

Application Number:	P/FUL/2024/05538
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Weymouth Harbour, Weymouth, DT4 8AJ
Proposal:	Replacement and strengthening of harbour walls F and G through installation of new sheet pile walls in front of the existing walls, for the portion of the new wall where it is located above the mean low water mark, tie bar extension and ground works, works to the footpaths, creation of open space along with ancillary works.
Applicant name:	Dorset Council
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Orrell

1.0 Reason for Planning Committee Consideration

1.1 This application is being re-reported to planning committee due to proposed changes to planning conditions which were resolved at the 23 January 2025 Western and Southern Area Planning Committee.

2.0 Summary of Recommendation

2.1 Delegate authority to the Service Manager for Development Management and Enforcement and the Development Management Area Manager for the Southern and Western Team to grant planning permission subject to:

1. receiving written confirmation from the Marine Management Organisation that the parallel marine licencing application secures appropriate mitigation and compensation for marine ecology; and
2. the planning conditions at Section 7 of this report.

3.0 Background and assessment

3.1 At the 23 January 2025 Western and Southern Area Planning Committee Members resolved to grant planning permission for this application subject to planning conditions and receiving written confirmation from the Marine Management Organisation (MMO) that the parallel marine licencing application secures appropriate mitigation and compensation for marine ecology. The earlier Committee Report and Update Sheet is included at **Appendix 1**.

3.2 The January 2025 Committee Report noted at Paragraph 16.47 that a Habitat Management and Monitoring Plan (HMMP) would be required at the pre-commencement stage for Intertidal Green and Grey Infrastructure and that ongoing monitoring and management should be secured within a Section 106 Agreement.

3.3 Since the committee meeting, officers have explored securing the ongoing monitoring and management via a Section 106 Agreement (Unilateral Undertaking). However, as the applicant and Local Planning Authority is Dorset Council, colleagues in the Council's legal team advise that a Unilateral Undertaking is not an appropriate mechanism for securing ongoing monitoring and management.

3.4 This report outlines the proposed alternative mechanism for securing ongoing monitoring and management via planning conditions. The report sets out a revised recommendation with two new planning conditions.

3.5 Unless otherwise stated, all other matters set out in the 23 January 2025 Committee Report and Update Sheet relating to: the description of the site, proposed development, planning history, constraints, relevant policies, human rights, public sector equalities duty, benefits and environmental implications remain unchanged. The report and Update Sheet are provided at **Appendix 1** for ease of reference.

4.0 Consultations

4.1 No further consultation has been carried out and no additional comments have been received.

5.0 Material Planning Considerations

5.1 On 7 February 2025 MHCLG published an amended version of the NPPF. The amended version corrects cross-references from footnotes 7 and 8, and amends text at Paragraph 155 related to Green Belt development. The changes are not relevant to the determination of this planning application.

6.0 Planning assessment

Biodiversity Net Gain

6.1 The significant onsite habitat for which management and maintenance of over a 30 year period needs to be secured is limited to a grey/green wall feature. Management and maintenance would ordinarily be secured via a post-determination Section 106 Agreement and a Habitat Management and Monitoring Plan (HMMP), submitted pursuant to the standard BNG condition where significant on-site BNG is proposed.

6.2. However, as Dorset Council (as Local Planning Authority) cannot enter into a Section 106 Agreement with itself (as applicant), two additional planning conditions are proposed as an alternative mechanism to secure the significant onsite habitat. In summary, these conditions seek to secure:

- Condition 14 – Habitat Management and Monitoring Plan: HMMP to be agreed before commencement of the development. The HMMP shall include the detailed scope listed at Section 7 of this report, including: iv) management measures to maintain the habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of the habitat and enhancement works as set out in the HMMP; and v) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

- Condition 15 – Notice and completion report: Notice to be given to the Local Planning Authority within one month of the habitat creation and enhancement works as set out in the approved HMMP being completed and a completion report evidencing completion of the habitat enhancements to be provided.

6.3 The necessary monitoring fee for monitoring of the created habitat by the Local Planning Authority would be obtained by internal transfer from the relevant Dorset Council service to the Local Planning Authority. The monitoring figure would be calculated following agreement of the HMMP.

6.4 Subject to these additional conditions, the proposed development is considered acceptable and is recommended for approval.

7.0 Recommendation

7.1 Delegate authority to the Service Manager for Development Management and Enforcement and the Development Management Area Manager for the Southern and Western Team to grant planning permission subject to:

1. receiving written confirmation from the Marine Management Organisation that the parallel marine licencing application secures appropriate mitigation and compensation for marine ecology; and
2. the following planning conditions:

7.2 For ease of reference, the recommended changes to the planning conditions resolved at the 23 January 2025 Western and Southern Area Planning Committee are shown in **bold and underlined**.

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 (as amended).

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

DR-PL-0001 P02 Application site boundary

DR-PL-0002 P03 Site location plan

DR-PL-0004 P03 New site structures, general arrangement

DR-PL-0005 P02 Landscape design layout plan and site sections

DR-PL-0006 P01 Capping Beam Elevations Wall G Cantilevered

DR-PL-0008 P01 Landscape Design Strategy Plan

DR-MP-0102 P05 Demolition plan

DR-MP-0200 P03 Wall F Anchored-Sheet pile general arrangement 1 of 2

DR-MP-0201 P03 Wall F Anchored-Sheet pile general arrangement 2 of 2

DR-MP-0202 P03 Wall G Anchored-Sheet pile general arrangement 1 of 2

DR-MP-0203 P03 Wall G Anchored-Sheet pile general arrangement 2 of 2

DR-MP-0204 P03 Wall G Cantilevered- Sheet pile general arrangement 1 of 2

DR-MP-0205 P03 Wall G Cantilevered- Sheet pile general arrangement 2 of 2

DR-MP-0210 P02 Wall F Anchored-Sheet pile elevation

DR-MP-0211 P04 Wall G Anchored-Sheet pile elevation

DR-MP-0220 P02 Sheet Pile Typical Section Walls F & G Anchored

DR-MP-0221 P03 Wall G Cantilevered-Sheet pile sections

DR-MP-0222 P06 Sheet Pile Typical Section Wall F Pile Ring

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

3. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- a) Construction vehicle details (numbers, sizes, type, and frequency of movement per day).
- b) A programme of construction works for anticipated deliveries by HGV and barge.
- c) A framework for managing abnormal loads.
- d) Timing of deliveries to avoid, where possible, network peak hours 08:00-09:00, 17:00-18:00, as well as interpeak for the tourist season.
- e) A Banks person / Marshall will be required and positioned at the zebra crossing near the junction leading to the site / compound ensuring all vehicles and deliveries drive at a slow speed due to pedestrian movement in and around that area.
- f) Public to be safely segregated from works.
- g) Wheel and Vehicle cleaning facilities.
- h) A scheme of appropriate signing of vehicle route to the site from the surrounding highway network i.e. the A35.
- i) Swept path analysis detailing the ingress, internal layout circulation routes and egress of the largest vehicle.
- j) Temporary traffic management measures where necessary

- k) Potential for any staff/contractors/operatives to use local sustainable transport or car share/minibus pick up and drop offs.

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.

- 4. Before the development hereby approved commences a scheme for the parking for site operatives and visitors within the application site area must be submitted to and approved in writing by the Planning Authority. The approved scheme shall be provided and adhered to throughout the construction period of the development.

Reason: To minimise the likelihood of indiscriminate parking on the surrounding highway network.

- 5. Any lighting and/or floodlighting during construction must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Details of any proposed external lighting shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, external lighting shall be installed as approved.

Reason: To ensure that drivers aren't dazzled or distracted by the light.

- 6. Before the development hereby approved is utilised the following works must have been constructed to the specification of the Planning Authority:

- i. Footway works as per landscape design layout plan and site sections A1 to C drawing PL-0005 P02.

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.

- 7. Prior to the commencement of any works of demolition or construction, a dust and airborne particle management plan, characterising possible sources of dust and airborne particulate matter (including sand) which may be created by any aspect of the operation, and identifying any mitigation measures which may be

necessary to reduce dust and airborne particles as much as practicable must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved management plan for the duration of the construction.

Reason: In the interests of residential amenity and to protect members of the public from dust/airborne particulate matter during construction.

8. Prior to commencement of above ground construction works, details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) A statement setting out the design objectives and how these will be delivered;
 - b) Earthworks showing existing and proposed levels and contours;
 - c) Means of enclosure and retaining structures;
 - d) Boundary treatments;
 - e) Vehicle parking layouts;
 - f) Other vehicle and pedestrian access and circulation areas;
 - g) Hard surfacing materials and construction details;
 - h) The location and construction details of furniture, refuse units, features and signs;
 - i) The location of proposed and existing functional services above and below ground;
 - j) Retention of Pleasure Pier sign;
 - k) The location and construction details of any lighting/floodlighting;
 - l) A specification for any proposed seeding/turfing, tree, and shrub planting including their quantity, size species and position, how they will be planted, protected and maintained, and the proposed time of planting;
 - m) A programme of implementation including phasing where relevant.

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

Reason: To ensure the adequate mitigation of the landscape and visual impact of the proposals and the provision of an appropriate hard and soft landscape scheme which retains non designated heritage assets.

9. Prior to commencement of above ground construction works, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure that the management and maintenance of the proposed hard and soft landscape scheme has been agreed.

10. The landscape works shall be carried out in accordance with the approved hard and soft landscape scheme and the implementation programme before any part of the development is brought into use.

Reason: To ensure that the agreed hard and soft landscape scheme is implemented as approved.

11. The completed landscaping scheme shall be managed and maintained in accordance with the approved management plan. Any seeded/turfed areas, trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with seed/turf, trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained for the lifetime of the development.

Reason: To ensure that the agreed hard and soft landscaping scheme is maintained.

12. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

13. Prior to the removal of the existing railings and Pleasure Pier Sign, a Level 1 Historic Building Record shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To record matters of architectural/historical importance associated with the non-designated heritage assets within the site prior to removal.

- 14. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:**
- i. A non-technical summary;**
 - ii. The roles and responsibilities of the people or organisation(s) delivering the HMMP;**
 - iii. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan and a timetable for implementation;**
 - iv. The management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of the habitat and enhancement works as set out in the HMMP;**
 - v. The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.**

Thereafter the development shall be carried out, along with the management and monitoring of habitat, in accordance with the approved HMMP.

Reason: In the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

- 15. Notice in writing shall be given to the Local Planning Authority within one month of the completion of the habitat creation and enhancement works as set out in the approved HMMP. The notice shall include a Completion Report evidencing the completed habitat enhancements.**

Reason: In the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

Informatives

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

2. Informative: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

3. Informative: Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

4. Informative: Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

5. Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

6. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

7. Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

8. Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

9. Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

5. Informative: Noise

The applicant is advised to carefully acquaint with and act on the advice in WSP Technical Memorandum on noise and vibration (reference 70094412-ACO, dated 7 August 2024). This will ensure the detailed scrutiny of noise and vibration management that this project necessitates. Utilising the services of a suitably qualified and competent noise and vibration consultant to take technical noise and vibration aspects forward is likely to be essential. Failure to follow the above advice may lead to unnecessary community impact from this project, and regulatory action by the council's Environmental Protection Team.

6. Informative: Highway Improvement(s)

The highway improvement(s) referred to in condition 6 must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Highways Development team. They can be reached by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.