

# CABINET



Report subject	<b>Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document</b>
Meeting date	18 March 2020
Status	Public Report
Executive summary	To adopt the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document.
Recommendations	<b>It is RECOMMENDED that:</b>  <b>(a) Cabinet recommends that Council adopts the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document; and</b>  <b>(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.</b>
Reason for recommendations	<p>To ensure the Council maintains a planning framework for mitigating impact on Dorset Heathlands. Once adopted the SPD 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 Heaths Special Area of Conservation and Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes. The SPD at **Appendix 1** is 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 state 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 1<sup>st</sup> April 2015 to 31<sup>st</sup> 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 1<sup>st</sup> April 2020. The SPD at Appendix 1 will therefore replace the existing 2015 -2020 framework once adopted.
4. The mitigation strategy in the SPD 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.
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
<b>Bournemouth</b>	£355	£242	£394	£269
<b>Christchurch &amp; East Dorset</b>	£263	£179		
<b>Poole</b>	£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 Cabinet in 2020.

### **Consultation on the draft SPD**

10. Following approval to consult by Cabinet on 19 December 2019, the public consultation on the draft SPD took place from 3 January to 3 February 2020. This was undertaken jointly with Dorset Council. The consultation attracted 115 responses as set out in the consultation report at **Appendix 2**.

11. The comments included:

- Support for protection of the heathlands;
- Numerous suggestions for wording changes to the SPD;
- Requests for reference to the Council's declared Climate Change Emergency and Action Plans, Ecological networks and nature recovery networks;
- Concerns about the removal of a threshold in the number of homes triggering the requirement for the provision of SANGs;
- Queries about how the SAMMs were calculated;
- Concerns from the public about the impact of specific developments upon heathlands from nearby residents, e.g. North of Merley, Talbot Village;
- Concerns from the public that SANGs in the floodplain do not provide all year round use;
- Suggestions for possible mitigation projects; and
- Queries over the impact of student accommodation and nursing homes.

12. The feedback led to following amendments to improve the SPD. These amendments are all minor in nature and improve the clarity of the SPD rather than introduce new policy:

- Improvements to the SPD to ensure it is clearer, e.g. payment of SAMMs;
- Updating to reflect good practice suggestions, e.g. the design of SANGs;
- Explanation of the Appropriate Assessment process;
- Highlight the need for review of the mitigation strategy through the forthcoming BCP Local Plan and Dorset Local Plan process;
- Re-insertion of a threshold in the number of homes triggering the requirement to provide SANGs;
- Reference the supporting evidence; and
- Refer to Climate Change Emergency Action Plans and ecological networks.

### **Summary of financial implications**

13. 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 charge of £75 and capped to a limit of £1,000 per contribution type. 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**

14. 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**

15. The mitigation strategy will fund BCP Council heathland rangers and wardens. The admin fee for the collection of SAMMs finances the administrative process.

### **Summary of environmental impact**

16. 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**

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

### **Summary of equality implications**

18. 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.
19. Provision of mitigation projects will be overseen by a 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**

20. 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', which in practice is 80 years.
21. 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.
22. Without the mitigation provided by the SPD from 1 April 2020, 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.

23. The importance of having an agreed mitigation strategy in place 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.

### **Background papers**

None

### **Appendices**

Appendix 1: Dorset Heathlands Planning Framework 2020-2025 SPD

Appendix 2: Consultation Report