

The Dorset Heathlands Planning Framework 2012-2014 – Supplementary Planning Document Consultation Draft
Schedule of Representations

	Date	Name	Organisation	Comment	Officer Response
1	02/03/2012	Martin Tuckey		<p>General</p> <p>It is good to see the positive and worthwhile proposals in the draft planning document. I would like to make a couple of suggestions regarding Upton Heath/Upton Country Park access if it is not too late to do so.</p> <p>Phase 3 of Upton Heath Estate and Woods proposes improvement of the railway line north of Poole Road, presumably between Poole Road up towards the Upton Bypass. Does this proposal include improved access across the bridge to link back up with the railway line north of the bypass and across Upton Heath? If not, perhaps this could be a consideration to provide an excellent link.</p> <p>Is there any consideration to improve the railway route <i>south</i> of Poole Road with access to Blandford Road near the double arches (close to the Turlin Moor junction)? This would provide an excellent traffic free route from Upton Heath/Poole Road to Hamworthy and an alternative route to Upton Country Park. There is of course pedestrian access via a boardwalk to the trialway that leads to Upton Country Park (behind Allens Road/Factory Road) but no provision for bicycles. The link could either be an improvement to the current pedestrian access or to open up the overgrown railway line further south with a ramp down towards the trailway that starts at the double arches (behind Lidl). Perhaps you could please clarify whether this proposal would be within the scope of the consultation or if it needs to be addressed to a different department.</p> <p>Lastly, as a keen naturalist and a whole time firefighter, it is good to see fire access improvements taking place at Upton Heath.</p>	These aspects can be considered as part of the detailed planning of Upton Country Park and links to/from it.
2	05/03/2012	Janet Healy	Friends of Uddens & Cannon Hill Woodlands	<p>Question 1</p> <p>No, as long as some of the following comments are incorporated in it.</p>	None required
				<p>Question 2</p> <p>Most of the list seems satisfactory but for the absence of any reference to the Uddens and Cannon Hill Plantations.</p> <p>The previous Dorset Heathlands Interim Planning Framework (2010-2012) had project 3 covering the Uddens and Cannon Hill Plantations. This project was to make it more attractive in order to divert visitors from Whitesheet and Holt Heath into this area of recreational woodland instead. Apart from being put forward by the LAs as a project to protect the heathlands, the same area was put forward by the Forestry Commission as an area for gravel extraction so compromising the ability of this area as a project for heathland mitigation.</p>	Unfortunately the Forestry Commissions proposal did not meet the criteria that would support funding of the Uddens and Cannons Hill project.

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				<p>At the moment the gravel extraction is just simmering in the background but is not an immediate threat.</p> <p><u>CURRENT THREAT TO UDDENS AND CANNON HILL AS AN AREA OF MITIGATION</u></p> <p>There is now a much more serious threat to the use of Uddens and Cannon Hill as a 'honey spot' to attract visitors away from Holt Heath and Ferndown Common.</p> <p>The Dorset Wide Gypsy, Traveller and Travelling Showpeople Consultation has put forward the triangle of Uddens woodlands, south of the A31, as a potential transit site for 25 pitches. If the Government's 2008 guidelines for 'Designing Gypsy and Traveller Sites' are followed, then each of the 25 transit pitches will include: 2 areas of hard standing for a mobile home and trailer, a further 2 areas of hard standing for trucks/cars and a utilities block.</p> <p>Together with 'privacy space', 'fire safety space' and children's play areas, this will take almost half of our Uddens recreational space.</p> <p>THE GENERAL CONCENSUS IS THAT VISITORS PERCEPTION OF THE SITE WILL BE AS A THREAT TO THEIR SECURITY AND THEY WILL NO LONGER USE THIS AREA, OR THE CASTLEMAN TRAILWAY THAT LINKS TO THE WIDER AREA THE OTHER SIDE OF THE A31.</p> <p>The potential impact on the entire area will be devastating, we are only just learning the full implications.</p> <p><u>HORSE AND RIDERS</u></p> <p>See the attached scan.</p> <ul style="list-style-type: none"> • All the areas outlined in red are fields used for the grazing of horses. Most of the fields are split into a number of paddocks containing 1 or 2 horses. According to the British Horse Society, the Wimborne District Riding Club has 350 members. (This would include people from Corfe Mullen as well as Longham and Stapehill.) Of course not all riders would be members. • The horses and riders from Parley, Dudsbury and Longham have quite a direct route to Uddens through Pompeys Lane and Sandy Lane. They do not have to ride on Ferndown Common because they have an alternative area to ride in. Obviously some will go on the common, but if all the horse and riders used it all of the time, the degradation would be appalling. It is a very fragile heath. • If these riders perceive a threat to themselves and/or their horses from riding in such close proximity to the proposed transit site, and with the added fear of a guard dog getting loose, then they will not use Uddens and Cannon Hill for their recreational use. Instead they will have no alternative but for Ferndown Common. • For the horse riders closer to the proposed site at Uddens who use the softer paths as a canter track, these will be lost as the transit site will cover them. 	<p>The G&T DPD is still at an early stage and there will need to be an agreed approach between both the G&T and Heathland DPD. This is not for the SPD to determine.</p>

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				<ul style="list-style-type: none"> The real fear is that these riders and those just to the north of the A31, will avoid riding anywhere close to the proposed transit site and instead will head towards Holt Heath as a more comfortable alternative. The route to Holt Heath is very simple. Straight up through the plantation, across Pilford Lane and down Uddens Drive to Clayford. An alternate route is from the car park off Uddens Drive just north of the A31, across Uddens Drive and through Uddens forest to Clayford. <p><u>DOG WALKERS</u></p> <ul style="list-style-type: none"> The loss of Uddens woodlands, south of the A31, has the potential to force dog walkers onto Holt Heath. This would be both a threat to ground nesting birds as well as increasing erosion and soil enrichment. There is nowhere much to park at Cannon Hill, Whitesheet has a more suitable car park. It is very possible that people who drive to Uddens, may well stay in their cars and drive round to Whitesheet rather than just to Cannon Hill, especially as the car parks are close to the A31 and again they may perceive an increased threat to a parked car so close to a transit site. Others who currently walk to Uddens may have to drive elsewhere or stop walking. A 2-day survey, to show the use of the Uddens triangle south of the A31, was taken in January 2012. Information was collected showing how many times a day/week people walked/rode etc on the site. THE TOTAL DISPLACED VISITS BY THOSE SURVEYED WAS 604. <p><u>THE STOUR VALLEY PATH FROM CANFORD BOTTOM TO WIMBORNE</u> Please see the photograph showing the mud and water during a dry winter. The only way walkers could use this path was by trespassing onto fishing grounds after someone kindly rolled back the barbed wire. The path got so bad some walkers had to seek an alternate place to walk. We believe the terrible mud was caused in part by farm machinery, but also through extra use as walkers avoided Cannon Hill and Uddens due to Forestry harvesting. This is a timely reminder of what too many feet can do. The area is to expand by up to 6000 dwellings by 2026, Some new estates will come with recreational areas, but never enough to attract fairly serious walkers and dog walkers. We need more and more recreational ground as we take the Government's advice to exercise, especially in the semi-rural areas such as Stapehill and Colehill. These are the areas people are attracted to.</p> <p><u>THE FUTURE OF UDDENS AND CANNON HILLWOODLANDS</u> The whole of this site desperately needs some protection as a recreational site in order to successfully divert people away from the heathlands. The Uddens woodlands south of the A31 needs some special protection as this 5-6 hectares is all there will be left if East Dorset District Council use the 30 hectares the other side of Uddens Drive for industrial use. This will have</p>	<p>This will need to be addressed by EDDC.</p>

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				much wider implications than just the loss of 2 or 3 hectares. It may cause people to avoid south of the A31 completely.	
				<p>Question 3 The short answer is NO.</p> <p>More monies need to be raised. Many paths are suitable for cyclists/pushchairs/wheelchair users, but these all weather paths are not much good to the horse rider. They are alright to get from A-B in damp weather but can lame a horse if they are too dry and the stones too unyielding. Special tracks for horse riders to trot and canter are required. Just flat grassy paths or earth paths, but not full of ruts to trip a horse. If both facilities and easy access to them are not provided, then Holt Heath has some lovely tracks for fast canters and gallops! If horse riders wish to ride other than on designated bridleways, the Forestry Commission charges £45 per annum for each privately owned horse to ride anywhere over Uddens and Cannon Hill forest. We have no idea how many riders pay this fee, but there are so few suitable paths to ride that the revenue may increase if more good paths for horse and riders were available.</p> <p>A Pegasus crossing at the end of Stapehill road to help horse and riders across is something the British Horse Society would love to see. Other Pegasus crossings at Longham by the Angel Inn to facilitate a safe crossing to Angel Lane would be appreciated, so too another one on Wimborne Road West to safely cross to the new bridleway on the old railway line at Stapehill. Pedestrians and cyclists could use them too.</p>	The IPF is not a means for just generating money but setting a level that is appropriate to mitigate the adverse effects of development.
				<p>Question 4 Only that it would be most useful if some measurements were available to indicate the success or otherwise of the existing policy.</p>	Monitoring of the projects is undertaken and an initial report produced.
3	07.03.2012	Ann Jacobs, Clerk to Council	St Leonards and St Ives Parish Council	<p>General We have some concern over the mitigation proposed. Looking at the total mitigation spend it seems that wardening/monitoring does not get a fair slice of the cake.</p>	Wardening and monitoring currently has received over 35% of the total funds collected. The Executive considers this to be acceptable level but should not increase further to the detriment of delivering mitigation projects.
4	07.03.2012	Kenneth Brooks, Chairman	St. Leonards and St. Ives Parish Plan Monitoring Committee	<p>Question 1 Converting the current Interim Planning Framework into a Supplementary Planning Document bringing the adopted Policy within each of the Local Development Frameworks should help the longer term strategy to create a joint Development Plan Document, but you will need to gather</p>	Monitoring of the projects is undertaken and an initial report produced.

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				evidence of the effectiveness of the Policy since its adoption in January 2007.	
				<p>Question 2 From the Appendix A list of Mitigation Projects proposed for 2012-2014 the parish of St. Leonards and St. Ives is limited to improvements to the Castleman Trailway. In our view Heathland Mitigation levies should be spent within the Council area in which they were raised. Contributions raised in East Dorset should be allocated to projects decided by the East Dorset Community Partnership Environment Themed Action Group.</p>	The adverse effects of urban development are not confined to administrative boundaries. Mitigation funding is therefore targeted at those projects that will have the greatest impact.
				<p>Question 3 The level of contributions per dwelling is totally inadequate and unrealistic.</p>	The rate has to be fair and reasonable and proportionate to the impact being mitigated.
				<p>Question 4 It is now apparent the I.P.F. Policy needs strengthening and amending to achieve a reasonable balance between allowing limited appropriate development in these sensitive areas and providing realistic protection for the heaths.</p>	It is considered that the existing policy approach is working and meets the necessary legal tests.
				<p>General The latest Consultation Document does not propose any changes in policy compared with the previous Interim Planning Framework Consultation Document 2010-2012 on which we commented on in a letter dated 8th January 2010 and which remain equally valid now. Disappointingly, the Consultation Document 2012-2014 does not include any practical evidence “into the effects of urban pressures on the protected heaths that will inform the longer term strategy to be set out in a Joint Plan Document “as stated in the 2010-2012 Consultation Document. Although the 2010-2012 Document acknowledged “this work is taking longer than originally anticipated”, the fact that an Interim Planning Framework has been in operation since January 2007, you should now be able to provide substantial evidence based judgment on 5 years practical experience. Natural England considers that an area within about 400 metres of the heathlands would have the most substantial adverse effects on the designated sites, but that an area between 400 metres and 5 kilometres can be mitigated against by local planning authorities “undertaking appropriate assessment of a proposal for residential development”, and by a mitigation levy to enable measures to divert recreational pressures away from the heaths. This Document clearly states that it is this area between 400 metres and 5 kilometres where this Supplementary Planning Document applies. 5 years experience of “mitigation measures” has confirmed that in East Dorset most Planning Applications intensifying residential development on sites between 400 metres and 5 kilometres from protected heathlands have been approved solely on the Developers entering into a</p>	<p>The IPF and the SPD acts as the Appropriate Assessment for all small scale development negating the need to undertake an appropriate assessment of each application. The IPF provided a practical and workable solution that both resulted in a mechanism to secure contributions to mitigate impacts upon protected heath whilst enabling the provision of much needed housing across SE Dorset.</p> <p>With any geographically based policy there will always be a boundary line somewhere. The current</p>

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				<p>“unilateral undertaking” to pay an arbitrarily calculated standard rate of mitigation contribution. Not only has the Planning Officer’s interpretation of what constitutes “significant adverse effects” not been clear or consistent, but in fact “appropriate assessments do not appear to have been carried out. Once “mitigation contributions” have been agreed the problem disappears and residential occupancy can be increased without constraint!</p> <p>Although Natural England refer to about 400 metres and 5 kilometres and this Document refers to 400 metres “measured as a straight line”, the 400 metre boundary in this area has been on the basis of natural England’s drawing Ref. R z 99990005 with very irregular boundaries and rendering sites on opposite sides of relatively narrow roads either totally acceptable or absolutely precluded. Clearly, categorising residential sites opposite each other under a totally different jurisdiction is absolutely meaningless and unacceptable in achieving realistic protection for the heaths. For example, a 6 fold increase in residential occupancy on a site on one side of Lions Lane was readily approved whilst sites directly across the road remain protected against an increase in residential occupancy. This precipice approach to the arbitrary 400 metre distance from the heathland boundary is not conducive to achieving your prime objective of protecting Dorset Heathlands. Consequently, we propose the 400 metre limit should now be increased to a more realistic 1 kilometre limit based on a wider and more individual criteria and supported by the Local Planning Authority being statutorily committed to approving a detailed written assessment to identify significant adverse effects before approving any increase in residential occupancy on a proposed site between the current 400 metre limit and 2 kilometres from heaths.</p>	boundary identifies the extent to which the pressures exist and while there may be individual sites that seem at variance with the policy the general concept is sound and workable.
5	08.03.20 12	Ian Jones, Town Clerk	Ferndown Town Council	<p><u>Question 1</u> The Town Council would support the conversion of the existing Interim Planning Framework into a Supplementary Planning Document.</p>	Support for conversion of IPF to SPD noted.
				<p><u>Question 2</u> The Project list incorporates a satisfactory range of projects which will assist in mitigating the adverse impacts of residential development on the heathlands.</p>	Noted.
				<p><u>Question 3</u> The level of contribution is considered reasonable.</p>	Noted.
				<p><u>Question 4</u> The Town Council has no comments on the existing operation of the Interim Planning Framework.</p>	Noted.
				<p><u>General</u> The Town Council has considered the consultation document and believes that a contribution under the Section 106 provisions of the Town and Country Planning Act 1990 should be used to mitigate the impact of residential development on the Heathland. It is appreciated that in due course this contribution may be changed by the use of the provisions of the Community</p>	Noted

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				<p>Infrastructure Levy. The charges which have been set out in the document are considered to be reasonable in respect of houses and flats.</p> <p>The Town Council believes that Parish and Town Councils should be involved in some way in identifying projects where use of the Mitigating Funds would be of benefit to the community and the heathland.</p> <p>The Council is pleased that in the list of preferred projects which will divert users from the Heaths, provision has been made to improve the facilities at the Town Council run Ford Lane Recreation Area. The document indicates that developing this existing underused area will relieve pressure on Parley Common, consequently the Town Council would support this proposal and would be willing to work together with principal authorities to achieve the objectives set out e.g. improved play, path network etc.</p> <p>The Council has already been discussing the provision of a BMX track within the Recreation Ground area and has set aside in the 2012/13 year the sum of £7,500 towards the costs. A similar or larger contribution could be put in place for further years once the final costs for the development of the walk etc. have been calculated.</p> <p>The Town Council is already making improvements to the existing Car park to make it more available during the day and not simply opening it when a football match is being played.</p> <p>I attach a separate letter of support which has been forwarded to me by the Heathlands PACT Panel.</p>	There is nothing to stop individual parishes working with their local authority to identify possible projects.
6	13.03.2012	Jean Heaton, East Dorset BR Officer	The British Horse Society	<p>Question 1 We have no objection to IPS change to SPD.</p>	Noted.
				<p>Question 2 No. The project list is mainly geared up to dog walkers. Where possible, on larger new sites, please could Bridleway circuits be added especially for young children on ponies or bicycles. Some 10m x 20m all weather sand or bark areas would be heavily used by riders to school their horses. Cyclists would enjoy special circuits with humps on, or full BMX.</p>	The primary disturbance to Heaths is from dog walkers. Where there may also be benefits to other users then this will be as a consequence of mitigation measures.
				<p>Question 3 We believe the level of charges is fair.</p>	Noted.
				<p>Question 4 A rambler, cyclist and horse rider should sit on HPFOG to advise what would be of most use to their members – I volunteer!</p>	Noted.
				<p>General Hundreds of riders south of the River Stour can only safely reach their local heaths such as Corfe Hills, Upton and Canford Heaths where many Bridleways (BR) are in a poor condition or</p>	Any project has to demonstrate that it will

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				<p>like BR93 in Delph Woods, non-existent. Longfleet Drive was found to have BR rights (c/o BHS) in 1998, but the south diversion is too narrow and PBC have failed in their duty to put it on the Definitive Map, as required by law.</p> <p><u>Castleman Trailway and Somerset & Dorset Line to North Dorset Trailway</u> opened to all non-motorised users (NMUs) would be the most mitigating benefits to heathland.</p> <p>Some 500 members of a local riding club and Poole Pony Club would then safely be able to ride to their weekly events in Merley Park Road, right beside the trailway, instead of having to use the busy A349 from Delph Woods BRs or Canford Bridge. EDDC own the NE Stour bank and from the Wimborne Bypass a cycle/horse route is needed to Stapehill, and BHS won a BR on the line to Uddens. A proposed site for 25 gypsies here would make the trail to intimidating for most users, causing greater use of Ferndown Common and Holt Heath instead. Riders from Hurn, Dudsbury and Parley Common on a BR link to Angel and Pompey's Lanes to reach the Trailway. Pegasus crossing are urgently needed on A348 and A31 at Uddens, also A349 at Queen Anne Drive to BR in Delph Wood, where horse and cycle access to light is impossible!</p> <p>In the Local Plan of 1998, a Castleman Trail was to be linked up across West Moors for cyclists and horse riders, and a link made to Moors Valley Country Park to use facilities.</p> <p><u>Berry Hill and Stour Valley Way</u></p> <p>About 250 riders keep horses at Kinson Manor Farm, Muscliff, Throop and Holdenhurst. A BR for us and cyclists needs to run from Millhams Mead to Holdenhurst, where some riders use Sarely Lane BR to reach others on Talbot and Canford Heaths. DCC admit BR rights still exist on an old ford across the Stour? Provide at Hick's Farm?</p>	<p>mitigate the adverse effects of additional urban pressures. The funding is not for recreational improvements per se although there may clearly be recreational benefits that accrue. Suggested projects are more access and green infrastructure projects that cannot be considered in alone for heathland funding. The effects of mitigation projects are assessed to ensure that the projects don't themselves cause harm.</p>
7	13.03.2012	John Roberts		<p><u>General</u></p> <p>I wish to object in respect of the effect of the Framework as applied to the area known as The Ashley Strip which lies between the A338 and Avon Castle, and which affects a plot of land which we own in Green Acres Close in Avon Castle. The plot is within the 400m zone.</p> <p>Having researched the status of The Ashley Strip with DCC Rangers, whose role it is to prepare and implement the Management Plan for the area, it appears that species and habitat surveys reveal that it contains no protected species of flora or fauna and that the condition of the land is regarded as unsatisfactory. Furthermore it is designated as "Retained Woodland", being almost entirely covered with pines and rhododendron which provides a visual and acoustic barrier to the existing development on Avon Castle. There is no proposal to remove</p>	<p>The Planning Framework cannot alter the boundaries of internationally protected sites.</p>

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				<p>this valuable screening nor was it considered likely that this approach would change in the future.</p> <p>Accordingly there is no prospect that the condition of the land can be improved and consequently that any protected species will ever inhabit the land. Having regard to the fact that the IPF results from EU Directives 2009/147/EC "The Birds Directive" and 92/43/EEC "The Habitats Directive", it is entirely inappropriate that there should be restrictions in place to protect species and habitats which do not exist and which will never exist.</p> <p>Please note that English Nature/Natural England have advised me that the A338 and A31 are considered to be "significant and permanent barriers" such that the 400m zone does not apply to the heathland to the west and north of those 2 roads. It s therefore only "The Ashley Strip" which affects our plot.</p> <p>I have referred that matter to both our MP and MEP and am advised that it is for the Local Planning Authority to determine how EU Directives are applied at a local level. Therefore there must be by definition a degree of discretion and interpretation in framing planning policy in this regard. My request is simply that "The Ashley Strip" be removed from the Framework since its inclusion is not justified for the reasons set out above.</p>	
8	15/03/2012	Katrina Blee, Parish Clerk	Corfe Mullen Parish Council	<p>Question 1</p> <p>If the heathland framework is to continue, it would seem appropriate to formalise this into a Supplementary Planning Document. However it is essential that this is reviewed on a regular basis to reflect any evolving understanding of the effectiveness of mitigation.</p> <p>The current strategy is based on attracting people away by provision of SANGS. Securing land for SANGS can be complex and costly. Should therefore restricting access be considered as an alternative?</p> <p>Officers responded to the 2009 consultation by stating that the 400m zone would be reviewed when a SPD was drafted. The way that the 400m perimeter is currently drawn up is too restrictive, as it means that dwellings next door to each other can be either in or out of the zone.</p>	<p>Noted.</p> <p>This may only be possible where there are no permissible rights of way or where land is not designated as open access land.</p> <p>There is no new evidence to indicate the move away from a 400m zone and wherever there is a policy boundary inevitably there will be situations where people/houses fall either side of it.</p>
				<p>Question 2</p> <p>We support any proposal that preserves and improves the heathlands. However it is impossible</p>	Monitoring of projects is on-

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				<p>to say whether any of these projects, or the range as a whole, can satisfactorily mitigate the adverse impacts of residential development. The assumption that mitigation measures area having an effect is premature prior to adequate long term documented testing.</p> <p>The proposed project for Corfe Mullen is not viable. The land is question is all SSSI apart from the car park and frontage and a mainly thickly wooded area. The wooded area already has informal paths and a seat, but there is no scope for play equipment or fencing. This project should therefore be removed from the list.</p> <p>The Parish Council has an alternative project to put forward: the extension of the skate park at the recreation ground which would attract skateboarders and bmx riders away from the heath.</p>	<p>going.</p> <p>Will look at this suggestion.</p>
				<p>Question 3 Yes.</p>	Noted.
				<p>Question 4 No additional comments.</p>	Noted.
9	15/03/2012	Gill Smith, Senior Planning Officer	Dorset County Council	<p>Question 1 Converting the document into an SPD will bring it within the 2004 planning system and therefore enable it to become part of each Local Authorities' Local Development Framework. Publishing a draft document for full public consultation will open it up to wide scrutiny. This will give the document enhanced status in planning terms and the approach is therefore supported by the County Council.</p>	Support for conversion to SPD noted.
				<p>Question 2 The project list includes a wide variety of projects with a good geographical spread across South East Dorset. The majority of projects are focussed on the conurbation to reflect the higher level of development likely to come forward here. It is essential that future management of the programme continues to ensure that all authorities receive a proportionate share of the fund relative to their share of development.</p> <p>It would strengthen the SPD to see a fuller explanation than that currently given in para 3.2 of how the package of measures was drawn up, including reference to the evidence used by Natural England to justify its view that the list comprises "an appropriate package of measures to reduce to an insignificant level the harm that would otherwise occur to protected heathland".</p>	Noted.
				<p>Question 3 Taken as a single item the level of contribution appears reasonable. However heathland mitigation is only one of many infrastructure requirements that need to be funded through developer contributions. Looking ahead it will be important for the DPD to address this issue and indicate how heathlands mitigation sits within the wider framework of contributions that the Local Authorities will seek through the Community Infrastructure Levy.</p>	Noted.
				<p>Question 4</p>	Noted.

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				<p>The IPF has operated well since its introduction in 2007, providing developers with certainty on how applications for residential development within the protected zone will be managed. It has generally been upheld on appeal and has provided a solid framework on which to develop a statutory DPD. Through its operation it has enabled residential development to proceed in situations where it would otherwise have been prevented.</p> <p>It is considered essential that the draft SPD is taken forward and the scheme extended for another 2 years to ensure that there is no vacuum in policy until the DPD is adopted.</p>	
				<p>General Dorset County Council welcomes the opportunity to comment on the Draft SPG and is fully supportive of its aims and ambitions which sit well with the corporate priority to “safeguard and enhance Dorset’s unique environment and support our local economy.”</p> <p><u>Legal comments on the draft SPD</u></p> <p>There appears an inconsistent use of terminology/grammar when referring to the local authorities that are party to this document. For example, paragraph 2.5 refers to ‘Local Authorities’, 3.1 to ‘local planning authorities’, 3.2 ‘local authorities’, 3.6 ‘South East Dorset local authorities’ 6.b. ‘6 local authorities’ etc. A consistent approach would look more professional and avoid any potential ambiguity.</p> <p>2.5 The first sentence refers to measuring the area as a straight line from the boundary of the protected heath. The document should refer to the Plan at Appendix B that identifies the protected heath.</p> <p>3.3 This should refer not only to mitigating but also avoiding adverse impacts. This should also refer to measures that avoid or mitigate the adverse impacts being secured by planning obligation pursuant to Section 106 Town and Country Planning Act 1990 (as amended). You may also consider whether this paragraph ought to suggest that at times mitigation/avoidance <u>and</u> financial payments may be required (it currently suggests either one or the other).</p> <p>3.5 Discounting for residential schemes and footnote 7. Footnote 7 should be reworded so that it is clear and accurately reflects The Town and Country Planning (Use Classes) Order 1987 as amended, use class C3(b) applies to use as a dwelling house by not more than 6 residents who live together as a single household (including a household where care is provided for residents).</p> <p>Reference to assessment outside the scope of this SPD – is there guidance that the reader can be referred to?</p> <p>3.6 States that an ‘appropriate reduction to the contribution will apply’. It would be useful if the SPD was clear on how this reduction is to be calculated to ensure consistency of approach by all local authorities.</p> <p>4.3 Refers to Local Authority and footnote 9 then says Local Authorities. Footnote 9 should</p>	<p>Support for Draft SPD noted.</p> <p>These points can be picked up as minor corrections to the document.</p>

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				<p>read Local Authority.</p> <p>4.5 This paragraph may be misleading. It should be amended so that it reads that 'any contribution will need to be contained within a Section 106* planning obligation, whether this is through an agreement or unilateral undertaking.'</p> <p>In brackets at the end of the paragraph delete 'the agreement' insert 'the deed that secures the planning obligation'.</p> <p>*insert footnote. Section 106 Town and Country Planning Act 1990 (as amended)</p> <p>Footnote 12 – This should refer to individual local authority legal costs (not authorities).</p> <p>4.6 Either spell out in full, or include a footnote to explain what SANGS is.</p> <p>5 Suggest the title reads 'Model Clauses for Planning Obligations'</p> <p>5.1 The standard clause for either an agreement or unilateral undertaking (both are pursuant to section 106 so this needs to be made clear, currently it appears s106 only applies to agreements).</p> <p>The suggested obligation does not define the index (whereas paragraph 4.6 refers to the Retail Price Index), and it does not say that it is the development that causes the adverse effect on the Heathlands which would explain the need for the contribution to be made. The definition of Nature Conservation Contribution should not say this will be paid by the owner, the owner should covenant to pay it by way of an obligation.</p> <p>It should be amended so that it reads:</p> <p>"the Nature Conservation Contribution" means the sum of () thousand () hundred and () pounds</p> <p>increased by the percentage (if any) by which the Retail Price Index shall have increased between the date of its last publication prior to the date of this Deed and the date of its last publication prior to the date of payment together with an administration fee of £ () pounds) towards measures which avoid or mitigate against any adverse effect of the Development on the Dorset Heathlands in accordance with the Dorset Heathlands Planning Framework Supplementary Planning Document 2012-2014".</p> <p>Definitions would be required for the Retail Price Index and Development.</p> <p>5.2 This obligation should require the owner to pay the Nature Conservation Contribution to the Council before the commencement of development.</p> <p>Another obligation to require the Owner to covenant that he will ensure the development is not commenced, and he will not cause or permit the development to be commenced, until the Nature Conservation Contribution has been paid to the Council.</p> <p>Given the reference in paragraph 4.7 to the Council repaying the Nature Conservation Contribution plus interest at the fifth anniversary in prescribed circumstances, the Council</p>	

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				would need to covenant to repay the monies and be a party to the section 106. Can this therefore be achieved through a unilateral undertaking?	
10	16/03/2012	Nick Squirrell Land Use Lead Advisor	Natural England	Question 1 Natural England welcome the proposed conversion of the current Interim Planning Framework into a Supplementary Planning Document as a step towards the planned Joint Dorset Heathlands DPD. The SPD affords more weight to the approach to heathland mitigation set out in the IPF.	Support for conversion of IPF to SPD noted.
				Question 2 Natural England advises that a number of projects set out in the SPD do not appear to be sufficiently focussed on heathland mitigation/avoidance, which is the objective of the SPD and mitigation contributions made by applicants. Natural England therefore advise that this list of projects should be the subject of a further scrutiny by the officers group prior to the adoption of the SPD. The officers group should also review the estimated costings provided and consider the need to implement measures designed to secure best value for the works carried out e.g. more robust tendering.	Noted.
				Question 3 Natural England advise that at this time the level of contribution per dwelling type is appropriate. Natural England has further comments in the main body of the response.	Noted
				Question 4 Natural England is content that the IPF is operating across south east Dorset to deliver avoidance/mitigation in an effective manner. The approval of projects is secured with the endorsement of elected representatives and the control and auditing of the finances is operated according to best practice within the authorities.	Noted.
t				General Natural England has taken account of the avoidance/mitigation approaches developed in the Thames Basin Heaths (TBH) area. In several areas there are critical differences which will require consideration as the authorities draw together the Joint Heathland DPD. Natural England welcomes the progress made by the authorities in bringing forward new SANG sites at Bytheway, Woolslope and Slop Bog as well as continuing progress at Upton, together with the enhancements brought about to land already in authority ownership. Natural England is though concerned that there is a significant disparity between the level of mitigation secured in the TBH area and that in Dorset. This is largely as a result of the initial focus of the IPF which has secured mitigation to deliver shorter term outcomes. Natural England advise that the authorities should bring forward proposals in the DPD to secure mitigation measures over the long term such that the maintenance of the measures does not fall on the authorities over time or rely on contributions from new development. It is also necessary to provide consistent advice to those proposing urban extensions and new SANG land as mitigation. This underlines the	Comments noted and appropriate amendments to the document will be made.

	Date	Name	Organisation	Comment	Officer Response
				<p>need to secure the management of new SANG land in perpetuity to allow the applications to be approved.</p> <p>Natural England is concerned that the authorities ensure that the distribution of mitigation projects is closely matched to the pattern of new development. Natural England advise that a review of development since 2006 and the distribution of mitigation projects can inform the provision of new strategic SANG land. Consideration of this issue should be carried out for the DPD.</p> <p>The IPF is a strategic document and has to date based the mitigation contributions on the increase in population arising from additional residential dwellings (houses or flats). This approach is different from that in TBH which has considered an average occupancy for houses of flats. Natural England advises that the authorities should review the approach in Dorset for the DPD.</p> <p><u>Treatment of the 400m zone in relation to the 400m to 5km zone</u></p> <p>The IPF/SPD is a strategic solution to the delivery of housing within the area of the Dorset Heaths. The approach is given in para 1.4.</p> <p><i>'It is the purpose of this document so set out the approach that, together, the local authorities in South East Dorset will follow. This forms the basis for how harm to the heathlands can be avoided etc etc'</i></p> <p>But, like the IPF, the SPD does not take a view about development within 400m zone merely stating Natural England's advice.</p> <p>Para 2.4 <i>'These effects are most marked for development within 400m of heathland where NE advise that additional residential development is likely to have a significant adverse effect upon the designated sites, either alone or in combination with other developments, save in exceptional circumstances.'</i></p> <p>Whilst Natural England's advice remain as above, we do not believe this is satisfactory because the effectiveness of the strategic approach and the SPD depends not only on the contribution policy between 400m and 5km but also on what happens within 400m. This essential element of the strategic approach should be a key element of the SPD and stated explicitly rather than something that is assumed based on Natural England's advice. Such an approach would be in accordance with the position of all the local authorities as established by policies in Core Strategies or emerging Core Strategies.</p> <p>Moreover, since the IPF was instigated further evidence has been gathered that supports the need for a 400m zone to avoid harm to heathlands. Well over 30 decisions on appeal have also endorsed the approach. Thus the SPD needs to use the available evidence to support an overall approach that includes the critical zone within 400m and hence be able use the SPD to</p>	

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				<p>support the refusal of applications for additional residential development within 400m. This approach would be consistent with that taken with the Thames Basin Heaths.</p> <p>Natural England have reviewed the SPD and suggest some textual modifications which we advise add some precision to the meaning of the document.</p> <p>Para 1.1 Natural England advise that “further residential development” be replaced by “net increase of dwellings”.</p> <p>Para 2.4 Natural England advise that the term “save in exceptional circumstances” which has been recently discussed at Inquiry be deleted unless more precisely defined as it establishes a degree of uncertainty. The Habitats Regulations provide guidance on cases where the circumstances are over riding, this is considered to be adequate particularly as the following sentence provides clear advice for the majority of cases.</p> <p>Para 3.3 Natural England advise that this paragraph may be strengthened by inserting “in agreement with NE and LPAs” at the end of the final sentence.</p> <p>Para 3.4 this sentence is not necessary “The alternative option of basing contributions on bedspaces has been rejected due to the weak correlation between bedspaces and occupancy rates.”</p> <p>Para 3.5 Natural England advise that this section may require rewording following consideration of the enclosed appendix on other use classes.</p> <p>Section 5</p> <p>Natural England has been advised that the following wording is used by the authorities in the Thames Basin Heaths area within the Model Clause for s106 or Unilateral Agreement.</p> <p>“For the avoidance of doubt such sum or any part thereof shall not be reimbursed to the pay or to any other party.”</p> <p>Natural England advise that the authorities consider whether such a modification to the advice given in this section is acceptable particularly with reference to funds required for ongoing maintenance of mitigation projects such as SANG.</p> <p>Natural England has drawn together a number of issues which affect the development sector and authority development control. These are included as an Appendix and the authorities are advised to consider how best these issues may be incorporated into their advice in the SPD to provide appropriate consistent guidance.</p>	
11	16.03.2012	Phil Colebourn, Managing Director, Ecological Planning &	On behalf of Ashvilla Estates	<p><u>Question 2 and Question 3</u></p> <p>We address these in the round, and would make the following points:-</p> <p>1. Section 3 ‘Towards a solution’ contains significant logical flaws, particularly when taken with para 6c of Section 6. Para 3.2 and para 6c state, respectively, that the:</p> <p>‘obligations will be applied to every residential development regardless of number of units</p>	The policy approach has been tested at many appeals and found to be acceptable and comply with the tests set out in the Community

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		Research Ltd.		<p>proposed', and; 'contributions will be required from all qualifying developments'.</p> <p>2. These are clear statements that all residential developments will need to contribute.</p> <p>3. In contrast, para 3.3 states equally clearly that; 'large scale developments will be expected to explore ways of mitigating their adverse impacts through on-site measures or more likely off-site measures to facilitate the implementation of Alternative Natural Greenspace' (SANG) and that 'Recourse to financial payments in line with the SPD should be the fallback position only after exploration with Natural England and the relevant local authority of potential mitigation measures'.</p> <p>4. These statements leave considerable doubt as to what is in fact required. If sufficient mitigation is provided so as to avoid any 'likely significant effects' of the large-scale development, such that it can be permitted in compliance with the Habitats Regulations, then it must follow, as para 3.3 states, that no recourse would be needed to payments under the SPD. The text of 3.2 and 6c should be amended to reflect this fact that no payment may be required from large scale developments that have provided satisfactory SANG.</p> <p>5. There is, however, a further logical difficulty that calls into question the reasonableness of the charge.</p> <p>6. The SPD clearly contemplates, and indeed requires, that large-scale developments provide their own mitigation. However, no allowance for the benefits of such mitigation measures appears to be made in Natural England's evaluation of the overall level of mitigation necessary under the SPD.</p> <p>7. In the absence of knowledge of what specific on-site or off-site SANG any specific large scale development can or will provide, we consider it is not possible for Natural England to have robustly ascertained what additional measures are in fact necessary under the HOF in order to secure overall mitigation of the incremental effects of population growth in south east Dorset.</p> <p>8 This must cast doubt on the overall quantum of works and funding necessary, and therefore; the justification for the proposed Contribution per dwelling has not been properly established.</p> <p>9. Further, if the measures to be provided by the large-scale developments, and their net effects, have not been quantified, it cannot be possible to determine whether the residents of each specific new large-scale development should be required to contribute to the HOF.</p> <p>10 Therefore, the overall per-dwelling cost of such additional measures cannot properly be calculated.</p> <p>To summarise, the determination within the SPD that £5.6M of expenditure, supported by a</p>	<p>Infrastructure Levy Regulations. Where additional points of clarity can be made these will be inserted into the document. The Framework allows for the discount of obligations where mitigation can be provided. On this basis if a large site is able to provide avoidance or mitigation measures then no obligation will be provided. The Framework has been and will be regularly reviewed to ascertain an appropriate level of mitigation to offset the adverse impacts of development.</p>

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				requirement for paying contributions, will solve a problem the extent of which has not been fully defined, does not appear justified or reasonable.	
12	16.03.2012	Lisa Jackson, Jackson Planning	On behalf of Meyrick Estate Management Ltd.	<p>Question 1</p> <p>The consultation which seeks to convert the IPF to SPD has invited comments on a range of issues which are examined below in turn.</p> <p>The conversion to SPD is welcome by MEM. However, in moving from a document that has little weight in the planning process to one that should have more weight, it is important to ensure the document is more robust and credible, and should follow the 'soundness' tests that apply to Development Plan documents as good practice. This is particularly important, as the Heathland SPD will run in advance of adopted DPD policies in each constituent authority.</p> <p>To give the SPD more weight in the planning process, MEM recommend that the document should include a summary of the consultation undertaken and the consultation responses and how these have been addressed in confirming the SPD.</p> <p>MEM believes that, as an SPD, the document should be more comprehensive than its predecessor, and in this regard it must include more information in relation to SANGs as they are an important part of the package of heathland mitigation measures and it should consider in more detail delivery of Heathland mitigation projects, which in the current draft is not well explained - see paragraph 5.1-5.7 below.</p> <p>MEM recommends that the SPD includes more details on the nature of SANGs. The SPD should contain the draft ME3 policy as presented in Christchurch and East Dorset Core Strategy Pre submission Draft. This would allow the policy in the constituent Core Strategies to be more succinct, and allow the detail to be included in the SPD, which is the more appropriate vehicle for this level of prescription.</p> <p>The transitional arrangements when the SPD will no longer apply and CIL will be implemented by each authority needs to be addressed. Given that the SPD cannot operate post April 2014 the arrangements for transition should be made clear now, including cut off dates and payment arrangements. This is particularly important as the resolution of legal agreements through s106 agreements can be protracted.</p>	<p>It is a requirement of the relevant Town and Country Planning Regulations that a consultation report be produced.</p> <p>Information on SANGS will be provided, however, SPDs cannot be a vehicle for introducing policy which should be contained in Development Plan Documents.</p> <p>At this point in time it is not possible to conclude when each Local Authority will implement CIL. However, developers are already aware of the April 2014 deadline as the latest time where s106 may be replaced by CIL.</p>
				<p>Question 2</p> <p>The list of mitigation projects lacks overall strategy and direction as currently presented. The list is merely a list and, as an outside observer, MEM believes this appears as a disparate set of projects with limited co-ordination or direction. The projects are not set in context and do not have any assessment of the role they play jointly.</p>	<p>Noted and accept that the primary focus should be on increasing capacity.</p>

	Date	Name	Organisation	Comment	Officer Response
				<p>The projects appear as a random set of projects that seem to have primarily arisen from the Countryside departments of the constituent authorities. The Stony Lane BMX project is a good example of this. The completed pro-forma application for IPF funds makes it clear that it was a Council aspiration since 2005, which predates the IPF programme. It appears that the justification based on heathland mitigation has retrofitted an existing project to meet the Council's leisure aspirations. The project is not the product of evidenced research showing how it will genuinely divert heathland trips.</p> <p>There is no reference to the Dorset Green Infrastructure Strategy, or to the spatial aspirations of the constituent Councils or the more strategic findings of the work by Footprint Ecology that found that the major diverter of heathland trips in the area were the coast and the New Forest.</p> <p>The lack of proper context or relationship to the evidence base about diversion of heathland trips is a serious omission. This will become increasingly important for the successor DPD, which will be subject to independent examination.</p> <p>The Executive recognise that the IPF/SPD is a strategic solution to the delivery of housing around the Dorset Heathlands. They believe tests in CIL Regulation 122 can be met. The monies raised are pooled and can be spent anywhere across the partnership area. The Executive do manage projects so that each local authority is not disadvantaged and so that wherever possible there is also a more local link to development. However, MEM believe it is essential that mitigation projects represent a good spread among the authorities, and geographic spread of projects is critical to match capacity to divert trips with new trips that are generated by development. It is simply not appropriate to argue this is a global solution for the area and not consider local impacts. This an important factor in agreeing funds for new projects.</p> <p>The mitigation projects to date have focused on prevention and the improvement of existing green spaces facilities rather new provision of additional space or SANG. True new capacity needs to be generated by the provision of genuine SANG as alternatives to heathland trips. MEM believe the focus of new projects should be on genuine new SANG capacity and less on peripheral projects. The new SANG sites to be funded through the framework must meet the SANG criteria that Natural England are proposing for SANG to be delivered directly by development projects. This should be tested against draft Policy ME3 as part of the review process for SANG projects coming forward from the SPD.</p> <p>The Footprint Ecology work and recent appeal decision in relation to the proposed development at Talbot Heath would suggest that mitigation projects to deal with domestic cats should feature as part of the overall package. Most of the effort appears to be aimed at dog walkers, whereas owners do not control cats and the damage to heathland ecology is potentially greater.</p>	

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				<p>Strategy and the Footprint Ecology work that identifies trips to the coast as good diverters of heathland trips. MEM wish to bring to the Executive's attention the potential for a Gypsy and Traveller site to be located adjacent to this SPD project location and question whether the two are compatible. The recent Dorset wide consultation on new gypsy and traveller sites identified this location as potential for 15 new pitches. Although improvements to the wood are desirable how will they bring about diversion of heathland trips if urban development pressures, albeit in a transitory fashion, are immediately adjacent to woodland site?</p> <p><i>Project 18 Hicks Farm</i> MEM object to the Hicks Farm project. The creation of an environmental educational centre cannot in itself divert heathland trips. It is not at all clear how this fits with the empirical research that shows the majority of heathland trips are made by local, regular dog walkers. These frequent users will not use education centres. It is inappropriate to use SPD funds to house the BBC countryside team. In addition, this is such a significant proportion of overall funds it is not appropriate, as it does not maximise heathland diversion for the monies required. It also tends to reinforce the emerging pattern of projects where more is spent in the west of the affected area rather than the east. This does not seem proportionate to area of heath and the knowledge of user patterns from the research. If the mitigation is not geographically spread, there is a danger that heathland trips will not be diverted away from some of the heaths and the mitigation package will therefore fail in part and therefore threaten the whole.</p> <p><i>Project 19 Stour Acres Barn</i> MEM object to the Stour Acres Barn for the reasons set out in the paragraph above.</p> <p><u>Project Review</u> MEM believes that there should be a financial audit of projects to date to assess value for money. An independent appraisal might consider if the same results could be achieved at less cost. Staff time and administration are a very large proportion of costs. Although it is acknowledged these are necessary, it is not clear that they are giving value for money as they do not directly divert heathland trips.</p> <p>An assessment of spend to date shows just how little additional physical capacity has been created to date. The total is shown as just 15.17 ha. An average of just 3 hectares per year. Below is a summary table showing overall spend based on the position as of November 2011 based on the data provided by Nigel Jacobs, the lead officer.</p> <table border="1" data-bbox="781 1241 1641 1396"> <thead> <tr> <th data-bbox="781 1241 1021 1337">November 2011</th> <th data-bbox="1021 1241 1211 1337">Total spent on completed projects</th> <th data-bbox="1211 1241 1453 1337">Total committed schemes yet to be completed</th> <th data-bbox="1453 1241 1641 1337">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="781 1337 1021 1396">Administration, Monitoring, wardening</td> <td data-bbox="1021 1337 1211 1396">£1,384,134.00</td> <td data-bbox="1211 1337 1453 1396">£298,457.00</td> <td data-bbox="1453 1337 1641 1396">£1,682,591.00</td> </tr> </tbody> </table>	November 2011	Total spent on completed projects	Total committed schemes yet to be completed	Total	Administration, Monitoring, wardening	£1,384,134.00	£298,457.00	£1,682,591.00	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
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				<table border="1" data-bbox="784 207 1641 322"> <tr> <td data-bbox="784 207 1021 244">and management</td> <td data-bbox="1021 207 1211 244"></td> <td data-bbox="1211 207 1451 244"></td> <td data-bbox="1451 207 1641 244"></td> </tr> <tr> <td data-bbox="784 244 1021 280">Physical Works*</td> <td data-bbox="1021 244 1211 280">£789,447.00*</td> <td data-bbox="1211 244 1451 280">£1,157,437.40*</td> <td data-bbox="1451 244 1641 280">£1,946,884.40*</td> </tr> <tr> <td data-bbox="784 280 1021 322">Total</td> <td data-bbox="1021 280 1211 322">£2,173,581.00</td> <td data-bbox="1211 280 1451 322">£1,455,894.40</td> <td data-bbox="1451 280 1641 322">£3,629,475.40</td> </tr> </table> <p data-bbox="784 327 1765 359">*Includes staff and administration costs for each project, so actual sum is smaller than this</p> <p data-bbox="784 363 1765 523">This is not a true comparison of supporting costs and physical works costs as we know from the detailed data on Chewton Bunny and Stony Lane BMX projects that staff costs and administration costs are included in what we have described as 'physical works' below. Once administration costs have been deducted from each of the physical projects it is likely that in total more is spent on support of the scheme than on creating real additional physical capacity.</p> <p data-bbox="784 528 1765 751">The other main concern is the lack of actual additional greenspace provision when compared to the standards for SANG for new developments. In the absence of a Heathlands DPD policy the best alternative policy we can look to for advice is ME3 of the Christchurch and East Dorset Pre-submission Draft Core Strategy, which sets the standard for SANG for residential development over 50 dwellings. The required standard is 8 to 16 hectares of SANG per 1000 population. Knowing that only 15.17 hectares of SANG have been achieved from an overall fund of £3.6 million, it is assumed that this falls well below the policy ME3 standard.</p> <p data-bbox="784 756 1765 884">What is certain is that additional alternative greenspace is not being achieved at the rate that is required from larger (50+dwellings) schemes. This would suggest either that the SANG standard in policy ME3 is too high, or genuine additional provision through the IPF is inadequate to mitigate harm. This further reinforces the problems</p> <p data-bbox="784 888 1765 1016">with Project 18 and 19 outlined above, in that they do not offer good value for money in generating true additional capacity for diversion of heathland trips and they are highly questionable as part of a wider strategy that reflects the green infrastructure strategy and the evidence base on the effectiveness of IPF projects.</p>	and management				Physical Works*	£789,447.00*	£1,157,437.40*	£1,946,884.40*	Total	£2,173,581.00	£1,455,894.40	£3,629,475.40	
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				<p data-bbox="784 1096 904 1123"><u>Question 4</u></p> <p data-bbox="784 1128 972 1155"><u>Basis of mitigation</u></p> <p data-bbox="784 1160 1765 1319">A test set out in section 61 of the Habitats Regulations 2010 dictates the legal position in relation to impact on the protected Heath: if a plan or project is permitted which is likely to undermine the integrity of one part of the Dorset Heathlands, the integrity of the heathlands as a whole must suffer some impact; and that mitigation measures would be necessary to enable this proposal to meet the requirements of the Habitats Regulations.</p> <p data-bbox="784 1324 1765 1420">In order for residential development to proceed, it must be established confidently, beyond reasonable scientific doubt, that the proposal will not have a significant adverse effect on the integrity of the designated European sites, either in its own right or in combination with other</p>	<p data-bbox="1778 1160 2092 1415">Noted. SANGs are not a legal requirement. They are one method of mitigating adverse effects through the delivery of additional capacity for recreational purposes that may otherwise take place on the protected heathland.</p>												

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				<p>plans or projects having regard to the mitigation measures proposed.</p> <p>The IPF and its successor SPD act to deal with the mitigation collectively for those small scale projects that cannot deliver mitigation in isolation.</p> <p>The recent decision by the Secretary of State in relation to development by the Talbot Village Trust considered the view of the Inspector Wendy Burden who emphasised the role of Natural England in the IPF process.</p> <p><i>11.23 it is important to note that the IPF contains provisions at para. 6b on administration and audit, under which an Executive Group representing each local authority, the Home Builders' Federation, NE and RSPB considers schemes recommended by the Heathland Interim Planning Framework Officer Group (HIPFOG) to mitigate the impact of additional urban pressures.</i></p> <p>The mitigation proposed at Appendix A to the IPF may be varied through the ongoing process, "... but crucially Natural England will need to be satisfied that the necessary overall level of mitigation is achieved" (para. 6c). Thus it lies in NE's hands to ensure that contributions which are collected are channelled into appropriate projects to achieve the necessary overall mitigation across the Dorset Heathland sites.</p> <p>MEM are concerned that, although Natural England are represented on the Executive, it is not clear that they have demonstrated that the necessary overall level of mitigation across the Dorset Heaths has, or will, be achieved.</p> <p>The Inspector went on to note that compliance with the terms of the IPF does not in itself guarantee compliance with the requirements of the Directive and Habitat Regulations. Indeed, there is a danger that the IPF has/will become an easy 'heath tax' that developers can pay and walk away from. It is essential that the rigour of its application for mitigation of the harm that development may cause is tested thoroughly.</p> <p>The consequences of the inability to demonstrate effective mitigation are severe: new residential development without SANG cannot lawfully proceed.</p> <p>This is reflected in Natural England's position at the Talbot Village Trust Inquiry, which was itself endorsed by the Secretary of State:</p> <p><i>Given the precautionary nature of the legal control, the key element of any solution is a means whereby any increase in the number of visits to the site by people or pets is eliminated. The only identified means of achieving this is through the provision of a SANG which would attract away from the relevant site sufficient numbers of visitors to avoid any net increase arising from a development. Such provision can be made either on a particular or on a collective basis, and the purpose of the IPF, and similar schemes, is to enable collective provision. That is collective both in the sense of involving concerted action by a group of planning authorities on a common basis, and also in that it enables developments without individual bespoke provision to take</i></p>	

	Date	Name	Organisation	Comment	Officer Response
				<p><i>advantage of collective avoidance measures.</i></p> <p>MEM have developed the SANG concept with Natural England using experience from the Thames Basin Heath and research by Footprint Ecology applied to Dorset as a detailed strategy for mitigation of the potential impacts on the Dorset Heaths by the development of the North Christchurch Urban Extension. This strategy was built on a review of the legislative basis of SANG and the role of SANG in mitigation - see Annex 2.</p> <p><u>Effectiveness of Mitigation: Footprint Ecology research</u></p> <p>The Interim Planning Framework (IPF) has been in place since 2007 and has operated as an interim strategy for Heathland protection since that time. The operation of the framework for the last five years has given time to assess and consider whether the framework adequately mitigates the harm from additional urban pressures on the internationally important heathland as a result of additional development.</p> <p>The IPF was introduced as an experimental solution to the problem of heathland mitigation to allow residential development to continue in the affected authorities. Research by Footprint Ecology has confirmed that, although monitoring shows that projects to improve the attractiveness to visitors of underused greenspace sites has increased their use, it has not yet been possible to present conclusive results which demonstrate that the increased use has had a commensurate reduction in heathland visits. In addition, Footprint Ecology have recommended that mitigation and management measures should be dealt with locally on a heath by heath basis.</p> <p>As the research work by Footprint Ecology forms the key evidence behind the operation of Heathland framework it is important that this type of research work continues, based on good monitoring information. It is essential that a definitive link between the projects and a diversion of heathland trips is made. If this cannot be demonstrated, the whole framework approach is brought into question.</p> <p><u>Suitable Alternative Natural Greenspace (SANG)</u></p> <p>The primacy of SANG as heathland mitigation has been recognised by the recent Talbot Village Trust test case (refer to 3.7-3.8 above). This should form part of the SPD advice. The SANG projects that are to be brought forward as part of large (50+ dwellings) development proposals should be included in the SPD project list as they form a key part of the overall package of mitigation.</p> <p>The draft SPD does include a brief paragraph on SANG, but little detail is given of the necessary qualities of SANG to act as an alternative to heathland visits.</p> <p>The Footprint Ecology research recommends that the quality of SANGs is an important factor and they state that SANGs will only be effective if they are able to offer real alternative to the attractive, extensive and open feel of many heaths. The research confirms that, to make</p>	<p>Noted.</p> <p>Where development and associated SANGS are to be brought forward within the timeframe of the SPD then it would be reasonable to include these.</p>

	Date	Name	Organisation	Comment	Officer Response
				<p>effective diversion to heathland trips, the quality of SANG is more important than quantity.</p> <p>Natural England has supported the introduction of a new policy within CBC and EDDC's joint Core Strategy (policy ME3) to specify the qualitative nature of the SANG. This approach should be reflected in the SPD.</p> <p>Given the central role that SANGs will play as part of the mitigation package, it is very important that large sites do secure genuine provision, rather than making tariff payments to the framework. This is reinforced by the fact that, to date, payment of the tariff does not appear to result in much genuine extra provision of greenspace, and is largely used for administration and other supporting costs – see section 5.19 below.</p> <p>Given that SANG provision for large sites is a unique opportunity in the mitigation strategy, it is essential that there is no temptation for the developer to use tariff payments as an easier option. That way lies legal challenge in the Courts and a consequent threat to the whole framework.</p>	
				<p>General Governance</p> <p>The governance of the Heathland Mitigation framework should be made clear in the SPD. The system is not transparent and appears to lack external scrutiny. MEM believes that participation in the Executive could be broadened to include experienced land managers from the private sector.</p> <p>MEM firmly believes that project delivery might be more effectively delivered through the private sector, and would urge that a project audit be carried out to ascertain if projects might be delivered better by the private sector or in partnership.</p> <p>The SPD does not include any information about how the projects are delivered. It is not clear from the consultation draft how delivery of mitigation projects actually comes about. The mechanism engaged by the constituent authorities in procuring the projects should be set out in detail.</p> <p>The SPD states that Local Authority Countryside Teams are able to put forward projects for delivery by the UHP. However, MEM understands projects are not the exclusive role of the constituent local authorities or the Urban Heaths Partnership, this needs to be corrected in the SPD.</p> <p>In order to potentially increase the delivery of projects within the framework and comply with the Regulations put in place by the Localism Act, the SPD should clarify the procedure for project and fund approval. This may help release additional matching funding through New Homes Bonus, lottery applications and other grant monies to support the project delivery. This could also open up project delivery to more cost effective delivery mechanisms including</p>	<p>Opportunity to improve governance and delivery are welcomed. The Executive can be asked as to whether they wish to expand the Group but this would require each local authority to approve. It is also worth noting that only local authority members are empowered under the local government act to make decisions on how contributions should be spent.</p> <p>It is not for the SPD to set out the method for procuring projects, if there is concern at the process for this then this can be supplied and can be</p>

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				<p>neighbourhood groups, Wildlife Trusts or the private sector.</p> <p>MEM recommends that the pro-forma for project application funds and the criteria for assessing projects is included within the SPD. Where project applications are rejected there needs to be an appeal mechanism so the applicant can challenge the decision of the Executive.</p> <p>The reliance on each Local Planning Authorities (LPAs) Annual Monitoring Report (AMR) to disseminate the payments and projects is not appropriate. Not all LPAs produce an AMR as required. In addition, given that the project is seen as an area-wide solution it is not appropriate to report it piecemeal. A comprehensive monitoring, audit and reporting of the heathlands mitigation package as a whole must be produced.</p>	<p>placed on the Council's websites.</p> <p>This information is available and reported to the Executive at each meeting.</p>
				<p>Other Comments</p> <p><u>Delivery Mechanisms</u></p> <p>The SPD sets out method for payment and standard agreements for a tariff based system. It does not, however, set out the mechanism for SANG procurement, which is a legitimate alternative to the tariff payment.</p> <p>The SPD should invite other suitable bodies to assist with the delivery of SANG and projects under the framework. If the project can be procured and managed to the satisfaction of the Executive Group it is immaterial as to who delivers the project. This may allow individuals or companies to procure heathland mitigation projects more cost effectively.</p> <p><u>Land purchase costs</u></p> <p>The setting of the tariff needs to consider land purchase costs. This may have implications for the tariff rate; the overall budget for the appropriate mitigation may need to be revised upwards, unless this can be off-set by more cost effective delivery.</p> <p>The acquisition of land in order to bring forward projects is a legitimate; indeed some of the projects already completed have involved the purchase of land to secure the capacity and diversion from the protected heaths.</p> <p>It is important, therefore, when identifying projects that are on private land acquisition costs are included in the overall project budget. Realistic budget assumptions must be made based on formal valuations.</p> <p>Evidence from a project bid at Chewton Gateway has included a nominal amount for securing a long lease, which is not realistic and will not achieve the project's delivery. Formal valuation advice should be sought to underpin approaches to landowners when including land for projects within the SPD list.</p> <p><u>Benefits in Kind</u></p> <p>The CIL regulations allow for the reduction of CIL payments in exchange for benefits in kind. It would seem appropriate that the heathland framework to offer the opportunity for payment in kind if it can deliver mitigation appropriate to the scale of development. This may not always be</p>	<p>The IPF was set up to manage the cumulative effects of small scale developments which in themselves would not be able to provide mitigation. Larger schemes that may be able to procure SANGs will vary depending on scale, location, land ownership, and the opportunity to deliver SANGs. Agree that it is not necessarily just public bodies that could procure SANGs.</p> <p>Projects are required to provide evidence of land purchase costs.</p> <p>This is allowed for within the IPF/SPD.</p>

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				<p>of SANG quality because of scale issues, but in combination with other projects could provide an important strand of a heathland diversion project. There may also be occasions when part payment/part physical provision is appropriate. It is important to confirm that when appropriate physical provision is secured tariff payments are set aside.</p> <p><u>Return of IPF/SPD payments</u></p> <p>The draft SPD confirms that, in line with normal procedures for the collection of s106 payments, if the contribution has not been spent within 5 years of the commencement of development the money will be returned. This is not an appropriate solution for payments made through the Framework. If payments are returned the Executive have defaulted on their commitment to mitigate against the potential harm of the development and cannot therefore claim that damage to the Dorset Heathlands SPA has been avoided. This would not satisfy the requirements of the habitats regulations. If the constituent local authorities are unable to deliver the projects they should look to bodies that can provide this service. It is imperative that once secured the framework funds are spent within the five years. Sufficient lead-in times must be secured for full implementation of projects within the timescales.</p> <p>It is understood that no tariff payments have been returned as the fund is well managed but this should not be included as a possible option for the reasons set out above.</p>	Noted.
13	16.03.2012	Hannah Hutchinson, Assistant Rural Surveyor	National Trust, South West Region	<p><u>General</u></p> <p>The National Trust has read the public consultation document 'Dorset Heathland Planning Framework Supplementary Planning Document' and has no comments to make.</p>	Noted.
14	16.03.2012	Gareth Morgan, Nathaniel Lichfield & Partners	On behalf of Talbot Village Trust	<p><u>Question 1</u></p> <p>Subject to our comments below and in the absence of a fuller consideration of the issues TVT do not object to this. However, the current potential timescale of the SPD would lead to this interim approach being in place for some 7 years since its introduction without a thorough review of the issues surrounding the protection of heathland. TVT are concerned about the continued delay in producing a Dorset Heathlands Joint DPD which would provide an opportunity for preparation of a considered long term strategy to address these issues and the formal testing and examination of these through the DPD process. The absence of a long term approach has the potential to cause considerable difficulty and delay in the delivery of residential development in the conurbation.</p>	Noted.
				<p><u>Question 2</u></p> <p>We have no particular comment on the list of identified projects although again the nature of the process and lack of a tested long term strategy after more than 5 years of an "interim" policy makes it difficult to test whether these are optimal or only projects that can provide the mitigation sought for development. In this situation, TVT suggest that the SPD should allow the</p>	This is already allowed for.

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				<p>possibility of other mitigation measures or the contribution of land as an “<i>in kind</i>” payment (as allowed by CIL Regulations) if it can be demonstrated that this will achieve equivalent or greater levels of mitigation than the financial contribution.</p>	
				<p>Question 3</p> <p>The suggested level of the proposed tariff set out in paras. 4.3 to 4.5 may be reasonable in isolation but does potentially have implications for other S106 contributions and affordable housing in the context of development viability. If the contribution to heathland mitigation is to be given priority over other payments in a situation where development would not be viable if all policy aspirations are complied with, this should be stated in the SPD. The viability analysis carried out for the CIL Charging Schedule demonstrates the compromises in affordable housing levels needed in a number of parts of the Borough to bring forward development with lower levels of CIL than are provided under the application of current tariff arrangements and also that in some parts of the Borough development was unviable anyway in current market conditions.</p> <p>TVT consider adjustment of the contribution in accord with the Retail Price Index (RPI) is reasonable.</p> <p>However, we do not consider that a review of the level of contribution by the Heathland Executive Group being made on 1st April 2012 and 1st April 2013 as suggested in para 4.6 is appropriate without further consultation.</p> <p>First, the document will not be adopted before 1st April 2012 and therefore, either this review cannot take place or the figures set out in paras. 4.3 to 4.5 are potentially of limited relevance as they could be altered by the time the SPD is adopted.</p> <p>Secondly, the drafting of the SPD effectively allows the complete revisiting of the appropriate level of contribution. While examples of matters that will be taken into account in the review are set out these are wide ranging and the drafting of the SPD allows any other matters to be taken into account. It is important for developers to have certainty about the maximum level of contribution that will be required and, the ability to carry out an annual review unfettered by the need to consult, creates uncertainty Given that the level of contribution is one of the major implications of the SPD, any review of the amount in an upward direction, unrelated to RPI, should be the subject of consultation.</p>	<p>Without agreed mitigation of the adverse effects of residential development there will be no development. The local authorities recognise that in practice the mitigation will top slice s106 contributions which may have an impact of other policy aspirations.</p> <p>Noted.</p>
				<p>Question 4</p> <p>We note that the SPD applies in the area between 400 metres and 5 kilometres (para. 2.5) of the heathland and TVT also note and support the identification in para. 2.4 that there may be exceptional circumstances where additional residential development within 400 metres of heathland would not be likely to have a significant adverse effect upon the designated site, either alone or in combination with other developments (para. 2.4)</p>	

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				<p>In her conclusions following the recent call-in inquiry the Inspector recognised the possibility that if a residential development, including its mitigation measures, could be implemented within the 400 metre zone without any significant effect on the heathland, it would as a matter of fact be an exception (IR para. 13.9). Her analysis supports the view that if the overarching legal test can be met by a residential development within 400 metres, it can be recognised as an exception and therefore the acknowledgement of this in the IPF/SPD is appropriate. A consistent approach is taken in the Poole Core Strategy (Policy PCS 28).</p> <p>The operation of the SPD is also influenced by the treatment of the boundary of the 400 metre zone. TVT are aware of a plan produced by English Nature (now Natural England) "<i>Bourne Valley Draft Consultation Area: Residential Impacts. June 2006 Map 1</i>". It purports to show land within 400 metres of the heathland but as far as we are aware it has not itself been the subject of consultation and is not the subject of consultation now.</p> <p>This plan is, however, inconsistent and arbitrary because it seems in places to follow property boundaries (including land that is beyond 400 metres within the 400 metres zone) and elsewhere cuts across property boundaries. Given the importance of the 400 metre zone in the context of the application of the policy, it is clearly important that any line (or application of the policy) to be used is precise. Land is either within 400 metres of a heath or it is not and straight line distance should be applied rather than seeking to follow individual plot boundaries. Some plots may have a large curtilage extending well beyond 400 metres leading to important inconsistencies in approach.</p> <p>The SPD should clarify that the 400 metre zone is measured on a straight line basis from the edge of the heathland and, in the current absence of reliable maps showing this, this should be checked in connection with each development proposal. The approach as taken on the existing drawing appears arbitrary, and by including land outside 400 metres within the 400 metre zone, potentially may be used to prevent development coming forward that, in terms of the wording of the SPD would otherwise be acceptable.</p>	
				<p><u>General</u></p> <p>The context of TVT's interest is their ownership of land that is adjacent to and including part of Talbot Heath and other land to the north of Wallisdown Road. TVT have previously commented upon the predecessor documents, the Interim Planning Frameworks. These representations are also made in the light of the Secretary of State's decision at the end of February 2012 to refuse a planning application for a mixed use development including residential accommodation on TVT land close to Talbot Heath</p> <p><u>CIL and the SPD</u></p> <p>In Poole, we understand that the SPD would cease to apply if the CIL Charging Schedule is adopted with that adoption likely to take place later this year or early next year. Given that the</p>	Noted.

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				draft Charging Schedule clearly indicates that Dorset Heathland SPA mitigation is one of the forms of infrastructure for which CIL will be used, we consider that the SPD cannot sit alongside the Charging Schedule and that this should be clearly stated in the SPD. We recognise that the SPD covers a wider area than Poole alone but notwithstanding this, we consider it important that the SPD provides clarity as to how it interrelates with the proposed Poole CIL Charging Schedule.	
15	16.03.2012	Pippa Wheatley		<p>Question 2</p> <p>I welcome the opportunity to comment on question 2 of your four questions:</p> <ul style="list-style-type: none"> • Local green spaces are fine but more linear routes would help direct people on foot, cycle or horseback away from heathland areas • Bridleways have become fragmented. Many roads are too busy and dangerous for horse riders to access them. Therefore horse riders in certain areas have mainly heathland routes which they can reach. • Slow progress is being made with the long distance trailway network in Dorset for horseriders. This was intended for walkers, cyclists and horseriders. Heathland mitigation could be a means of funding this where relevant. West Moors is a particular example. Horse riders from Holt Heath area cannot get eastwards along the Castleman Trailway at West Moors. Upton is another example where your projects could help give horse riders more access away from the heath. • Extensive areas of land used by the Forestry Commission can be used by horse riders if they pay an annual fee, currently £45. Please can you recommend to them that this charge is dropped? It is discriminatory, expensive and excludes riders from areas that could serve well to divert them from heathland. • When cycleways are planned please include horse rider access wherever possible, particularly if they link up with further routes. • Please also consider a more detailed response from the British Horse Society. 	Noted. The Executive has no jurisdiction over the Forestry Commission and fees that it might apply. However, as partners we can raise the issue with them.
16	16.03.2012	Renny Henderson, Conservation Officer	Dorset RSPB	<p>Question 1</p> <p>The RSPB support the conversion of the IPF to a SPD, pending development/ progression of the Joint Dorset Heathlands DPD. The conversion will provide the agreed mechanism for addressing recreational and other effects of residential development on designated heathlands with greater weight within the planning system.</p>	Noted.
				<p>Question 2</p> <p>We note Appendix A: List of mitigation projects proposed for 2012-2014. This includes 'preferred' and 'reserve' projects within categories of 'projects to divert users from heaths', and 'access and fire management projects'. A separate category is entitled 'revenue projects'. We have not been involved directly in the development of the project list, but would anticipate</p>	Noted.

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				<p>scrutiny of the projects by the IPF Officers Group, within which RSPB and NE sit, would take place as is currently undertaken under the IPF. This would test the projects against the core objectives of the IPF/SPD, and is undertaken by reference to objective criteria. We do not raise any particular issues with regard to the project list at this stage.</p> <p>In order to test the effectiveness of the IPF, it is essential that adequate monitoring is undertaken. This includes both the monitoring of projects against their stated objectives but also, and critically, monitoring of the protected heathlands. This is a fundamental requirement. We are still within the ‘testing phase’ of the IPF with respect to the consultation premise that projects “satisfactorily mitigate the adverse impacts of residential development on heathlands”.</p> <p>That said, it is the RSPB’s opinion that the range of projects currently funded by the IPF, which have been scrutinized for their strategic alignment with the IPF core purpose, are an appropriate response. Turning again to the current list of projects summarised in Appendix A, as a suite of projects they represent a potentially appropriate response, which if correctly implemented, managed and monitored, have the potential to deliver adequate mitigation for increased recreational and other effects on the protected heathlands associated with residential development. However as stated above, we would wish to see the projects formally assessed.</p> <p>Projects must align with the IPF/SPD core objectives and not represent an opportunistic alternative to core-funding or other aspirations of the project holder(s). The essence is that they must deliver mitigation which addresses the potential adverse affects on designated heathlands.</p>	
				<p><u>Question 3</u> We have considered section 4.0 of the consultation draft which sets out the approach to the level of contributions. We support the approach and agree that it provides clarity for “developers, the owners of land and the general public” (paragraph 4.1).</p>	Support for level of contributions noted.
				<p><u>Question 4</u> The IPF ‘system’ operating since 2007 has been a largely robust and successful vehicle for addressing recreational and other effects on designated heathlands, as described above. It has funded a wide range of projects, across the sub-region, according to recent data at an expenditure of some £4.25M. It is a credit to those organisations and individuals involved. It is not however without opportunities for improvement.</p>	Noted.
				<p><u>General</u> We have been engaged in the Dorset Heathlands Interim Planning Framework (IPF) since its foundation in 2007, and strongly support its aims and objectives. The RSPB is engaged at many levels within the current IPF ‘infrastructure’ and places a very high value on this engagement. The level of engagement within the IPF process, reflects the importance the</p>	Noted.

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				<p>RSPB attach to the IPF as the vehicle for addressing, outside 400m, the potential recreational and other effects of residential development on designated heathlands (SPAs, SACs and Ramsar sites).</p> <p>As such we support strongly the intention to convert the current IPF to a Supplementary Planning Document (SPD) which, when adopted, will sit within each of the relevant local planning authority's Local Development Frameworks (LDFs).</p> <p><u>Other land uses</u></p> <p>We have had an initial discussion with Natural England who advise they will be advocating as part of this consultation that additional land uses should fall within the mitigation system developed by the IPF and to be continued within the SPD. This will include land uses which they would advise restricting within the 400m zone and seeking mitigation measures or contributions within the 400m to 5km zone.</p> <p>These uses include sites for gypsies, travellers and travelling show people, student accommodation and some types of holiday accommodation. We would wish to discuss this matter further with Natural England and within the Officers Group operating within the IPF.</p> <p>However, we understand that Natural England's response to this consultation will provide more guidance on the above.</p> <p><u>Priority setting</u></p> <p>We would suggest that priority has not always been given to IPF funded projects within partner organisations. IPF projects are critical projects linked to potentially damaging developments and need to be prioritised and delivered without delay.</p> <p>This is important both for ecological reasons, but also to demonstrate to the wider public (including tariff payers) that monies are being spent prudently and speedily.</p> <p><u>Monitoring</u></p> <p>There remains, to the RSPB at least, the perception that monitoring of projects and the designated sites which they aim to protect is a luxury or at best a necessary evil. It is neither. It is essential part of projects, for the reasons given above.</p> <p>The importance of monitoring, and ongoing project management, needs to be highlighted within the SPD. This monitoring assists demonstration that projects are performing, and that the heathlands are not suffering from additional pressures. It also provides a valuable feedback loop which can help inform future projects. Management is essential to ensure that projects' mitigation role is sustained, for the long term.</p> <p><u>Cross-boundary working</u></p> <p>It is likely going forward into the SPD and beyond, that larger projects involving multiple authorities will be developed, particularly with respect to the provision of SANGS. This will require new models of working and extensive collaboration between Councils and other</p>	

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				partners. The IPF/SPD management infrastructure needs to be capable of responding flexibly, innovatively and swiftly to opportunities, particularly as some opportunities maybe be time limited (such as the availability of land on the open market).	
17	16.03.2012	Tom Rumble, Woolf Bond Planning	On behalf of Messrs Taylor Wimpey UK Ltd in conjunction with Bodorgan Properties CI Ltd.	<p>General As you may be aware our clients are presently working on a scheme in Christchurch Borough to deliver a sustainable urban extension on the northern side of Christchurch. The subject site is proposed as a strategic allocation in the Draft Core Strategy – Pre-submission version taken to Policy Committee in February 2012. This document is scheduled for a final consultation this summer. We have attached the relevant exert from this document to these representations. In summary it is anticipated that the site will deliver approximately 850 residential units over a nine year period from 2014/15. In reality, this number remains an assumption at this stage until such time as a detailed masterplanning exercise has been undertaken including having regard all relevant site specific considerations. In addition to the above, the masterplan proposals are likely to provide for a local centre, open space and, mix of housing types and tenures (including affordable).</p> <p>The site comprises land north and south of the railway to the east of Burton and south of the railway. This includes land north of the London-Bournemouth railway line to the east of Burton. Land to the south of the railway has clear advantages in provide for a sustainable urban extension.</p> <p>We have no specific comments on the Consultation Draft SPD at this time and write purely as an informative to ensure you are aware of our proposals and their likely timescales. Our intention is to provide sufficient SANG mitigation adjacent to the residential land so to offset any potential impacts on the Special Protection Area. On-going discussions with Natural England about appropriate mitigation are being held in this regard. As such we will not be in a position where off-site contributions are required.</p>	Noted.
18	19.03.2012	Susan Frost, RoW Liaison Officer to Holt Parish Council		<p>General Having read the Supplementary Planning Document Consultation Draft I note that there is very little mention of any facilities for horseriders and as a former District Commissioner for Poole Pony Club (approx 130 members) and former vice chairman of Wimborne & District Riding Club (350 members) it would be beneficial to these riders if they had access to say, the Castleman Trailway enabling them to reach club venues in Merley Park Road and Higher Merley Farm and Br. link over Canford Bridge.</p> <p>In paragraph 2.3. Natural England voices its concerns regarding the damage caused by recreational usage. As a resident of 43 years adjacent to Holt Heath I note that the use of motor bikes (grass track) ATVs and an increase in mountain bikes are all contributing to add to</p>	Noted. Where it can be demonstrated that projects that would reduce harm to the heaths then these will be considered. It is not only Local Authorities who may be bring forward projects for consideration but also other bodies such as Parish Councils could submit bids

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				<p>the erosion of the heathland. At present there does not seem to be any way of controlling these activities. The introduction of New Forest ponies and 40 head of cattle has all taking its toll on the heath although it can be argued that the grazing will, in the long term, reduce the scrub and improve the natural growth of the heather.</p> <p>On a planning issue I note that livery yards are on the increase in this area putting even greater strain on the rights of way across the heath. It would appear that these livery yards are unlicensed and do not come through at parish council level. Another factor concerning recreational use is that the Forestry Commission insists on the purchase of an annual permit to be able to ride on their land. This an added expense for horseriders and encourages riders to use the heathlands as an alternative.</p> <p>There seems to be little finance available to contribute to any upkeep and repair of the Rights of Way, the onus of this expense falling back onto the landowners.</p>	for consideration.
19	19.03.2012	Rachel Lamb, Senior Planner, Turley Associates	On behalf of Burry and Knight Ltd.	<p>Question 1 PPS12 states that “A planning authority may prepare Supplementary Planning Documents (SPDs) to provide greater details on the policies of its development plan documents. Supplementary planning documents should not be prepared with the aim of avoiding the need for the examination of policy which should be examined” (para 6.1)</p> <p>Whilst our client does not object to the conversion into an SPD in principle, it has not been made clear which policies of which development plan documents the proposed SPD relates to. The draft document refers to six local authorities, all of whom have various development plan documents that are at varying stages of preparation/adoption. The document should make clear which of the adopted policies it is seeking to respond to.</p> <p>The Planning Advisory Service advises that: <i>“In principle, supplementary planning documents should not be subject to the SEA Directive or require sustainability appraisal because they do not normally introduce new policies or proposals or modify planning documents which have already been subject to sustainability appraisal. However, a supplementary planning document may occasionally be found likely to give rise to significant effects which have not been formally assessed in the context of a higher-level planning document.</i> <i>This may happen for example where the relevant higher level planning document containing saved policies within a saved local plan or unitary development plan pre-dates the 2004 Act or the 2001 SEA Directive.”</i></p> <p>Of the six local authorities to which this draft SPD relates, only one has adopted its Core Strategy (Poole, 2009), the remaining five authorities rely on saved policies within their local plans that were adopted between 1999 – 2002. With this in mind, and considering the guidance set out by the planning advisory panel, it is arguable that the proposed SPD (and</p>	<p>Given that the SPD formerly the IPF is in effect the appropriate assessment for the impact of small scale cumulative development in respect of its environmental impact it is not considered that a SA for what is a planning obligations document would offer any value.</p> <p>Bournemouth and Purbeck Councils have had their Core Strategy examinations and EDDC/CBC joint plan is nearing pre-submission stage. Therefore there is sufficient adopted or emerging policy with accompanying SA to not require further SA for this SPD.</p>

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				<p>indeed its predecessor) should be subject to a sustainability appraisal.</p> <p>The purpose of the sustainability appraisal process is to appraise the social, environmental and economic effects of a plan from the outset to ensure that decisions that are made, contribute to achieving sustainable development. In this case, the SPD has the potential to have a significant economic impact through the imposition of charges on development. No viability information has been submitted in support of the draft SPD, nor apparently is any consideration given to wider funding streams such as the New Homes Bonus or the Community Infrastructure Levy (which for Poole, may well be in place in the next few months).</p> <p>Given the current economic climate, as well as the emphasis on undertaking viability assessments in relation to CIL's, it is considered that sufficient consideration has not been given to the potential financial implications of the suggested SPD charges. Until a sustainability assessment or a viability study is undertaken, there is no certainty that the charges will not act as a barrier to the delivery of development.</p> <p>The consideration of a policy's financial implications, as well as the cumulative impacts of other financial burdens is set out in the Government's 'Plan for Growth' (March 2011) as a key issue. Paragraph 2.15 clearly identifies the Government's intention:</p> <p><i>"Understanding the burdens imposed on businesses is a critical role for local authorities and they should be mindful of the cumulative costs of their policies. For development plans, deliverability will remain a key test of soundness. Local authorities seeking to introduce the Community Infrastructure Levy will be legally required to assess the economic viability of the rates they set. Through the NPPF, Government will also ensure that local authorities will not be able to adopt plans that block the delivery of required development by imposing unsupportable burdens on developers. In order to prevent excessive burdens on industry, the Government will work with local authorities and developers to ensure that the cumulative impact of regulation and other costs can be assessed, without adding complex and unwieldy bureaucracy to plans."</i> (paragraph 2.15).</p> <p>From a review of the draft SPD, and due to a lack of up-to-date evidence and a comprehensive consideration of wider financial implications, it would appear that the financial implications of the document are not fully understood.</p>	<p>All of the local authorities through their LDF work have undertaken viability work around affordable housing. This has provided an understanding of the viability of development across SE Dorset. Further Poole is approaching its CIL examination and has an up to date detailed viability appraisal for the entire Borough. From a practical point of view the charges are similar to those within the IPF which has operated successfully and without hindrance to implementation of development both pre and post economic downturn.</p>
				<p>Question 2</p> <p>It is not clear whether the authorities involved with the preparation of this SPD are themselves able to answer this question, despite the fact that the costs associated with the project list are fundamental to the development charges that are proposed for imposition.</p> <p>In preparing these representations we have reviewed the responses received in relation to the current interim planning framework document and in this regard, it is notable that where questions/objections were raised in connection with the project list, the policy team responded</p>	<p>The Planning Inspectorate has supported the local authorities in every single appeal decision since the operation of the IPF commenced. This includes all</p>

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				<p>as such: <i>"The list of projects will undergo more detailed assessment before being taken through a rigorous selection process in order to receive funding approval"</i>.</p> <p>There is no evidence available to suggest that a detailed assessment or a rigorous selection process has been undertaken for the previous list of projects or, perhaps more importantly, in connection with the updated (far more costly) project list.</p> <p>Furthermore, it is not clear how the identified project list (and the associated cost implications) can be considered to meet the tests of the CIL Regulations 2010 (regulation 122 specifically) or the tests found in circular 05/2005 which states that a contribution should be necessary, directly related and fairly and reasonably related in scale and kind to the development. The list identifies a number of projects; the purpose of the majority is to divert people from using the heaths, however there is no evidence provided to justify the nature of this approach and/or whether it is likely to be successful. In response to the 2010/2011 consultation, the policy team commented that: <i>"Monitoring work is taking place to assess the success of projects funded through the IPF"</i></p> <p>If this is indeed the case, surely this information would prove useful in establishing the appropriateness of the currently proposed list of projects and the approach overall? A number of the identified projects will quite clearly benefit existing residents (as opposed to being directly related to new developments) and it is not clear to what extent these identified projects will off-set impacts on the heathland that relates specifically to new development.</p> <p>It is also unclear how the level of projects proposed can be equated to mitigate the predicted population growth throughout the period. Further explanation/evidence is required in this regard.</p>	<p>cases where a contribution has been sought since the introduction of the CIL Regulations in April 2010. A monitoring report was published in 2011 setting out the results taken from projects funded since 2007.</p>
				<p><u>Question 3</u></p> <p>A more pertinent question is perhaps whether the method of calculating the level of contribution can be considered reasonable. With regards to question 2, we have questioned the extent and nature of the costs associated with the identified list of projects which is a fundamental element of the equation used to calculate the level of contribution per dwelling.</p> <p>The other key element of the equation is the forecast average population growth (based on ONS population forecasts). We note that this figure is significantly larger than the figure set out in the IPF (4871 versus 3047 respectively). We also note that, conversely, the housing forecasts are dramatically reduced in the draft SPD when compared to the IPF (2934 versus 4112 respectively). It is not clear how this projected increase in population could be accommodated by the number of houses that are proposed for completion. If the identified projections were to become a reality, each new dwelling would need to house at least 6 people. In reality, with the housing numbers as projected, the population increase is likely to be</p>	<p>The evidence base for the IPF has been tested at various appeal decisions and at Poole Core Strategy EIP in 2009 and more recently at Bournemouth and Purbeck's Core Strategies EIPs. The evidence of disturbance from development in the Thames Basin Heaths identifies the same issues and patterns of disturbance. This evidence was subject to rigorous</p>

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				<p>significantly less and consequently, the impact on the heathland will also be significantly reduced. It follows therefore that the list of mitigation projects should be reduced accordingly, resulting in an amended level of contribution per dwelling.</p> <p>Furthermore, there is considerable uncertainty with the preparation of this document at a time when the associated local planning authorities are at varying stages of their plan preparation, with varying types of evidence documents, particularly in relation to housing delivery. In this regard, it is quite reasonable to presume that housing numbers could change significantly as plan preparation progresses, or that the relevant development plans will not be sufficiently progressed, or indeed that Community Infrastructure Levy's will not be in place in two years time to allow for the preparation and adoption of a joint Development Plan Document.</p> <p>Some evidence has been prepared in relation to the joint Development Plan Document (Household Survey on footprint ecology) and this begins to provide some justification for the approach to mitigating impacts on the heathlands and the provision of a contribution towards residential development.</p> <p>However, it is concerning that whilst efforts will be put into the preparation of an evidence base for the joint DPD, this 'interim' (four year) document is based on a flimsy evidence base that has not been properly tested or independently assessed. It is suggested therefore that, whilst it is described as an 'interim' document, further evidence should be provided in connection with: the effectiveness of the 'diverting users project' approach so far, population growth and housing projections and the way they are utilised to calculate the per dwelling contribution and, perhaps most importantly, a sustainability appraisal or viability assessment should be undertaken to ensure that the document does not act as a deterrent to development due to the financial constraints it imposes.</p>	<p>examination at the South East RSS EIP as indeed was the case at the SW RSS EIP. In both instances it was concluded that the evidence base was robust. Far from flimsy the evidence base is rather substantive.</p>
20	19.03.2012	Emily Low, Associate Director, Waterman Energy Environment & Design	On behalf of ZBV (Winfrith) Ltd.	<p>Question 1</p> <p>The conversion of the IPF to an SPD is supported, subject to the comments within this representation.</p> <p>However, it is unclear how this document relates to the emerging Joint Dorset Heaths Development Plan Document (DPD), or the emerging Core Strategy and Site Allocations DPDs being brought forward by the Local Authorities party to the Consultation Draft SPD.</p> <p>Paragraph 3.4 of the Consultation Draft SPD states that a number of alternative options were considered as part of the preparation of the Joint Dorset Heaths DPD. However, no information is provided in respect of these alternatives and options or how they relate to the SPD. Therefore, consultation responses can only be provided in respect of the Consultation Draft SPD, and not the alternatives and options. Given the significance of the Consultation Draft SPD, an issues and options stage consultation would have been welcomed. Furthermore, it is not considered that reasonable alternatives have been assessed particularly in relation to</p>	<p>The SPD will provide the mechanism for collecting contributions prior to the introduction of the joint Dorset Heathland DPD. The joint DPD has been through Regulation 25 consultation but in itself does not have bearing on this SPD. The testing of growth options is for individual Development Plans. The SPD takes on board the overall housing</p>

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				growth options at Wool and in particular Dorset Green Technology Park.	requirement across SE Dorset.
				<p>Question 2 No, it is considered that further measures should be included within the administrative boundary of Purbeck District Council. This should include a SANGs at Dorset Green Technology Park.</p>	Noted.
				<p>Question 3 It is unclear how this level of contribution would apply to larger development sites which may provide on-site mitigation as part of their proposals, or provide other off-site measures. This could include new SANGs sites not included in the Consultation Draft SPD. This needs to be clarified.</p>	The SPD is primarily concerned with small scale residential development. Large scale development should be subject to individual assessment and negotiation with the IPF providing a fallback position such financial contributions prove the only solution in such cases.
				<p>Question 4 Not at this stage.</p>	Noted.
				<p>General In respect of the above-mentioned Consultation Draft SPD, Waterman Energy, Environment & Design provide the enclosed response on behalf of ZBV (Winfrith) Ltd. ZBV (Winfrith) Ltd (hereafter 'ZBV') are proposing to develop a mixed-use, zero carbon sustainable community (hereafter referred to as the 'Proposals') on part of the former Winfrith Technology Park and surrounding agricultural land. The former Winfrith Technology Park is now known as Dorset Green Technology Park (DGTP) and is allocated as a strategic employment site within Purbeck District Council's (PDC) current planning policy and emerging Core Strategy. The Proposals include a Suitable Alternative Natural Greenspace (SANGs). The Proposals have been promoted through PDC for a number of years through submissions to their emerging Local Development Framework including their Core Strategy and through pre-application discussions. Our concerns and comments on the Consultation Draft SPD are set out below. Responses to the questions presented on the 'Consultation Page' of the Consultation Draft SPD are provided in Annex 1 to this letter. It is noted that the Consultation Draft SPD only covers a two year period from 1st April 2012 to 31st March 2014. Given that we are presently in 2012, it is considered that this does not demonstrate a proactive approach to forward planning and therefore does not adequately</p>	The SPD is intended to be replaced by the joint DPD by April 2014.

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				<p>address the likely growth anticipated by current or emerging planning policy documents for the Local Authorities party to the Consultation Draft SPD, including the emerging PDC Core Strategy. It is acknowledged that a Dorset Heathland Joint Development Plan Document (DPD) was being prepared to address growth up to 2026, however since the Issues and Options stage in 2007, no further drafts or consultation have been made available. In the absence of a longer term strategy, it is considered that the SPD does not provide for proactive planning in terms of growth and impacts on designated heath land.</p> <p>Further, it remains unclear how the Consultation Draft SPD relates to the proposed Joint Dorset Heaths DPD or other Local Development Framework documents for the relevant Local Authorities party to the Consultation Draft SPD, including emerging Core Strategy and Site Allocations DPDs.</p> <p>The Consultation Draft SPD states at the outset that ‘...the SPD retains as its guiding principle that there is no net increase in urban pressure on the internationally important heathlands as a result of additional development’. The Consultation Draft SPD also sets out in paragraphs 1.1, 2.3 and 2.4 the impacts of development on the South East Dorset Heathlands and the concerns of Natural England in this regard. The Consultation Draft SPD indicates at paragraph 3.1 an approach to the mitigation of the harmful effects of residential development in the South East Dorset on Dorset lowland heaths and states that ‘...the document sets out a range of measures that have been identified jointly by the local authorities and Natural England’ and that ‘...Natural England’s advice is that together these comprise an appropriate package of measures to reduce to an insignificant level of harm that would otherwise occur to protect heathland’. However, the rationale as to why these mitigation measures have been chosen, and how they are related to proposed growth within the Local Authorities party to the Consultation Draft SPD is not provided.</p> <p>It is unclear why measures have not been identified in proximity to strategic locations proposed for new development within the Local Authorities party to the Consultation Draft SPD. For example, PDC’s emerging Core Strategy identifies a number of potential SANGs proposals in proximity to their potential allocated housing sites. If such SANGs proposals are required to offset impact from these proposed strategic allocations, it would be expected that they would be included within the Consultation Draft SPD. The Consultation Draft SPD is unclear in relation to how large development sites and associated mitigation proposals would be addressed and what contributions would be applicable should such developments include on-site or off-site provision as part of their proposals.</p> <p>It is unclear how the Consultation Draft SPD will be updated to take account of future strategic site allocations brought forward as part of the Local Development Frameworks, or other consented large scale developments on unallocated windfall sites which may receive planning</p>	<p>Natural England’s view is that the project list subject to a few small changes comprises a suitable set of mitigation proposals.</p> <p>The SPD is primarily concerned with small scale developments and the Joint Heathland DPD will address longer term strategic opportunities. The proposals should be deliverable within the lifetime of the SPD.</p>

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				<p>Therefore further options and alternatives should be considered, including options near Wool and at DGTP.</p> <p>DGTP is one of two major strategic employment sites in PDC. The DGTP is currently allocated within PDC's local plan for research and development or related uses, and within the emerging PDC Core Strategy as a strategic employment site. Permitted uses include light industry and offices (B1 uses), general industry (B2 uses) and B8 (ancillary warehousing) which do not affect the attraction of the DGTP as a prestigious location for specialist firms. However, ZBV considers that the future of the DGTP could not be sustained through an employment only option and considers that housing is essential to maintaining the viability of the DGTP in the medium to long term. PDC should be promoting and proactively planning for the future of their strategic employment sites. In accordance with the principles of sustainable development, it is considered that new housing should be provided in proximity to employment to reduce the need to travel. As stated above, ZBV consider that the implications of additional housing growth around Wool have not been taken on board and therefore we consider that reasonable alternatives for growth at Wool and associated mitigation in this location have not been considered.</p> <p>ZBV are promoting DGTP and surrounding agricultural land, for mixed-use regeneration and it is considered that DGTP is a suitable place for new housing alongside employment, supported by appropriate SANGs. Their total landholding in this location is approximately 95ha. ZBV's Proposals at DGTP and surrounding agricultural land include the regeneration of the DGTP as a 'green industries' hub, providing high quality employment space to support the local community. In addition, new housing would be provided for the local community and employees of the commercial and light industrial occupiers who will be attracted to the DGTP site. Additionally, the Proposals masterplan include hotel, education, conference, community and visitor facilities. The Proposals also include the provision of a network of multi-functional green infrastructure including open space, playing fields, sustainable drainage, cycle and pedestrian routes and a SANGs site. As indicated earlier PDC has a longstanding policy objective to promote/safeguard Winfrith Technology Centre (now DGTP) as a prestige employment location capable of attracting high-tech/innovative firms. It is therefore considered that a suitable alternative green space can be provided at Dorset Green and that a SANGs proposal at DGTP should be included within the SPD.</p> <p>In summary, we request that the following considerations are made in respect of the emerging SPD:</p> <ul style="list-style-type: none"> • Clarification how the Consultation Draft SPD relates to the Joint Dorset Heaths DPD which is proposed to be prepared; • Clarification how the Consultation Draft SPD relates to the Core Strategy and Site Allocations Development Plan Documents for the relevant Local Authorities party to the 	

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				<p>Consultation Draft SPD, and take account of future strategic site allocations;</p> <ul style="list-style-type: none"> • Provision of rationale as to why the mitigation measures included within the Consultation Draft SPD have been chosen and the relationship with the proposed Joint Dorset Heaths DPD; • The SPD should provide criteria and guidance for the mitigation the effects of new major development (both for windfall sites and proposed allocated sites) including for the location and design of SANGs sites; • Provision of details of what contributions would be applicable should such developments include on-site or off-site provision as part of their proposals; • Consideration of the implications of additional growth around Wool, and reasonable alternatives for mitigation in this location; and • A SANGs proposal at DGTP should be included within the SPD. 	
21	26.03.2012	Nickie Johnson, Wool Parish Council Clerk	On behalf of Rachel Palmer (Mrs), Parish Councillor and Tree Warden, Wool Parish Council	<p>General The cost of mitigation is vast £5,981,177 top most figure.</p> <p>In Wool parish we have various SPA Heathlands. Most are not heavily populated parts of the Parish and are therefore in fairly pristine condition. However, two areas that have had damage are close to newly built or acquired housing. The Cranesmoor area of Bovington suffered a heath fire a few years back possibly caused by local children according to police reports. Youngsters on motorbikes have badly damaged heathland near Woolbridge, a well known marsh gentian site, and disturbed nesting birds. Chamberlain's heath to the north of the Parish suffered from dumping of rubbish when travellers arrived.</p> <p>We would therefore point out that where population pressure on Heathland is low at present the 400m and buffer zones should be vigorously adhered to with mitigation levy used as a deterrent to development not as a means of raising monies. Section 106 agreements should not be used as a means of allowing inappropriate development and advancement of urbanisation in the proximity of Heathland.</p> <p>Any levy should be applied locally as a deterrent and not used in other areas to make amends for damage already caused due a lack of vigorous protection in the past. There is also concern that ancient woodland might be used as mitigation for planned development near the heathland. This is ecologically unacceptable.</p>	Section 106 payment is not a means for overcoming unacceptable development. S106 pays for appropriate mitigation not development within 400m of protected sites.