

# Strategic Planning Committee

27 May 2021

## Dorset Council response to consultation on proposed quarry development at Purple Haze, Verwood.

### For Review and Consultation

**Portfolio Holder:** Cllr D Walsh, Planning

**Local Councillor(s):** Cllrs Spencer Flower, Toni Coombs and Simon Gibson

**Executive Director:** J Sellgren, Executive Director of Place

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**Report Status:** Public

#### Recommendation:

That Dorset Council responds to Hampshire County Council regarding the planning application consultation on the proposed development of a quarry at Purple Haze, stating that:

- a) Dorset Council is not satisfied that the Environmental Impact Assessment carried out on the proposed development provides robust evidence that all impacts, including impacts on Dorset's environment and interests, have been identified and will be appropriately mitigated. Therefore, Dorset Council objects to the detail of the proposed development and asks Hampshire County Council to ensure that further robust assessment is undertaken, and consulted on, to ensure impacts are properly understood and appropriately mitigated.

## **Reason for Recommendation:**

- a) Following assessment of application documents, Dorset Council is not satisfied that the Environmental Statement submitted with the planning application provides robust evidence that all relevant impacts have been identified, and can be satisfactorily mitigated. Dorset Council considers that the applicants need to carry out further assessment to properly identify and mitigate impacts.

### **1. Executive Summary**

This report considers Hampshire County Council's consultation on the proposed development of a quarry at the Purple Haze site south of Verwood. It identifies the key issues associated with the proposed development, including those potentially affecting Dorset, and sets out further information received from specialist consultees within Dorset Council. It recommends that Dorset Council objects on the grounds that the Environmental Impact Assessment has not adequately addressed all likely impacts, and does not set out satisfactory mitigation based on robust evidence.

### **2. Financial Implications**

As a response to a planning consultation in a neighbouring authority, there are no direct financial implications associated with this decision. However, should there be unmitigated or poorly mitigated impacts from development of the site which affects Dorset, this could have financial implications for Dorset Council.

### **3. Well-being and Health Implications**

No well-being or health matters directly related to this report and its recommendations have been identified.

### **4. Climate implications**

No climate change related implications directly related to this report and its recommendations have been identified.

### **5. Other Implications**

Dorset Council seeks to ensure, through its response to this consultation, that should Hampshire County Council ultimately give permission for this site, then development will occur in a sustainable manner.<sup>1</sup>

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<sup>1</sup> **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.

## **6. Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

## **7. Equalities Impact Assessment**

An Equalities Impact Assessment is not a material consideration in considering this application.

## **8. Appendices**

Appendix 1 - Comments from Dorset Council consultees

## **9. Background Papers**

Dorset Council's Scoping Response to Hampshire County Council 10 July 2020.

## **10. Background**

- 1.1. The area of land known as Purple Haze lies to the south of Verwood, between Moors Valley Country Park and the B3081. It is shown outlined in red on Figure 1 below. The northern end of the 'red line' boundary lies in close proximity to Verwood, although the actual proposed sand extraction area does not come up to the edge of the site boundary. The site is entirely within Hampshire, although part of the site boundary is the boundary between Hampshire and Dorset.
- 1.2. The Purple Haze site is allocated in Hampshire County Council's Minerals and Waste Plan 2013 for the extraction of aggregate (primarily soft or building sand) and for landfill. Hampshire County Council have received an application to develop the site as a quarry, and is currently consulting on this application. The current application is only for aggregate extraction, and does not include any proposal for landfill.
- 1.3. Planning application 21/10459 was submitted to Hampshire County Council on 26<sup>th</sup> February 2021, and went out to consultation on 30<sup>th</sup> March, 2021. The closing date for returning a response on this consultation is 21<sup>st</sup> May 2021, but Dorset Council has been given to 28<sup>th</sup> May 2021 to respond. Further information is available from Hampshire County Council's website at:  
<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=21763>

- 1.4. In preparing to respond to Hampshire County Council, advice on selected topics has been sought from internal (Dorset Council) specialist consultees and is presented in this report. In addition, some of the responses from Hampshire County Council's other consultees are available on Hampshire County Council's website, and have been reviewed. Dorset Council's response to this application as set out in this report focusses on the key issues as they are perceived to affect Dorset.

## **11. Proposed Development**

- 1.5. The applicants, Grundon Sand and Gravel Ltd., propose to extract approximately 4.5 million tonnes of sand (and some gravel) over the period of 20-25 years from an extraction area of some 35 hectares. The rate of extraction will be between 150,00 to 200,000 tonnes per annum (tpa) which is expected to generate approximately 45 inbound and 45 outbound (90 daily two-way) HGV movements. Access will be off the B3081, leading to the A31, and approximately 90% of these HGV movements are expected to be to/from the south (the A31).
- 1.6. The quarry will be worked in 21 phases, progressing counter-clockwise around the site, with phased restoration following working. Figure 2 below shows the area proposed for extraction, set within the red line boundary of the site, and the proposed phases of development. It also shows the proposed access off the B3081, leading to the mineral processing plant area.
- 1.7. Figure 3 below illustrates the proposed restoration, which is proposed to be to a mosaic of lowland heath, gorse scrub, woodland and pond areas at a lower level, with no importation of inert or any other waste.

## **12. Key Issues**

- 1.8. In 2020 Hampshire County Council issued a scoping consultation regarding the proposed development of Purple Haze, to establish the scope of the Environmental Impact Assessment work required to support the submission of a planning application for Purple Haze. Dorset Council responded to this scoping consultation on 10<sup>th</sup> July 2020.
- 1.9. Dorset Council's 2020 scoping response to Hampshire County Council identified a number of key issues/potential impacts that needed to be carefully addressed. These included:
  - a) Ecological, including impacts on sites of international, national and local nature conservation importance and protected species
  - b) Hydrology/hydrogeology
  - c) Highways
  - d) Recreational

- e) Soils
- f) Cultural heritage
- g) Landscape and Visual
- h) Human health (including noise/dust)
- i) Climate Change

### **13. Discussion**

- 1.10. Of the key issues identified in the Scoping Report, it was considered that the most significant potential impacts affecting Dorset's interests were likely to be:
- a) hydrology/flooding
  - b) ecology
  - c) recreational, and
  - d) highways/traffic

#### Hydrology/hydrogeology and flooding.

- 1.11. Surface water from the site is likely to drain westwards, towards Dorset, with potential for flooding impacts and impacts on nature conservation designations including the Ebblake Bog and Moors River. Hydrology/hydrogeology input and advice on an application such as this comes from the Environment Agency, and with regard to flooding issues Hampshire County Council has its own Lead Local Flood Authority (LLFA) team to provide advice.
- 1.12. The Environment Agency has already responded to this proposed development and has objected, noting:
- "The information submitted with the application does not demonstrate that the risk of pollution to controlled waters is acceptable...The applicant should provide information to demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should address the points raised above and include further characterisation of the hydrogeological regime, particularly in the area of the proposed ponds, and demonstrate that the development will not have an adverse influence on the adjacent landfills or lead to unacceptable impacts on the underlying Secondary A aquifer or the Moors River and Ebblake Bog designated sites."*
- 1.13. Hampshire's LLFA has also commented, requesting that further information be submitted at the current stage in order that they can properly determine potential

impacts. They also state " *Please note that Hampshire County Council as Lead Local Flood Authority will not comment on the fluvial systems as these are outside our remit.*"

- 1.14. Given that the fluvial systems referred to are in Dorset, advice from Dorset Council's Flood Risk Management Team (FRMT) was also sought and a discretionary comment received (see Appendix 1). Having reviewed the relevant information, the Dorset Council FRMT is satisfied that Hampshire's LLFA and the Environment Agency have made an appropriate response, and will now await further information.
- 1.15. The comments from Dorset Council's Natural Environment Team (NET) also refer to the point that it is not clear that the applicants have fully understood or appraised the issues and impacts regarding hydrology/hydrogeology, and need to undertake further assessment to properly understand potential impacts and mitigate against them.
- 1.16. Dorset Council considers that hydrological/hydrogeological and flooding assessment to date has not satisfactorily demonstrated that impacts, including any impacts on Dorset, can be satisfactorily mitigated to an acceptable level. Further assessment is needed to allow Hampshire County Council to properly assess potential impacts and proposed mitigation.

#### Ecology

- 1.17. Dorset Council's Natural Environment Team (NET) has reviewed the ecological assessment carried out as part of the Environmental Impact Assessment. The full response is included in Appendix 1 of this report, but in summary the NET note that they have:

*...fundamental concerns regarding the suitability of the minerals allocation at this site and advise that sufficient information has not been provided to allow the Mineral Planning Authority to rule out significant adverse impacts on the nearby European and Nationally designated sites and protected species, as well as the County Wildlife Site encompassing the proposed minerals site.*

*The site supports habitats and species of International importance which are highly likely to be functionally linked to the nearby designated European Heathland Sites. The survey results of the site raise the question of whether the site is suitable for development of any kind. Although ultimately temporary with restoration proposed, a quarry in this location will have long term impacts on those habitats and species. We advise that the Mineral Planning Authority carefully consider what would constitute appropriate compensatory habitat, which must provide an ecological function of equal or greater value and should be decided in agreement with Natural England.*

*The scheme as currently put forward by the applicant does not provide us with confidence that the impacts on habitats and species have been fully addressed. While further detail is provided on specific points below (see Appendix 1), the most significant issues we wish to raise are;*

- *The acceptability of development on land highly likely to be functionally linked to the European sites known to support qualifying species of the European sites and supporting SSSI-worthy assemblages of species.*
- *Temporary loss of land functionally linked to the European sites not adequately compensated for.*
- *Recreation displacement has not been adequately evidenced.*
- *Hydrological impact on Ebblake Bog SSSI has not been adequately evidenced.*
- *Baseline of the site used does not take into account the Forest Design Plan.*
- *Inappropriate restoration plans resulting in a net loss to biodiversity.*

1.18. The judgement from the Court of Justice of the European Union (*People Over Wind and Sweetman*, 12 April 2018, C-323/17) has clarified that in assessing the environmental implications of a proposal such as this one, the developer has to provide robust evidence to demonstrate that all impacts and residual impacts have been identified and appropriate mitigation can and will be implemented. This must be tested through Appropriate Assessment according to Habitat Regulations Assessment requirements.

1.19. Dorset Council considers that the ecological assessment as presented has not satisfactorily identified potential impacts and demonstrated that these, including any impacts on Dorset, can be satisfactorily mitigated to an acceptable level. Further assessment must be undertaken to allow Hampshire County Council to properly assess potential impacts and proposed mitigation.

#### Recreational use of land at and around the Purple Haze site

1.20. Recreational displacement can occur when some event or development causes recreational users of any given area to abandon that area, and move elsewhere for recreational enjoyment. Such a move to alternative recreational areas can cause impacts on the local ecology, and/or on existing visitor facilities and recreational infrastructure in the vicinity. The Ecological Impact Assessment submitted as part of the Environmental Statement refers to the issue of recreational displacement, but does not consider that it poses a threat to ecologically sensitive areas in the vicinity of the site. However, this stance is not supported by empirical evidence such as visitor surveys.

1.21. Although access tracks on and around Purple Haze will remain accessible as far as possible during working, there is no certainty that they will continue to be used

in the way they were before quarrying began. The NET response above refers to the issues of ecological impacts resulting from recreational displacement on nationally and internationally designated land in the vicinity of Purple Haze. The lack of empirical evidence to support the applicant's proposals is noted.

- 1.22. In addition to ecological impacts, there is also the issue of impacts on existing recreational facilities in the vicinity. There are concerns that quarry development could lead to displacement of current recreational users onto neighbouring or nearby land, including land within Dorset, which could impact on Dorset Council's recreational infrastructure, including the Moors Valley Country Park (MVCP).
- 1.23. The local Dorset Council Rights of Way Team was consulted and is satisfied that there would be minimal impacts on Dorset Council managed Public Rights of Way. Their response is set out in Appendix 1 of this report.
- 1.24. Moors Valley Country Park was also consulted, and identified a number of issues/impacts which will require more detailed assessment, and will need to be addressed. These include:
  - Negative perception of local people to the proposed quarry, potentially leading to the Park's good reputation suffering should there be an assumption that MVCP supported the proposal
  - Impact on of the MVCP visitor service having to deal with customer enquiries, complaints and negativity; it is expected that even though the Park does not own the land, it will ultimately deal with the majority of enquiries about the proposal
  - The loss of an area of the park that people walk and cycle on, and has been utilised for events in the past.
  - A potential impact on trade e.g. reduction in bike hire due to less trails to cycle on
  - Lack of access to/from informal car parks along B3081 (especially for local dog walkers)
  - The orienteering course having to be relocated
  - Safety concerns about the proposed water bodies in the reinstatement plan
  - Possible other concerns, including
    - Impact to the local roads due to extra vehicles coming in and out of the local area.
    - Issues arising around the extraction area ended up with the Dorset Council rangers, e.g. provision of first aid
- 1.25. Dorset Council considers that insufficient evidence has been provided to demonstrate that:

- a) recreational disturbance has been fully considered and mitigated, including potential impacts on the adjacent Moors Valley Country Park; and
  - b) recreational displacement will not affect areas of nature conservation importance, including national and international designations, in the vicinity of the site and further assessment is required.
- 1.26. Dorset Council considers that further assessment must be undertaken to allow Hampshire County Council to properly assess potential impacts, and to identify and implement appropriate mitigation to address these impacts.

### Highways

- 1.27. The B3081 provides direct access between the site and the A31 trunk road, and from here aggregate could travel into Hampshire, Dorset or BCP. The traffic assessment report notes that should the site be developed, it is likely to generate an additional 90 HGV movements per day, the majority of which will travel to/from the south.
- 1.28. The proposed vehicle access for the site will be in the form of a new T-junction with the B3081 Verwood Road, incorporating a right turn lane for southbound traffic on Verwood Road. As part of the off-site works, it is proposed that a right turn lane is created to serve the Somerley Household Waste Recycling Centre, both of which will provide safer queuing for turning traffic and reduce the likelihood of obstruction to through traffic.
- 1.29. Traffic assessment projections for morning and afternoon weekday peak periods, and the Saturday peak period, for the years 2022 and 2027 indicate that both junctions will operate significantly within their operational capacity. Dorset Council's Highways team has reviewed the highways assessment, and has no comment to make. Dorset Council is therefore satisfied that no further action is required regarding potential traffic impacts.

## **14. Response**

- 1.30. Having reviewed the evidence relating to the identified key issues, Dorset Council is of the view that the evidence presented by the applicant to demonstrate that relevant impacts have been identified and can be fully and appropriately mitigated is not sufficiently robust. In particular, Dorset Council considers that the current information relating to ecological, hydrological/hydrological and recreational impacts cannot be relied on. Further, more detailed, assessment is required before Hampshire County Council can come to a decision informed by a thorough evidence base.
- 1.31. In the absence of the necessary assurance that impacts can and will be appropriately mitigated, it is recommended that Dorset Council objects to the detail of this proposal, and informs Hampshire County Council that it is not satisfied that assessment to date has rigorously tested the proposed method of

working and demonstrated with robust evidence that all relevant impacts, including impacts on Dorset, can be satisfactorily mitigated.

- 1.32. Further robust assessment must be carried out to ensure that Hampshire County Council has an appropriate level of detail regarding the impacts associated with this proposal and their mitigation, to allow them to come to a properly informed decision on this application. When further evidence is available, it is expected that there will be further consultation of that evidence. Hampshire County Council is advised to review the detail of the specific comments made by Dorset Council consultees, as set out in Appendix 1.
- 1.33. It is suggested that the response should also state that, should Hampshire County Council ultimately permit this application, Dorset Council expects that the applicant will use and apply best practice and the most appropriate methodologies in the detail of how the site is worked and restored, and impacts are minimised. This should be required by condition.

## **Appendix 1**

### **A1: Comment from the Dorset Council Flood Risk Management Team (FRM).**

Given the proximity to Dorset, the site and activities at Purple Haze have the potential to impact upon the Dorset Council area. However, Hampshire County Council as Lead Local Flood Authority (LLFA) remains the appropriate statutory consultee from a Surface Water Management perspective. The limits of their comments are noted, however, where the LLFA have determined not to consider the downstream fluvial impacts.

This does differ from Dorset Council's FRM's approach, which will consider the impacts of a Drainage Strategy on downstream flood risk. In this case, however, it is noted that Hampshire's Lead Local Flood Authority have sought further detail from the applicant in respect to their drainage proposals – presumably so that the application demonstrates to their satisfaction (as statutory consultee) that the site can be drained so as not to introduce any worsening i.e. increase in runoff from the site. It is noted also that they have made some comment in respect of the proposed restoration strategy.

Whilst the presence of some Ordinary Watercourses (which would come under LLFA regulatory responsibility under the Flood and Water Management Act 2010) is noted, these drain downstream of Verwood, before discharging to the River Crane, which is designated Main River and for which the Environment Agency act as both regulator and statutory planning consultee. The River Crane flows back into Dorset, between St. Leonards and West Moors, and the impacts on this fluvial system (with respect to flood risk and the environment) are most appropriately commented on by the Environment Agency, who have commented in detail and objected to the proposal.

Downstream flood risk associated with the fluvial systems to which the Hampshire County Council LLFA refer are likely to be influenced in two ways:

- a) Through increased runoff from the site due to hydrological changes to the undeveloped surface (this is within LLFA remit from a surface water management perspective, but also within the Environment Agency's remit given the potential impact to the downstream Main River system).
- b) Through changes to local hydrogeology (this falls within the Environment Agency's statutory remit).

In general terms, open cast mining does not usually increase runoff as rainfall falling on the site is usually diverted into on-site storage basins which allow for infiltration to ground. Where an offsite discharge is required (due to the local geology being less permeable), some small attenuation is occasionally required to deal with impermeable plant areas, hardstanding and compacted access roads. This is usually limited however, and often compensated by exposure of the underlying bedrock which can be more

permeable than the previous superficial deposits normally stripped away prior to extraction.

Whilst this can impact Ground Water flood risk locally, it is likely to be very limited in extent and, taken at an area level (relative to downstream communities), these effects are likely to be mitigated through natural attenuation provided by the underlying geology with respect to the time of travel taken for groundwater to make its way through local strata. Often our concerns will relate to soil restoration strategies, which can lead to permanent changes in discharge regime post-development, if not considered appropriately. It is noted, however, that the Hampshire County Council LLFA have commented on this aspect also.

Whilst open cast extraction does not usually increase flow discharge or volume, the quality of this runoff, both above and below ground, can be impacted, particularly when undertaking wet working below water table level. For above ground flows, attenuation basins are often offered to help capture silt. However, the impact of the development on the water environment is best assessment by the Environment Agency, who have commented (and objected) on these grounds.

With respect to this application both the LLFA and Environment Agency have objections or requests for further information in place at present. These appear to have addressed the areas as would be expected given their respective remits. It does not appear that the Dorset Council FRM can offer anything further that would be of use to Hampshire County Council as Lead Local Flood Authority and there is no reason to think that they have missed anything.

**A2: Comment from the Dorset Council Natural Environment Team (NET)**

The Dorset Council Natural Environment Team has fundamental concerns regarding the proposed development of a quarry at this site and advises that sufficient information has not been provided to allow Hampshire County Council as the Mineral Planning Authority to rule out significant adverse impacts on the nearby European and Nationally designated sites and protected species, as well as the (Hampshire) County Wildlife Site encompassing the proposed minerals site.

The site supports habitats and species of International importance which are highly likely to be functionally linked to the nearby designated European Heathland Sites. The survey results of the site raise the question of whether the site is suitable for development of any kind. Although ultimately temporary with restoration proposed, a quarry in this location will have long term impacts on those habitats and species. We advise that Hampshire County Council carefully consider what would constitute appropriate compensatory habitat, which must provide an ecological function of equal or greater value and should be decided in agreement with Natural England.

The scheme as currently put forward by the applicant does not provide us with confidence that the impacts on habitats and species have been fully addressed. While further detail is provided on specific points below, the most significant issues we wish to raise are;

- Principle of development on land highly likely to be functionally linked to the European sites known to support qualifying species of the European sites and supporting SSSI-worthy assemblages of species.
- Temporary loss of land functionally linked to the European sites not adequately compensated for.
- Recreation displacement has not been adequately evidenced.
- Hydrological impact on Ebblake Bog SSSI has not been adequately evidenced.
- Baseline of the site used does not take into account the Forest Design Plan.
- Inappropriate restoration plans resulting in a net loss to biodiversity.

### **Protected sites**

The site itself is designated Ringwood Forest & Home Wood Site of Importance for Nature Conservation (SINC) and has been shown to include features worthy of SSSI notification (reptiles) and to support species protected under the heathland Special Area of Conservation (SAC) and Special Protection Area (SPA) designations (heathland flora and nesting nightjar, Dartford warbler and woodlark). Loss of County Wildlife Sites should be avoided wherever possible. While not in the Dorset Council area, we advise that any loss of the SINC be compensated for on a like-for-like basis and that compensatory habitat be secured, delivered and confirmed to be ecologically functional before the quarry works begin and current habitat is lost.

While full information has not been provided, it is expected that at any one time during operations there will be a net loss of available habitat, which will vary in type and significance to the local species populations depending on the habitat within each phase of development. This loss of available habitat should be compensated for by provision of created or enhanced habitats within the local area. While mineral working is temporary in nature, the protracted timescales associated with the workings, risk of the site operational phase being extended and the potential for habitat restoration and enhancement within the local area lead us to believe that compensatory habitat is achievable for this application prior to final restoration and financial compensation would not be expected or appropriate in this case.

We welcome the use of the DEFRA Biodiversity Net Gain metric, however we do not consider that the baseline used is correct and therefore the resulting figure of 10.65% biodiversity net gain cannot be relied upon as an accurate assessment. The calculation

is based on the site as it is currently, rather than the accepted and approved plans for the site as per the current 2009 Forest Design Plan (FDP). Under the current and proposed (but as yet unapproved by Natural England) 2020 FDP, the site will be subject to tree clearance and habitat restoration to heathland, which is likely to increase its importance as a supporting habitat to the surrounding designated heathland sites and associated protected species.

We therefore recommend that the metric calculations be re-run on the most conservative basis, taking into account the proposed habitats under the current and proposed FDP. This should be guided by conversations with Forestry England and Natural England to ascertain the likely trajectory of the site under the as-yet unapproved 2020 FDP. While the Government's mandatory net gain figure will be a minimum of 10% over the baseline and is not yet currently enshrined in law, the scheme should follow any emerging Hampshire County Council policy direction on net gain, especially if this is likely to be set at a level above 10%. Principle 4 of the CIRIA, CIEEM, IEMA, "Biodiversity Net Gain - Good practice principles for development" guidance states that risks should be addressed when calculating Net Gain and that time between the losses occurring and the gains being fully realised is compensated for.

The assessment of habitat change does not quantify habitat loss and gain against the predicted operational timeline of the quarry, therefore it is difficult to see the amount of habitat available to species at any one time. We recommend that habitat losses and gains are set out on a timeline, which should again include the baseline of the site without the proposal on the basis of the current FDP or the most likely outcome for the site resulting from the 2020 FDP. This timeline should also include the areas of adjacent habitat which would face disturbance impacts from the operation of the site which may impact on their ability to be utilised by sensitive species.

### **Shadow Habitats Regulations Assessment (sHRA)**

We do not agree with the conclusion of the sHRA and advise it is not adopted by Hampshire County Council as Mineral Planning Authority as it currently stands.

The sHRA process should assess the impact on features of the designations outside of the European site boundaries, including temporary loss of habitat. The sHRA does not appear to have given adequate consideration of the site and immediate surrounding area as a site supporting Annex II birds and reptiles associated with the nearby European sites and relies on the proposals for restoration of the site to conclude no significant adverse effect on integrity. The temporary loss of habitat linked with the nearby designated sites and displacement of recreation pressures have not been adequately addressed and the continued connectivity across the site is potentially compromised by access routes of unclear widths and indirect impacts (dust, noise and lighting).

Cumulative impacts should be based on the most conservative scenario, as such we advise that reconsideration of the cumulative impacts is completed to take into account the potential for planned restoration of nearby minerals sites to be delayed and for the restoration of habitats to include consideration of the time lag and risk factors associated with the creation/restoration of these habitats. It would aid assessment if the overlap period of the minerals workings is stated within the sHRA.

As per *Holohan and Others (C 461/17)*, any land supporting habitat and species outside the boundaries of a designated site should be afforded the same weight and protections afforded to the European designated site and included within the Appropriate Assessment, provided the implications are liable to affect the conservation objectives of the site.

As per *People Over Wind* case, *Sweetman vs Coillte Teoranta (ref: C-323/17)*, the sHRA should clearly separate integrated mitigation measures and those which are specific to the site and predicted impacts on the Europeans sites and functionally linked land.

Since the scoping stage, Dorset Council has adopted the Dorset Heathlands Interim Air Quality Strategy (adopted December 2020). The application should ensure and confirm that it meets the requirements within this strategy and that in-combination effects on air quality are fully accounted for.

## **Hydrology**

Insufficient investigation of the hydrological links of the site to Ebblake Bog SSSI and component parts of the Dorset Heathlands SPA have been conducted and we advise that Hampshire County Council cannot be confident that the proposal will not have a significant adverse impact on the designated site. We understand that Natural England have requested an extension to the consultation period and will be providing detailed comments on the hydrological issues with input from national experts.

## **Recreation impacts**

Given the known issues from recreational pressures on the Dorset and New Forest heathlands, we do not agree with the conclusion that the displacement of recreation is unlikely to be of significance to the European heathland sites and recommend further work is completed to fully assess this impact.

At the scoping stage, Natural England provided specific recommendations on the assessment of recreational use of the site, which do not appear to have been taken forward. There has been no structured study of the current recreation pressure of the site and therefore there is reasonable doubt over the likely impacts of visitor displacement over the operational lifetime of the quarry. While it is noted that

observations were that visitors largely stayed to the defined paths there is no empirical data by which to fully consider the impacts of displacement and carrying capacity of the surrounding areas.

The observations and assessment of visitor pressure focus on visitors to Moors Valley Country Park, which we agree is likely to be the main source of visitors, however there are a number of car parks and informal stopping points along the B3081 as well as local residents in Verwood, whose recreational habits around this area have not been taken into account.

The management of visitor pressure during the operation of the quarry should be set out and agreed prior to any approval, with clear lines of responsibility between landowners/managers, and allow time for restored habitats to bed-in before any recreation is formally re-directed to these areas. To manage visitor pressure and avoid unmanaged spill-over, which may adversely impact on sensitive habitats and cause disturbance to species, we suggest the potential for new and alternative routes is fully explored. This should include consideration of current levels of use on proposed diversion routes, consideration of known sensitive habitats and species ranges and avoidance of the designated sites.

### **Restoration plans**

The proposed restoration plans are not appropriate in that they do not focus on restoration of the site to priority habitat and we strongly recommend they are revised. Restoration should be targeted towards priority habitat and tie in with the landscape character assessment of the area. The methodology of restoration should be assessed by those with experience in heathland restoration and expert advice taken on this subject as the current proposals have been noted locally as unsuccessful in resulting in high quality restored heathland. While we have not provided detailed suggestions for the restoration, we would like to specify the below points in particular:

- The proposed waterbodies should be removed.
- The proposed areas of broadleaved woodland should be removed.

### **Birds**

The site has been shown to support populations of breeding nightjar and when the surrounding habitat likely to be disturbed by the proposals is taken into account it is highly likely that breeding populations of Dartford warbler and woodlark will also be affected. These species are all features of the nearby European heathland sites and therefore should be awarded the same protections as designated site.

The sHRA has ruled out the nightjar population onsite and in the surrounding survey area as not being linked to the Ebblake Bog designation due to it not being mentioned on the SSSI citation, however there is no discussion of the population's link to the other nearby European sites. There is deemed to be no loss of functionally linking habitat supporting nightjar, however it is difficult to see the steps to this conclusion as there is no timeline of loss and gain of supporting habitat (including habitat deemed unsuitable for nesting birds as a result of noise disturbance) and the baseline site value as per the FDP has not been used. The sHRA also notes that populations in Hampshire are declining and Dorset have shown no significant increase or decrease in recent years and that localised displacement is likely.

It has been calculated that there will be a noise disturbance zone of 100m from the edge of the site workings which may impact on the behaviours of nesting birds. This loss of available nesting habitat does not appear to have been factored into the calculations for compensatory habitat and evidence has not been provided that the northern section of the site set aside for nature will be of sufficient size and quality to support the displaced birds. While the report and sHRA note that the operational noise will not occur during the night and so not affect the churring of nightjar, the noise generation during that day may dissuade nightjar and other birds from nesting within this zone or cause disturbance with potential for nest abandonment.

The Nesting Bird Protection Scheme to be produced as part of the application should be provided prior to any decision.

## **Reptiles**

The site has been assessed as being of National importance for reptiles, with an assemblage potentially worthy of SSSI notification and the reptile report stating that the site should be assessed as such and the habitats associated with Annex II species afforded the relevant protections.

Planning permission where a European Protected Species License (EPSL) will be required should only be granted where there is sufficient information to be confident that an ESPL can be granted, i.e. the proposals meet the licensing tests. We do not consider that the application currently gives enough confidence on the suitability and carrying capacity of the receptor site throughout the operational phase and potential for phased translocations to be able to be absorbed by this receptor site for the minerals authority to be certain the tests of the EPSL process are met.

## **Bats**

We recommend that the application include a lighting plan with lux contour lines mapped. The lighting scheme should be designed with input from the Ecological

Consultant and specifically adhere to the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18: *Bats and artificial lighting in the UK*.

Appendix 2 – Ecological Impact Assessment states at 6.3.10 that no trees have been identified with bat roosting potential but that in accordance with best practice, further survey and/or sectional felling techniques will be used under the supervision of a bat licensed ecologist. This would rely on suitable features being known and able to be identified by those undertaking the felling works. We suggest that if the Ecological Consultant is confident in their assessment of the roosting potential of all trees to be negligible, a checklist could be written to guide consideration of trees prior to removal, which points towards when it would be necessary for detailed assessment/survey by an ecologist.

The assessment of the loss of habitat for bats should be reconsidered alongside the scope for changes to the restoration plans, as the length of woodland ride may change from the current assessment, as may the proposed habitats and therefore the potential for these habitats to support bats.

### **Trees**

Although unlikely given the history of the site, without a tree survey being conducted the authority cannot be certain that the works can proceed with impacting important trees and therefore the potential need for additional compensation for the loss of important trees and/or impacts to wildlife is currently unknown. (i.e. loss of hibernation sites for reptiles may require further compensation features).

### **Invertebrates**

The moth trapping which Dorset Council recommended at the scoping stage has not been completed and note the constraints provided in the invertebrate survey report. The report notes that the site provides important connectivity for invertebrates from East to West, that it is a site of national importance for the invertebrate assemblage, of suitable quality to be a SSSI designation feature and records of the Southern Wood Ant which are included on the SINC designation have been found on the site. We recommend that Hampshire County Council give thought to the principle of a quarry in this location given the importance of the site for invertebrates and their abilities to disperse and colonise new areas of habitat.

We welcome the inclusion of open habitats, bare ground, sandy banks and decaying deadwood in the restoration plans and the retention and ongoing availability of these habitats should be secured within the Landscape Management Plan.

## **Badgers**

The Badger Report notes that while the substrate is not suitable for burrowing badgers there are foraging opportunities and that one of the planned surveys has not been able to be completed. As badgers are a highly mobile species, we recommend that the proposal should include additional survey before each phase is brought forward to re-assess the baseline and avoid harm. We would also expect an operational phase management plan to include precautionary mitigation measures to avoid harm to badgers, which could move into the site over the operational lifetime.

## **Outline Landscape Management Plan**

Please note we have not reviewed the Outline Landscape Management Plan due to time constraints and our view that addressing the concerns above will necessitate the revision of this document prior to any decision.

### **A3: Comment from the Dorset Council Rights of Way, Eastern Area Office**

Having looked at the information provided it would seem that recreational displacement will be kept to a minimum, and will not affect any Dorset Council managed Public Rights of Way.

The only Dorset Council Bridleway that passes through Moors Valley Country Park passes south of the area in question. As the majority of the tracks are to remain open there is no reason to suggest that this route would see an increase in users or any other negative effects from this planning application.

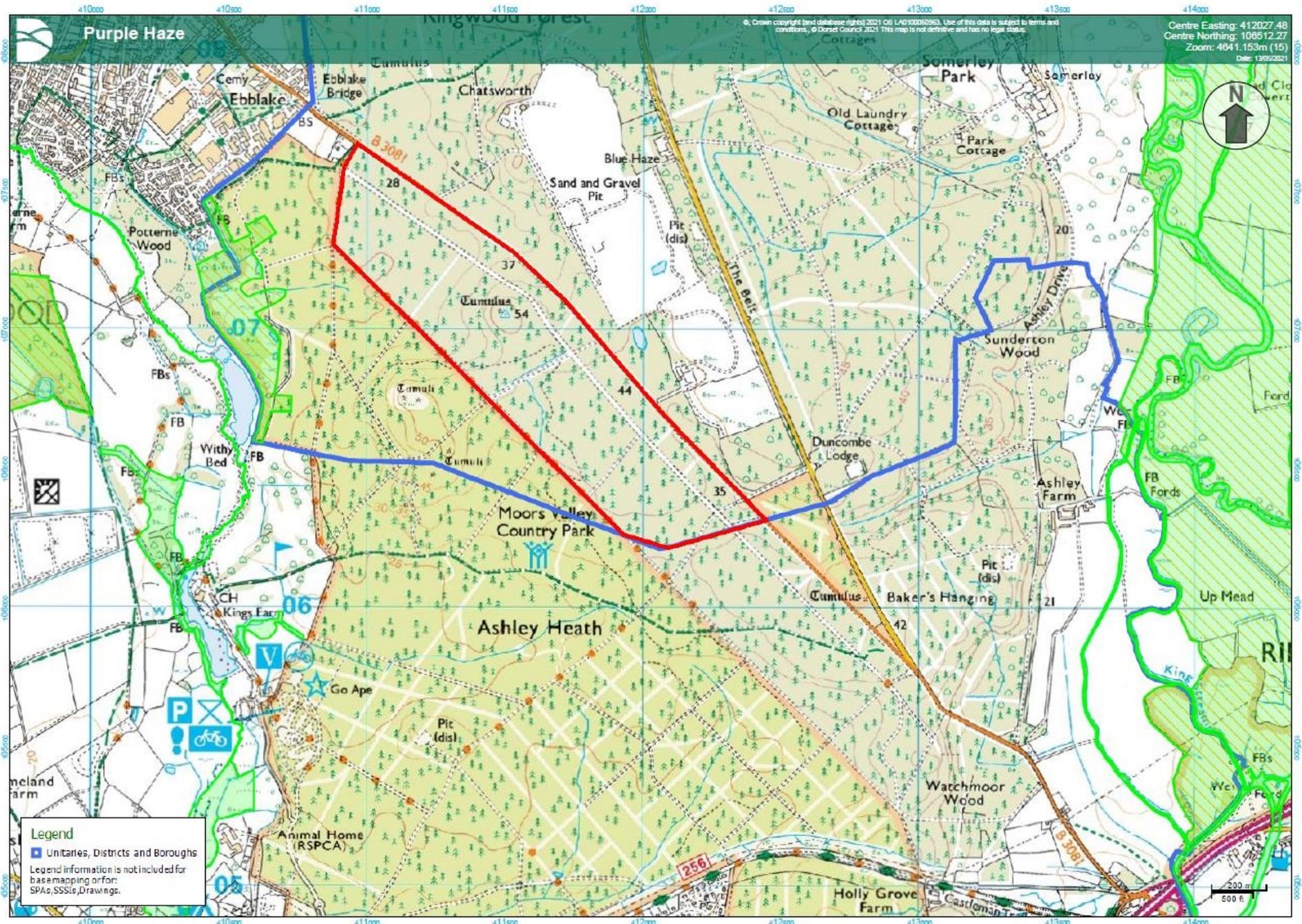


Figure 1: Location Plan - Purple Haze

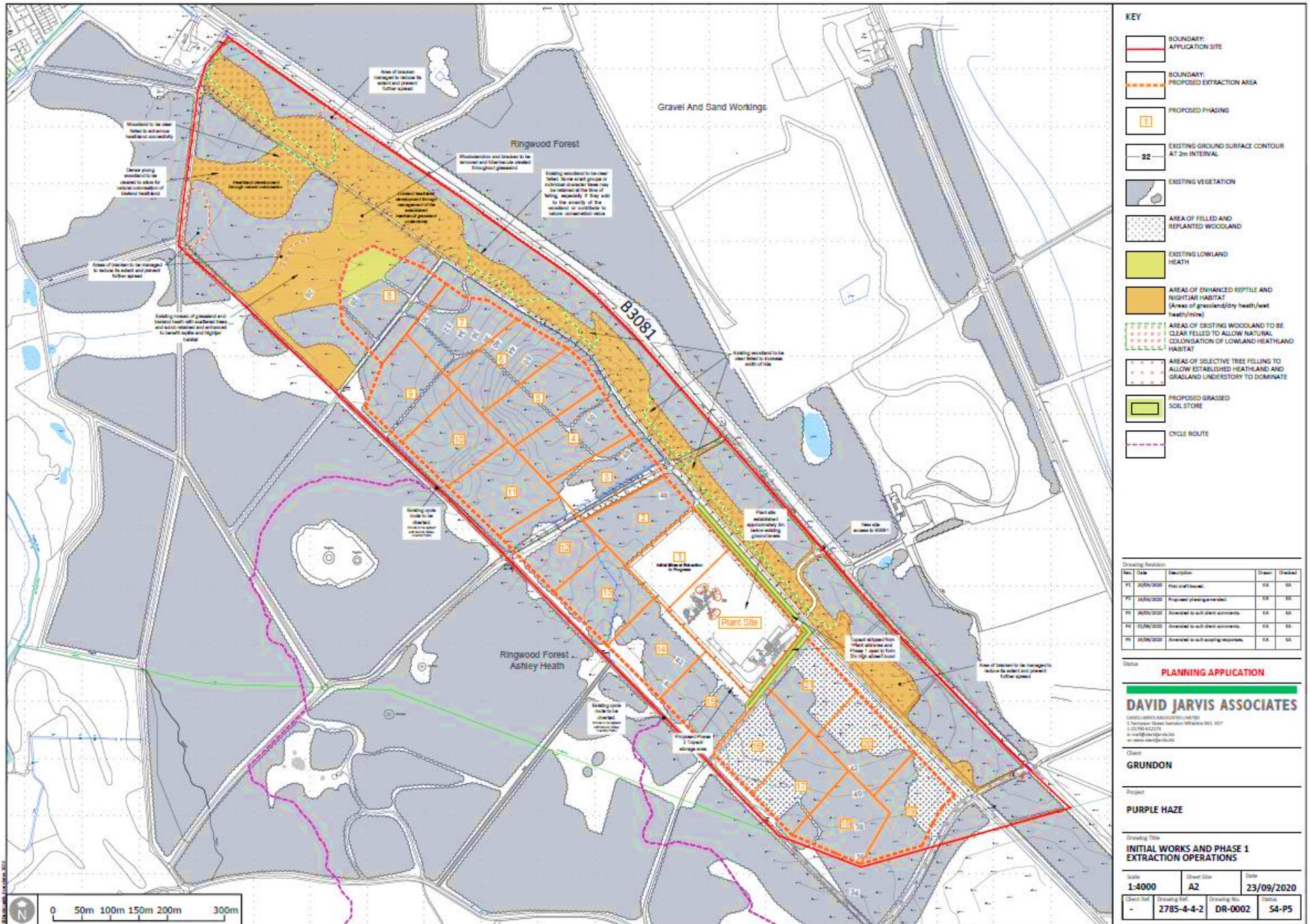


Figure 2: Phasing and Access



Figure 3: Proposed Restoration