

# **The Dorset Heathlands Planning Framework 2020-2025**

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## **Supplementary Planning Document**

**Adoption - For Cabinet Approval**

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## Executive Summary

The objective of this SPD is to set out a strategy for the avoidance and mitigation of impacts of new residential development upon the Dorset Heathlands (including tourism development).

The Dorset Heathlands are an extensive network of lowland heath within south east Dorset that are recognised for their national and international importance for nature conservation. Evidence shows that the Dorset Heathlands are under significant pressure from an increasing number of people living nearby. As population grows, urbanising impacts from human pressures and damage caused by domestic pets have the potential to cause ongoing adverse effects on the protected habitats and species.

The overall objective of the SPD is to establish a framework under which applications for development likely to have a significant effect on the Dorset Heathlands can be permitted (or should be refused) so that any adverse effects on the integrity of the Dorset Heathlands are avoided. The strategy deals both with larger developments, which may affect the integrity of these sites alone, and smaller developments where cumulative effects may be the critical factor. The latter provision is necessary to meet the 'in combination' part of Regulation 63 of the Habitat Regulations.

Bournemouth, Christchurch and Poole (BCP) Council and Dorset Council as decision makers are the competent authorities under the Habitats Regulations and are advised by Natural England in how to fulfil these duties. The Councils when granting planning permission have to be certain that the proposed development will not have an adverse effect on important areas of nature conservation. Any net increase in residential development within 5 kilometres will have an adverse impact on the Dorset Heathlands. Therefore measures must be put in place to avoid and mitigate all harm caused.

Both Councils have local plan policies to mitigate the harm from new housing and tourism development on the Dorset Heathlands with the strategy set out in a supplementary planning document. This is that strategy. The Councils have been operating the strategy since January 2007 and this document is an interim update that continues the strategy, by enabling development by implementing measures to avoid adverse effects on the integrity of the Dorset Heathlands. The strategy is a long term approach with the SPD setting out a five year rolling programme of measures. This SPD is a roll forward of the existing approach, but a full review of the strategic approach to mitigation and avoidance will be carried out as part of the process of preparing a BCP Local Plan and Dorset Council Local Plan over the next few years.

This SPD has been prepared jointly between BCP Council and Dorset Council with advice from Natural England. It covers a 5 year implementation period from 2020-2025. The strategy consists of two mutually dependent and supporting policy mechanisms:

- Restrictions on development within the 400 metres heathland area; and
- Mitigation associated with some types of development within the 400 metres to 5 kilometre heathland area

The strategy for avoidance and mitigation with the 400 metres to 5 kilometre heathland area, consists of two dependent approaches:

Part 1: Strategic Access Management and Monitoring (SAMM); and

Part 2: Heathland Infrastructure Projects (HIPs).

SAMMs contributions secure the day to day costs of helping local people to alter harmful behaviour through raising awareness of the issues and value of the protected sites, which includes (i) employing wardens to manage visitor pressures on the heathland; and (ii) delivering education programmes in local schools.

SAMMs also pay for the ongoing monitoring of a sample of heathlands and the effects of new development and crucially whether this strategy is effective.

To enable the Councils to grant planning permission for proposals for a net increase in dwellings within the 400 metres to 5km heathland area, the applicant is required to pay SAMMs as follows:

- BCP Council will charge a SAMMs rate of **£394 per house** and **£269 per flat** paid by planning obligation; and
- Dorset Council will collect these SAMMs costs through the Community Infrastructure Levy (CIL). The exception is for the area covered by the North Dorset Local Plan where sites are within 5km of the Dorset Heathlands, where a planning obligation of £406 per house and £277 per flat is necessary.

HIPS are physical infrastructure works, such as the provision of Suitable Alternative Natural Greenspace (SANGs) or enhancement of existing greenspaces to increase the attractiveness for visitors that would otherwise visit the Dorset Heathlands. There are good examples of SANGs across South East Dorset that includes Upton Country Park, Canford Park, Bytheway Field and Frenches Farm as well as a number of new sites coming forward. HIPS costs vary from project to project and the Councils use different mechanisms to fund mitigation dependent upon local circumstances. An advisory group will oversee the preparation of a Monitoring, Projects and Implementation Plan to set out the progress in delivery of mitigation.



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# 1. Introduction

- 1.1 Supplementary Planning Documents (SPD) provide guidance to applicants and interested parties on local planning matters by providing more detailed advice or guidance on the policies in the relevant adopted Local Plan.
- 1.2 This SPD was prepared jointly by Bournemouth, Christchurch and Poole Council (BCP Council) and Dorset Council with the advice of Natural England. The Councils consulted on this SPD from 3 January to the 3 February 2020. The feedback to the consultation is summarised in a consultation statement and was used to prepare the SPD for adoption by the Councils in March 2020.
- 1.3 The purpose of this SPD is to set out the approach to avoid or mitigate harm arising from increased urban related pressures on the Dorset Heathlands. The avoidance and mitigation measures set out in this SPD will thereby enable the two Councils to continue to grant permissions for development planned in the local plans. The SPD provides guidance and advice to developers, landowners and the wider community on matters to avoid or mitigate the adverse effects of urban development on the Dorset Heathlands (as defined below).
- 1.4 The constituent Councils have been operating the strategy since January 2007 and this document is an interim update that continues the strategy, by enabling development through the implementation of measures to avoid adverse effects on the integrity of the Dorset Heathlands. The Councils intend to review the strategy through the preparation of new local plans over the next 2-3 years to ensure that growth can be mitigated effectively.
- 1.5 The SPD supports each Council's local plans and covers a five year period from 1 April 2020 to 31 March 2025. During this period the Councils will enable delivery of the necessary mitigation to enable the planned housing growth set out in the local plans and other projects giving rise to relevant adverse effects.
- 1.6 This SPD accords with the principles of the National Planning Policy Framework (NPPF) (2019) and it is a result of the co-operative approach to partnership working between the Councils, statutory bodies and other organisations. It is the purpose of this document to set out the approach that, together, the two Councils will follow. This forms a basis for how harm to the heathlands can be avoided.

## 2. Legislative and Policy Background

### Designations

- 2.1 The lowland heaths in South East Dorset are covered by a number of international, European and national designations, in particular the:
- Dorset Heathlands Special Protection Area (SPA);
  - Dorset Heathlands Ramsar Site;
  - Dorset Heaths Special Area of Conservation (SAC); and
  - Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes.
- 2.2 Collectively this SPD refers to these designations as the Dorset Heathlands. They host protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes. The Dorset Heathlands cover an extensive area of South East Dorset fragmented by urban development, forestry, agriculture and other land uses.

### The Habitats Regulations

- 2.3 European wildlife sites are protected by the EC Birds and Habitats Directives, specific provisions of which are applied in the UK by the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). They place particular responsibilities on a decision maker in relation to such sites. The two Councils, as decision makers are the competent authorities under the Habitats Regulations and are advised by Natural England on how to fulfil these duties.
- 2.4 Regulations 63 of The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') require that any application for development or strategic plan or policy which is likely to significantly affect a European site is subject to an appropriate assessment of the implications of the proposal for the site's conservation objectives. The planning authority must ascertain that the plan or project will not have an adverse effect on the integrity of the site, alone or in combination with other plans or projects, either directly or indirectly, taking account of any conditions or restrictions that would help ensure no adverse effect, before granting permission or adopting a plan or policy.

### National Planning Policy Framework

- 2.5 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) outline the procedure set out by the government that should be followed in deciding whether to approve a proposal (a plan or project) that will potentially affect a protected habitats site.
- 2.6 The NPPF recognises the value of our natural environment stating that the '*planning system should contribute to and enhance the natural and local environment*'<sup>1</sup>, for example by protecting and enhancing valued landscapes such as heathland, establishing coherent and resilient ecological networks and providing net gains for biodiversity. Importantly the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives or Ramsar convention is being considered, planned or determined.<sup>2</sup>

### Development Plans

- 2.7 The local authorities in South East Dorset have adopted Local Plans which contain a similarly worded policy that addresses the Dorset Heathland issue. The SPD supports the following local plan policies:

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<sup>1</sup> NPPF para 170

<sup>2</sup> NPPF para 176,177

- *Bournemouth Core Strategy (2012) - Policy CS33 Heathland* restricts residential uses within the 400 metre area and requires residential development within the 400 metre to 5km area to provide mitigation.
- *Christchurch and East Dorset Local Plan Part 1 (2014) - Policy ME2 Protection of the Dorset Heathlands* restricts residential uses within the 400 metre area and requires residential development within the 400 metre to 5km area to provide mitigation in accordance with this SPD.
- *The Poole Local Plan (2018) - Policy PP32 Part (1) Poole's nationally, European and internationally important protected sites* restricts residential uses within the 400 metre area and requires residential development and tourist accommodation within the 400 metre to 5km area to provide mitigation in accordance with this SPD.
- *The North Dorset Local Plan Part 1 (2016) – Policy 4 Natural Environment* requires contributions from developments within 5km of the Dorset Heathlands towards the sustainable management of the heathland sites or contributions towards the provision of alternative accessible recreation space to reduce recreational pressure on the Dorset heathlands.
- *The Purbeck Local Plan Part 1 (2012) and Swanage Local Plan (2017) - A new Purbeck Local Plan* is currently at examination and will replace the 2012 Plan. Policy DH Dorset Heaths International Designations (2012) and its replacement Policy E8 (2019) restrict residential uses within the 400 metre area and requires residential development, equestrian-related development and tourist accommodation within the 400 metre to 5km area to provide mitigation in accordance with this SPD.
- *The West Dorset, Weymouth & Portland Local Plan (2015) – Policy ENV2 Wildlife and Habitats* restricts residential and equestrian uses within the 400 metre area and development within the 400 metre to 5km area provided it can avoid or mitigate the adverse effects of the development.

- 2.8 A full review of heathland mitigation will be undertaken as part of the preparation of the BCP Council Local Plan and the Dorset Local Plan. These two new local plans will replace the plans listed above. This process will take a few years and the outcomes can feed into a review of this SPD.
- 2.9 The local plans are accompanied by habitats regulations assessments (HRA) which set out the measures that need to be provided to enable development to be delivered. Together the HRAs provide a consistent record of the approach to avoidance and mitigation and in varying levels of detail, the type and nature of projects required.
- 2.10 In addition to the local plans, there may be relevant policies in neighbourhood plans.



### 3. Evidence

- 3.1 Natural England has advised the authorities of concerns arising from the increase in residential development across South East Dorset and the resultant pressures placed upon protected heathland by new occupants of these developments living in close proximity to the heathlands. Various studies, have found that public access to lowland heathland, from nearby development, has led to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors have an adverse effect on the heathland ecology. A full list of evidence will be published alongside this SPD.
- 3.2 Some of these effects are direct impacts on the designated sites but many, such as recreational use, will be ongoing for the duration of the development. In the case of additional housing, the effects arising are considered to be permanent requiring ongoing mitigation measures.
- 3.3 The two Councils<sup>3</sup> have found the evidence and advice to be sound and have been operating a strategy for the protection of heathland since 2007. During this time the Councils, Natural England and the Urban Heath Partnership have been gathering evidence into the adverse effects of urban related pressures on the protected heaths to inform the future strategy for avoiding and mitigating the adverse effects of development. This evidence informs the summary table in Figure 1.

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<sup>3</sup> Formerly known as Borough of Poole, Christchurch Borough Council, East Dorset District Council, Bournemouth Borough Council and Purbeck District Council.



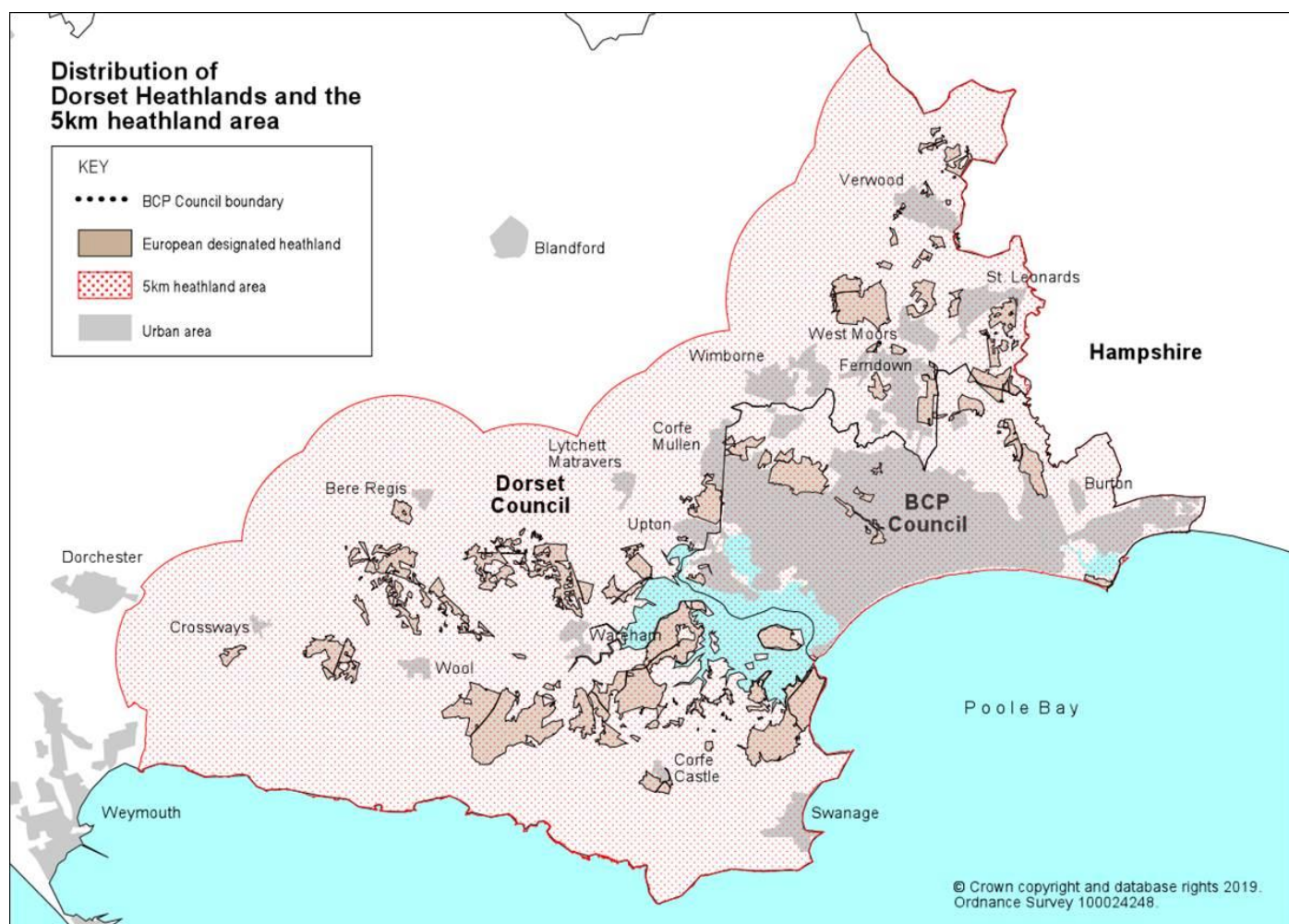
Figure 1: The Main Urban Effects on Lowland Heaths in Dorset

|   |  |
|---|--|
| Reduction in area                                     | <ul style="list-style-type: none"> <li>• Mid 18C c36,000 ha to 2019 6,199 ha (DERC).</li> </ul>  |
| Fragmentation of heaths                               | <ul style="list-style-type: none"> <li>• Fragmentation of heaths 768 fragments, 88% &lt; 10ha (Webb &amp; Haskins 1980). Many ecological impacts from smaller heath areas.</li> </ul>  |
| Supporting habitats                                   | <ul style="list-style-type: none"> <li>• Less semi-natural habitat adjoining heaths which provide functional support.</li> </ul>   |
| Predation   | <ul style="list-style-type: none"> <li>• Fox, cat/rat predation on ground nesting birds and reptiles, direct predation and reduced recruitment.</li> </ul>   |
| Disruption to hydrology                               | <ul style="list-style-type: none"> <li>• Diversion of pre-existing natural water sources away from heathland catchments.</li> <li>• Rapid run-off onto heaths from urban areas.</li> </ul>   |
| Pollution   | <ul style="list-style-type: none"> <li>• Changes in pH, nutrient status, turbidity of water supplies to heathland.</li> <li>• Enrichment and pollutants from urban run-off.</li> <li>• Pollutants from mis-connections storm overflows, spills, accidents</li> </ul>   |
| Sand and gravel working with land-fill after use      | <ul style="list-style-type: none"> <li>• Mineral working destroying habitat and disrupting hydrology.</li> <li>• Polluted water can leak from landfill.</li> </ul>   |
| Enrichment  | <ul style="list-style-type: none"> <li>• Dog excrement causes vegetation change along sides of paths.</li> <li>• Rubbish and garden waste dumping by roads and from gardens.</li> </ul>  |
| Roads   | <ul style="list-style-type: none"> <li>• Increased fire risk from car thrown cigarettes.</li> <li>• Pollution/enrichment causing vegetation change from vehicles in transport corridor.</li> <li>• Roads forming barriers to species mobility.</li> <li>• Road kills increasing mortality rates.</li> <li>• Noise and light pollution from traffic.</li> </ul> |
| Service infrastructures both over and under heathland | <ul style="list-style-type: none"> <li>• Disturbance during construction and maintenance.</li> <li>• Leakage from underground pipes and sewers.</li> <li>• Changes to heathland hydrology.</li> <li>• Poles providing bird predator look-out posts.</li> </ul>   |
| Disturbance   | <ul style="list-style-type: none"> <li>• Changes in breeding bird and animal distributions within and across sites.</li> <li>• Reduction in breeding success of birds/animals.</li> <li>• Delayed breeding in SPA birds.</li> </ul>  |
| Trampling   | <ul style="list-style-type: none"> <li>• Changes to vegetation.</li> <li>• Creation of bare areas and subsequent soil erosion.</li> <li>• Damage to bare ground reptile and invertebrate habitats and populations.</li> <li>• Increases in path and track networks.</li> <li>• Damage to archaeological features.</li> </ul>                                   |
| Fire  | <ul style="list-style-type: none"> <li>• Increased frequency of fires with majority in spring and summer.</li> <li>• Long term vegetation changes.</li> <li>• Increased mortality of heathland animals/birds.</li> <li>• Fragmentation/reduction of habitat on heaths.</li> <li>• Increased erosion into wetland habitats.</li> </ul>                          |
| Vandalism   | <ul style="list-style-type: none"> <li>• Vandalism Damage to signs and fences.</li> </ul>  |
| Public hostility to conservation management           | <ul style="list-style-type: none"> <li>• Opposition to management e.g. tree felling, fencing and grazing.</li> </ul>   |
| Management costs                                      | <ul style="list-style-type: none"> <li>• Greatly increased management costs on urban heaths.</li> </ul>  |



- 3.4 On the basis of the evidence, the proposed increase in residential development within 5 km of the Dorset Heathlands will inevitably result in greater urban pressures upon the heathlands. Therefore Natural England advises that the cumulative effect of a single dwelling up to 5 km from the Dorset Heathlands would have a likely significant effect on those designated sites.
- 3.5 The Councils are in agreement that avoidance or mitigation measures are required to enable the Councils to continue to grant permission for residential development within 5 km of these designated sites. Figure 2 shows the Dorset Heathlands and this 5km area.
- 3.6 Furthermore the Councils will work with neighbouring authorities in Hampshire to ensure that development does not have an adverse effect upon the heaths in the New Forest National Park

*Figure 2 – Extent of the Dorset Heathlands and the 400 metres to 5km area*



## 4. Enabling Development: The Dorset Heathlands Avoidance and Mitigation Strategy

- 4.1 This section sets out the approach to enabling development through the implementation of measures to avoid likely urban effects upon the Dorset Heathlands. The strategy is a long term approach with the SPD setting out a five year rolling programme of measures for the period 2020-2025, unless an early review is necessary.
- 4.2 The strategy consists of two mutually dependent and supporting policy mechanisms:
- Restrictions on development within the 400 metres heathland area; and
  - Mitigation associated with some types of development within the 400 metres to 5km heathland area.

### 400 metres heathland area

- 4.3 The effects listed in Figure 1, are most marked for development within 400 metres of heathland, in particular disturbance and predation. However many of the effects listed will act together (synergistically) to create effects which can be worse than each individual effect. Natural England advises that additional residential development within 400 metres of the Dorset Heathlands is likely to have a significant effect upon the designated site, either alone or in combination with other developments and that this cannot be mitigated. Further, in order for an appropriate assessment in the 5km area to be able to conclude that there is no adverse effect on the integrity of the Dorset Heathlands it is necessary to control the type of development that is permitted within this 400 metre area as indicated below.
- 4.4 The two Councils, as the competent authorities responsible, agree that this conclusion is sound and supported by the relevant evidence. In these circumstances development proposals within 400 metres that fall within the 'not permitted' category below would not be compliant with the avoidance and mitigation strategy of this SPD and therefore the competent authority would not be able to conclude that there was no adverse effect on the integrity of the Dorset Heathlands.
- 4.5 Although this SPD focusses on residential development there are other uses and forms of residential development that have differing impacts upon the Dorset Heathlands. These uses are set out in Figure 3 and are intended to sign post applicants to the likely council position from the local plan policies. This figure is indicative rather than definitive and each proposal will need to be assessed on a case by case basis. Further detail on each use is set out in Appendix B.

*Figure 3: Uses that are generally permitted and not permitted within the 400 metres heathland area or which require mitigation if between 400 metres and 5km:*

#### **Permitted within 400 metres:**

- Extensions to residential dwellings in C3 Use Class where there is no net increase in dwellings, i.e. extension to a house
- Ancillary residential accommodation forming part of an existing building in C3 Use Class to provide independent living where there is no net increase in functional dwelling units, i.e. granny annexes
- Replacement dwellings in C3 Use Class where there is no net increase in dwellings
- Nursing homes within C2 Use Class where the residents are severely restricted with advanced dementia / physical nursing needs

#### **Not permitted within 400 metres and requiring mitigation between 400 metres and 5km:**

- A net gain in residential dwellings in C3 Use Class on the same site, including conversions
- Houses in Multiple Occupation (Sui generis)
- Residential Institutions within C2 Use Class where the residents are not severely restricted by illness or mobility
- Student accommodation
- Sites for gypsy, travellers and travelling showpeople
- Self-catering, caravan and touring holiday accommodation

Each of the above uses will be determined on a case by case basis and not all uses are covered.

- 4.6 The 400 metre heathland area is a straight line drawn from the edge of the protected sites. The edge of the area does not follow physical features on the ground. Natural England has therefore published statutory maps on its website setting out a 400 metre Consultation Area, where the line has been realigned to the nearest curtilage. Within this area the two Councils are required to seek the advice of Natural England concerning additional residential dwellings. Further details are set out in Appendix C.

#### 400 metres to 5 km heathland area

- 4.7 The area between 400 metres and 5 km measured as a straight line from the boundary of a protected heath, is shown on the various local plan policies maps. Natural England advise that additional residential development within this area is likely to have a significant effect on the Dorset Heathlands either alone or in combination with other proposals. In addition they advise that in order for an appropriate assessment to be able to conclude that there is no adverse effect on the integrity of the Dorset Heathlands it is necessary certain types of development, as indicated above, require avoidance or mitigation measures to be implemented to allow development to be approved.
- 4.8 The two Councils, as the competent authorities responsible, agree that this conclusion is sound and supported by the relevant evidence. It follows that these types of development proposals in the 400 metre to 5km area, unless covered by appropriate avoidance or mitigation measures, would not be compliant with local plan policy and the avoidance and mitigation strategy of this SPD and therefore the competent authority, in assessing such proposals, through a project level appropriate assessment, would not be able to conclude that there was no adverse effect on the integrity of the Dorset Heathlands.
- 4.9 The mitigation element of the strategy is in two parts:
- Part 1: Strategic Access, Management and Monitoring (SAMM); and
  - Part 2: Heathland Infrastructure Projects (HIPs).

#### Part 1: Strategic Access Management and Monitoring (SAMM)

- 4.10 This part of the strategy focuses on wardening, raising awareness and monitoring the effectiveness of the strategy. SAMMs contributions secure the day to day costs of helping local people to behave in ways less harmful to the local heathlands they access. This is through raising awareness of the issues and value of the protected sites and includes (i) employing wardens to manage visitor pressures on the heathland; and (ii) delivering awareness and education programmes in local schools, on the heaths and through local communities. SAMMs also pay for the ongoing monitoring of a sample of heathland birds, visitor access patterns and the effects of new development and crucially whether this strategy is effective.
- 4.11 The cost of SAMMs is apportioned to the planned number of homes as follows:

#### Amount of Planned Development

- 4.12 The housing trajectory published in each Councils Strategic Housing Land Availability Assessments provides the planned number of homes expected to come forward over the period 2020/21-2024/25.
- 4.13 For BCP Council the trajectory indicates a supply of 11,290 homes in the five year period. 6,850 of this total are commitments leaving a new supply of 4,440 homes. The entire BCP area falls within the 5km Heathland area and therefore any net additional housing has to provide mitigation.
- 4.14 For Dorset Council the trajectory indicates a supply of 3,716 homes in the five year period. 2,216 of this total are commitments leaving a new supply of 1,500 homes within the 5km heathland area.
- 4.15 If these levels of planned growth are exceeded, the Councils will have to ensure that suitable mitigation can be provided to avoid an adverse effect upon the Dorset Heathlands. The NPPF's presumption in favour of sustainable development does not apply unless the Councils can demonstrate through appropriate assessment that the proposal will not have an adverse effect on the integrity of the Dorset Heathlands. Mitigation will need to be provided where the adverse effect is likely to occur.



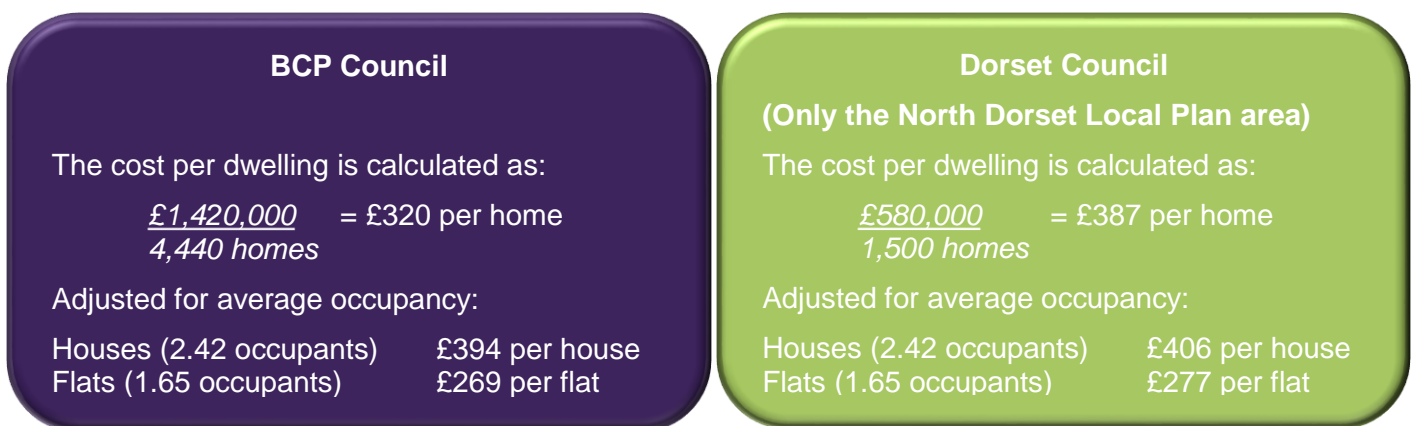
## The cost of SAMM mitigation

- 4.16 The necessary SAMMs mitigation measures for the 5 year period are set out in Appendix A (Part 1). The cost of SAMMs over this 5 year period is £2M; split £1.42M for BCP Council and £0.58M for Dorset Council.

## Calculating SAMMs contributions

- 4.17 The SAMMs charge is calculated by dividing the total cost of providing SAMMs by the number of planned homes within the 5km heathland area for each respective Council over the period 2020-2025, as shown in Figure 4. For Dorset Council, this contribution is only applicable in the 5km heathland area in the North Dorset Local Plan area. As set out in Section 5 Dorset Council will take the equivalent contribution per home from CIL for the remainder of Dorset. Both Councils will review these funding mechanisms through the preparation of new local plans. Section 5 details how this mitigation will be collected through planning applications.

*Figure 4: The calculation of the SAMMs contribution for development the BCP Council area and for Dorset Council the 5km area covered by the North Dorset Local Plan*

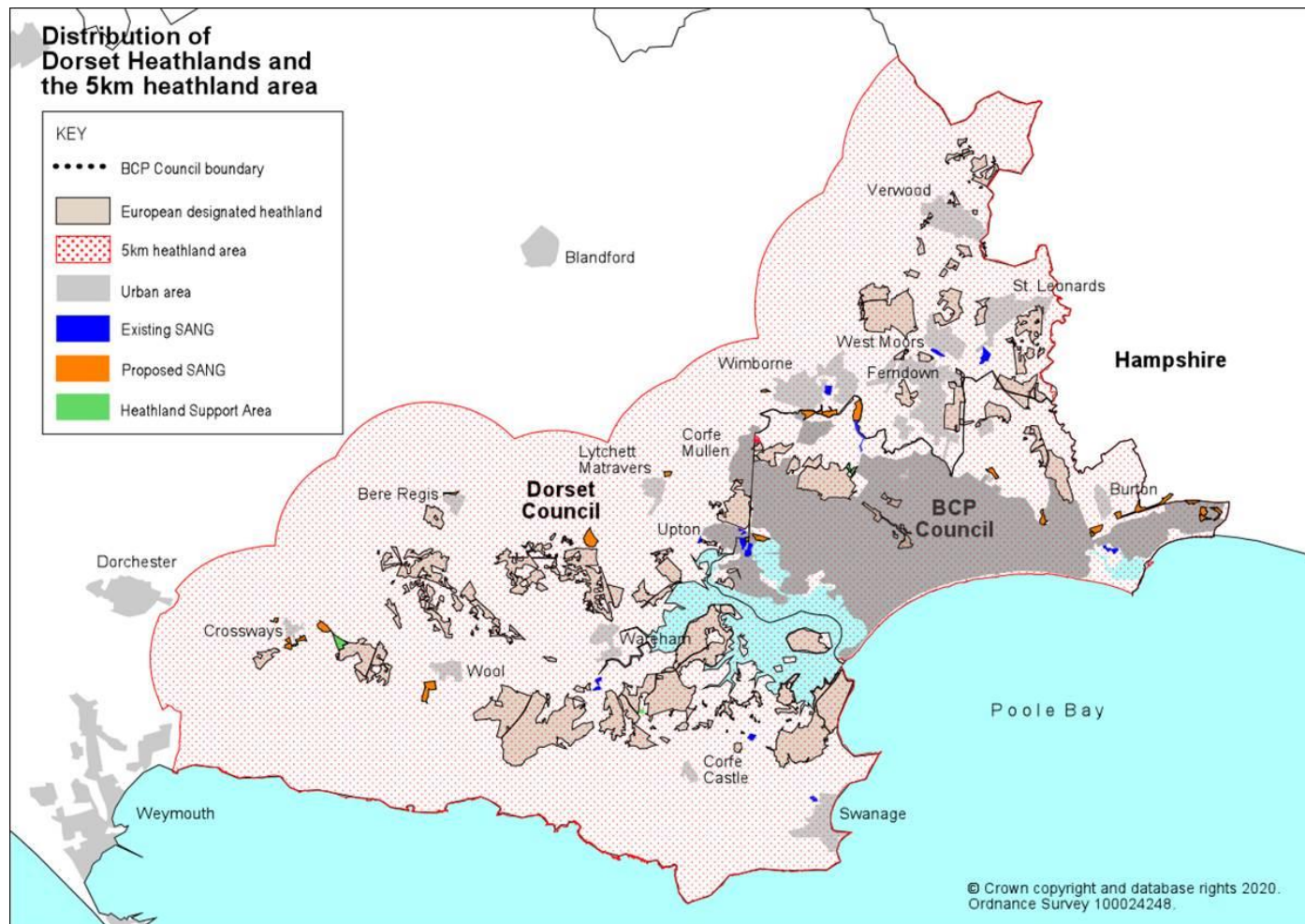


## Part 2: Heathland Infrastructure Projects (HIPs)

- 4.18 HIPs are physical infrastructure projects that provide facilities to attract people away from the protected heathland sites. SANGs (Suitable Alternative Natural Greenspaces) are the most significant element of provision, having a key role in providing an alternative destination to the Dorset Heathlands. Examples of HIPs are set out in Appendix A. HIPs should be fully operational before the occupation of the first dwelling. Figure 5 illustrates the coverage of SANGs since the mitigation strategy commenced in 2007.
- 4.19 Strategic SANGS are those where the SANG is sufficiently attractive as to draw visitors from a wider area. These SANGs will attract visitors from a wider area (within the 5km area) than that required specifically for the project. These are likely to be set out in Local Plans. Smaller, non-strategic SANGs are linked to housing developments, and whereas they will attract local people who do not live in the new housing, they are not intended to draw visitors from a much wider area. Other HIPs projects are likely to be more bespoke to local areas and for example may consist of creating linkages between open green spaces, recreational facilities such as BMX tracks or fire access measures.
- 4.20 Heathland support areas are sites, usually adjacent to the Dorset Heathlands where the area provides important functional support to the protected site. This may be in spreading public access pressure, enabling better site management or making the designated site more resistant to external effects. Because of the close proximity these sites will not be intended to attract new visitors in the same way as SANGs.

- 4.21 The two Councils invite local landowners and organisations to suggest new HIPs. HIPs including SANGs can be delivered and managed by both the public and private sector. The Councils recommend that organisations have an informal discussion with the appropriate Council and Natural England prior to submission of a proposal. Proposals for HIPs can be submitted using the separately published template. Projects will be considered for funding on a case by case basis. In some cases promoters of larger developments may wish to deliver bespoke measures which will be considered by the Councils with advice from Natural England.

*Figure 5: Proposed and implemented heathland mitigation*



### Tourism development and other types of housing

- 4.22 Tourism development and other types of housing can have a significant effect on the Dorset Heathlands, but outside 400 metres some may be mitigated. Further details are set in Appendix B.

### Permitted Development

- 4.23 Some development does not require planning permission and is known as 'permitted development' and 'prior approval'. Such development, which enables residential dwellings/occupation can still have a likely significant effect on the Dorset Heathlands and will therefore need to provide mitigation measures outside of 400 metres area prior to commencement. Further details are outlined in Appendix F.



## 5. Paying for the Mitigation Strategy

- 5.1 This SPD has been prepared having regard to the tests set out in the Community Infrastructure Levy Regulations 2010 and subsequent amendments, in particular Regulation 122 which sets out the three tests that the planning obligation should be necessary, directly related and fairly and reasonable related in scale and kind to the development. Where the Regulations change the authorities will continue to provide suitable mechanisms to enable applicants to contribute efficiently.
- 5.2 The Councils use different mechanisms to fund mitigation dependent upon local circumstances.

### Paying SAMMs

- 5.3 To provide certainty to those considering or making applications for residential development and to ensure transparency and accountability this SPD sets a standard contribution for new dwellings to fund SAMMs. The simplicity of this approach gives certainty thus avoiding unnecessary delay in the determination of planning applications. The standard contribution is calculated by spreading the cost of the necessary mitigation across the amount of planned development.
- 5.4 Dorset Council will collect SAMMs contributions through CIL (except in the North Dorset area where there is no CIL charging schedule in place), whereas BCP Council will collect the SAMMs through planning obligations.
- 5.5 To enable the Councils to grant planning permission for proposals for a net increase in dwellings within the 400 metres to 5km heathland area, the applicant is required to pay SAMMs as follows:
- Dorset Council will collect the majority of SAMMs costs through CIL. The contributions taken from CIL will be determined by the costs of funding SAMMs needed to mitigate the effects from the numbers of homes it expects to be delivered between 2020/21 and 2024/25. The exception is the area covered by the North Dorset Local Plan where sites are within 5km of the Dorset Heathlands where, as set out in Section 4, a planning obligation of £406 per house and £277 per flat will be necessary.
  - BCP Council will, as set out in Section 4, charge a SAMMs rate of £394 per house and £269 per flat paid by planning obligation through a payment:
    - prior to the grant of planning permission as an upfront payment (Section 111 of the 1972 Local Government Act); or
    - prior to commencement (Section 106 Agreement or unilateral undertaking).
- 5.6 BCP Council has an administration charge of 5% of the total contribution payable, subject to a minimum charge of £75 and capped to a limit of £1,000 per contribution. Model clauses for Section 106 Agreements, Section 111 payments and unilateral agreements are set out in Appendix G.
- 5.7 A credit will be applied for existing dwellings based on the average occupancy of flats or houses. For example, if a house is to be replaced by 10 flats then the calculation would be:
- (10 x SAMMs contribution for a flat) minus the SAMMs contribution of 1 house*
- 5.8 The charge will be adjusted annually on 1 April to reflect inflation and ensure that the appropriate level of SAMM can be delivered over the plan period.

### Paying for HIPs

- 5.9 HIPs will be delivered from contributions collected through CIL payments or secured through Section 106 agreements, depending upon the circumstances. Where schemes are exempt from paying CIL, there is likely to be a requirement to provide HIPs through Section 111, Section 106 Agreement or unilateral undertaking.
- 5.10 Some HIPs projects will be expected to be delivered directly by developers through on site provision. The types of potential projects are set out in Appendix A. Specific projects will be set out

in a Monitoring, Projects and Implementation Plan, regularly updated to ensure that there is a rolling five year programme of projects.

- 5.11 Where a settlement extension is allocated through a local plan or neighbourhood plan, the provision of a SANG will form part of the overall infrastructure provision of that site, particularly where settlement extensions or development on green field sites are proposed. Where a planning application which needs a HIP comes forward on an unallocated site, the applicant will need to ensure mitigation is secured, and may not necessarily rely on the Councils to secure mitigation through a financial contribution. The threshold for the number of homes that trigger the requirement to provide a SANG is around 50 unless stated differently in an existing adopted local plan for an area. Guidance for the provision of SANGs is set out in Appendices D and E.
- 5.12 In built up areas, opportunities to provide HIPs alongside large developments are more constrained than in rural areas. Because of this, approaches vary according to local circumstances; i.e. in one area a financial contribution towards a specific strategic HIP may be adequate, but in another area a bespoke HIP may be necessary for the Council to be certain that the urban effects can be mitigated and thereby planning permission granted. These considerations need to be resolved during the plan making stage to ensure certainty and deliverability of allocations. Each planning application will be considered on a case by case basis as the nature of some sites will enable the provision of a HIP within the scheme and again will depend upon the specific requirements of that area. Early engagement with the Councils and Natural England at pre-application stage is recommended.
- 5.13 The Councils are preparing new local plans for the two Council areas and these will replace the six current local plans. The process will review the different approaches in order to provide consistent advice in future iterations of this SPD. However, in the meantime the approaches have to be led by the policies set out in the adopted local plans for different parts of the BCP Council and Dorset Council areas.

### Appropriate assessment of planning applications

- 5.14 As stated in paras 4.7-4.8, any additional residential development within 400 metre to 5km heathland area is likely to have a significant effect on the Dorset Heathlands either alone or in combination with other proposals. Therefore in accordance with the Habitats Regulations, the Councils will undertake a project level appropriate assessment when considering all planning applications where there is a net gain in homes within the 400 metre to 5km heathland area.
- 5.15 This SPD provides a strategic mitigation framework to enable applicants to secure the appropriate avoidance or mitigation measures to comply with local plan policy and thereby enable the Council to conclude through appropriate assessment that there is no adverse effect on the integrity of the Dorset Heathlands. For the majority of development mitigation can be secured in accordance with this strategic mitigation framework.
- 5.16 However there will be instances when the applicant will be required to provide further information and agree to further avoidance and mitigation measures to enable the Council to conclude there is no adverse effect. For example, possible adverse effects can be avoided by alterations to the design or through the use of conditions on planning permission and these will be set out in the appropriate assessment.
- 5.17 The Council after completing the appropriate assessment template will publish it alongside the determination of the planning application. The Councils application of the Habitats Regulations is in accordance with recent case law, e.g. Sweetman 2 (People over wind), Holohan and Dutch nitrogen, which all reinforce the need for a rigorous approach.

### Securing mitigation in perpetuity

- 5.18 The Councils will be responsible for ensuring that CIL and planning obligations will be spent in a timely manner to ensure that mitigation is delivered in advance of occupation of new residential development.

- 5.19 The mitigation measures required to allow development will need to be in place whilst the adverse effects are arising. For residential development this means “in-perpetuity”, which for this strategy is considered as 80 years, and hence resources are secured accordingly. However, the element of monitoring established allows for the adjustment of measures in the future based upon the evidence gathered.
- 5.20 SAMMs funding is made available for the lifetime of development. Where provision of HIPs is on Council controlled sites the Council will through CIL and other contributions use these receipts to put in place and maintain projects. Where HIPs are provided by landowners or other third parties, mechanisms will need to be secured that ensure that mitigation is available in-perpetuity and also that funding is secured to maintain it.
- 5.21 Some projects may be supported for a short duration, e.g. where the proposals are effective and innovative or as appropriate where short term concerns may arise, e.g. the provision of BMX tracks. Future revisions to this document and the overall avoidance and mitigation strategy will investigate other means by which mitigation can be secured.

## 6. Monitoring and Implementation

- 6.1 The two Councils will use the contributions to deliver mitigation in a timely manner and ensure that mitigation is provided before first occupation of the property. Local organisations will be encouraged to complete the published template to submit projects and bid for funding.
- 6.2 Progress with mitigation will be set out in a Monitoring, Projects and Implementation Plan. The preparation of this plan will be overseen by an advisory group and will form part of the Council's requirements to publish an Infrastructure Funding Statement. The formation of the two new Councils provides the opportunity to review the delivery of mitigation. Currently mitigation is provided by a combination of the Urban Heaths Partnership, hosted by Dorset Council, and by each Council. The review is expected to be complete within 2 years.
- 6.3 Both Councils have declared a Climate Change Emergency and are preparing Action Plans to tackle the climate emergency. Mitigation projects should aim to provide multi-functional spaces that help to deliver these Action Plans and help the Councils achieve carbon neutrality or offsetting measures, provided the HIPs function as heathland mitigation. Furthermore all projects will need to align with the Council's other corporate objectives, and the relevant objectives of partner organisations, for example:
- as part of the Dorset Integrated Care System to ensure health and wellbeing through greater accessibility to open space; and
  - as part of the Dorset Local Nature Partnership to enhance ecological networks / Nature Recovery Networks and by achieving a net gain in biodiversity.

## Appendix A: Possible Mitigation

The mitigation strategy consists of two parts. The tables below illustrate the possible type of measures the two Councils could implement to mitigate the impact. An advisory group will oversee the provision of a Monitoring, Projects and Implementation Plan. Some projects may require public consultation and Council sign off. Local organisations are encouraged to submit possible projects for consideration using the published template. The specific projects will be set out in the Monitoring, Projects and Implementation Plan and updated on an annual basis.

Part 1 provides an illustration of the type of measures that SAMMs contributions can be used for. The table sets out the type of pressure, the suggested action from Natural England's Site Improvement Plan (2014), the type of mitigation measure and the estimated annual cost.

### *Part 1 Types of Strategic Access Management and Monitoring (SAMMs) Measures*

| Type of pressure                  | Action from Site Improvement Plan  | Possible Type of SAMMs Measure   |
|-----------------------------------|--|--|
| Strategic Access Management       |  |  |
| Disturbance by humans and/or dogs | Prevent increases in damaging recreational pressures from new development  | Employing wardens/rangers to manage visitor pressures on the heathland generated from development  |
|                                   |  | Employing education officers to raise awareness in schools, with local communities and out on the heaths.  |
| Fire                              | Take appropriate measures to reduce the number and size of arson incidents and facilitate effective fire control | Review fire access across all heathlands and supporting measures for the fire service  |
|                                   |  | Employing education officers to raise awareness in schools, with local communities and out on the heaths.  |
| Monitoring                        |  |  |
| Disturbance by humans and/or dogs | Prevent increases in damaging recreational pressures from new development  | Undertake surveys to detect any change in the numbers and behaviour of heathland users to provide information on which activities and locations may need better management. Could include the use of automated counters and general counts of visitors, visitor interviews and surveys |
|                                   |  | Monitoring of protected birds and species  |
| Fire                              | Take appropriate measures to reduce the number and size of arson incidents                                       | Surveys and monitoring to ensure the mitigation measures are working.  |

Part 2 provides an illustration of the type of infrastructure projects that could be used to mitigate harm. The projects focus on attracting people away from protected heathlands. HIPS are physical infrastructure works, such as the provision of Suitable Alternative Natural Greenspace (SANGs) or enhancement of existing greenspaces to increase the attractiveness for visitors that would otherwise visit the Dorset Heathlands. The table sets out the type of disturbance, the suggested action from Natural England's Site Improvement Plan (2014), and the possible type of mitigation project. Project costs will be determined on a site by site basis.

### *Part 2 Possible Types of Heathland Infrastructure Projects (HIPS)*

| Pressure                          | Action from Site Improvement Plan  | Possible Type of Project   |
|-----------------------------------|--|--|
| Disturbance by humans and/or dogs | Prevent increases in damaging recreational pressures from new development  | Provision of strategic SANGs, e.g. Upton Country Park, Hicks Farm, Woolslope Farm, Two Rivers Meet   |
|                                   |  | Developer led SANGs alongside settlement extensions, e.g. Canford Park   |
|                                   |  | Provide accessible routeways, gateways, viewing points, seating and waymarking.  |
|                                   |  | Improve access to non-designated sites e.g. Arrowsmith coppice, Delph Woods  |
|                                   |  | Improve linkages between SANGs and other green infrastructure, e.g. along the Stour Valley   |
|                                   |  | On-site and access management projects e.g. managing diffuse car parking, improved interpretation, enhancing access in appropriate locations, e.g. Arne, Stoborough & Hartland heathland complex |
|                                   |  | Provision of BMX facilities to reduce impacts of BMX usage on nearby heaths  |
|                                   |  | Provision of heathland support areas around protected sites to dissipate the impacts and make sites more robust e.g. Sunnyside farm, Wheelers Lane, Soldiers Road                                |
|                                   |  | Increasing capacity and attractiveness of existing open spaces including creation of new routes, clearing, signage, small car park, seating and interpretation display                           |
| Disturbance by dogs               | Prevent increases in damaging recreational pressures from new development  | Creation of dog friendly areas to provide alternative secure location for dog owners to train and exercise their dogs  |
|                                   |  | Managing access to open space for dog walking  |
| Fire                              | Take appropriate measures to reduce the number and size of arson incidents | On site management and alerting the public at high risk times as well as dealing with generic issues such as BBQs and fire access for emergency services.  |

## Appendix B: Advice for Different Uses

There are forms of development which are not specifically mentioned in this SPD that may cause additional harm and these will be considered on a case by case basis. Therefore, before submitting a planning application, applicants are encouraged to seek early engagement with the respective Council or Natural England.

The table below sets out different uses and whether they are likely to cause a significant effect alone or in combination upon the Dorset Heathlands:

| Use  | Likely significant effect | Allowed in 400m area?             | Allowed in 400m-5km area? | Mitigation  | Contribution  |
|--|---------------------------|-----------------------------------|---------------------------|---|---|
| <i>Use Class C1 – hotels, guest houses</i>   | Yes possibly              | Depends                           | Yes                       | Case by case basis  | 1 room = 1 flat                                     |
| <i>Use Class C2 – specialist housing, i.e. assisted living</i>   | Yes                       | No                                | Yes                       | Contribution as per C3 housing /no publicly available parking capacity                    | 1 room = 1 flat                                     |
| <i>Use Class C2 – Specialist housing, i.e. sheltered housing / nursing home</i>                                  | No                        | Yes                               | Yes                       | No publicly available parking capacity  | n/a   |
| <i>Use Class C2 – residential institutions, i.e. boarding schools, residential colleges and training centres</i> | Yes                       | Depends                           | Yes                       | Contribution as per C3 housing / no publicly available parking capacity                   | 1 room = 1 flat                                     |
| <i>Use Class C2 – residential institutions, i.e. hospitals,</i>  | No                        | Yes                               | Yes                       | No publicly available parking capacity  | n/a   |
| <i>Use Class C3 – net additional dwelling</i>  | Yes                       | No                                | Yes                       | As set out in this SPD  | Per house or flat                                   |
| <i>Use Class C3 – replacement dwelling</i>   | No                        | Yes                               | Yes                       | No  | n/a   |
| <i>Use Class C3 – extension or granny annex</i>  | Yes                       | No, if a separate functional unit | Yes                       | No  | As per a flat                                       |
| <i>Use Class C3 – retirement dwellings</i>   | Yes                       | No                                | Yes                       | Contribution as per C3 housing  | Per house or flat                                   |
| <i>Use Class C4 – HMO &lt;6 residents</i>  | Yes                       | No                                | Yes                       | Contribution as per C3 housing  | HMO = 1 house                                       |
| <i>Houses in Multiple Occupation (HMO) (Sui generis over 6 residents )</i>                                       | Yes                       | No                                | Yes                       | Contribution as per C3 housing  | Every extra room >6 residents is: 1 room = 1 flat   |
| <i>Self-catering, caravan, chalet and touring holiday accommodation</i>  | Yes                       | No                                | Yes                       | HIP for larger scheme / contribution as per C3 housing for smaller schemes                | Provide a HIP or 1 unit =60% of 1 flat              |
| <i>Gypsies and Travellers</i>  | Yes                       | No                                | Yes                       | Contribution as per C3 housing  | 1 pitch = 1 flat                                    |
| <i>University managed student accommodation</i>  | Yes                       | No                                | Yes                       | Contribution as per C3 housing. Exemptions for large scale managed student accommodation. | Each self contained cluster flat or studio = 1 flat |

Further information about some of the uses listed above:

### Use Class C1 - Hotels



The nature of hotel users is highly variable and within the 400m area cases will be treated on a case by case basis with advice from Natural England.

### Use Class C2 – specialist housing, i.e. assisted living, extra care

Assisted living or extra care housing, where the occupants are still active, is comparable to residential flats. Such schemes are not permissible within the 400 metre heathland area. Between 400m and 5km area the development will be expected to demonstrate how it will provide mitigation in accordance with this SPD. Mitigation will also be required for any net increase in on-site staff residential accommodation.

### Use Class C2 – Specialist housing, i.e. sheltered housing / nursing homes

Certain types of specialist purpose built nursing homes where residents are no longer active will not have a significant effect and do not need to provide mitigation, e.g. where nursing care is necessary such as for advanced dementia or physical nursing needs:

- Purpose built schemes for the frail elderly where there is an element of close care provided on site 24 hours a day. This level of care is above that of provision of an on-site wardening service provided for sheltered accommodation. It would be expected that there would normally be an age restriction of 60+ years for the occupants of the units and that the planning permission would be conditioned in such a way that the units could not become open market housing. Experience from schemes of this nature indicates that in order to provide 24 hour care the minimum number of units is generally around 40 and the scheme will also have communal facilities. Authorities should consider requiring a covenant precluding pet ownership where it is in their view an effective measure in reducing the risk of adverse effects of predation and disturbance.
- Purpose built schemes for the accommodation of disabled people, for example a care home for people with dementia, where by the nature of the residents' disabilities, they are unlikely to have any impact on the adjacent protected heaths.

Any planning application would need to be supported by an impact assessment with details of how the potential impacts resulting from staff and visitors will be mitigated. It may be necessary to use pet covenants or other suitable legally binding agreements in these specific situations. Planning conditions would be necessary to ensure that pressure from residents to own pets is an acceptable risk and that enforcement is achievable, i.e. there is 24 hour supervision. Possible conditions:

- The applicant/management body will provide a biannual written confirmation to the Council detailing the compliance with the pet covenant, the number of residents and their age.
- The applicant/management body will prevent, through design and enforcement measures, the use of on-site car parking for public use for accessing nearby heathlands.

Such schemes are not required to provide mitigation as the nature of the residents is such that they will not be expected to leave the property to access heathland.

Retirement homes where the occupants/partners are still active and/or proposals that would lead to a net increase in on-site staff residential accommodation would not be allowed.

### Use Class C2 – residential institutions, i.e. hospitals

Generally hospitals would not be considered to have a likely significant effect with regard to recreational impacts and could be allowable within 400 metre heathland area.

### Houses in Multiple Occupation (HMO)

There is no evidence to demonstrate that residents of HMOs would be likely to have any level of recreational access need which is substantially different to residents in Use Class C3 dwellings. Therefore any net additional rooms in HMOs over 6 existing residents will not be allowed within 400 metre heathland area.

Between 400 metres and 5km mitigation will be needed in accordance with this SPD. Due to the permitted interchangeability of C3 dwellings and C4 HMOs, C4 HMOs are treated as a single dwelling if there is provision for up to 6 residents. However for proposals where there would be more than 6 residents (sui generis) mitigation will be necessary. Each additional occupied room will be required to provide mitigation in accordance with this SPD equating to one flat per additional room, i.e. a proposal for a 7 room HMO will be assumed to result in one additional room and will have to provide a financial contribution equating to a flat. This is because more than 6 unrelated people in a single dwelling significantly exceeds the average expected occupancy of any single dwelling.

### Self-catering, caravan and touring holiday accommodation applications

Self-catering and touring proposals are likely to have broadly similar impacts upon the heathland to those arising from residential development. Whilst individual applicants may seek to reduce some of the impacts e.g. by restricting pets there is considerable uncertainty about whether, over time, such agreements would be effective and therefore such proposals cannot be supported. The restriction of pet ownership does not in any case restrict all impacts likely to arise. Therefore any net increase in self-catering and touring proposals will not be allowed within 400 metre heathland area.

Between 400 metres and 5km mitigation it will be necessary for:

- Larger proposals to provide bespoke mitigation in the form of HIPS; and
- Small numbers of additional units, to provide mitigation through the contribution policy offered by the SPD. For the Purbeck Local Plan area, in cases where CIL doesn't apply, the preference will be for mitigation measures to be provided as part of the development package.

In calculating financial contributions we will assume a 60% occupancy to take account of seasonal fluctuations and average occupancy (both SAMMs and HIPS). Therefore only 60% of the contribution will be necessary. Applicants can challenge this assumption, but will need to provide evidence to demonstrate that the occupancy level will be different.

### Gypsies and Travellers

There is no evidence to demonstrate that the occupants of permanent or transit sites for gypsies and travellers would be likely to have any level of recreational access need which is substantially different to residents in Use Class C3 dwellings. Therefore any net increase in gypsy and travellers accommodation will not be allowed within 400 metre heathland area. Between 400 metres and 5km mitigation will be needed in accordance with this SPD with each pitch equating to one flat.

### Purpose built student accommodation

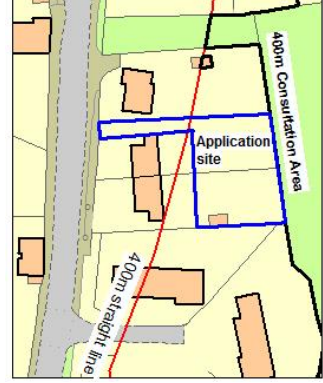

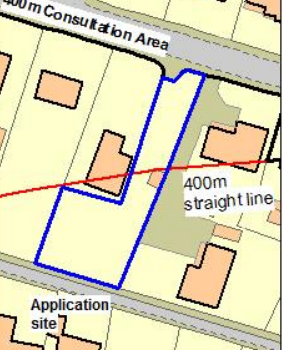
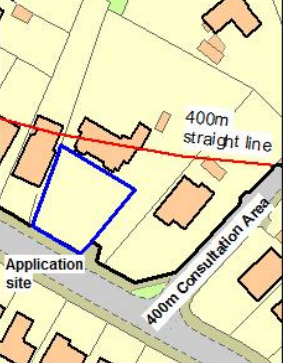
There is no evidence to demonstrate that the occupants of student accommodation would be likely to have any level of recreational access need which is substantially different to residents in Use Class C3 dwellings. Therefore student accommodation would not be allowed within 400 metre heathland buffer.

Between 400 metres and 5km mitigation the effects from large managed blocks of student accommodation on campus are likely to be different from those of C3 residential development. The self-contained facilities available on campus, restrictions on dog ownership and the day to day management of student halls may therefore provide a degree of certainty that there will not be significant effects on protected heathlands. These types of development may not be required to provide heathland mitigation if the Councils can be assured that units will remain as managed student accommodation. .

Other student housing, i.e. off campus student blocks or smaller developments may not be able to provide the Councils with the same level of assurance and the provision of heathland mitigation will be therefore be applicable. There is an expectation that occupancy (such as switching to non-students) and dog ownership will be less controlled.

## Appendix C: 400m Consultation Area

The 400 metre heathland area is drawn as a straight line (red) around the edge of each protected heathland site. The principle objective is to ensure that there is no net increase in residential units including their curtilage within the straight line 400m area. Natural England has mapped a 400 metre consultation area (black) to align with curtilages. Some examples are presented below to assist in the consideration of proposals. The application sites, edged blue, all fall in the 400m consultation area whereby Natural England will need to be consulted.

| No | Example  |
|----|--|
| 1  |  <p>Description: The heathland lies to the left side of the plan and the two properties fall within the consultation area, the site is accessed into the 400m area.</p> <p>Decision: <b>Not allowed.</b> The access point, hence curtilage for the new dwellings brings residents into the 400m straight line heathland area, closer to the protected heathland.</p>  |
| 2  |  <p>Description: The heathland lies to the left side of the plan, the existing property lies in the 400m consultation area, the site is accessed away from the 400m area.</p> <p>Decision: <b>Allowed.</b> There is no net increase in dwellings in the 400m straight line area and access does not lead into this area. The existing and proposed dwellings are within the 400m consultation area but the proposed dwelling would fall outside the 400m straight line heathland area.</p> |
| 3  |  <p>Description: The heathland lies to the bottom of the plan, the existing property lies in the 400m consultation area, the site is accessed from outside of the 400m straight line heathland area.</p> <p>Decision: <b>Not allowed.</b> The net effect of this proposal is an increase in dwellings in the 400m straight line heathland area.</p>   |
| 4  |  <p>Description: The heathland lies to the top of the plan, the existing large property lies in the 400m consultation area, and the site is accessed from outside the 400m straight line heathland area.</p> <p>Decision: <b>Allowed.</b> The existing large plot is in the 400m heathland area but a new plot is located and accessed wholly outside the 400m straight line area. This will not lead to an increase in dwellings in the 400m straight line heathland area.</p>           |

# Appendix D: Guidelines for the establishment of Suitable Alternative Natural Greenspace (SANG) Quality Standards for the Dorset Heathlands

## Introduction

'Suitable Alternative Natural Greenspace' (SANG) is the name given to green space that is of a quality and type suitable to be used as mitigation for applications likely to affect the Dorset Heathlands European and internationally protected sites. The provision of SANGs is one of a range of mitigation measures, which the Councils and Natural England consider offer an effective means of avoiding or mitigating harm from a number of urban effects.

The role of SANGs is to provide alternative green space to divert visitors away from the Dorset Heathlands. SANGs are intended to provide mitigation for the likely impact of residential type developments on the Dorset Heathlands by preventing an increase in visitor pressure. The effectiveness of SANGs as mitigation will depend upon its location and design. These must be such that the SANGs is more attractive than the Dorset Heathlands to visitors of the kind that currently visit them.

These guidelines describe the features which have been found to draw visitors to the Dorset Heathlands, which should be replicated in SANGs:

- the type of site which should be identified as SANGs; and
- measures which can be taken to enhance sites so that they may be used as SANGs

These guidelines relate specifically to the means to provide mitigation for development of a residential nature within or close to 5km of the Dorset Heathlands. They do not address nor preclude the other functions of green space (e.g. provision of disabled access). Other functions may be provided within SANGs, as long as this does not conflict with the specific function of mitigating visitor impacts on the Dorset Heathlands.

SANGs may be created from:

- existing open space of SANGs quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public;
- existing open space which is already accessible, but could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the Dorset Heathlands; and
- land in other uses which could be converted into SANGs.

The identification of SANGs should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Such damage may arise, for example, from increased disturbance, erosion, input of nutrients from dog faeces, and increased incidence of fires. Where sites of high nature conservation value are considered as SANGs, the impact on their nature conservation value should be assessed and considered alongside the relevant planning policy.

## The character of the Dorset Heathlands and its visitors

The Dorset Heathlands are made up of 42 Sites of Special Scientific Interest, and consists of a mixture of open heathland and mire with some woodland habitats. The topography is varied with some prominent viewpoints. Many sites contain streams, ponds and small lakes and though some have open landscapes with few trees others have scattered trees and areas of woodland. Most sites are freely accessible to the public though in some areas access is restricted by army, or other operations.

Surveys have shown that about half of visitors to the Dorset Heathlands arrive by car and about half on foot. Where sites are close to urban development around Poole and Bournemouth, foot access tends to be most common. On rural sites in Purbeck and East Dorset, more visitors come by car. Some 75% of those who visited by car had come from 5.3km of the access point onto the heathlands. A very large proportion of the Dorset Heathland visitors are dog walkers, many of whom visit the particular site on a regular (i.e. multiple visits per week) basis and spend less than an hour there, walking on average about 2.3km.



## Guidelines for the quality of SANG

The quality guidelines have been sub-divided into different aspects of site fabric and structure. They have been compiled from a variety of sources but principally from visitor surveys carried out at heathland sites within the Dorset Heathlands and the Thames Basin Heaths.

The guidelines concentrate on the type of SANGs designed principally to cater for heathland dog walkers. Other important heathland mitigation measures, for example, facilities designed to attract motor cycle scramblers or BMX users away from heathlands or facilities for adventurous play for children are not covered specifically and will need to be considered on a case by case basis.

The principle criteria contained in the Guidelines have also been put into a checklist format which can be found in a table at the end of this appendix.

It is important to note that these Guidelines only cover the Quality of SANG provision. There are a number of other matters that will need to be agreed with Natural England and the Council including; Provision of in-perpetuity management of the SANG, SANG capacity, and other avoidance and mitigation measures as necessary.

## Accessibility - reaching the SANG

Most visitors reach the Dorset Heathlands either by foot or by car and the same will apply for SANGs. Thus SANGs may be intended principally for the use of a local population living within a 400 metre catchment around the site; or they may be designed primarily to attract visitors who arrive by car (they may also have both functions).

SANG design needs to take into account the anticipated target group of visitors. For example, where large populations are close to the Dorset Heathlands the provision of SANGs may need to be attractive to visitors on foot.

SANGs co-located with developments are the preferred option so people can walk or cycle to them. The requirement for car parking with SANGs will be considered

If intended to attract visitors arriving by car, the availability of adequate car parking is essential. Car parks may be provided specifically for a SANG or a SANG may make use of existing car parks but some existing car parks may have features incompatible with SANG use, such as car park charging. The amount and nature of parking provision should reflect the anticipated numbers and mode of arrival by visitors to the site and the catchment size of the SANGs. It is important that there is easy access between the car park and the SANG i.e. this is not impeded by, for example, a road crossing. Thus such SANGs should have a car park with direct access straight on to the SANG with the ability to take dogs safely from the car park to the SANG off the lead. Similarly, the nature of foot access between urban development and a SANG is important and green corridors reaching into the urban area can be an important part of facilitating access to the SANG. Key points:

- 1. Sites must have adequate free parking for visitors, unless the site is intended for local pedestrian use only, i.e. within easy walking distance (400m as a straight line) of the developments linked to it. The amount of car parking space should be determined by the anticipated numbers using the site and arriving by car. One space per hectare of SANG is a useful guideline.*
- 2. Car parks must be easily and safely accessible by car, be of an open nature and should be clearly sign posted.*
- 3. There should be easy access between the car park or housing and the SANG with the facility to take dogs safely from the car park to the SANG off the lead.*
- 4. Access points should have signage outlining the layout of the SANGs and the routes available to visitors.*

## Paths, Tracks and other SANG Infrastructure

SANGs should aim to supply a choice of circular walking routes that provide an attractive alternative to those routes on heathlands in the vicinity (i.e. those heaths that the SANG is designed to attract visitors away from). Given the average length of walks on heathland, a circular walk of 2.3-2.5km in length is

necessary unless there are particular reasons why a shorter walk is considered still appropriate. Where possible a range of different length walks should be provided; a proportion of visitors walk up to 5km and beyond so walking routes longer than 2.5 km are valuable, either on-site or through the connection of sites along green corridors.

Paths do not have to be of any particular width, and both vehicular-sized tracks and narrow paths are acceptable to visitors although narrow corridors where visitors/dogs may feel constrained should be avoided. The majority of visitors come alone and safety is one of their primary concerns. Paths should be routed so that they are perceived as safe by the visitors, with some routes being through relatively open (visible) terrain (with no trees or scrub, or well-spaced mature trees, or wide rides with vegetation back from the path), especially those routes which are 1-3 km long.

A substantial number of visitors like to have surfaced but not tarmac paths, particularly where these blend in well with the landscape. This is not necessary for all paths but there should be some visitor-friendly, all weather routes built into the structure of a SANGs, particularly those routes which are 1-3 km long. Boardwalks may help with access across wet areas but excessive use of boardwalks, as may be necessary on sites which are mostly wet or waterlogged such as flood plain and grazing marsh, is likely to detract from the site's natural feel.

Ideally SANGs should be available for year round use, to establish people's behaviours too utilise this mitigation rather than visit heathland. However flooding events generally do not coincide with the bird nesting season (March-July) when the adverse effect of people upon protected birds is most sensitive. The short periods of flooding must be weighed against the quality and natural attributes of riverside access. Land in the Stour floodplain, for example, provides for multiple green infrastructure benefits and is located within easy reach of nearby urban areas.

Other infrastructure specifically designed to make the SANG attractive to dog walkers may also be desirable but must not detract from a site's relatively wild and natural feel. Measures could include accessible water bodies for dogs to swim/drink; dog bins, fencing near roads/car-parks etc. to ensure dog safety, clear messages regarding the need to 'pick-up', large areas for dogs to be off lead safely, , dog training areas may be appropriate in larger SANGs:

- 5. Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.*
- 6. A majority of paths should be suitable for use in all weathers and all year around. Boardwalks may be required in wet sections.*
- 7. All SANGs with car parks must have a circular walk which starts and finishes at the car park.*
- 8. It should be possible to complete a circular walk of 2.3-2.5km around the SANGs, and for larger SANGs a variety of circular walks*
- 9. SANGs must be designed so that visitors are not deterred by safety concerns.*
- 10. SANGs should have good green infrastructure links with nearby developments to encourage use of the SANG*

### Advertising - making people aware of the SANG

The need for some advertising is self-evident. There should be clear reference to the SANG being provided as an alternative for local people who might otherwise assess the nearby heathlands.

- 11. SANGs should be clearly sign-posted and advertised.*
- 12. Leaflets and/or websites advertising their location to potential visitors should be produced and provided at the sales office of the new development, to the new homeowners and be made available at entrance points and car parks.*

### Landscape and Vegetation

The open or semi wooded and undulating nature of most of the Dorset Heathland sites gives them an air of relative wildness, even when there are significant numbers of visitors on site. SANGs must aim to reproduce this quality using native species to contribute to a net gain in biodiversity, but do not have to

contain heathland or heathy vegetation. Surveys in the Thames Basin heath area show that woodland or a semi-wooded landscape is a key feature that people who use the SPA there appreciate. Deciduous woodland is preferred to coniferous woodland.

In these circumstances a natural looking landscape with plenty of variation including both open and wooded areas is ideal for a SANG. There is clearly a balance to be struck between what is regarded as an exciting landscape and a safe one and so some element of choice between the two is desirable.

Hills do not put people off visiting a site, particularly where these are associated with good views, but steep hills are not appreciated. An undulating landscape is preferred to a flat one. Water features, particularly ponds and lakes, act as a focus for visitors for their visit, but are not essential. The long term management of the SANG habitats should be considered at an early stage. Particularly for larger SANGs, and those with grasslands, grazing management is a complementary option.

A number of factors can detract from the essential natural looking landscape and SANGs that have an urban feel, for example where they are thin and narrow with long boundaries with adjoining urban development or roads, are unlikely to be effective:

13. *SANGs must be perceived as natural spaces without intrusive artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.*
14. *SANGs must aim to provide a variety of habitats for visitors to experience (e.g. some of: woodland, scrub, grassland, heathland, wetland, open water).*
15. *Access within the SANGs must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead, but under control so as not to deter others.*
16. *SANGs must be free from unpleasant visual, auditory or olfactory intrusions (e.g. derelict buildings, intrusive adjoining buildings, dumped materials, loud intermittent or continuous noise from traffic, industry, sewage treatment works, waste disposal facilities).*



## Site Quality Checklist

| Features                                     |   | Current | Future |
|--|---|---------|--------|
| <b>Access</b>                                |   |         |        |
| 1  | Sites must have adequate parking for visitors, unless the site is intended for local pedestrian use only, i.e. within easy walking distance (400m as a straight line) of the developments linked to it.   |         |        |
| 2  | Car parks must be easily and safely accessible by car, be of an open nature and be clearly sign posted.   |         |        |
| 3  | There should be easy access between the car park or housing and the SANG with the facility to take dogs safely from the car park to the SANG off the lead.  |         |        |
| 4  | Access points should have signage showing the SANGs layout and the routes available.  |         |        |
| <b>Paths, Tracks and Infrastructure</b>      |   |         |        |
| 5  | Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.   |         |        |
| 6  | Most paths should be suitable for use in all weathers and all year around. Boardwalks may be required in wet sections.  |         |        |
| 7  | SANGs with car parks must have a circular walk which starts and finishes at the car park.   |         |        |
| 8  | A circular walk of 2.3-2.5km around the SANGs is available - for larger SANGs a variety of circular walks created   |         |        |
| 9  | It must be designed so that visitors are not deterred by safety concerns  |         |        |
| 10   | Good green infrastructure links with nearby development to encourage use of SANG  |         |        |
| <b>Advertising and marketing of the SANG</b> |   |         |        |
| 11   | It should be clearly sign-posted and advertised   |         |        |
| 12   | Leaflets and/or websites advertising their location to potential visitors should be produced and provided at the sales office of the new development and to the new homeowners  |         |        |
| <b>Landscape and vegetation</b>              |   |         |        |
| 13   | They must be perceived as natural spaces without intrusive artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable   |         |        |
| 14   | They must aim to provide a variety of habitats for visitors to experience (e.g. some of: woodland, scrub, grassland, heathland, wetland, open water)  |         |        |
| 15   | Access within the SANGs must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead but under control so as not to deter others.  |         |        |
| 16   | They must avoid where possible unpleasant visual and auditory intrusions (e.g. derelict buildings, intrusive adjoining buildings, dumped materials, loud intermittent or continuous noise from traffic, industry, sewage treatment works, waste disposal facilities). |         |        |

## Appendix E: SANGs planning application principles

The following details will be required at the time at which a proposal is considered, this may be either at outline or a full application where outline has not been submitted:

1. SANG maintenance and function should be secured and demonstrated to be in place for perpetuity.
2. Applications for developments requiring a SANG are likely to require a Change of Use application for the SANG itself. This may be done through a separate planning application.
3. When the Council considers the application for the development that the SANG is designed to mitigate it will need to be certain that the SANG:
  - meets the SANG criteria;
  - is deliverable, i.e. ownership and appropriate management is secured;
  - can be managed in a suitable condition in perpetuity; and
  - will be monitored for the first 5 years.

This typically involves a draft Section 106 Agreement, an implementation plan, long-term management plan and monitoring arrangements being submitted for agreement with Natural England and the Council.

4. Where the application for development is at an outline stage the applicant will need to provide sufficient information on the SANG to allow the SANG proposal to be considered.
5. The SANG land will have been assessed for its biodiversity features and the applicant will have confirmed that the proposal will not in principle lead to net harm to biodiversity. Where harm to biodiversity features is predicted then the capacity of the SANG will need to be adjusted.
6. A full SANG management plan will be required as part of a reserved matters/planning condition application if not previously provided at outline stage. This will set out the implementation and maintenance of the SANG – it will record initial infrastructure (photographically) and management objectives by compartment. This will allow for future evolution of the SANG within the broad SANG criteria rather than a rigid approach.
7. If part or all of the SANG is already accessible to the public a visitor survey will need to be submitted as part of the application (outline or full where no-outline is submitted), and the SANG capacity discounted if necessary
8. Where a SANG is not co-located with a residential proposal, Natural England will provide advice to the applicant concerning the SANG capacity/catchment on a case by case basis.

Natural England will provide written confirmation to the Council that the proposed measures (SANG, SAMM) are appropriate to secure the necessary avoidance and mitigation measures and have been secured for a duration proportionate to the timescale of the development's effects.

### SANG Visitor Monitoring

Large developments may come forward in phases, monitoring should commence prior to the occupation of the first dwelling where there is existing public use. It need not be when the land has no existing public access. Monitoring should be phased at two/three years after each substantive phase and also at five years after the development is completed. It may be the case that monitoring will need to include nearby heathland sites. The primary aims of visitor monitoring are to inform the SANG delivery and allow for adjustments as well as demonstrating the SANGs functionality and use by existing local residents. Effective monitoring will provide a robust baseline which can be observed in future strategic monitoring events.

After five years from the final phase of a development ongoing SANG monitoring will be incorporated into the ongoing SAMM programme on a strategic basis.

SANG monitoring methodology may include visitor questionnaires, remote sensors and observational studies. All SANG monitoring raw data should be made readily available to the authority as part of the wider Heathland Monitoring Strategy. All monitoring will need to be at least consistent with existing questionnaire methodology and automatic recording approaches.

## Strategic Access Management and Monitoring (SAMM)

The provision of SANG within walking distance of a new development provides one important element of the required long term avoidance/mitigation strategic approach in SE Dorset. The SANGs however are not intended to avoid all new residents accessing the protected sites, rather to enable a neutral level of visitor pressure with an equal proportion of existing heathland users being diverted. It is therefore necessary for applicants to secure SAMM relative to the level of residential development. As for SANGs the mitigation needs to be secured in perpetuity.

| Information required  | Outline | Full | Provided |
|---|---------|------|----------|
| SANG maintenance and function should be secured and demonstrated to be in place for perpetuity. | ✓       | ✓    |          |
| Change of Use application for the SANG  |         | ✓    |          |
| Natural England confirms it meets the SANG criteria   | ✓       | ✓    |          |
| SANG is deliverable (ownership/control and management secure)                                   | ✓       | ✓    |          |
| Can be maintained in perpetuity   | ✓       | ✓    |          |
| Will be monitored for 5 years from completion   |         | ✓    |          |
| Draft S106 provided   | ✓       |      |          |
| Full S106 provided  |         | ✓    |          |
| Assessment of Biodiversity features of SANG   | ✓       | ✓    |          |
| SANG layout/masterplan  | ✓       | ✓    |          |
| SANG management plan/costed   |         | ✓    |          |
| If site has existing public access, visitor survey provided                                     | ✓       | ✓    |          |
| SANG monitoring strategy, agreed with LPA/Natural England                                       |         | ✓    |          |
| SANG Monitoring post each development phase (large developments)                                |         | ✓    |          |
| SAMM contribution can be met  | ✓       | ✓    |          |
| Natural England confirms measures required are secured pre-submission (desirable)               | ✓       | ✓    |          |

This checklist is to assist applicants preparing the necessary information and there are likely to be exceptions depending on the size and complexity of the application. Early engagement, where possible, can reduce delays.

## Appendix F: Permitted Development / Prior Approvals

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) enables certain types of development to take place without the need for specific planning permission, provided certain criteria are met. For example, the change of use of an office to a dwelling.

Article 3(1) of the GPDO, by incorporating regulations 75-78 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), imposes a condition requiring prior approval under these Regulations, that the local planning authority is satisfied that there is no adverse effect on the integrity of any European site, before permitted development can go ahead. Regulation 75 states:

### **General development orders**

*75. It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—*

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of the site,*

*must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).*

As set out in this SPD, additional residential development is likely to have a significant effect on the Dorset Heathlands either alone or in combination with other proposals. Therefore in accordance with the regulations above the Council is obliged to undertake appropriate assessment and secure suitable mitigation in accordance with this SPD..

In practice the process generally involves the applicant seeking Prior Approval from the Council for the change of use. When determining the Prior Approval the Council will provide a form for the applicant to complete. This form has to be submitted and approved by the Council before work on developing the site can commence.

In cases outside of the 400m area the position can be overcome as follows:

BCP Council, and for Dorset Council the area covered by the North Dorset Local Plan – by the submission alongside the form of a unilateral agreement (S106 Agreement) or upfront contribution (S111) to provide mitigation in accordance with this SPD. Until suitable avoidance/mitigation is secured the authority will not be able to inform applicants that the proposal can be implemented.

Dorset Council (except for the area covered by the North Dorset Local Plan) – the applicant can rely on Dorset Council to fund the necessary mitigation from the wider CIL pot, at no extra cost to the applicant.

## Appendix G: Model Clauses for Planning Obligations

There is a standard clause for either an agreement or unilateral undertaking as follows:

*“the Dorset Heathland contribution” means the sum of ( ) thousand ( ) hundred and ( ) Pounds increased by the percentage (if any) by the Retail Price Index shall have increased between the date of publication prior to the date of this Deed and the date of payment together with an administrative 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 2020 - 2025. For the avoidance of doubt such sum or any part of thereof shall not be reimbursed to the party or to any other party”.*

The obligation could then be worded:

*“The Owner hereby Covenants with the Council that he will not cause or permit the commencement of the development on the land until the Dorset Heathlands Contribution has been paid to the Council.”*

For strategically significant sites delivering large numbers of residential units the obligation may be worded differently to reflect payment of the contribution on a phased basis.