

Application Number:	P/FUL/2021/05255
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead, Broadmayne
Proposal:	Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 Given the number and scope of comments from consultees and members of the public, the Head of Planning has requested this application be considered by Planning Committee.

2.0 Summary of recommendation:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

1) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

And subject to the planning conditions detailed at Section 17 of this report.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) the proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

3.0 Reason for the recommendation:

3.1 The proposed SANG is necessary to mitigate the adverse impacts of the associated residential development (P/OUT/2021/05309) on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development outside of the DDB is acceptable. Some policy conflict with the use of best and most versatile agricultural land.
Impact on the setting of the AONB	The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.
Impacts on landscape and local character	The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.
Ecology	The proposals would deliver biodiversity net gains and would mitigate adverse impacts related to the associated residential application to the south of the site through heathland and nutrient mitigation.
Trees	Adverse impacts on existing trees can be avoided.
Impact on amenity	Significant adverse effects on residential amenity would be avoided.
Access and Parking	Parking is appropriate, highway impacts would not be severe and the proposed access is acceptable.
Archaeology	Impacts on archaeology can be appropriately managed through a planning condition securing the implementation of a programme of archaeological work.
Minerals safeguarding	Acceptable subject to conditions.
EIA Regulations	An Environmental Statement is not required.

5.0 Description of Site

- 5.1 The site comprises a 8.9ha rectangular shaped agricultural field to the north of the village of Broadmayne.
- 5.2 The site lies partly adjacent to the existing developed areas of the village with the Defined Development Boundary adjacent to the south eastern boundary along Bramble Drove. The eastern boundary adjoins the A352 and a vehicle access is located in the north east corner of the site. The field immediately to the south is the application site for the associated residential development. All other boundaries adjoin surrounding farmland and are enclosed by hedgerows which form field boundaries.
- 5.3 The site is in arable agricultural use with a pronounced change in levels across the site. Levels fall away to the north and south of a line of mature beech trees which runs east to west across the site. The applicant's Agricultural Land Classifications Report (November 2021) identifies the entirety of the site as comprising Best and Most Versatile Agricultural Land (BMV) of Grade 2 (very good) and Grade 3a (good).
- 5.4 A public bridleway (S9/15) leads west from Bramble Drove into the wider Public Rights of Way network. It runs east to west through the site approximately 30m south of the line of beech trees.

5.5 Approximately 40% of the site falls within the Dorset AONB. The AONB boundary runs north to south through the site and includes the properties of Martel Close (to the south).

6.0 Description of Development

6.1 The application seeks full planning permission to change the use of agricultural land to a Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road. The proposals include an 11 space car park in the south east corner of the site off Broadmead. The SANG would include species rich grass, mown paths, scrub and tree planting, a pond, benches and an information board. A 1.2m fence would follow the southern boundary of the beech trees and the SANG area to the north would be enclosed by a new 1.2m fence. The intention is that the SANG would provide mitigation in respect of adverse impacts on Dorset Heathlands for new residents of the associated proposed residential development to the south of the application site.

6.2. The temporary construction haul road would route from the A352 through the site to the southern boundary. The applicant proposes that the temporary haul road be removed upon occupation of the 70th dwelling, at which point the full extent of the SANG would become available.

7.0 Relevant Planning History

7.1 There is no relevant planning history for the application site.

7.2 The live application for residential development of land to the south for up to 80 dwellings (P/OUT/2023/05309) is associated this SANG application. At the 20 July 2023 Western and Southern Area Planning Committee Members considered that the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent committee meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

7.3 Given the resolution on the associated residential application, the SANG application (this application) was deferred for consideration at the 7 September Western and Southern Area Planning Committee to allow the Officer Report (Appendix 2) to be reviewed.

7.4 In accordance with the Council's Protocol for Councillors and Officers dealing with Planning Matters, correspondence from the Applicant issued to some Members ahead of the 20 July committee has been shared with Officers and added to the council's online Planning Register. The correspondence comprised two documents providing a Committee Briefing Document and an affordable housing note. The Briefing Document noted the provision of a SANG and the community benefits it would provide.

8.0 List of Constraints

Land Outside Defined Development Boundary

Dorset Heath Designation Buffer 5km

Landscape Character Areas: Heath Farmland Mosaic (Crossways Gravel Plateau) and Open Chalk Downland (South Dorset Downs)

Partly within the Dorset Area of Outstanding Natural Beauty (AONB)

Minerals and Waste Safeguarding Area

Groundwater Source Protection Areas

Poole Harbour Nutrient Catchment Area; Poole Harbour

Areas Susceptible to Groundwater Flooding; Clearwater (+75%)

SSSI impact risk zone and 5k buffers (Various)

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines

Rights of Way: Public bridleway (S9/15)

9.0 Consultations

- 9.1 All consultee responses can be viewed in full on the website. A summary is provided below.

Consultees

Natural England

- 9.2 Natural England's consultation response confirms no objection in principle subject to the mitigation measures in respect of the SANG and SAMM being secured in perpetuity. The response notes the phased approach to bring forward the SANG, the first involving the temporary haul road and has no objection to the approach. Natural England confirm that the area of land available and the location and proposed quality of the enhancements to planting and biodiversity proposed are sufficient to allow the authority to be certain that the land will provide the necessary mitigation for the associated residential development in relation to recreational impacts on nearby designated heathland sites. The fencing and hard infrastructure are noted to be at an appropriate level for the intended function of the land and the Phase 2 planting scheme and use of high value fruiting trees are welcomed. Natural England request further details are required to comply with The Conservation of Habitats and Species Regulations 2017.
- 9.3 Following review of Dorset Council's Habitat Regulations Assessment, Natural England advised they concur with the assessment conclusions, provided that all mitigation measures including the ongoing SANG management arrangements and associated costs and the agreed nutrient mitigation measures are appropriately secured in any permission given.

Historic England

- 9.4 Historic England's consultation response confirms Historic England does not wish to offer any comments on the application. Historic England recommend the views of Dorset Council's conservation and archaeological advisors are sought.

Southern Gas Networks (SGN) – No comments received.

Dorset Area of Outstanding Natural Beauty Partnership

- 9.5 Dorset AONB Partnership note guidance within the NPPF and draw attention to what is defined as a 'major' application in the context of NPPF Para. 177 is a matter for the planning authority to evaluate. The response requests the Local Planning Authority to consider whether the proposal could constitute major development within the AONB given the link between the residential element (outside the AONB) and SANG (within the AONB). This assessment is dependent on whether there is a major effect on the character and appearance of the designated areas.
- 9.6 The response notes the statutory purpose of the AONB designation does not require the promotion of recreation as an objective in its own right. However, demand for recreation should be met in the AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. In the case of the SANG, it is considered that subject to a sensitive design, the feature would not be unduly harmful to the character and appearance of the AONB. Furthermore, there may be opportunities to achieve biodiversity enhancements through the management of the site. The AONB Partnership's interest is to ensure that the character of the SANG is compatible with the 'natural' character of the area, which is best achieved through the use of native tree species, minimising surfaced paths and limiting urbanising features, including furniture and lighting. Given that the concept for the SANG appears to be to introduce clusters of native trees and shrubs within a species rich grassland, with mown paths, a limited number of wooden benches and an information board, the AONB Partnership does not consider that the approach would significantly conflict with the landscape and scenic qualities that underpin the area's designation.
- 9.7 The alignment of the temporary haul road appears to have the potential to affect an outlying group of three beech trees (T27g), which the tree survey notes to be in reasonable condition. The group forms a disconnected section of a wider avenue of beech trees to the east that are recognised as a valued landscape feature. Due to the proximity of the haul route, it is necessary to clarify the method that will be used to safeguard the roots of the trees and any overhanging branches.

Dorset Police - Crime Prevention Design Engineers – No comments received.

Planning Policy

- 9.8 The Planning Policy Team identify the relevant policies for the site and comment on the principle of development and the 'major development test' for development within AONB.
- 9.9 Policy SUS2 restricts development outside DDBs to a limited range of uses. Consider the SANG complies with Policy SUS2 in that it represents recreation or leisure-related development outside of the development boundary.

- 9.10 Given the related SANG site falls within AONB, the response recommends consideration is given to whether the combined residential and SANG proposals constitute 'major development' under Para. 177 of the NPPF.

Landscape

- 9.11 The Landscape Officer supports the principle of the location of the SANG.
- 9.12 Note the planting design of the area should reflect the openness of the existing rural character of the wider chalk landscape setting. Consider the scattered placement of trees shown on the soft landscaping proposals does not adequately reflect the open character and that the design requires more careful placement of tree groupings which are focused more towards the boundaries particularly to the east and south east to maintain future openness. Recommend some changes to tree species and note the circular path should connect to and include improvements to the existing bridleway.

Urban Design

- 9.13 The Urban Design Officer supports the proposed location of the SANG and notes the approach could successfully facilitate the circular nature trail subject to comments on connectivity. Notes the nature trail has strong support within the village as documented within the Broadmayne Parish Plan.

Natural Environment Team (NET)

- 9.14 NET note the proposed SANG should adequately mitigate against the local heathlands when assessed against the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document. NET make a series of recommendations for the detailed design and management of the SANG and haul road.
- 9.15 The response recommends consultation with Dorset AONB Partnership and Natural England. It also notes the proximity to European Wildlife Sites, SSSI and within 5km of designated heathland.

Highways

- 9.16 No objection to the principle of using the existing access onto the A352 for construction or to the temporary formation of a construction haul road. Note the access has policy compliant visibility splays for the speed of the road.
- 9.17 Request planning conditions related to: construction vehicle access; access and haul road details; and visibility splays.

Lead Local Flood Authority

- 9.18 No objection. Note the conditions recommended in relation to the associated outline planning application do not need to be imposed on the SANG. Surface water

considerations associated with the SANG are adequately explained within the supporting documents.

Minerals and Waste Policy

9.19 There is potential for sand and gravel under part of the site falling within the Mineral Safeguarding Area as designated by Policy SG1 of the Minerals Strategy 2014. It is expected that it may be possible for some mineral to be removed from the site and re-used in some capacity as part of the SANG proposals or associated housing site should permission be granted. Planning condition seeking re-use of sand and gravels recommended.

Trees – No comments received.

Economic Development and Tourism – No comments received.

Archaeology

9.20 Following liaison with the Applicant's archaeological consultant, and noting the potential for archaeological remains on the site, the council's archaeologist raises no objection subject to conditions.

Public Rights of Way – Senior Ranger

9.21 No objection. Note the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route. Recommend a speed limit for the haul road.

Public Rights of Way – Strategic Access Development

9.22 The Strategic Outdoor Access Development Officer provided a response in respect of PRow and countryside access matters. The Officer notes PRow S9/15 through the SANG site would be affected by the development and its character would change from crossing an open field to running adjacent to the residential development. The response requests further details and clarifications and notes that increased footfall and cycling on Bridleway 19/15 and the wider PRow network should be considered to ensure it functions effectively as a bridleway and better integrates with the development. Concerns raised with construction of the haul road across the PRow and request planning conditions to mitigate impacts.

Broadmayne Parish Council

9.23 Broadmayne Parish Council object to the proposal and raise the following points related to the SANG:

1. The need for the SANG and haul road is wholly dependent on the granting of permission for the residential development. Request that the residential application is determined prior to the SANG application;
2. Concerns with highway impacts from additional vehicle movements associated with SANG visitors;

3. Note the haul road is proposed as a direct result of concerns about construction traffic expressed by the public during the applicant's consultation exercise. Raise safety concerns in relation to the access of the haul road from the A352 access and the crossing over bridleway S9/15. Raise highway concerns associated with construction following closure of the temporary haul road;
4. Request detailed planting regime and management compatible with the soil and landscape type potentially including meadow grassland;
5. Request creation of a further bridleway is considered parallel to the A352 to link the SANG to Bridleway S9/12 at Sunnymead in order to address existing safety concerns associated with walking or riding on the A352.

9.24 Broadmayne Parish Council note their objection to the SANG would not stand if the residential proposals are approved.

Winterborne and Broadmayne Ward Councillors – Roland Tarr

9.25 Request that the applications be considered by Planning Committee. Note support to Broadmayne Parish Council's comments and states the Local Plan should be adhered to given Broadmayne is a small village adjoining the Dorset AONB. The village Infrastructure for active travel across the village and to places of education and work such as Dorchester is currently unsatisfactory and dangerous and a certain amount of public and/or private investment, goodwill and discussion with other stakeholders in the area would be required to rectify this problem.

West Knighton Parish Council – No comments received.

Whitcombe Parish Council – No comments received.

Representations Received

9.26 At the time of writing 49 representations have been received. Of these 43 comprise objections and 6 make comments. It should be noted that in a number of instances multiple representations have been submitted by the same residents. These representations have been taken into account fully and carefully in assessing the proposal. In summary, the following key themes of the representations are as follows:

Topic	Comments
SANG	
Principle	- SANG is not required. - Loss of agricultural land.
Local Character	- Harm to local character.
Highways and parking	- SANG will increase road traffic and footfall in Broadmead. - Highway safety concerns with proposed haul road, including crossing public rights of way. - Location of proposed access is inappropriate. - Parking should be located by A352
Ecology	- Loss of habitat.

Trees	- Loss of trees due to construction of haul road.
Climate Change	- Associated carbon emissions of visitors using cars.

10.0 Relevant Policies

Development Plan

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. The following policies are considered to be relevant to this proposal:

West Dorset and Weymouth & Portland Local Plan (2015) (LP) Policies

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV8 - Agricultural land and farming resilience
- ENV10 - The landscape and townscape setting
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking standards in new development

Bournemouth, Dorset and Poole Minerals Strategy (2014)

- SG1 - Mineral Safeguarding Area

Other Material Considerations

Emerging Dorset Council Local Plan

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.

National Planning Policy Framework (NPPF)

Relevant NPPF sections include:

- Section 4. Decision-making: 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 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Section 12 'Achieving well designed places.'
Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).
- 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). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 SPD (2006)

Nitrogen Reduction in Poole Harbour SPD (2017)

West Dorset Planning Obligations SPD (2010)

West Dorset Design & Sustainable Development Planning Guidelines (2009)

West Dorset Landscape Character Assessment (2009)

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

12.1 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:

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

12.2 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.

12.3 Paths within the SANG would comprise 3-4m wide mown paths. This may cause challenging surfacing conditions for wheelchair users, people with mobility issues and people pushing buggies. However, due to the contours and countryside location of the site partially within the Dorset AONB on site hard standing areas are not desirable as these would erode the openness and the ecological value of the site.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Quantum of open space	SANG: 8.9ha
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains.
Non-Material Considerations	
N/A	N/A

14.0 Climate Implications

14.1 The proposed development will bring benefits from a climate perspective by providing a suitable recreation area within close proximity to Broadmayne thereby minimising impacts upon protected heathlands and reducing the need to use motorised vehicles for outdoor recreational activity.

15.0 Planning Assessment

Principle of development

Development outside DDB

15.1 Policy SUS2 establishes that new recreational development is acceptable in principle having particular regard to the need for the protection of the countryside and environmental constraints.

15.2 The provision of the SANG would be required to mitigate the adverse effects of new residents within the associated residential application to the south of the site. This is required given the increase in dwellings within 5km of protected heathlands.

15.3 The guiding principle of The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) is that there should be no net increase in urban pressures on internationally important heathland as a result of additional development. The SPD facilitates the delivery of mitigation measures for the heathlands in ways consistent with national and local planning policy. For large greenfield sites and urban extensions, the expectation is that SANGs will be provided as part of the avoidance and mitigation strategy.

15.4 The supporting text to Policy ENV2 explains that in the case of large scale development, a bespoke mitigation package agreed with Natural England including the delivery of a SANG is required for developments within 400m and 5km of protected heartland. Mitigation measures are expected to be provided in perpetuity and operational before the occupation of new development.

15.5 The SANG is intended to be delivered in two phases. The first phase of the SANG (including the temporary haul road) would be delivered prior to occupation of any dwellings within the associated residential development to the south. Prior to occupation of the 70th dwelling, the temporary haul road would be removed and the remainder of the SANG would be created.

15.6 The SANG is appropriately located to serve the associated residential development to the south and Natural England has confirmed that it is possible for the proposed SANG to provide mitigation for the associated dwellings. The principle of the development in order to mitigate the associated residential development is acceptable.

Loss of Agricultural Land

15.7 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).

15.8 A number of objections raise concerns with the loss of agricultural land and highlight concerns with food security. The site is currently in arable agricultural use and is assessed as comprising Grade 2 (very good) and Grade 3a (good) agricultural land. The entirety of the 8.9ha site therefore comprises best and most versatile agricultural land (BMV). Given the SANG would be required to be secured in perpetuity, the proposals would result in the loss of 8.9ha of agricultural land and the associated economic and food security benefits associated with food production.

15.9 In relation to the associated application for residential development, the submitted Agricultural Land Classification Report makes the case that there are no obvious areas of poorer quality agricultural land on the periphery of Broadmayne and therefore any expansion of Broadmayne would result in the loss of some BMV. This argument is accepted. However, given the Council is able to demonstrate a 5YHLS and large scale expansion of Broadmayne does not form part of the strategy, there is considered to be sufficient housing land available to negate the need to develop the adjacent site for housing and the application site for a SANG. Accordingly, the loss of agricultural land therefore conflicts with Policy ENV8 of the Local Plan and the clear preference of the NPPF. However, members indicated at the July 2023 meeting of the Southern and Western Area Planning Committee that in considering the associated outline planning application for residential development they were minded to support the proposed development and as such the provision of the SANG would be necessary to mitigate the adverse impacts of the residential development.

Impact on the setting of the AONB

15.10 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for 'major development' (defined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

15.11 Approximately 40% of the site falls within the Dorset AONB. The associated residential application falls entirely outside of the AONB. However, given the applications would be linked via a Section 106 Agreement it is necessary to consider whether the combined proposals would represent major development for the purposes of NPPF Para. 177.

15.12 Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the AONB is not considered to be major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development.

15.13 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application which considers the impact of the proposals on the setting of the AONB. Dorset AONB Partnership consider that subject to a sensitive design, the SANG would not be unduly harmful to the character and appearance of the AONB.

15.14 The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.

Impacts on landscape and local character

15.15 The proposals have been amended over the course of determination to respond to comments from the Landscape Officer and Natural Environment Team (NET).

15.16 Specifically, the soft landscaping has been revised to reflect the openness and existing rural character of the landscape setting. The tree planting has been revised to provide smaller tree groupings which are positioned closer to the boundaries of the site and to the north of the existing bridleway.

15.17 The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.

Ecology

Biodiversity and heathland mitigation

15.18 As an agricultural field, the site currently provides modest ecological value. The ecological value of the site would be improved through: the provision of species rich grassland; scrub and tree planting; and the creation of a pond.

15.19 The proposed drawings identify the provision of 86 trees and over 2,300 shrubs across the site. Whilst much of the planting is required for provision of the SANG, the works would deliver a biodiversity net gain.

15.20 As noted above, the SANG is required to mitigate adverse impacts on heathland. The Dorset Heathlands 2015-2020 SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the SANG would form a HIP in order to mitigate the associated residential development to the south.

15.21 The SANG provision is approximately 9 hectares, and results from the requirements and guidance of the Dorset Heathlands 2015-2020 SPD. Appendix E of the Dorset Heathlands SPD contains guidelines for the quality of SANGs and includes a checklist of requirements, such as the provision of vehicle parking arrangements; pedestrian access; the design and length of walking routes; the provision of signage; advertising of the SANG to ensure members of the public are aware of it; inclusion of habitats; ensuring sites have a semi-natural character; connections to the public right of way network; and the provision of adequate space for the exercise of dogs.

15.22 Natural England is satisfied that the proposals are sufficient to meet the requirements of the SPD and to ensure the SANG is useable by those who will occupy the proposed development. The proposed SANG is within walking distance of the associated development and would also contain visitor parking spaces.

15.23 SAMM, which forms the second strand of the strategy, requires that contributions be secured from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries. Within West Dorset SAMM is paid for through CIL.

15.24 A S106 legal agreement would secure the implementation, maintenance and management of the proposed SANG area and the payment of a SANG Step In Contribution (to safeguard the Council against deficiencies in the owner's management)

15.25 A Habitat Regulations Assessment of the proposal concluded that, with the above mitigation secured the development will not result in an adverse effect on the integrity of the designated sites so in accordance with Regulation 70 of the Habitats Regulations 2017 planning permission can be granted.

Poole Harbour

15.26 The associated residential development site falls within the catchment area of Poole Harbour, an internationally protected site.

15.27 The associated residential development to the south has the potential to result in adverse impacts on water quality via enrichment, given the addition of up to 80 new dwellings.

15.28 The submitted Nutrient Neutrality Technical Note assesses the residential and SANG applications in combination and concludes that the development would be nutrient neutral through the provision of off-site mitigation and the removal of land from agricultural use (including the SANG site). Dorset Council is satisfied that the associated residential proposal would not result in an adverse effect on the Poole Harbour. This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. Subject to securing the mitigation, the proposal would therefore accord with Policy ENV2, of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Trees

15.29 There is potential for adverse impacts on trees through the construction works associated with creation of the SANG and provision and use of the temporary haul road. A planning condition requiring an Arboricultural Method Statement is necessary to ensure adverse impacts on trees are avoided.

Impact on amenity

15.30 Residential properties are located in close proximity to the south east of the site and adjacent to the proposed car park off Broadmead. Given the nature of the proposed use, the proposed development would not have a significant adverse impact on residential amenity.

15.31 The proposed haul road would reduce adverse construction impacts associated with the related residential development by routing construction vehicles through the SANG site rather than via Broadmead. This would assist in minimising adverse construction impacts during the majority of the construction period until access from Broadmead is required (following occupation of the 70th dwelling). Nevertheless, with appropriate planning conditions in place to secure good construction management (including a Construction Traffic Management Plan and Construction Environmental Management Plan) the alternative routing of construction vehicles via Broadmead is not considered to result in significant adverse effects on residential amenity. Therefore the requirement for the haul road to be utilised is not necessary to make the development acceptable in planning terms and cannot be mandated.

15.32 Overall, there would be no significant adverse impacts on residential amenity and the proposals comply with Policy ENV16.

Access and Parking

15.33 The proposal is primarily intended to serve the local community. An existing public Right of Way (bridleway S9/15) runs through the site. The Senior Ranger raises no objection subject to the existing public right of way remaining open and available to the public, with no materials or vehicles stored on the route. This matter could be controlled via a suitably worded planning condition.

15.34 Whilst the SANG is anticipated to be used primarily by the new residents of the associated residential development and existing residents within Broadmayne, a small parking area is proposed to enable increased access and useability of the site by visitors. The provision would not result in insignificant traffic movements. The Highways Authority raises no

objection to the proposals and notes that the proposed haul road access is suitable from a highway safety perspective subject to conditions. The Highways Authority does not require construction traffic to utilise the haul road.

Archaeology

15.35 The site is not a Scheduled Ancient Monument (SAM) and does not have any archaeological designations. However, the site has high potential for archaeological remains as noted within the Applicant's Archaeological Evaluation Report and Archaeological and Heritage Assessment.

15.36 The Council's Archaeologist has commented that due to the potential sensitivity, an examination of the archaeological potential of the site is necessary before development can proceed. This is required to include archaeological fieldwork together with post-excavation work. Subject to a planning condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation the proposal is acceptable from an archaeological perspective.

Minerals safeguarding

15.37 Part of the site is designated as a Mineral Safeguarding Area (MSA) and identified as having potential for sand and gravel. Within MSAs, Policy SG1 of the Minerals Plan seeks to avoid sterilisation as far as possible and encourages prior extraction where practicable.

15.38 The Minerals Planning Authority recommends that the feasibility of extraction is investigated via a method statement. Subject to the imposition of the recommended condition, the proposed development would be acceptable from a minerals safeguarding perspective.

EIA Regulations

15.39 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an Environmental Statement is not required in this instance.

16.0 Conclusion

16.1 Whilst there would be some conflict with Policy ENV8 objective of steering development towards areas of poorer quality agricultural land, the SANG is necessary to mitigate the adverse impacts of the associated residential development on Dorset Heathlands and is a suitable location immediately adjacent to the residential development. It is considered that the benefit of mitigating the adverse impact of the residential development and therefore the provision of housing and in particular 45% affordable housing in a moderately sustainable location outweighs the loss of the agricultural land. Weight can also be attached to the biodiversity net gain that can be secured.

16.2 Accordingly, the application is recommended for approval subject to the Section 106 heads of terms and planning conditions noted below.

17.0 Recommendation

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

Planning conditions:

Time Limit

1. The development to which this permission relates must be begun not later than the expiration of five 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 (as amended).

Approved Plans

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

- Location Plan (ref: 21031-P001 Rev A)
- Indicative Site Layout Proposal (ref: 21031-003 Rev D)
- Phase 1 SANG: Soft Landscape Proposals (ref: edp7097_d016e)
- Phase 2 SANG: Soft Landscape Proposals (ref: edp7097_d013f)
- Proposed Broadmead Site Access General Arrangement (ref: 23054-04-6 Rev B)

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

Arboricultural Method Statement

3. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- i) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- ii) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- iii) a schedule of tree work conforming to BS3998;
- iv) details of the area for storage of materials, concrete mixing and any bonfires;
- v) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- vi) details of any no-dig specification for all works within the root protection area for retained trees;
- vii) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

Access details

4. A scheme showing precise details of the access from the A352 must be submitted to and approved in writing by the Local Planning Authority prior to use of the access commencing for construction purposes. Thereafter the access shall be constructed in accordance with the approved details.

Reason: To ensure that a suitable vehicular access is provided.

Haul road details

5. A scheme showing precise details of the haul road identified on Phase 1 SANG: Soft Landscape Proposals drawing (ref: edp7097_d016e) and programme for use must be submitted to and approved in writing by the Local Planning Authority prior to construction of the haul road and use of the haul road commencing for construction purposes associated with the linked residential development to the south (ref: P/OUT/2021/05309). Thereafter the haul road shall be constructed in accordance with the approved details and maintained for the duration of the specified programme. Thereafter the haul road shall be removed.

Reason: To ensure that a suitable vehicular access is provided.

Vehicle Access Construction

6. Before the development is first utilised the first 20 metres of the vehicle access from Broadmead, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

Visibility Splays

7. Before the development hereby approved is first utilised the relevant visibility splay areas as shown on drawing 23054-04-6 Rev B must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

Minerals

8. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during any site reparation/construction works shall be

submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:

- i) A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
- ii) An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
- iii) A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

Archaeological Method Statement

9. No works shall take place until an Archaeological Method Statement identifying how the D-shaped enclosure (No. 1) and possible barrow (No. 2) identified at drawing KTD-DJS-Fig11 and KTD-DJS-Fig14 of the Archaeology and Heritage Assessment dated November 2021 (ref: edp7097_r002d) would be protected during the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall proceed in strict accordance with the approved Archaeological Method Statement.

Reason: To safeguard potential archaeological interests on the site.

Informatives

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309).

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

3. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Development, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

4. Informative: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

5. Informative: Contact Dorset Highways

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) the proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).