

Reference No: P/FUL/2022/05149
Proposal: The creation of intertidal habitat and restricted tidal exchange shallow saltwater lagoons, through managed realignment involving selective breaching of existing tidal embankments. The provision of new set-back earth embankments, including the provision of flapped surface water outfalls, tidal exchange culverts, and an improved channel and outfall for the Furzebrook Stream. The formation of permissive footpaths and screens for public to view birds from, maintenance access tracks and the provision of associated gates, fences and boundary treatment works.
Address: The Moors at Arne East of the community of Ridge and North of Arne Road
Recommendation: Grant
Case Officer: Naomi Shinkins
Ward Members: Cllr Ezzard, Cllr Holloway
CIL Liable: n/a

Fee Paid:	£2028.00		
Publicity expiry date:	23 September 2022	Officer site visit date:	April and September 2022
Decision due date:	18 November 2022	Ext(s) of time:	18 January 2022
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	Referred to Planning Committee by the Head of Service		
Nominated officer agreement to delegated decision	Date agreed:	29/11/2022	

1.0 The application has been referred to committee by the nominated officer having gone through the Council's Scheme of Delegation Process.

2.0 Summary of recommendation:

- 2.1 A) GRANT subject to conditions and legal agreement
B) REFUSE if legal agreement is not secured

3.0 Reason for recommendation:

A):

- Principle of development is acceptable in the countryside location and surrounding context.
- Proposal is acceptable in its design and visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity that would warrant refusal.
- The proposal would not have an adverse impact on road safety and the on-site parking provision is acceptable.
- The proposal would provide appropriate mitigation and compensation for its impact on biodiversity and biodiversity enhancement would be provided.
- The proposal would not result in offsite flood risk.
- Other issues raised by consultees and neighbours have been assessed and there are not any which would warrant refusal of the application.

B):

- The proposal has failed to secure appropriate mitigation and compensation for its impact on biodiversity and biodiversity enhancement.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable – subject to condition
Impact on amenity	Acceptable – subject to condition
Impact on road safety & parking provision	Acceptable – subject to condition
Impact on biodiversity	Acceptable- – subject to condition and securing compensation via S106
Impact on Trees	Acceptable - subject to condition
Flood Risk	Acceptable - subject to condition

5.0 Description of Site

- 5.1 The application site is located at the Moors at Arne, near Wareham in Dorset. The total area of the Site is approximately 200ha and extends from Ridge Wharf and the River Frome to the west to Bank Gate Cottages to the east.
- 5.2 The nearest residential properties are Ridge Farm and the community of Ridge immediately southwest of the Site, and Bank Gate Cottages to the east of the Site boundary. The southern boundary of the Site is marked by the Arne Road that runs from the community of Ridge towards the Arne peninsula. The northern perimeter of the Site is bounded by an existing earth tidal embankment along the mudflats bordering the Wareham Channel.
- 5.3 The western Site boundary is formed by another existing earth tidal embankment present alongside the River Frome, and the Ridge Wharf Boatyard and Causeway.

- 5.4 The Site is currently predominantly grassland (grazing marsh) habitat, dissected by an extensive network of drainage ditches which were historically constructed to drain the land and make it suitable for pasture. Most of the ditch network on the Site drains to an outfall sluice in the northern tidal embankment at Turner's Cove and discharges into Poole Harbour.
- 5.5 The Furzebrook is the primary watercourse feeding the land drainage network on the Site. Although parts of the north western area of the Site drain to the Ridge Wharf Sluice.
- 5.6 The Site is mostly owned and managed by the Royal Society for Protection of Birds (RSPB) for conservation purposes and is grazed and cut for hay in the summer months. Sunnyside Farm, which forms part of the site is owned by Natural England. There is currently no public access (in the form of public rights of way) to the Site, although the National Cycle Route 2 runs along Arne Road. The majority of the Site is covered by multiple statutory nature conservation and landscape designations, as set out in the constraints section of this report.

6.0 Background and Description of Development

- 6.1 The Environment Agency is seeking to create a new coastal habitat on the Arne Moors. The need to provide a new habitat is necessitated by the 2014 Poole Harbour and Wareham Flood and Coastal Erosion Risk Management Strategy, which recommends a "Hold the Line" policy for many parts of Poole Harbour in order to prevent homes and property from being flooded and from erosion.
- 6.2 As a result of this policy, a significant amount of intertidal habitat will be lost, as rising sea levels will destroy the existing habitats and new replacement habitats will not be formed due to the active intervention of the "hold the line" policy, preventing erosion that would form new intertidal habitats replacing those lost by the rising sea levels. Much of the intertidal habitats are protected by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations) and the regulations therefore require compensation for the lost habitats. The Strategy identified the need for 44 ha of legally required compensatory intertidal habitat by 2030, rising to up to 86 ha by 2060 (cumulative) and 300 ha by 2110 (cumulative). If this compensatory habitat is not provided, the works to hold the line elsewhere in the harbour cannot proceed, and this will lead to the eventual flooding of property.
- 6.3 The Department for Environment, Food and Rural Affairs (Defra) has made the Environment Agency responsible for delivering the compensatory habitat. Arne Moors has been identified as being a site with the potential to deliver the compensatory habitat required.
- 6.4 The proposal is to form approximately 78ha of intertidal habitat and 35ha of saline lagoon habitat on Arne Moors. This will be achieved by forming three breaches in the existing tidal walls. To protect land beyond the site from being flooded, new embankments will be formed. The majority of the habitats will be salt marsh, mud flats and reed beds. Two saline lagoons will be formed using embankments at the western end of the site, these will have a footprint of approximately 35ha between them. Tidal flow in and out of the lagoons will be restricted to form permanent pools.

The lagoons are designed to compensate for some of the loss to the existing habitat (which is designated as a Site of Special scientific interest (SSSI), Special Protection Area (SPA) and Ramsar land). The lagoons will provide high tide roost functionality and feeding grounds for the birds that currently frequent the site. Drainage outlets will be installed in the embankments to ensure that water draining from the surrounding land can still continue to do so, preventing new areas prone to flooding being formed. Land to the west of the embankment, the existing freshwater habitats, will be enhanced to improve their quality in order to compensate to a degree the lost habitat caused by the proposed works. As part of the scheme, it is proposed to form a footpath from the existing car park at Sunnyside Farm to the southern part of the site in order to allow visitors to the site in a controlled manner.

6.3 A summary of the proposed development is as follows:

	Proposed
Site Area (ha)	200 ha
Existing Use	Falls outside a defined use class (Sui Generis)
Proposed Use	Sui Generis
Existing habitat	Grassland
Proposed habitat	78ha Intertidal (salt marsh), 35ha saline lagoon, 87ha grassland retained and enhanced
Proposed features	Embankments, tidal lagoons, drainage outlets, existing fresh water habitats enhanced, footpaths, maintenance access, viewing points, fencing
Approximate Height of embankments	Up to 2.7m AOD
Parking Spaces	Approx 15 existing spaces at Sunnyside car park 2 new disabled spaces adjacent to Arne Road

6.4 A summary of engineering works includes:

- Excavations to create proto-channels and internal creeks.
- Excavations to create the realigned flood embankment using material excavated on-site from up to 14 'borrow pits'.
- Construction of outfalls in the embankments to convey freshwater flows into the intertidal areas, to convey freshwater flows into Poole Harbour and to prevent seawater from passing through the embankment.
- Engineering works to create embankments for two saline lagoons with artificial islands.
- Construction of lagoon water inlet, outlet and exchange structures.
- Excavations to breach the existing tidal embankments in three locations.
- New areas of habitat creation, retention of existing high value habitat and proposals for management, conservation and enhancement, tree and shrub planting.
- Realignment and re-naturalisation of the Furzebrook Stream.

- Infilling of ditches and excavation of new ditches.
- Provision of maintenance vehicle access track and permissive public access routes with viewpoints.

7.0 Relevant Planning History

7.1 A number of planning applications exist for areas surrounding the site, including works related to oil drilling. The following applications are considered relevant to this application, which include applications related to Sunnyside Car park:

6/1997/0674 - Decision: GRA - Decision Date: 01/12/1997
Works to meadows to allow control of water levels.

6/2002/0070 - Decision: REF - Decision Date: 05/03/2002
Works to form visitors car park including improved access, vehicle pull-in, traffic flow plates and height restriction. Upgrade former tramway track and erect visitor shelter/hide.

6/2002/0439 - Decision: GRA - Decision Date: 28/06/2002
Works to form visitors car park including improved access, vehicle pull-in and traffic flow plates. Upgrade former tramway track and erect visitor shelter/hide. Erect National Nature Reserve signs.

6/2013/0059 - Decision: GRA - Decision Date: 14/03/2013
Relocate existing car park & demolish existing agricultural building & erect new agricultural building. Form new vehicular access.

EA2/2019/0001 - Decision: E3 - Decision Date: 11/09/2019
EIA Scoping Opinion - the Moors at Arne Coastal Habitat Creation Scheme with related earthworks near Ridge, Wareham & associated Freshwater Habitat Creation works at East Stoke

8.0 Constraints:

8.1 Given the location and nature of the site there are a number of existing constraints:

- Within 400m of a SSSI heathland
- Within 500m of Ancient Woodland
- Within the Dorset AONB (Purbeck)
- European Designation - Dorset Heathland
- River/coastal flooding - Flood Zone 2 and 3
- Within the Purbeck Heritage Coast
- Within a Historic Flood Zone
- Within the Mineral Safeguarding Area.
- River Catchment - Frome (Dors.Lower)
- Within a SSSI The Moors

- Within 2km of a Special Area of Conservation (SAC) and Environmental Impact Assessment Regs (EIA) apply
- Within the Ball Clay Consultation Area
- Wildlife Present: S41 - Grass Snake ; Scarce Reptile ; Slow-worm ; Common Lizard ; moth; flowering plant ; Canadian Waterweed ; butterfly ; fungus ; Sika Deer ; Eastern Grey Squirrel ; moss ; Brown-tail ; Willow Ermine ; an ermine moth ; Bird-cherry Ermine ; orthopteran ; S41 - bird ; Canada Goose ; bat ; true fly (Diptera) ; Adder ; Bat Roosts : SY98/BR 0029 - Arne, Arne Road.
- An ordinary watercourse crosses this site
- Surface water flooding - annual flood risk equivalent to Flood Risk Zone 1, 2 and 3
- This property is within the Poole Harbour Special Protection Area
- Future tidal flooding - annual flood risk equivalent to Flood Risk Zone 3
- Low lying areas around the edges of Poole Harbour which is positioned close to the land at risk from future tidal flooding
- All water courses other than main rivers
- Within the Poole Harbour SSSI
- Within a Ramsar site
- Within the Nitrate Catchment Area

9.0 Consultations

9.1 The application was advertised by means of site notices and a press advertisement.

87 members of the public have submitted representations, 49 letters in support, 3 comments and 35 raising concerns or objecting to the proposal on the following grounds (summary only, full comments available online):

- Comments of support:
 - Support but some concerns regarding silting of the river and queries what remedial action will take place
 - Important protected site which needs protecting
 - Required to restore lost habitats
 - Wetlands are excellent sequesters of CO2
 - Considered to be no threat to surrounding properties
 - Vital project for Poole Harbour wildlife
 - Excellent response to sea levels rising
 - The area will be enhanced
 - Considered to prevent fracking in the area
 - Current embankments will not stand forever
 - Historically large vehicles have used the roads previously
 - Permissive paths will be a local benefit
 - Will provide new habitats for nesting birds
 - New embankments will provide additional flood risk defence
 - Impacts on wildlife, economy and neighbours are minimised
 - The UK is nature depleted and this project will help address an imbalance
 - Will improve ecotourism in the area
 - Considered to help improve flood risk to the area
 - Will provide improvements to freshwater habitats on the site

- Will improve surroundings of adjacent heathlands
- Realignment is required and there is an obligation to carry this out
- Dorset Council have declared a climate emergency and this project aligns with this
- Well researched and evidenced application that is required

- Concerns raised include:
 - Potential flooding to neighbouring properties
 - Flood risk dependent on drainage maintenance
 - Existing embankments will not be maintained and should be
 - Requires expert input to assess
 - Loss of open countryside and amenity
 - Negative impact on existing highways as result of large vehicles and increased traffic
 - Insufficient parking
 - Negative impact on existing wildlife and ecology
 - Potential silting of the lower reaches of the Frome and Wareham Channel
 - Lack of commitment to remedy silt issues
 - Negative impact on tidal flow
 - Negative impact on leisure activities such as sailing
 - Negative impact on local businesses associated with boating
 - Negative impact as a result of existing banks being breached and not being maintained
 - Consent should require dredging conditions to maintain channels
 - Already sufficient intertidal habitat in Poole Harbour
 - Borehole sampling carried out to date is too limited
 - Modelling submitted is flawed - correct water flows for Ridge have not been used
 - Part of the site has not been looked at
 - Insufficient parking provided
 - No permissive access via Ridge Farm
 - Western Bank will have a negative on the adjacent yacht club
 - Negative impact in terms of noise on the adjacent Ridge Farm campsite
 - Public money wasted
 - No point in fighting nature
 - Increase in biting insects
 - Odour issues related to intertidal habitats
 - Are flood mitigation measures and infrastructure fit for purpose?
 - Impact on protected trees
 - Proposed hours of construction unacceptable
 - Concerns regarding proposed construction routes and suggestion to use the disused tramway as an alternative
 - Benefits are outweighed by adverse effects
 - Sufficient monitoring is required
 - Navigational hazards during construction
 - Changes to tidal regime
 - The site could become an algal-mat area instead of inter-tidal habitat
 - Revised FRA is insufficient and incorrect

A petition signed by 24 residents was also received raising concerns regarding construction traffic in particular highways safety, impact on road surfacing, impact on protected trees, damage to properties due to noise and vibration.

9.2 The following consultees have also commented on the application (extensive comments are in summary only, full comments available online):

9.2.1 Arne Parish Council

<p>Initial submission</p>	<p>Comments</p> <p>Should Dorset Council be minded to grant permission to this proposal the following conditions should be included to address the concerns raised by the residents:</p> <ol style="list-style-type: none"> 1. An Emergency Plan is provided in the event that a serious flooding incident should threaten the area and that appropriate training has been given for its implementation. 2. Contact details should be provided listing the contact details of the person(s) in charge at the site during the construction stage and following the completion of the works when the scheme is in operation. 3. The plan for the maintenance of the site and the flood warning service they will operate should be provided prior to the completion of the scheme and provided to the local planning authority and Arne Parish Council. 4. The Furzebrook flap valves should be monitored by telemetry. 5. That in the event that the Furzebrook valves fail machinery is available to access and clear the site. 6. That during the construction stage there is a record of communication between the contractors and the Environmental Agency showing clear acknowledgement of where responsibility lies. 7. That during the construction and upon completion of the scheme details of the Managers of the site are provided so that residents and the Parish Council have contact details to report any matters of urgency that may arise. 8. That the Environmental Agency be required to monitor the area beyond Arne Moor in the interests of public interest and safety until 2030.
<p>Response to additional info</p>	<p>Comments</p> <p>Arne Parish Council have discussed the details provided with the amended plans and welcomes the positive response to the Parish Council's previous comments.</p> <p>However, with Regard to Item 6 (The Furzebrook Flap Valves) the Parish Council remains of the opinion that monitoring by</p>

	Telemetry should remain a condition to monitor the outfall in the interests of protecting nearby property.
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9.2.2 Dorset Council Highways

Initial submission	<p>Comments</p> <p>No objection in principle but further information required regarding disabled parking, informal crossing and passing bays.</p>
Response to additional info	<p>No Objection</p> <p>Chapter 11 of the submitted Environmental Statement (ES) assessed the potential impact of the proposal's likely traffic generation upon the local highway network during both the construction and operational phases of the project. The Highway Authority considers that the submitted information is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.</p> <p>No objection, subject to conditions in relation to passing places, parking and construction traffic management.</p>

9.2.3 Dorset Council Trees

Initial submission	<p>No objection, subject to condition</p> <p>The areas of mature woodland (mainly oak & birch) are mainly to the southern margin of the site. It is understood that to construct the proposed embankments within the proposed intertidal area, the loss of sections of mature tree belts/ hedgerows/ hedgerow trees is unavoidable.</p> <p>Given the nature of the site and proposals it is noted that potential tree planting sites are limited. New areas of tree/vegetation planting are proposed around the southern edge of the site to mitigate for the tree loss. It is assumed that the pre-app advice, which included input from the AONB Management Team, as follows "..... some compensatory tree planting may be provided in the area in which the compound would be situated (a field at the southwestern periphery of the site). This would have the dual benefit of offsetting some of the lost trees and also improving the level of screening to the site, therefore reducing its visual impact on the site." has been taken on board and that the planting is as shown circled red on the attached Final Landscape Masterplan.</p>
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	Hence, if minded to grant consent it would be appropriate to impose a tree protection condition
Response to additional info	N/A Officer note: Natural England requested tree planting within the SAC removed and the Tree Officer has raised no objection to this.

9.2.4 Dorset Council Natural Environment Team (NET)

Initial submission	Comments It would have been desirable to see some field survey to provide up-to-date baseline locations of breeding and wintering birds and habitats used, against which future monitoring would have been more meaningful. However, it is acknowledged that this is likely to change over time as features and different habitat types develop as well as changes in visitor disturbance become more evident. Further habitat loss and gain information required. Further disturbance information required. Further sand lizard information required, which can be conditioned.
Response to additional info	LEMP to be conditioned Sand lizards to be conditioned Compensation payment to be secured via S106 agreement

9.2.5 Natural England

Initial submission	No objection, subject to condition and clarification of points raised -Proposed trees within the SAC to be removed -NET gain and compensation information to be clarified and reviewed by the LPA -Recreational impacts to be reviewed and considered by the LPA -Monitoring strategy to be agreed in principle and secured by condition -Method statement in relation to sand lizards to be agreed in principle and secured by condition -Botanical survey condition required -Construction Environmental Management Plan condition required
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Response to additional info	N/A
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9.2.6 Dorset Council Landscape

Initial submission	<p>No objection</p> <p>The construction period over three years will be comparatively intrusive to the existing situation with some moderate adverse landscape and visual effects brought about by uncharacteristic and urbanising features such as the compound, construction vehicles and equipment. The change to the Valley pasture LCA is reported as having a major adverse significance of residual impact after the mitigation in the construction phase. However, post completion this changes to <i>moderate beneficial</i> in the long term.</p> <p>The physical change of landscape character will bring about wider environmental benefits and remain a naturalistic landscape appropriate to the place.</p> <p>The LVIA findings post completion for the short-term report negligible to mostly minor beneficial landscape effects. There are no significant or major landscape or visual effects reported after mitigation measures are applied.</p> <p>Long term post 15 year completion, the significance of effects are reported as having <i>moderate beneficial</i> significance of landscape effects and <i>negligible or minor beneficial</i> visual effects. Based on the information submitted I broadly support these conclusions and the application.</p>
Response to additional info	<p>N/A</p> <p>[Officer note: Natural England requested tree planting within the SAC removed and the Landscape Officer has raised no objection to this.]</p>

9.2.7 AONB

Initial submission	<p>No objection</p> <p>The AONB Team defers to input from Natural England concerning landscape and ecological impacts. The AONB's special qualities include nationally and internationally important wildlife sites and long-term outcomes of this project have the potential to contribute to these designated habitats. The proposed changes, whilst foreseeably resulting in some notable disturbance during the construction phase, are not considered to</p>
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	result in significant long-term adverse impacts upon natural beauty. Overall, the short-term impacts and resultant physical transformation of the landscape of the site may be considered to be positively counterbalanced by the outputs of the project. In this respect, the Team broadly concurs with the findings of the applicant's LVIA.
Response to additional info	N/A [Officer note: Natural England requested tree planting within the SAC removed and the AONB Officer has raised no objection to this.]

9.2.8 Dorset Council Archaeology

Initial submission	Comments No objection in principle but subject to amendments to Written Scheme of Investigations (WSI) and subject to condition securing the WSI
Response to additional info	No objection Amendments to Written Scheme of Investigations (WSI) is acceptable and should be conditioned

9.2.9 Historic England

Initial submission	No objection We agree with the advice of your Archaeological Advisor, Steve Wallis that changes and updates to the Written Scheme of Investigation (WSI) can be dealt with through an appropriately worded condition. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 194, 190 & 205.
Response to additional info	No objection Amendments to Written Scheme of Investigations (WSI) is acceptable and should be conditioned

9.2.10 Dorset Council Public Health

Initial submission	Comments
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	<p>Accept the findings in the Environmental Statement Chapter 10 (Noise) subject to a compliance condition, however further information required in relation to noise impact on adjacent campsite.</p> <p>Contaminated land matters are subject to comments to be provided by WPA Contaminated Land Consultants. However reporting of unexpected contamination condition is required.</p>
Response to additional info	<p>No objection</p> <p>Proposed noise mitigation adjacent to campsite acceptable subject to conditions securing mitigation and hours of work</p>

9.2.11 WPA (Contaminated Land Consultant)

Initial submission	<p>No objection, subject to condition</p> <p>The preparation of a Phase 1 desktop site investigation that prepares a preliminary site conceptual model of ALL potential contaminant linkages is recommended so that requirements for further invasive investigation and the updating of risk assessment through a developed site conceptual model can be facilitated. This will lead to a more informed process of remediation and integration of the contamination issues with a CEMP and Materials management plan. Currently the documentation appears to attend to matters regulated by the Environment Agency with those regulated by Environmental Health, such as the overall consideration of contamination (and especially human health risk assessment), missing in the bundle.</p>
Response to additional info	N/A

9.2.12 Marine Management Organisation

Initial submission	<p>Comments</p> <p>Works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.</p>
Response to additional info	N/A

9.2.13 Dorset Council Minerals and Waste

Initial submission	<p>No objection</p> <p>The site lies within the Ball Clay safeguarding area, and also within the Sand and Gravel safeguarding area. Although ball clay is a nationally important mineral, the Mineral Planning Authority consider that it is highly unlikely that consent would be granted to extract minerals in this area due to the presence of environmental designations.</p> <p>Having taken these various factors into consideration, the Mineral Planning Authority can confirm that in this case, on the site identified for this proposal, the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.</p>
Response to additional info	N/A

9.2.14 Dorset Council Lead Flood Authority

Initial submission	<p>No objection</p> <p>The Lead Local Flood Authority (LLFA) are not statutory consultees for Fluvial/Tidal Flood Risk - the EA are. And therefore, are not providing comment on Tidal and/or Fluvial flood risk to the site or proposed development.</p> <p>There are ordinary watercourses traversing the site where work to those watercourses is likely to be involved. Land Drainage Consent <u>may</u> be required. Informative required.</p> <p>The proposed development comprises the establishment of intertidal flood zones, and pathways. Due to the proximity of a tidal discharge point. Surface water runoff attenuation or a SuDS strategy is not considered to be necessary. The design of the ecological nature reserve takes into account the movement of water in great detail and therefore it is not considered that a Surface Water Management Plan is required to be submitted to the LLFA as part of the planning application.</p> <p>Section 6.3 of the FRA deals with potential increases in surface water flood risk off-site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement 'It is assessed that the scheme will not have an adverse impact on surface water flood risk to people or property outside of the site.'</p>
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	<p>Section 6.4 of the FRA deals with potential increases in groundwater flood risk off site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement ‘While climate change may affect groundwater flood risk locally, it is not considered that the proposed scheme will affect this.’</p> <p>Appendix F of the FRA includes a number of Technical Notes on Flood Risk. These were prepared circa 2021 and predate the FRA. It appears these technical notes may form the content of the FRA and the conclusions are consistent with the FRA conclusions listed above.</p> <p>The submitted documentation states that the proposed development will not adversely affect surface water or groundwater flood risk to the surrounding properties investigated.</p> <p>Due to the above, we do not object to the proposed development. Recommended conditions from the LLFA are not considered necessary.</p>
Response to additional info	N/A

9.2.15 Environment Agency (EA)

Initial submission	<p>No objection subject to condition</p> <p>Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to FRA condition.</p>
Response to additional info	N/A

9.2.16 Dorset Council Planning Policy

Initial submission	<p>Comments</p> <p>Complies with shore management policies but some concerns regarding public access to previously inaccessible protected site. Acceptable subject to agreement with NET and NE and conditions in relation to monitoring and management.</p>
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Response to additional info	N/A
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Other consultations where no response was received:

- Ward Members
- Dorset Council Rights of Way

**Development Plan:
Adopted Purbeck Local Plan Part 1**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

10.2 The following policies are of particular relevance in this case:

- Policy CE: Coastal Erosion
- Policy CO: Countryside
- Policy BIO: Biodiversity and Geodiversity
- Policy DH: Dorset Heaths International Designations
- Policy PH: Poole Harbour
- Policy FR: Flood Risk
- Policy D: Design
- Policy LHH: Landscape, Historic Environment and Heritage
- Policy IAT: Improving Accessibility and Transport

10.3 Neighbourhood Plans

Arne Neighbourhood Plan 2018-2034 (made June 2021):

Policy 11: Tourism

Policy 7: Management of Ecological Sites

10.4 Other Material Considerations

Emerging Local Plans

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

- E1: Landscape
- E2: Historic Environment
- E4: Assessing flood risk
- E6: Coastal Change Management Areas
- E8: Dorset Heathlands
- E9: Poole Harbour
- E10: Biodiversity and geodiversity
- E12: Design
- I2: Improving accessibility and transport

Supplementary Planning Document/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Supplementary Planning Documents/Guidance for Purbeck Area:

Poole Harbour Recreation 2019-2024 SPD

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance

10.5 Other non-planning policy and guidance which are material considerations for the Project include:

- National Flood and Coastal Erosion Risk Management Strategy for England (2020)
- Poole and Christchurch Bays Shoreline Management Plan 2 (2011) (SMP2)
- Poole Harbour and Wareham Flood and Coastal Erosion Risk Management Strategy (2014)

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The proposal will provide public access including disabled parking and access. No disadvantage to persons with protected characteristics is anticipated.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Biodiversity Compensation Payment	£551,780
Non Material Considerations	
Community Infrastructure Levy (CIL)	N/A
Estimated annual council tax benefit	N/A
Estimated annual New Homes Bonus per residential unit (for first 4 years)	N/A

14.0 Climate Implications

14.1 While the proposed will result in the loss of some grassland habitat it will result in the creation of a new intertidal habitat and enhanced existing fresh water habitat in order to address the loss of intertidal habitat as a result of the 'hold the line' policy for Poole Harbour. The creation of new intertidal habitat, enhancement of existing habitat and financial compensation that will be used for biodiversity projects, is considered to outweigh the loss of grassland habitat in terms of climate change implications.

15.0 Planning Assessment

15.1 The main issues relation to this application are considered to be:

- Environmental Impact Assessment (EIA) Regulations
- Principle of Development
- Design and Appearance
- Landscape and Visual Impact
 - o AONB
 - o Impact on the character of the area
- Trees
- History and Archaeology
- Land Contamination
- Highway Impact
- Flood Risk
- Local Amenity
 - o Flood risk
 - o Noise
- Biodiversity and Ecology

15.2 EIA

15.2.1 An EIA Scoping Opinion was provided on 11th November 2019. The following have been submitted as part of the application as required under Environmental Impact Assessment Regulations:

- Biodiversity, Flora and Fauna

- Communities (including Noise), Health,
- Cultural Heritage and Archaeology
- Landscape and Visual Environment
- Marine Ecology and Fisheries
- Noise
- Traffic
- Water (incorporating surface water, hydrogeology/soils and coastal processes)
- Cumulative Effects Assessment.
- Appendices, including:
 - an Environmental Action Plan
 - Report to Inform Habitats Regulations Assessment Stage 1
 - Screening and Stage 2 Appropriate Assessment
 - Flood Risk Assessment
 - Flood Risk Technical Note

15.2.2 The EIA Officer has been consulted and has confirmed the submitted EIA meets the requirements of the EIA regulations.

15.3 Principle of Development

15.3.1 The site is in a coastal location and is within 400m of the coastline meaning policy CE of the adopted Purbeck Local Plan applies. The proposal seeks to amend the coastline through managed realignment which is supported by policy CE where managed realignment is supported in this location as included within the Shoreline Management Plan (SMP2).

15.3.2 The site is also situated in the open countryside and Policy CO will be applicable when considering the principle of the development. It is unusual in the sense that the development is to form a new habitat. Nonetheless, as an existing habitat will be lost in order to undertake the works it is considered appropriate to assess the proposal against the policy.

15.3.3 The policy allows for development so long as it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements, where a countryside location is essential.

15.3.4 Although the proposal does not include any additional dwellings or buildings policy CO does highlight that development will need to make a “positive contribution to landscape character and biodiversity and provide mitigation measures for European protected sites”. The applicant has worked closely with Natural England and the Dorset Council Natural

Environment Team (NET) to ensure this requirement from policy CO is met and that negative impacts on the designated site from the proposal including longer term impacts from additional recreation on the site are avoided, as set out later in this report.

- 15.3.5 Third party concerns have been raised there is already sufficient intertidal habitat in Poole Harbour. However, the need for this location has been established by the decision to “hold the line” along much of the coastline of Poole Harbour in order to protect property. The squeezing pressure of the maintenance of coastal defences along with rising sea levels will necessitate the need to provide a replacement habitat for those which will be lost as part of this process.
- 15.3.6 The Environment Agency has worked collaboratively with Natural England to find a site that is suitable to provide the mitigation that is required to allow the coastal management plan to proceed. As such, the countryside location is essential and this particular site has been chosen in conjunction with Natural England to provide the required compensation.
- 15.3.7 Third party concerns have been raised that the proposed would result in the loss of open countryside and amenity. The application site has no existing public access and the proposed development will provide permissive paths in certain areas. While grassland will be lost this will be replaced with intertidal habitat and compensated for as set out later in this report, which is considered acceptable in surrounding context of Poole Harbour and the River Frome.
- 15.3.8 Arne Neighbourhood Plan was adopted in June 2021. The main policies in the Neighbourhood Plan that relate to this proposal include; Policy 7 (Management of Ecological Sites) and Policy 11 (Tourism). Policy 7 supports improvements of visitor access, education and recreation of designated wildlife sites, however proposals must provide evidence that increased movement would not have an adverse impact on the environment. Policy 11 highlights that the parish should be a centre for tourism however this should not be at the detriment of the local environment including landscape and wildlife designations. This matter is dealt with under the ‘Biodiversity’ section of this report.
- 15.3.9 The emerging Purbeck Local Plan is not yet adopted meaning the policies included carry limited weight. The emerging plan highlights the importance of protecting areas designated for environmental conservation. Emerging policy E7 expands the scope of protection for designated sites further to include adverse impacts on nature conservation sites either directly or indirectly within the policy. Preventing direct and indirect impacts is also included within policy E8 which relates to Dorset heathlands. This is relevant due to the proximity of the site to the designated heathland. The proposal which increases recreation on a currently inaccessible site within 400m of a designated heathland would be likely to indirectly impact the designated heathland due to increased recreational activity in the area. Policy E9 in the emerging plan focuses on Poole Harbour and supports the adopted Poole Harbour Recreation SPD. Policy E9 requires proposals to: “avoid or mitigate adverse impacts arising from recreational activity on

Poole Harbour”. Again this matter is dealt with under the ‘Biodiversity’ section of this report.

- 15.3.10 Based on the above the proposed is considered to be in accordance with Policy CE and CO of the development plan and the principle of development acceptable.

15.4 Design and Appearance

- 15.4.1 The proposed design will change part of the application site from grassland to intertidal habitat including saltwater lagoons, earth embankments and alterations to the existing Furzebrook stream. It also includes the formation of permissive footpaths and viewing points, maintenance access tracks, fencing and boundary treatment works. There will be some tree removal and planting of tree and shrub belts as mitigation measures.
- 15.4.2 Submitted documents provide a history of the design development and describes how the design has evolved in response to physical requirements, community engagement and consultation responses over a number of years. Given the nature of development the main physical structures to be provided on site will be the embankments, lagoons, fencing, viewing screens, footways, access tracks and parking.
- 15.4.3 Of these physical additions the embankments are most significant at 4 km in length and up to 2.7m in height at the crest. Submitted drawings show the base of the embankments are up to 26m in width and 5m in width at the crest. The size and height are based on flood risk and access/maintenance requirements. Embankments will be finished in topsoil allowing for grass and vegetation to grow. Access tracks will be finished with self-binding gravel. Proposed embankments will replace existing embankments to be breached. The proposed design is considered acceptable in terms of height, scale and materials based on requirements and aesthetics. Once the proposed development is complete it is considered embankments will form features of the landscape appearance and are acceptable in the surrounding context.
- 15.4.4 A north and south lagoon will form a significant part of the proposed development to the west at 35 ha. Lagoons are contained by the western embankment and the divided by the lagoon embankment. Lagoons will contain habitat islands with grass and shingle finishes to accommodate different species. Lagoons are adjacent to the harbour, river Frome and Ridge Wharf Yacht Centre. Once the proposed development is complete it is considered lagoons will form natural features of the landscape appearance and are acceptable in the surrounding context.
- 15.4.5 Other physical structures include the following:

Structure	Size and materials
Viewpoints (3 viewpoints - southern lagoon embankment, eastern embankment and western embankment)	Existing fencing, cattle proof fencing (1.6m high), timber bird screening (up to 1.95m high)
Pedestrian track	2m wide, self-binding gravel
Vehicle track	5m wide, self-binding gravel
Disabled parking (2 no. adjacent to Arne Road)	Asphalt

Given the modest nature, proposed materials and functional need for the above the proposed are considered acceptable within the context.

15.4.6 In conclusion, the proposed design and appearance is considered acceptable given the functional need and appropriate design. Once completed, the proposed will mostly form natural features within the surrounding coastal and rural context and other proposed man-made features are in keeping with the surrounding context.

15.4.7 Based on the above the proposed is considered to be in accordance with Policy D of the development plan and the proposed design and appearance acceptable.

15.5 Landscape and Visual Impact

15.5.1 The site is within the Dorset AONB and is in a highly protected and highly tranquil valued landscape. The area has a strong landscape character and high landscape sensitivity.

15.5.2 The construction period over three years will be comparatively intrusive to the existing situation with some moderate adverse landscape and visual effects brought about by uncharacteristic and urbanising features such as the compound, construction vehicles and equipment. The change to the Valley pasture Landscape Character Area (LCA) is reported as having a major adverse significance of residual impact after the mitigation in the construction phase. However, post completion this changes to moderate beneficial in the long term.

15.5.3 After construction, areas of the site will change from freshwater and grazing marsh to naturalistic tidal mudflats, wet woodland and freshwater ponds. Managed public access will be enabled through new permissive paths and viewpoints. This physical change of landscape character will bring about wider environmental benefits and remain a naturalistic landscape appropriate to the place.

- 15.5.4 The LVIA findings post completion for the short-term report negligible to mostly minor beneficial landscape effects. There are no significant or major landscape or visual effects reported after mitigation measures are applied.
- 15.5.5 Long term post 15 year completion, the significance of effects are reported as having moderate beneficial significance of landscape effects and negligible or minor beneficial visual effects.
- 15.5.6 Both the Dorset Council Landscape Officer and the AONB Officer have been consulted and both broadly agree with information submitted in and conclusions made within the submitted Landscape Visual Impact Assessment.
- 15.5.7 It is noted the AONB Officer has deferred landscape and ecological matters to Natural England. This matter is dealt with later in detail in this report.
- 15.5.8 The AONB's special qualities include nationally and internationally important wildlife sites and long-term outcomes of this project have the potential to contribute to these designated habitats. The proposed changes, whilst foreseeably resulting in some notable disturbance during the construction phase, are not considered to result in significant long-term adverse impacts upon natural beauty. Overall, the short-term impacts and resultant physical transformation of the landscape of the site may be considered to be positively counterbalanced by the outputs of the project.
- 15.5.9 Based on the above the proposed is considered to be in accordance with Policy LHH of the development plan and the visual impact acceptable.

15.6 Trees

- 15.6.1 There are existing trees and vegetation within the site. The areas of mature woodland (mostly oak & birch) are mainly to the southern margin of the site. As a result of the proposed intertidal area, the loss of sections of mature tree belts/ hedgerows/ hedgerow trees within the site is unavoidable. However, this removal and loss is necessary as part of the restoration of the estuarine landscape to its natural, open condition. Third party concerns have been raised regarding the loss of trees.
- 15.6.2 New areas of tree and vegetation planting are proposed around the southern edge of the site to mitigate for the losses of trees and vegetation in the intertidal area. This planting will also provide screening mitigation during construction.
- 15.6.3 The Dorset Council Tree Officer has been consulted and raised no objection to the loss of trees and proposed new planting, subject to a tree protection condition, which has been added to this report.
- 15.6.4 It is noted that tree planting was also proposed to the southern boundary within the SAC area for the benefit of bats. Natural England has asked

that these trees are removed as they are not required and are against the objectives of the SAC. The AONB, Landscape and Tree officers have been consulted on this matter and raised no objection to the removal of the trees within the SAC as screening is not required in this area. Planting outside the SAC that provides screening has been retained. As proposed trees within the SAC are not required for bats or screening, Natural England's request to remove these is considered acceptable and revised plans have been submitted to reflect this.

- 15.6.5 Third party concerns have been raised that protected trees will be damaged by construction traffic. A condition secures tree protection within the site as agreed by the Tree Officer. This planning application cannot control the movements of vehicles on a public highway, however construction routes will form part of the Construction Method Statement which is conditioned in this report.
- 15.6.5 Based on the above the proposed is considered to be in accordance with Policy LHH of the development plan and the proposed loss and replacement of trees is acceptable subject to condition.

15.7 Land Contamination

- 15.7.1 It is noted that there are oil fields in the vicinity of the site, notably to the east of the site. There are also some areas on the site which have been infilled. It is unclear what has been used to infill the site, and there is the possibility that these may have contaminated materials within them. To the immediate west of the site is Ridge Wharf and the site of former ball clay drying pits, alongside the route of the tramway that travelled from ball clay quarries at Creech to Ridge Wharf.
- 15.7.2 Environmental Protection have confirmed that the site and land adjacent to it are not listed on the Council's register for contaminated land. They also confirmed the Council does not hold any information on any private water supplies within 1 km of the site. However, a number of historic potentially contaminative land uses within 250m of the Arne Moors Coastal Habitat have been identified.
- 15.7.3 Dorset Council's contaminated land consultant was consulted and advised whilst there is significant consideration of the Water Framework Directive and the potential impact to the Poole Harbour Water Body from works in the river and associated marshlands, submissions concerning public health during and post development that relate to development activities, and a desktop study concerning ecological considerations, there was no Phase 1 contaminated land assessment that considers human health (in respect to exposure to contaminants in soils and water in respect to residents in the vicinity, visitors and site workers)
- 15.7.4 Whilst the curtilage of the development is not majorly affected by industrial development the area could have had potential impact from Luftwaffe bombing raids during WW2. There is evidence of agricultural land use and man-made drainage schemes across the land that could have mobilised and concentrated agricultural chemicals in soils and at outfalls. Neighbouring areas have also been subject to oil exploration. Across the

river and Wareham Channel there also lies the area of Wareham Town, Sandford, and Holton Heath. Holton Heath alone has a history concerning military activities, cordite production and known contamination of marshland opposite the proposed development.

- 15.7.5 It would not be appropriate for the application to exclude such considerations under the NPPF, and a Phase One desktop study should be completed and submitted so that the process of considering land contamination can be moved forward. A pre-commencement condition has been included to this regard.
- 15.7.6 Based on the above the matter of contaminated is considered acceptable subject to condition.

15.8 History and Archaeology

- 15.8.1 The application site sits within the floodplain of the River Frome. This environment would have provided prehistoric communities access to a wide range of resources and we know that there was early Mesolithic activity just to the north at Bestwall Quarry.
- 15.8.2 Historic England (HE) have advised excavations at Bestwall carried out over a ten-year period, date the site to the early Mesolithic period. Significant finds include microliths and lithic scatters including axes from Cornwall, six Bronze Age round houses and evidence of later Roman and Saxon occupation including graves, cremations, a coin hoard and over 30 kiln structures. Given the significance of the remains identified at Bestwall Quarry and the number of prehistoric burial monuments, many of which are scheduled, in the surrounding landscape, there is potential for this to be a highly significant landscape.
- 15.8.3 There are no designated heritage assets within the application site. However, the trial trench evaluation and palaeoenvironmental assessment has identified several features and useful dating evidence. Most features such as gullies, ditches and circular features found during the phased trial trench evaluation date to the late Iron Age/Romano British period. The evaluation results support the results of previous investigations in the area and help demonstrate the further potential for Late Iron Age to Romano-British features, with a particular focus on craft industries.
- 15.8.4 The presence of an early Mesolithic peat deposit in the south-west freshwater area of the site is highly significant due to the scarcity of deposits of this date within lowland contexts. The deposit is additionally significant as part of a wider complex of deposits across the site, representing an important regional resource on the physical, vegetation and cultural landscape extending over perhaps 9000 years.
- 15.8.5 The archaeological investigations have highlighted the presence of early exploitation of the landscape with the presence of a single flake of Portland chert believed to be associated with Mesolithic/early Neolithic activity. Combined with the preservation of Mesolithic peat and associated

deposits, such a presence is indicative of the longevity of human interaction with the landscape within which the scheme is proposed. The ring gullies identified also hold significance not only due to the potential for a greater understanding of the economy of the landscape, but the potential to more closely date the features using techniques such as optically stimulated luminescence (OSL) sampling. The results of the evaluation have also shown that the site has the potential to further indicate the way(s) in which humans have interacted with and exploited the landscape not only for salt and pottery production, but methods of landscape management.

- 15.8.6 The application is accompanied by a number of archaeological documents, which reflects the considerable amount of archaeological work that has been undertaken on the site already and the detailed discussions that have taken place on the archaeological implications of the proposed development.
- 15.8.7 Both HE and the Dorset Council County Archaeologist have been consulted and requested amendments to the initially submitted Written Scheme of Investigation (WSI). A revised WSI was submitted and agreed with HE and the County Archaeologist and have raised no objection subject to a condition securing the WSI.
- 15.8.8 Based on the above the proposed is considered to be in accordance with Policy LHH of the development plan and the matter of impact on history and archaeology is acceptable subject to condition.

15.9 Highway Impact

- 15.9.1 The proposed development will require access from the existing public highway at Arne Road for the public by foot and vehicle access for maintenance only. Other elements of the development that will impact highways include proposed parking, construction traffic and construction access.
- 15.9.2 Third party concerns have been raised in relation to highways as follows:
- Negative impact on existing highways as result increased traffic
- Insufficient parking
- Concerns regarding proposed construction routes and impact of construction traffic
- 15.9.3 Public access will be via Arne Road to the south and east where the majority of visitors will park at the existing Sunnyside car park. 2 disabled spaces are proposed off Arne Road to the south also and are to the east of Sunnyside car park. Visitors using the eastern entrance are likely to utilise the existing RSPB car park.
- 15.9.4 The majority of parking relies on existing parking provision. While a limited permissive path and viewing points are provided the proposed development is to primarily become an intertidal reserve and not a tourist destination.

Therefore existing parking is utilised to limit the number of cars which can park to use the facility.

- 15.9.5 While concerns regarding parking are noted the applicant has advised in the operational phase, the upper estimate of 22,000 additional visitors to the Site annually is not predicted to result in a significant increase in traffic volumes on local roads. The combined total for the predicted number of visitors to the Site, with the most recent visitor counts for the RSPB Arne Reserve (100,000 visits estimated) would also still be below the recent historical peak in visitor numbers to the RSPB Arne Reserve experienced in 2017-2018 (140,000 visits estimated).
- 15.9.6 The Dorset Council Highways Officer has been consulted and has raised no objection to the proposed use of existing facilities and the addition of 2 disabled spaces.
- 15.9.7 It is considered the largest changes to volumes of traffic will occur during construction. The highest level of construction vehicle activity will occur in the second year, when the majority of the embankments are being constructed. Impacts of construction traffic on the surrounding area was a concerns raised early in the consultation process prior to submission of the planning application. To address this the development proposes 'borrow pits' on site where soil is taken from the lagoon and intertidal areas where all of the soil for the construction of the embankments is site won. However an 8% requirement for an off-site source has been allowed as contingency and has been included in the submitted transport information. The transport assessment has specifically assessed this peak period, to understand the maximum volume of construction traffic that is likely to be experienced. This peak or maximum period of activity will take place over approximately four weeks.
- 15.9.8 During this four-week peak phase, it is anticipated less than six Heavy Goods Vehicles (HGV) movements will be generated in any one hour along the construction routes. This number of HGV movements is not considered to be significant. It is estimated that, at the peak of construction, the works will generate 80 additional Light Goods Vehicles (LGV) (cars and vans) trips per day, of which around 54 will be staff related. Average LGV trips predicted across the whole active construction period (i.e. outside of the peak of activity) are however almost half of this estimate.
- 15.9.9 It is noted that there are existing HGV movements along the Arne Road, associated with a commercial oil production site north of Bank Gate Cottages. Passing places are also proposed along the New Road and Arne Road carriageways, which will also facilitate access past HGVs for other network users and have been secured by Grampian.
- 15.9.10 The Highways Officer has been consulted regarding highways safety and has raised no objection where they have advised that that the submitted information is satisfactory and robust and that the residual cumulative

impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021. This is subject to a condition requiring a Construction Traffic Management Plan prior to commencement and a Grampian condition securing proposed passing place improvements.

- 15.9.11 Based on the above the proposed is considered to be in accordance with Policy IAT of the development plan and impact on highways is acceptable subject to condition.

15.10 Flood Risk

- 15.10.1 The Environment Agency's (EA) Flood Map for Planning indicates that the site of the proposal is within Flood Zone 3. The flood mechanism is expected to be both tidal and fluvial. There is with a high probability of fluvial flooding - greater than a 1 in 100 chance of flooding in each year, and a high probability of tidal flooding - greater than a 1 in 200 chance of flooding in each year.

- 15.10.2 The EA's Risk of Flooding from Surface Water (RoFSW) mapping indicates that the site is partially affected by surface water flooding in all modelled events. The predominant flood risk to the site is from tidal/fluvial sources, and therefore, the responsibility of assessing flood risk to the site and the proposed development lies with the EA.

- 15.10.3 Third party concerns have been raised the proposed would result in flood risk to neighbouring properties and the EA should indemnify insurance policies. Concerns were also raised the submitted FRA is insufficient and incorrect and that existing embankments should be maintained.

- 15.10.4 The applicant has provided a Flood Risk Assessment (FRA) for the site. The applicant has followed a precautionary approach within the design of the FRA using the Higher Central peak river flow climate change allowance when only the Central allowance is required. Since this modelling was originally conducted, the climate change allowances have been updated. This has resulted in peak river flow levels being underestimated by 7% for the updated Central allowance. The applicant has consequently redone the modelling using the updated allowances and the results can be found within the appendix 'Fluvial modelling with latest climate change allowances. This has been reviewed by the EA's planning consultations team and the Council's Lead Flood Risk Team.

- 15.10.5 The LFA have advised they are not statutory consultees for Fluvial/Tidal Flood Risk - the EA are. Therefore they have not provided comment on Tidal and/or Fluvial flood risk to the site or proposed development.

- 15.10.6 With regards to flood risk from the site and regulatory matters the LFA have advised there are ordinary watercourses traversing the site where work to those watercourses is likely to be involved. Land Drainage

Consent may be required and informative to advise this has been added to this report.

- 15.10.7 The LFA has also advised, regardless of prevailing risk, any development has the potential to exacerbate or create flood risk, if runoff is not appropriately considered and managed as evidenced by a substantiated SW strategy. Ordinarily therefore, and in keeping with the requirements of the National Planning Policy Framework (NPPF), all major development proposals must take due consideration of surface water management and should offer a drainage strategy that does not create or exacerbate off site worsening and should mitigate flood risk to the site.
- 15.10.8 The proposed development comprises the establishment of intertidal flood zones, and pathways. Due to the proximity of a tidal discharge a surface water runoff attenuation or a SuDS strategy is not considered to be necessary. The design of the ecological nature reserve takes into account the movement of water and therefore it is not considered that a Surface Water Management Plan is required to be submitted to the LFA as part of the planning application.
- 15.10.9 To assess the potential of an offsite increase in surface water or groundwater flood risk offsite, the LFA reviewed the aforementioned FRA. Section 6.3 of the FRA deals with potential increases in surface water flood risk off-site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement 'It is assessed that the scheme will not have an adverse impact on surface water flood risk to people or property outside of the site.'
- 15.10.10 Section 6.4 of the FRA deals with potential increases in groundwater flood risk off site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement 'while climate change may affect groundwater flood risk locally, it is not considered that the proposed scheme will affect this.'
- 15.10.11 The evidence provided and submitted documentation concludes that the proposed development will not adversely affect surface water or groundwater flood risk to the surrounding properties investigated and the LFA have raised no objection to this.
- 15.10.12 In terms of fluvial and tidal flood risk, as noted previously, the EA is the statutory consultee for these matters and has been consulted. The 'Sustainable Places' team within the EA, which deals with planning application responses and is separate to the application team, has advised:

'Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in

principle, to the proposed development, subject to the inclusion of the following condition within the Decision Notice.'

15.10.13 Paragraph 161 of the NPPF notes regarding sequential tests:

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

15.10.13 While the site is within a flood zone 3, where a sequential test is normally required, it is noted the applicant has reviewed four sites as part of the site selection process, which concluded the application site was the only appropriate site that was available for the required development. Sites reviewed under the selection were in the Poole Harbour area only, where it is feasible to create intertidal habitats and the compensation site is required to be in this area. The LPA agrees with the search area based on these requirements.

15.10.14 The other locations that were considered by the study were discounted for the following reasons:

- One site was discounted due to the low salinity of the River Frome at this location, and the potential impacts of realignment on navigation in the River Frome;
- One site offered good opportunity for a large area of habitat creation, and was technically feasible, but the landowner was not supportive of the changes to their land; and
- A third site considered was concluded to be too small on its own to offer required compensatory habitat, and it subsequently flooded naturally and so could then not be counted as compensatory habitat.

Based on the site selection process it is considered the sequential test is passed in terms of flood risk.

15.10.15 The proposed development is for managed realignment of the tidal embankments, and creation of intertidal habitat. The development can therefore be classed as water compatible under Annex 3 of the NPPF. Water compatible development is potentially suitable within Flood Zone 3, as stated in table 2 of the PPG and does not require the exception test to be applied. Furthermore, coastal management, including realignment of coastal risk management structures, is actively promoted within the recent updates to the PPG (paragraph: 064, reference ID: 7-064-20220825).

15.10.16 Specific concerns have been raised by the neighbouring property at Ridge Yacht Club regarding flood risk and standing water from intertidal waters should there be tidal overspill from the proposed adjacent lagoons. The neighbour in question is concerned about water backing up on their land and would be a threat to future business of the Yacht Club. The objector requested the western bank is located a further 15m from the

neighbouring boundary to increase capacity for any potential overtopping and therefore preventing it entering neighbouring land.

15.10.17 The applicant has responded to this matter and advised they have met with the objector and provided evidence on drainage capacity and as part of the flood risk assessment for the scheme as a whole the applicant elected to prepare bespoke appendices for neighbouring landowners to summarise the risk to their properties before and after the scheme. These assessments were reviewed by an independent consultant as chosen by the objector, who agreed with the findings.

15.10.18 The following information has been provided by the applicant to the objector and the objector has confirmed by email their concerns are allayed based on this:

- *The eastern ditch has a capacity of 9,600m³*
- *The volume of tidal water that comes over Ridge Wharf land when the level is between 1.3-1.8mAOD is less than 9,600m³ and so nearly fills the ditch, but not quite.*
- *The ditch becomes full at the point when the entire wider area is under water, a very extreme tide of higher than 1.8mAOD. At this height all of the existing river embankments along the whole of the river would be overwhelmed by the water, as their heights are on average 1.6mAOD.*
- *Even at a water level of 1.8mAOD not all of the Ridge Wharf land is under water, and there is no difference in the situation with the project in place or without the project in place.*
- *The timestep diagrams in the Ridge Wharf Tidal Narrative shows that the Ridge Wharf land has water flowing over (as is the case currently) but the water does not back up across the land until the point when the whole area is under water (orange colour figs 3-19 & 3-20).*
- *Thus there will be no newly created standing water on Ridge Wharf land and no detriment. The modelling even shows a very minor betterment for Ridge Wharf land at the highest tidal level.*

15.10.19 The FRA has been reviewed by the EA planning consultations team who have raised no objection to the proposed as follows subject to embankment level conditions:

The applicant is proposing to develop new embankments with a crest level of 2.2-2.4m AOD. The FRA states that the tidal 1 in 200-year (0.5% AEP) design flood level is 3.2m AOD, which will result in flooding of approximately 0.8-1m. Consequently, the development of the scheme will have neither a positive nor negative flood risk impact to the area for the design 2125 tidal flood event. Fluvial modelling (using the latest climate change allowances) has shown that the scheme will reduce flood risk for the local communities for the 1 in 100 (1% AEP) fluvial event. As this scheme does not result in an increase in flood risk for others and provides a flood risk betterment for fluvial and less extreme tidal events, we have no objection to the proposed development.

15.10.20 Based on the above the proposed is considered to be in accordance with Policy FR of the development plan and impact on highways is acceptable subject to condition.

15.11 Local Amenity

- 15.11.1 The site and surrounding area are rural in nature but is located in the vicinity of the village of Arne. Adjacent neighbours to the site boundary include Ridge Wharf Yacht Club to the west; Ridge Farm Camp Site to the south west; and Banks Cottages to the east. The next nearest properties are some 100-120m away.
- 15.11.2 Concerns raised regarding impact on neighbouring amenity include:
- Noise and vibration during construction in particular the on the adjacent Ridge Farm campsite
 - Proposed hours of construction unacceptable
 - Increase in biting insects
 - Odour issues related to intertidal habitats
- 15.11.3 A Noise Impact Assessment (NIA) has been submitted with the application and the Environmental Health Officer (EHO) has been consulted. In general the EHO agreed with the NIA but did raise concerns regarding impact on the Ridge Farm Campsite.
- 15.11.4 Impact on Ridge Farm Campsite – concerns raised by the EHO are in relation to noise impacts affecting those under canvas. These concerns have been raised with the applicant who is willing to provide noise mitigation to the area of construction that would impact the campsite. This proposed mitigation would reduce noise impacts to an acceptable level in relation to existing background noise. The EHO has reviewed this mitigation and is satisfied it is acceptable, subject to being secured by condition. The objector has also requested that construction is limited in July and August. This is considered unreasonable given the limitations of construction during the winter period and proposed mitigation that is secured to overcome noise concerns. However, hours of construction and use of heavy machinery have also been conditioned at the end of this report.
- 15.11.5 Hours of construction proposed by the applicant conflict with the hours suggested by the EHO as follows:

Time period	Applicants proposed hours	EHO proposed hours
Mon to Fri	07:00 to 19:00	07:00 to 19:00
Saturday	07:00 to 19:00	08:00 to 13:00
Sundays and bank holidays	At no time	At no time

Due to the potential impact of heavy plant in operation on the western embankment to the adjacent campsite, additional restrictions are proposed for July and August:

No use of Heavy Plant within 100m of the boundary of the Ridge Farm Camping and Caravan Site shall take place during July and August other than between the hours of:

Time period	Applicants proposed hours	EHO proposed hours
Mon to Fri	08:00 to 18:00	08:00 to 18:00
Saturday	08:00 to 18:00	09:00 to 13:00
Sundays and bank holidays	At no time	At no time

- 15.11.6 While it is acknowledged the hours of construction proposed by the EHO are standard which consider impact on neighbouring amenity, noise receptors to the application site are limited. A noise impact assessment has been submitted which assessed impact on neighbouring amenity based on hours of construction from 07:00 to 19:00, which the EHO raised no objection to other than the campsite. While mitigation is to be provided to reduce the potential impact on the adjacent campsite it is considered reasonable that heavy plant hours are reduced on Saturdays at peak season within 100m of the campsite. Therefore the condition regarding hours of construction is recommended as follows:

No construction work in relation to the development, which would generate noise audible beyond the site boundary, shall take place other than between the hours of 07:00 to 19:00 Monday to Saturday and at no time on Sundays or Public or Bank Holidays.

No use of plant machinery or tools, save hand tools, within 100m of the boundary of the Ridge Farm Camping and Caravan Site shall take place during July and August other than between the hours of 08:00-18:00 Monday to Friday, 08:00 -13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.

If specific construction work is required to take place outside of these hours a detailed scheme shall be submitted to and agreed in writing by the LPA. Prior to this specific work taking place two weeks' notice will be given in writing by the applicant to adjoining neighbours.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

- 15.11.5 Impact on Banks Cottages – Banks Cottages are some 300m from the proposed embankments and as noted above, the EHO has reviewed the NIA submitted and has not raised concerns regarding noise impact other than that related to the camp site. It is noted the existing vehicle access track adjacent to Banks Cottages is to be retained, however this will provide access for maintenance vehicles only. Proposed pedestrian routes are located to the north of Bank Cottages but are pedestrian only with parking facilities some 1-1.5km west and east of Banks Cottages (including the existing RSPB parking facility to the east). The nature of the use of the existing track and proposed pedestrian routes are not anticipated to impact neighbouring amenity to an extent that would warrant refusal.
- 15.11.6 While noise and disturbance during construction are acknowledged, this is managed by condition of construction management and construction hours conditions set out in this report.
- 15.11.7 An increase in biting insects have been raised as a concern. Chapter 6 of the ES highlights the management of lagoons will limit breeding conditions for mosquitoes and notes freshwater ditches are existing on the site. The wider area around the Site, which is a landscape of extensive natural habitats comprising saltmarsh, reedbed, fens, mire, heath and woodland habitats will continue to support populations of mosquitoes. It is therefore considered unlikely that the level of habitat change and reduction of suitable mosquito habitats brought about by the Project across the Site as a whole will have any significant reduction to mosquito populations in the context of the wider area. Given the existing nature of the site and the management of proposed lagoon areas, it is not anticipated any potential issues in relation to an increase in biting insects would impact on neighbouring amenity to an extent that would warrant refusal.
- 15.11.8 With regards to odour issues due to algal mats – while there are some algal mat odour issues in specific areas of Poole Harbour, there are no existing reported issues in the vicinity of the site. The proposed development would not increase nutrient input to the harbour, which is a cause of algal mats. While it cannot be guaranteed that algal mats will not form, proposed embankments for intertidal areas are some 200-300m from the closest neighbouring properties. Properties also lie to the south, south east and south west, which is upwind in relation to prevailing winds. Chapter 6 of the submitted ES has assessed this potential and concludes this would be a minor adverse effect. Given the distance to and location of existing properties it is not anticipated any potential odour related to intertidal habitats would impact on neighbouring amenity to an extent that would warrant refusal.
- 15.11.9 Based on the above the proposed is considered to be in accordance with Policy D of the development plan and impact on neighbour amenity would not warrant refusal subject to condition.

15.12 Biodiversity and Ecology

- 15.12.1 The proposal includes creation of intertidal habitat and restricted tidal exchange shallow saltwater lagoons, through managed realignment involving selective breaching of existing tidal embankments as well as the formation of additional footpaths. The proposed site for these works is within the Poole harbour nutrient catchment, Poole Harbour Recreation zone and partly within the 400m heathland buffer. The majority of site is also designated as a Ramsar site, Site of Special Scientific Interest (SSSI) and is in close proximity to a Special Protection Area (SPA) and designated Ancient Woodland.
- 15.12.2 The site is important for biodiversity, including habitats and species protected at local, national and international levels. Third party concerns have been raised regarding a negative impact on existing wildlife and ecology.
- 15.12.3 The applicant has worked closely with Natural England (NE) for a number of years on the project development and pre-application advice was sought in 2021, which included advice from the Dorset Council Natural Environment Team (NET). Both consultees have been consulted on the application and the following assessment is based on their expert advice.
- 15.12.4 The proposed development will have potential Likely Significant Effects on both terrestrial and marine habitats, which are considered separately below. These specific habitat sites are:
- Poole Harbour Special Protection Area (SPA)
 - The Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC
 - Dorset Heathlands Special Protection Area (SPA)
 - Dorset Heathlands Ramsar
 - Poole Harbour Ramsar
 - The Moors SSSI

Habitats Regulation Assessment (HRA)

- 15.12.5 The Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations') places a legal duty on local planning authorities to determine whether a planning application may affect the protected features of a habitats site before deciding whether to grant permission. This duty is fulfilled through the Habitats Regulations Assessment (HRA) process.
- 15.12.6 A shadow HRA has been submitted by the applicant as part of the planning application. Natural England confirm that the applicant has identified an appropriate range of potential impact pathways in the information to inform the conclusions reached in their HRA documentation. Therefore the information presented in the applicant's shadow SRA is sufficient to inform the Council's Appropriate Assessment.
- 15.12.7 The planning practice guidance advises that where more than one competent authority is involved in determining a project, a lead authority

should be nominated for the purposes of the HRA. The responsibilities of the lead authority include preparing the HRA report on behalf of the other competent authorities and coordinating the statutory consultation with Natural England.

- 15.12.8 This application involves both the Marine Management Organisation (MMO) determining the marine licence and Dorset Council determining the planning application. In this instance, the MMO have been nominated as the lead authority and have provided the required HRA. The HRA has been reviewed by Natural England who have advised the HRA it is robust. The Dorset Council Senior Environmental Assessment Officer has reviewed the HRA and has also advised it is robust. Therefore Dorset Council will adopt the conclusions of the HRA report written by the MMO.
- 15.12.9 The HRA, produced by the MMO on 26th September 2022, concluded that the proposed project would not have an adverse effect on the integrity of a habitats site, either alone or in-combination with other plans of projects, providing that the following mitigation was secured:
- An appropriate qualified and experienced Ecological Clerk of Works (ECoW) must be employed throughout the works to advise on ecological constraints.
 - Use of vibrational piling instead of percussion piling, wherever possible, to minimise disturbance to birds and other wildlife. Any piling should only occur 2 hours either side of high tide and should utilise soft start techniques to allow for the birds in the vicinity to move away from the site.
 - Works, apart from tree and vegetation clearance, must occur between 01 April and 31 August inclusive to avoid disturbing overwintering birds and damage to habitats.
- 15.12.10 This mitigation is secured under the Construction Environmental Management Plan (CEMP) condition in this report.
- 15.12.11 Natural England was consulted on the HRA report on 3rd October 2022, and Natural England's advice was incorporated as amendments to the HRA report. Natural England have advised they are satisfied with the final conclusions of the HRA report.

Terrestrial Habitats

- 15.12.12 Both NE and NET have provided advice on the terrestrial habitats. Based on consultee responses the following matters have been considered as part of this assessment:
- Protected species
 - Recreational pressure
 - Habitat loss and gain assessment
- 15.12.13 **In terms of protected species** - the following considerations have been made for protected species found on the site

Species	Impact	Mitigation
Bats	Loss of trees within the site	Boundary trees retained and enhanced as agreed with NE and NET
Otters	Some loss of habitat	Fresh water habitat within the site enhanced as agreed with NE and NET
Badgers	Setts outside of intertidal areas but potential disturbance during operation	Not main setts on site and public access restricted to permissive paths only as agreed with NE and NET
Birds (breeding/wintering & passage)	Some loss of habitat	Fresh water habitat enhanced, islands within lagoons provided for breeding birds, intertidal habitat provided for relevant bird species
Sand Lizards	Loss of habitat-translocation proposed	NE and NET requested site enhancement and monitoring rather than translocation – strategy secured by condition
Plant species	Loss of plant species	Translocated where possible as agreed with NE and NET. Compensation agreed for other loss.

15.12.14 Based on the above, the impact on protected species is considered acceptable where mitigation and compensation has been agreed with NE and NET and secured by condition and legal agreement.

15.12.15 **In terms of recreational pressure** – Policy BIO within the adopted plan highlights that new development; “will need to ensure that there are no adverse effects upon the integrity of European protected sites (SPA, SAC, Ramsar, possible SAC, potential SPA)” and “will need to ensure that there are no adverse impacts upon SSSI, for example an indirect effect of disturbance from increased public access”.

15.12.16 It is noted within Chapter 2 of the Environmental Statement, that there will be an increase in recreational use of the application site once in operation, and the impact of this was concluded by the applicant to be negligible.

15.12.17 There is currently no formal public access to the site and it is acknowledged the proposal does increase the risk of disturbance to SPA birds that utilise the site. Although no public access is proposed to the SPA area itself the potential is for disturbance to newly established intertidal and lagoon areas which may be considered functionally linked to the SPA. This issue has been considered in the adopted Appropriate Assessment (AA).

15.12.18 Although the application discusses that recreational disturbance will be managed with minimal increases in facilities, no access to dogs and

signposting users away from more sensitive areas; these measures are difficult to enforce successfully.

- 15.12.19 It is noted that submitted information indicates that access from the Ridge/western edge of the application site will be constrained at Sunnyside car park with no access from the Ridge Wharf Yacht Club track to the new flood defence bund. This avoids the establishment of a circular walk favoured by dog walkers, who are in any case not intended to be permitted and is an important avoidance mechanism which must be maintained. The fencing layout which restricts the permissive paths has been conditioned to be retained.
- 15.12.20 Natural England has advised that the applicant has not considered the visitor monitoring data collected and held by the Urban Heaths Partnership(UHP). It is understood that the nearby car park at the Sunnyside area managed by Natural England has up to 15 spaces, the evidence available from annual car park counts shows that year on year the number of cars present is increasing. This is in its self not a problem as one of the functions of this area is to absorb recreation pressure. In this respect it is important that the visitor capacity at Sunnyside is maintained as existing. The Reserve Manager for Natural England has confirmed that the available space will not be extended beyond its current 30m. It is likely that use of the car park will continue to increase and visitors to The Moors, post construction will add to the use as it provides easy access. This will need to be reviewed by Natural England and UHP, using their monitoring effort, to avoid the displacement of local users and their dogs onto the designated heathlands nearby. At this time it is considered that measures to maintain the current capacity and prevent cars spreading will be sufficient.
- 15.12.21 NET have advised they are satisfied proposed fencing and ditch details are sufficient to prevent to public access beyond permissive paths. However details of the management of recreational pressure are still required to be provided and have been conditioned.
- 15.12.22 Based on the above, the impact of recreational pressure is considered acceptable where mitigation has been agreed with NE and NET and secured by condition.
- 15.12.23 **In terms of habitat loss and gain** – The proposed will result in the loss of approximately 96ha of priority grassland but will create approximately 106 ha of priority saltmarsh/intertidal/saline lagoon habitat. Chapter 5 of the ES provides habitat loss and gain information, however further information was requested by the NET, which was provided.
- 15.12.24 In response to further information NET advised they recognise the difficulty in assessing losses and gains in a way that is both meaningful and acknowledges the project rationale. They also note that the Biodiversity Metric is a tool that uses proxy values and cannot be strictly applied to this project, however there are few options that provide a means to account for

habitat loss/gain/exchanges. NET do not expect, or consider it appropriate, the project to be able to achieve the target 10% biodiversity net gain that the Metric is designed to demonstrate, however, the standard default for all project and development types is no net loss and a measurable net gain.

- 15.12.25 As the Metric flags this as 'unacceptable loss', the alternative means of arriving at an equivalent compensatory habitat area is the application of the Dorset Biodiversity Compensation Framework (DBCF) multipliers.
- 15.12.26 NET and Natural England consultation comments reflect that it would be inappropriate to seek like-for-like compensation for a project of this nature and complexity. Additionally, as previously advised, it is considered that the loss of some habitats will need to be accepted for this project. This includes reedbeds and saltmarsh due to the creation of alternative coastal habitat types and the unpredictability of natural colonization of reedbeds and intertidal habitats. This leaves the loss of woodland, priority grassland and SSSI habitats to consider.
- 15.12.27 Natural England and the NET Team have agreed that a financial contribution is sufficient compensation for the loss of priority habitats. A compensation payment of £551,780 will be provided and secured via Section 106 Legal Agreement as agreed by the NET Team.

Marine Habitats

- 15.12.28 Under current management arrangements, the long term prospects for maintaining the existing marine features are poor. Natural England consider this project will lead to the creation of a diverse range of habitats, fulfilling a requirement for compensatory intertidal habitat within the harbour, but at the same time benefitting a range of SPA bird species by providing new feeding and nesting opportunities. The small change in the distribution and abundance of habitats across the harbour is not considered an adverse effect on the integrity as no specific SPA features would be affected by the reduction in the area of this reedbed; and lagoons will be likely to support more birds than existing habitats and attract a wider range of different bird species. Moreover, it is likely that there would be a positive effect on water quality due to denitrification within the new saltmarsh.
- 15.12.29 Furthermore, Natural England agrees with the conclusions in Chapter 12 of the Environmental Statement that any changes to hydrological conditions of the Poole Harbour water body will be localised and that construction impacts on water quality will be mitigated by good construction working practices.
- 15.12.30 Chapter 9 of the Environmental Statement, considers direct risks from the new structures, including entrapment of Atlantic salmon and European eels and other fish within the lagoons. It is noted that a minor significant effect is concluded. Natural England agrees with the proposed mitigation measures to reduce these impacts by incorporating additional measures

into the designs based upon advice from technical specialists from the Environment Agency.

- 15.12.31 It is critical that the timing of the breach avoids key migratory periods for fish in the harbour. Poole Harbour and its principal tributary rivers (the Rivers Frome and Piddle) are known to support Atlantic salmon, sea trout and European eel, species which are all under significant adverse pressures. Although the Harbour itself has not been designated for any migratory fish species, Atlantic salmon and European eels are interest features of the upstream River Frome SSSI. Therefore, the timings of construction and the associated impacts of disturbance need to be aligned with the seasonal restrictions associated with birds and secured through a CEMP planning condition, which is one of the recommended conditions.

Biodiversity and Ecology Conditions

- 15.12.32 A number of conditions have been requested by NE and NET in order to ensure impact is acceptable and secure compensation and mitigation. These conditions are considered necessary and set out in the recommended conditions; in summary they are:

- Further botanical surveys required
- Sand lizard strategy and licence to be provided
- Construction Environmental Management Plan (CEMP)
- Habitat Creation Management Plan (HCMP)
- Visitor monitoring plan
- Recreational Pressure Management Plan
- Biodiversity Monitoring Strategy
- Piling details required
- Working seasons to be restricted.

Biodiversity and Ecology Conclusion

- 15.12.33 In general Natural England have advised they support the principle of the application and its aims to re-establish natural processes in the harbour, allowing the restoration of saline conditions across their former extent which is particularly relevant in the strategic context of climate change and rising sea levels.
- 15.12.34 The NET Team have advised that the proposed development is acceptable subject to securing the compensation payment via a legal agreement.
- 15.12.35 Based on the above the proposed is considered to be in accordance with Policy BIO of the development plan and impact on biodiversity and ecology is acceptable subject to condition and a Section 106 agreement securing compensation.

15.13 Other

15.13.1 Other matters raised by the Parish Council not already addressed include the following:

Arne PC Response	EA Response (summary only, full comments available online)	Officer Assessment
An Emergency Plan for serious flooding incidents and appropriate training implementation of an emergency plan	<p>The Environment Agency has made a comprehensive assessment of flood risk associated with the proposed development and has modelled extensively. The Environment Agency has been working closely with engineers and other professions to reassure RSPB and local residents that the project has considered and managed out any conceivable risk that might cause detriment to neighbouring landowners and residents.</p> <p>The flood risk assessment of the proposed scheme concludes that the risk of flooding to third parties is unlikely.</p> <p>In any event the legislation that the Environment Agency operates under does take account of the fact that despite the best efforts of all parties concerned, loss and damage may occasionally occur. Schedule 21 Water Resources Act 1991 makes provision to ensure that anyone suffering loss or damage as a direct consequence of works carried out under section 165 of the Water Resources Act 1991 would be in no worse position as a result of works being carried out by a statutory body (such as the Environment Agency) than they would have been under common law.</p> <p>Managing and responding to flood incidents There is no single body responsible</p>	<p>No further response from Arne PC.</p> <p>Officers consider the response addresses concerns raised.</p>

	<p>for managing local flood risks in the UK. In many cases, flooding may be caused by a number of different sources which are managed by different Flood Risk Management Authorities. The Environment Agency is the body responsible for managing and responding to flooding from Main Rivers and the sea.</p> <p>The Environment Agency has an incident hotline for use by the public in the event of flooding from Main Rivers and the sea. An incident that is within the Environment Agency's remit should be phoned through to the Environment Agency incident hotline. Reports are assessed and passed on to the duty officer if required. The duty officer operates 24 hours a day, 7 days a week. The duty officer would then decide what action to take, for example deploy a gang or monitor the situation.</p> <p>The EA prepares a specific flood procedure for each of the assets and sites it manages, which sets out how the duty officer should operate the site. A site specific procedure for the Moors at Arne would be produced for internal use by the EA once the site is handed back to the EA post construction.</p>	
Contact details of the person(s) in charge at the site during the construction stage	The details of the Site Liaison Officer who will be the community's point of contact throughout construction will be set out in the Construction Environmental Management Plan (CEMP). The CEMP will be prepared and submitted to Dorset Council for written approval prior to construction commencing. Upon approval, the CEMP will be a public document.	No further response from Arne PC. A condition is included securing the CEMP pre-commencement
Contact details of the person(s) in charge at the site	The contact details of the Site Manager during the operation stage of the project will be set out in	No further response from Arne PC.

during the operation stage	<p>Landscape Environmental Management Plan (LEMP).</p> <p>The submission of a LEMP for approval of Dorset Council will be secured by planning condition. Upon approval, the LEMP will be a public document.</p>	A condition is included securing the LEMP pre-commencement
A plan for the maintenance of the site and the flood warning service should be provided to the local planning authority and Arne Parish Council.	<p>Details of the maintenance of the site during the operation stage of the project will be set out in the LEMP, which will be secured by planning condition.</p> <p>Existing flood warnings already cover the Ridge already exist.</p> <p>There will be no requirement to replace the existing flood warning service. The new flood risk management assets will be inspected annually in terms of condition and public safety. They will have quarterly operational checks by the Field Team. This would be accompanied by any unplanned maintenance should the need arise.</p>	<p>No further response from Arne PC.</p> <p>A condition is included securing the LEMP pre-commencement</p>
The Furzebrook flap valves should be monitored by telemetry	Telemetry is not considered necessary; however to provide assurances, the EA is investigating the possibility of whether a web camera could be installed on the proposed outfall structure. If possible, this would allow remote monitoring of the outfall.	<p>Arne PC have advised they consider telemetry is still required.</p> <p>Furzebrook flap valves remain in the control of the EA who will carry out maintenance and monitoring. A monitoring condition has been imposed to ensure a strategy is secured.</p>
That in the event that the Furzebrook valves fail machinery is available to access and clear the site.	The Furze brook outfall structure is designed so that it can be operated safely by EA operational staff without the need for machinery. It consists of 3 flap valves with significant capacity set at different levels to provide resilience. There are slots in place to	<p>No further response from Arne PC.</p> <p>Officers consider the response</p>

	allow stop-logs to be installed for extra resilience or planned maintenance within the culverts. The stop logs will be stored at the depot in Dorchester and can be brought to the structure via the access track on the embankment. The EA would respond according to the severity or implications of any issues that arise.	addresses concerns raised.
A record of construction responsibilities between the applicant and construction contractor	The roles and responsibilities during construction will be set out in the Construction Environmental Management Plan (CEMP). The CEMP will be prepared and submitted to Dorset Council for written approval prior to construction commencing. Upon approval, the CEMP will be a public document.	No further response from Arne PC. A condition is included securing the CEMP pre-commencement
During the construction and upon completion of the scheme details of the Managers of the site are provided so that residents and the Parish Council have contact details to report any matters of urgency that may arise	This information will be set out in the CEMP and LEMP	No further response from Arne PC. A condition is included securing the CEMP and LEMP pre-commencement
That the Environmental Agency be required to monitor the area beyond Arne Moor in the interests of public interest and safety until 2030.	Local Planning Authority cannot stipulate planning conditions which relate to land outside of the application site and beyond the applicant's control. We are however continuing a programme of monitoring of the bathymetry of a section of the Lower Frome and the Wareham channel to allow the assessment of any changes in channel morphology. The monitoring will be for a minimum term of 3 years post completion. After this time period it is expected the monitoring on the channel will be completed by the South East Coastal Monitoring	No further response from Arne PC. Conditions cannot be applied on land outside the red line boundary

	<p>Programme operating from the Channel Coast Observatory. We are considering the public reassurance that will be provided if we continue the data gathering and monitoring of the boreholes located around Bankgate Cottages, near Ridge Farm and within Ridge. Such monitoring would be in place for the duration of the works and the aftercare period.</p>	
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15.13.2 Other matters raised by the neighbours not already addressed above include the following:

Comments received	EA Response	Officer Assessment
<p>Potential silting of the lower reaches of the Frome and Wareham Channel and lack of commitment to remedy silt issues.</p> <p>Negative impact on leisure activities such as sailing.</p> <p>Negative impact on local businesses associated with boating.</p> <p>Consent should require dredging conditions to maintain channels.</p>	<p>The applicant has advised no adverse siltation impacts affecting navigation on the River Frome are expected as a result of the project, including its construction. During the construction, the new tidal embankments and site features on the existing moors will be created first and then the three proposed breaches will be opened to the tidal water. It is not expected that this method of habitat creation will lead to outflow of silt into the Frome and the wider Harbour. The applicant has established a programme of pre-scheme bathymetric survey to measure bed profiles which will continue whilst works are in progress and for a few years beyond. A specification will then be agreed for routine coastal monitoring would take over from that point delivered by The Channel Coast Observatory. When the project has been completed the indication is that incoming sediment at high tide would</p>	<p>Adverse effects of siltation are not anticipated and monitoring of siltation is secured by condition.</p> <p>Any unlikely loss or damage can be resolved outside the planning process under schedule 21 of the Water Resources Act 1991.</p> <p>Siltation falls under the remit of the EA and informative note has been added to advise monitoring should be carried out.</p>

	naturally settle within the realignment site to create the features such as mudflats and saltmarsh. Typically, intertidal areas accumulate sediment until the saltmarsh rises above the tidal range. If monitoring demonstrates an adverse siltation change in the Wareham Channel or River Frome linked to the project, then the provisions of schedule 21 of the Water Resources Act 1991 may also be available to address anyone suffering demonstrable loss or damage.	
No permissive access via Ridge Farm.	Updated plans submitted to show no permissive access via Ridge Farm	Acceptable where revised plans address concerns raised
Borehole sampling carried out to date is too limited. Modelling submitted is flawed - correct water flows for Ridge have not been used. Part of the site has not been looked at.	Details of modelling and extensive borehole investigations have been submitted in response to neighbour concerns	Sufficient information has been submitted in order to determine the application as set out in this report.

15.14 Conclusion

15.14.1 Key planning issues are summarised as follows:

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable – subject to conditions
Impact on amenity	Acceptable – subject to conditions
Impact on road safety & parking provision	Acceptable – subject to conditions

Impact on biodiversity	Acceptable – subject to conditions and securing mitigation via 106
Impact on Trees	Acceptable – subject to conditions
Flood Risk	Acceptable - subject to conditions

15.14.2 This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal. It is considered the proposed is acceptable in relation to material planning considerations.

15.14.3 Therefore, subject to suitable conditions, the proposal accords with National and Local Plan requirements as a whole. The recommendation is for approval of the application with conditions and subject to completion of a s106 obligations to secure the required compensation payment.

Recommendation:

A) Grant permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- to secure viability review

And the conditions noted below

OR

B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

Conditions:

[Pre-commencement conditions agreed in writing on 28.12.2022]

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Appendix A.1 Environmental Action Plan	
ES Appendix C Causeway Outfall	
ES Appendix C Furzebrook Outfall	

232726_The Moors at Arne_Mitigation_WSI	
Appendix G.12 Figure 8.8 Final Landscape Masterplan Sheet 1 Of 4	
ES Appendix G.13 Figure 8.8 FLM 2 of 4	
ES Appendix G.14 Figure 8.8 FLM 3 of 4	
Appendix G.15 Figure 8.11 Final Landscape Masterplan Sheet 4 Of 4	
Proposed Topography	ENVIMSW002130-ATK-00-3AW-DR-C-000013
Overview Plan p0402	ENVIMSW002130-ATK-IZ-3AW-DR-C-000001
Eastern Embankment Typical Cross Section	ENVIMSW002130-ATK-DE-3AE-DR-C-000007
Western Embankment Typical Cross Section	ENVIMSW002130-ATK-DE-3AE-DR-C-000006
Turner's Cove Breach GA	ENVIMSW002130-ATK-00-3AW-DR-C-000005
Central Breach GA	ENVIMSW002130-ATK-00-3AW-DR-C-000006
Eastern Breach GA	ENVIMSW002130-ATK-00-3AW-DR-C-000007
Creek Network Typical Cross Section	ENVIMSW002130-ATK-LH-3AW-DR-C-000002
General Arrangement Sheet 1 of 3	ENVIMSW002130-ATK-IZ-3AW-DR-C-000002
General Arrangement Sheet 2 of 3	ENVIMSW002130-ATK-IZ-3AW-DR-C-000003
General Arrangement Sheet 3 of 3	ENVIMSW002130-ATK-IZ-3AW-DR-C-000004
Eastern Embankment Outfall 1 Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000025
Eastern Embankment Outfall 2 Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000026
Eastern Embankment Outfall 3 Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000027
Access Track Typical Details	ENVIMSW002130-ATK-ZZ-3AE-DR-C-000001
Furzebrook Outfall GA	ENVIMSW002130-ATK-00-3AW-DR-C-000003
Lagoon Exchange Structure GA	ENVIMSW002130-ATK-00-3AW-DR-C-000002
Lagoon Exchange Structure Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000029
Lagoon Inlet Structure GA	ENVIMSW002130-ATK-00-3AW-DR-C-000001
Lagoon Inlet/Outlet Structure Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000028
Lagoon Outlet Structure GA	ENVIMSW002130-ATK-00-3AW-DR-C-000034
Southern Lagoon Viewpoint General Arrangement	ENVIMSW002130-ATK-00-3AW-DR-C-000050
Intertidal Viewpoint General Arrangement	ENVIMSW002130-ATK-00-3AW-DR-C-000051
Eastern Embankment Viewpoint General Arrangement	ENVIMSW002130-ATK-00-3AW-DR-C-000052
Fencing Typical Details	ENVIMSW002130-ATK-ZZ-3AE-DR-C-000002
Main construction works Year 1 Rev P01.01	ENVIMSW002130-ATK-00-3AW-DR-C-000038
Main construction works Year 2	ENVIMSW002130-ATK-00-3AW-DR-C-000039
Construction Compounds, Haul Roads and Water Management	ENVIMSW002130-ATK-00-3AW-DR-C-000032
Fencing Layout Rev. P03.0	ENVIMSW002130-ATK-00-3AW-DR-C-000032
Public Access Plan	ENVIMSW002130-ATK-XX-3XX-DR-PL-000004
Arne Fluvial modelling - Climate change update Sep 22	
RVT Group - Soundex Quilt - 2022	
Offsite Highway Works Location Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000033
Footpath Crossing - Arne Road	ENVIMSW002130-ATK-00-3AW-DR-C-000041
Highway Details Sheet 1	ENVIMSW002130-ATK-00-3AW-DR-C-000042
Sunnyside Farm Entrance GA	ENVIMSW002130-ATK-00-3AW-DR-C-000054
Passing Place 3 GA	ENVIMSW002130-ATK-00-3ZZ-DR-D-000003
Passing Place 6 GA	ENVIMSW002130-ATK-00-3ZZ-DR-D-000006

Accessible Parking Spaces GA	ENVIMSW002130-ATK-00-3AW-DR-C-000067
232726 The Moors at Arne Mitigation WSI Geoarchaeology Addendum	

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the development hereby approved details of any access facilitation works and a plan showing the location of barriers in accordance with BS5837:2012 Trees in relation to design, demolition and construction shall be submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development. The barriers shall be erected and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To ensure that trees and their rooting environments are afforded adequate physical protection during construction.

4. The applicant shall carry out the archaeological investigations and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition), as detailed in the approved written scheme of archaeological investigation DM/2022/004 – 232726.01 December 2022 and submit to the LPA a report on the findings within 2 years of breaching the existing embankments.

Reason : In the interest of preserving and recording heritage assets and archaeological remains.

5. No development maybe commenced until a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority.

The CMS must include details of:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water - oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the process for the control and removal of spoil and wastes.

The approved CMS shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction on the surrounding highway network.

6. No development may be commenced until a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

7. No development may be commenced until a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Planning Authority.

The CEMP must include:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones"
- A timetabled protected species mitigation strategy to cover habitat translocation and pre-commencement habitat mitigation establishment/enhancement
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including lighting, noise, vibration and visual impacts (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- Responsible persons and lines of communication.
- Use of protective fences, exclusion barriers and warning signs.
- Storage of construction materials/chemicals and equipment
- Dust suppression

- Chemical and/or fuel run-off from construction.
- Method of construction of the jetty to reduce contamination risks to the Harbour
- Visual screening (for SPA birds)
- The times/activities during construction when specialist ecologists need to be present on site to oversee works, including the details and remit of the Ecological Clerk of Works on site during construction activities
- Contingency plan for unforeseen events
- Site management contact details during construction.

The approved CEMP shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on surrounding protected sites species.

8. No construction work in relation to the development, which would generate noise audible beyond the site boundary, shall take place other than between the hours of 07:00 to 19:00 Monday to Saturday and at no time on Sundays or Public or Bank Holidays.

No use of plant machinery or tools, save hand tools, within 100m of the boundary of the Ridge Farm Camping and Caravan Site shall take place during July and August other than between the hours of 08:00-18:00 Monday to Friday, 08:00 - 13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.

If specific construction work is required to take place outside of these hours a detailed scheme shall be submitted to and agreed in writing by the LPA. Prior to this specific work taking place two notice will be given in writing by the applicant to adjoining neighbours.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

9. Prior to the construction of the toe drain and western embankment hereby approved, heras fencing at least 2m in height shall be erected along the frontage of the Ridge Farm campsite at a distance of 5m from the location of the edge of the toe drain hereby approved. The heras fencing shall be fitted with acoustic attenuation as detailed on the RVT Group – Soundex Quilt – 2022 specification sheet. The acoustic attenuation shall be fitted to a height on 2m. The heras fencing and acoustic attenuation shall be maintained throughout the duration of construction.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2

10. No development may be commenced until the following information is submitted to and agreed in writing by the Local Planning Authority:

- 1) a ground conditions 'desk study' report documenting the site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages and incorporating risk assessment.
- 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
- 4) a detailed phasing scheme for the development and remedial works (including a time scale).
- 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

11. In the event that previously unidentified contamination is found at any time when carrying out the approved development, this must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, conducted in accordance with recognised good practice, and a proposed remediation scheme shall be submitted to the Local Planning Authority for consideration and approval.

The remediation scheme shall then be carried out in accordance with the approved details and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to the Local Planning Authority for approval.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised.

12. No development may be commenced until a Habitat Creation and Management Plan (HCMP) is submitted to, and be approved in writing by, the Local Planning Authority. The content of the HCMP shall include the following:

- a) Description and evaluation of habitat types to be created/ managed
- b) Aims and objectives for the creation and/or management of the ecological and wildlife habitats of the Site
- c) Ecological trends and constraints on site that might influence management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions to maintain long-term ecological value and function of the Site including a biosecurity protocol to minimize or remove the risk of introducing non-native species
- f) A protected species mitigation strategy, including habitats to be retained, created or enhanced & associated management measures required by species

- g) Detailed drawings and specifications for the habitats (e.g. vegetation composition and structure and water regimes) and associated structures (e.g. ditches, water control structures)
- h) Preparation of a work schedule (including details and timing of the scheme for the creation, translocation, management of habitat and species mitigation areas & an annual work plan capable of being rolled forward over a five-year period).
- i) Details of the body or organization responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures for habitat attributes and target species.
- k) Site management contact details.

The HCMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The HCMP shall also set out (where the results from monitoring show that conservation aims and objectives of the HCMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved HCMP must be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites and protected species.

13. Prior to the breaching of existing embankments, a recreational pressure plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Public access management plan
- Signage
- Footpath/fence/ditch maintenance
- Management responsibilities

The recreational pressure plan will be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites and protected species

14. No development may be commenced until a Biodiversity Monitoring Strategy for priority habitats and target species, including a post-construction ornithological monitoring programme shall be submitted to and approved in writing by the Local Planning Authority. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be

judged.

d) Methods for data gathering and analysis.

e) Location of monitoring.

f) Timing and duration of monitoring.

g) Responsible persons and lines of communication.

h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the planning authority at the intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites and protected species.

15. The development hereby approved shall be carried out in accordance with the approved fencing layout for permissive paths set out in drawing 'ENVIMSW002130-ATK-00-3AW-DR-C-000032.'

The fencing layout for permissive paths shall be retained for the lifetime of the development.

Reason: In the interest of protected sites, preventing the creation of a circular walk and public safety.

16. Prior to the breaching of existing embankments, a Visitor Monitoring Strategy shall be submitted to and approved in writing by the Local Planning Authority. The content of the statement shall include the method of monitoring and recording; frequency of recording; and the reporting procedure.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites, protected sites and highways safety.

17. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (titled 'The Moors at Arne Coastal Change' produced by Atkins on behalf of the Environment Agency, dated July 2022) and the following mitigation measures it details:

– Embankment crest levels shall be set as stated within the FRA.

These mitigation measures shall be fully implemented prior to use and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interest of flood risk.

18. Prior to the commencement of the development hereby approved a scheme for prevention of pollution during the construction phase shall be submitted to and improved in writing by the Local Planning Authority. The scheme should include details of the following:

- Site security.
- Fuel oil storage, bunding, delivery and use.
- How both minor and major spillage will be dealt with.
- Containment of silt/soil contaminated run-off.
- Disposal of contaminated drainage, including water pumped from excavations.
- Site induction for workforce highlighting pollution prevention and awareness.
- Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

The pollution strategy shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment

19. Prior to first use of the permissive paths, the following works must have been constructed to the specification of the Planning Authority:

- The provision of a new uncontrolled pedestrian crossing on Arne Road as shown on Dwg No ENVIMSW002130-ATK-00-3AW-DR-D-000041 Rev P01.01 (or similar scheme to be agreed in writing with the Planning Authority).
- The provision of the accessible parking spaces shown on Dwg No ENVIMSW002130-ATK-00- 3AW-DR-C-000067 Rev P01 (or similar scheme to be agreed in writing with the Planning Authority).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

20. Before the development commences the following works must have been constructed to the specification of the Planning Authority:

- The provision of the off-site highway works shown on Dwg No ENVIMSW002130-ATK-00- 3AW-DR-C-000033 Rev P02.01 (or similar scheme to be agreed in writing with the Planning Authority).
- The provision of passing place 3 shown on Dwg No ENVIMSW002130-ATK-00-3ZZ-DR-D- 000003 Rev P01.01 (or similar scheme to be agreed in writing with the Planning Authority).
- The provision of passing place 6 shown on Dwg No ENVIMSW002130-ATK-00-3ZZ-DR-D- 000006 Rev P01.01 (or similar scheme to be agreed in writing

with the Planning Authority).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal

21. Prior to the breaching of existing embankments, a Monitoring Strategy for the Furzebrook Valve shall be submitted to and approved in writing by the Local Planning Authority. The content of the statement shall include the method of monitoring and recording; frequency of recording; reporting procedure; maintenance and repair procedures; and procedures should the valve fail.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interest of flood risk.

22. The development hereby approved shall be carried out in accordance with the approved fencing layout set out in drawing 'ENVIMSW002130-ATK-00-3AW-DR-C-000032.'

The fencing layout shall be retained for the lifetime of the development.

Reason: In the interest of protected sites.

23. The development hereby approved shall use vibrational piling instead of percussion piling, wherever possible, to minimise disturbance to birds and other wildlife. Any piling should only occur 2 hours either side of high tide and should utilise soft start techniques to allow for the birds in the vicinity to move away from the site.

Reason: In the interest of protected species.

24. Works, apart from tree and vegetation clearance, must occur between 01 April and 31 August inclusive to avoid disturbing overwintering birds and damage to habitats.

Reason: In the interest of protected species.

Informatives:

1. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.

2. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
3. In addition to any other permission(s) that may be required or may have already been obtained the proposals will also require an Environmental Permit. This is required for flood risk activities for carrying out work in, under, over or near a main river (including where the river is in a culvert), on or near a flood defence on a main river, in the flood plain of a main river, on or near a sea defence. It is also required where the site is a SSSI as in this case. Please contact Blandford.frap@environment-agency.gov.uk with details of permitted works and state your planning application reference.
4. Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.
5. If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to Waste (England and Wales) Regulations 2011.
6. The applicant is advised a copy of the licence for Sand Lizards issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or confirmation in writing from Natural England that such a licence is not required, should be submitted to the Local Planning Authority.
7. Siltation monitoring is required for the site, which falls under the remit of the Environment Agency. The applicant is advised a siltation Monitoring Strategy is required for the site and should be adhered to.

Background Documents:

Case Officer: Naomi Shinkins

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.