

CABINET



Report subject	Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
Meeting date	20 December 2019
Status	Public Report
Executive summary	<p>To seek approval to consult upon the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document.</p> <p>To seek approval for the Urban Heaths Partnership funding to be agreed for a further 2 year period.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) Cabinet approves the publication of the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document for public consultation;</p> <p>(b) any minor changes to the consultation document are delegated to the Director of Growth and Infrastructure in liaison with the Portfolio Holder for Strategic Planning; and</p> <p>(c) Cabinet approves the funding arrangements for the Urban Heaths Partnership for the period 1st April 2020 to 31st March 2022.</p>
Reason for recommendations	<p>To ensure the Council maintains a planning framework for mitigating impact on Dorset Heathlands. The document once adopted will have weight in decision making, when determining planning applications for new housing development. It will enable the decision maker, as Competent Authority under the 'Habitats Regulations', the certainty that the impact of development will be mitigated avoiding an adverse effect upon the 'Dorset Heathlands'.</p> <p>The document is prepared jointly with Dorset Council and minor modifications may be requested by either Council which will need authorisation.</p>

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Wards	ALL
Classification	For Decision

Background

1. The purpose of the Dorset Heathlands Planning Framework ('the framework') is to operate as a mechanism for mitigating the adverse effects of additional residential development upon the 'Dorset Heathlands', a collective name for the various European protected sites in South East Dorset. The specific designations are Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Special Area of Conservation (Purbeck and Wareham) and Studland Dunes. The consultation document at **Appendix 1** is proposed to be the latest version of the SPD which began life in 2007 as the Dorset Heathland Interim Planning Framework.
2. To conform to the requirements of the Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations'), the Council, when planning development, has to be certain that development will not have a significant adverse effect upon the Dorset Heathlands. If unmitigated, evidence shows that a rising population places additional pressures upon heathland and the protected species that reside there such as Dartford Warbler and Nightjar. Such pressures include disturbance from visitors and dogs, cat predation and incidences of fire.
3. All extant Local Plans covering the BCP area include policies to require any net increase in housing to provide mitigation for Dorset Heathlands. The local plans states that the mitigation strategy will be set out in a supplementary planning document (SPD). There is an existing SPD in place that provides the mitigation strategy for the period 1st April 2015 to 31st March 2020. To ensure compliance with the Habitats Regulations and continue to grant planning permission for new residential development BCP Council needs to put in place an updated planning framework to take effect from 1st April 2020. The draft SPD at Appendix 1 will therefore replace the existing 2015 -2020 framework once adopted.

4. The consultation document at Appendix 1 is proposed to be the updated version of the mitigation strategy. It only applies to a 5km buffer zone around the Dorset Heathlands, the area in which the adverse effects of population increase are most pronounced.
5. This strategy was prepared jointly with Dorset Council following advice from Natural England. It covers a 5 year implementation period from 2020-2025. Public consultation on this strategy will take place for a minimum of 4 weeks in accordance with planning regulations. The feedback from the consultation will be used to inform the final document that will return to Cabinet in spring 2020.
6. The mitigation strategy is in two parts (i) Strategic Access, Management and Monitoring (SAMMs); and (ii) Heathland Infrastructure Projects (HIPs). Applicants seeking planning permission for housing development within the 5 km heathland buffer will be required to pay a contribution towards SAMMs. These costs have been calculated on the basis of planned housing growth over the 5 year period and the cost of providing wardening, education and monitoring during that period. The current and proposed costs for BCP Council are:

Local Plan Area	Current cost per house	Current cost per flat	Proposed cost per house	Proposed cost per flat
Bournemouth	£355	£242	£394	£269
Christchurch & East Dorset	£263	£179		
Poole	£387	£264		

7. SAMMs will be spent on day to day management, wardening and raising public awareness. The HIPs are physical infrastructure projects to deflect the potential for visitors to cause disturbance and are funded from community infrastructure levy (CIL) receipts. HIPs include Suitable Alternative Natural Greenspaces (SANGs) and other projects to provide attractive, accessible open spaces that provide local residents with an alternative choice to visiting heathland, e.g. Upton Farm SANG, Two Rivers Meet and the proposed Hicks Farm SANG.
8. Officers will prepare and publish a Monitoring, Projects and Implementation Plan that will be regularly updated to support this SPD. It will set out the amount of development coming forward and identify mitigation projects. This plan will be prepared in consultation with organisations with a shared ambition to mitigate the adverse effects upon the Dorset Heathlands.
9. Governance for Dorset Heathlands mitigation is currently overseen by the Dorset Heathlands Advisory Group jointly with Dorset Council. Officers from Growth & Infrastructure and Environment, and equivalents in Dorset Council, are currently reviewing the governance arrangements, to potentially also include for Poole

Harbour mitigation. Governance arrangements will be confirmed through the committee process in 2020.

The Urban Heaths Partnership (UHP)

10. To support the implementation of the framework the Dorset authorities and other partners established the Urban Heaths Partnership (UHP). UHP performs an important role in hosting and coordinating education and monitoring activities required as part of the overall mitigation strategy for Dorset Heathlands.
11. BCP Council and Dorset Council fund UHP through developer contributions collected specifically to mitigate impact on the Dorset Heathlands. Similarly with the SPD, the current funding package for UHP expires on 31 March 2020.
12. Without UHP, or a similar replacement arrangement in place from April 2020, the Council will have difficulty in being able to grant planning permission for new residential development as there would not be enough certainty in respect of the Habitat Regulations that the impact from development is being mitigated.
13. The importance of having an agreed avoidance / mitigation framework in place (such as that provided by UHP) has recently been highlighted across the Solent where the consideration of thousands of homes has been put into abeyance as the relevant local authorities did not have a mitigation plan in place to consider, in that case, the impact of nitrogen loading on a SPA.
14. For BCP Council, UHP are funded by the SAMM developer contributions tariff that is applied to all new additional residential development. UHP provide the education and monitoring aspects of the SAMM charge with the wardening element provided by the local authorities within the environment teams. The SAMM activities are a critical part of the overall avoidance and mitigation package required to ensure the local authority can satisfy the Habitats Regulations when granting planning permission.
15. To ensure the Council can continue to satisfy the Habitats Regulations from 1 April 2020, BCP Council will need to continue to have mechanisms in place that deliver the education and monitoring activities currently undertaken by UHP.
16. UHP currently provide the education and monitoring service on behalf of both BCP Council and Dorset Councils, entirely funded from developer contributions. Prior to local government reorganisation (LGR) UHP were hosted by Dorset County Council who could offer a strategic overseeing role that sat outside any of the relevant local authorities. Following LGR, UHP staff and management transferred to Dorset Council.
17. With now only two local authorities across Dorset there is a need for a holistic review of how avoidance / mitigation measures should be delivered, which Council is best placed to oversee operations going forward and whether UHP remains the best option for education and monitoring in the longer term. In this regard it is relevant to note that around 75% of UHP funding comes from BCP Council given the proportionate levels of growth in the conurbation compared to the area of South East Dorset that falls within Dorset Council.

18. Whilst it is prudent to undertake a review of the whole heathlands avoidance / mitigation approach, there are no alternative arrangements to UHP at the present time. Furthermore, a detailed review of the avoidance / mitigation strategy and process will take time to do and will need to work in tandem with the new Local Plans for each Council in terms of the wider mitigation strategies required to support growth in the future. In this regard, there is a case for the current UHP arrangements to be extended for a further limited period to ensure continuity of education and monitoring activities can take place from April 2020 and allow time for the review of the overall arrangements to take place.
19. Accordingly, Cabinet is asked to agree to extend UHP funding for a further two-year period from April 2020 to March 2022. The annual cost to BCP Council of £215,000 will be paid entirely from developer contributions, with sufficient monies available. During the two-year extension period the review of heathland mitigation will need to have taken place to ensure any new arrangements are agreed by each Council and operational from April 2022.
20. UHP currently only focuses on Dorset Heathlands activities. Additional posts required to mitigate the impacts of development set out in the Poole Harbour Recreation SPD will also need to set up in due course. These posts could be managed by UHP for the extended period and will be included within the review of arrangements.

Summary of financial implications

21. The Council will secure from developers approximately £1.42M of SAMMs payments, over the five-year period of the SPD. This income will be ring fenced for spending purely on Dorset Heathlands mitigation projects. An admin fee will be charged at a minimum of £25 and capped to a limit of £330. The strategy is self financing and there are no additional costs borne by the Council, although a future cost risk is highlighted below. The SPD will enable the Council to continue to grant planning permission for new homes, which will pay Council Tax and Business Rates.

Summary of legal implications

22. Every planning permission for housing will need to be supported by a Section 106 Agreement, unilateral undertaking or payment under Section 111 of the Local Government Act (1972). Legal support will be required for Section 106 Agreements.

Summary of human resources implications

23. The mitigation strategy will fund BCP Council heathland rangers and wardens. The admin fee for the collection of SAMMs finances the administrative process. The Steering Group will require Planning Policy team resource to function.

Summary of environmental impact

24. The mitigation will avoid harm to the Dorset Heathlands. Therefore this strategy will have a positive effect upon the environment.

Summary of public health implications

25. HIPs provide new public open space and improved paths, improving accessibility and thereby providing a positive effect upon public health.

Summary of equality implications

26. All developers of housing will have to pay a set payment (SAMMs) towards mitigation, which is a fair and certain process. Some developments may be required to provide HIPs, where the development is not contributing CIL and developers of such schemes may argue that they have been unfairly treated. However these issues are not considered to have equalities implications.

27. Provision of mitigation projects will be overseen by the Steering Group and will be reported back in a monitoring and implementation plan. There are no known equalities issues at this stage.

Summary of risk assessment

28. SAMMs paid by each developer will fund mitigation for one year. Development in the following year will fund the following year's mitigation. As the heathlands are a finite area, the annual cost is not expected to increase, other than by inflation. The mitigation has to be provided for the lifetime of the development also known as 'in perpetuity' (in legal cases this varies from 80-125 years).

29. There is a risk that if in future years SAMMs are no longer paid by developers, the annual funding of the SAMMs will have to be borne by the Council to continue to mitigate the homes it has previously granted permission for.

30. Without the mitigation provided by the SPD, the decision maker will not be able to grant planning permission for housing development, which poses a significant risk to the local economy, local population and the Council. The risk of development not paying SAMMs in future is therefore outweighed by the risk of no development at all.

Background papers

None

Appendices

Appendix 1: Dorset Heathlands Planning Framework 2020-2025 – Draft SPD