpretation; leaflets, signage (land and water), smartphone app, • Provision of alternative strategic green space • Infrastructure projects • Expansion of Dorset Dogs • Identify key bird watching points and provide screening and viewpoints • Engagement with user groups and agree codes of conduct where appropriate • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Pollution of all habitats	Littering and dog fouling	<ul style="list-style-type: none"> • Provision of bins for litter and dog waste • Wardening of the northern shore

		<ul style="list-style-type: none"> • Provision of alternative strategic green space • Infrastructure projects • Expansion of Dorset Dogs • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Damage to subtidal habitats fishing	Fishing	<ul style="list-style-type: none"> • Engagement with user groups and agree codes of conduct where appropriate • Wardening of activity hotspots • Introduce permits where appropriate to enable control of activity locations/methods • Interpretation; leaflets, signage (land and water), smartphone app,
Deliberate mortality or damage to plants and animals (e.g. harvesting or foraging of plants or animals);	Harvesting, foraging, beachcombing	<ul style="list-style-type: none"> • Engagement with user groups and agree codes of conduct where appropriate • Wardening of activity hotspots • Introduce permits where appropriate to enable control of activity locations/methods • Interpretation; leaflets, signage (land and water), smartphone app,

Appendix B: A table showing the estimated cost of mitigation (provided by Natural England)

Mitigation Delivery Measure	Delivery Body	Estimated Cost (per year)
Little Tern Wardening, fencing, monitoring, volunteer co-ordination	RSPB	£18,000
Seasonal by-laws to re-inforce encouragement of positive behaviour (if positive measures are insufficient)	Dorset Council	n/a
Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures	Dorset Council	n/a
Chesil Beach Visitor Centre presence for dissuading inappropriate activities and dissemination of information for users (central base for officers/wardens)	Wildlife Trust	£25,550*
Expansion of Dorset Dogs	Dorset Dogs	£2,000
Car park spaces and charges review	Dorset Council (selected infrastructure projects) Delivery Officer and warden (potentially hosted by the Wildlife Trust based at the Chesil Beach Visitor Centre)	SAMM - £86,123 Infrastructure projects – 1.5/2km Footpath improvements per year (£50,000) Other infrastructure projects listed (£10,000)
Review of existing watercraft permit system and enabling its effective use (in liaison with the Estate)		
Introduce permits where appropriate to enable control of activity locations/methods (in liaison with the Estate)		
Review of water access points		
Interpretation; leaflets, signage (land and water), smartphone app,		
Infrastructure projects, i.e.; Establishment of a strategic SANG for Weymouth residents in close proximity to houses; Enhancement of existing access to encourage footfall on non-sensitive paths; open up views from existing footpaths; create new access to enable circular routes; screening/ barriers to dissuade access to the foreshore from key points; dog		

swimming ponds outside of sensitive area; Provision of designated picnic spots with views and natural feel in non-sensitive areas; Identify key bird watching points and provide screening/viewpoints; Provision of bins for litter and dog waste in appropriate locations		
Wardening of activity hotspots		
Engagement with user groups and agree codes of conduct where appropriate		
Monitoring of mitigation effectiveness to feedback to inform ongoing strategy		
Total annual charge		£191,673

Appendix C: A map showing the extent of the 5km buffer zone surrounding Chesil and the Fleet



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Appendix D: A table showing the predicted future strategic development within 5km of Chesil Beach and the Fleet

Settlement	Planning ref	Name	No of dwellings
Portland	PORT2	Former Hardy Complex	348
Weymouth	WEY9	Bingleaves Cove	228
	WEY10	Markham and little Francis	425
	WEY12	Land at Wey Valley	340
	WEY15*	South of Wey Valley	150
Chickerell	CHIC2	Chickerell Urban Ext	762
	CHIC3	Land off Rashley Rd	50
	CHIC4*	West of Southill	400
	CHIC5*	Chickerell Camp	30
Bridport	BRID1	Vearse Farm	930
	BRID2	Land off Skilling Hill	40
	BRID3	Land to East of Bredy	40
	BRID5	St Michaels Trading	83
Total			3,826

* Preferred option in the West Dorset, Weymouth & Portland Local Plan Review (2018)

Appendix E: A table showing the number of housing completions at windfall sites within 5km of Chesil Beach and the Fleet

2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
133	196	122	136	232	186	260	380

Note: the average number of completions at windfall sites within 5km of the Chesil and the Fleet between 2011/12 and 2018/19 is 171 dwellings per year. Applying this rate of windfall to the period up to 2038 provides an estimate that 3,078 dwellings will be delivered on windfall sites over this period.