



# Planning Committee

Application Address	Hengist Caravan Park, Wick Lane, Bournemouth, BH6 4LE
Proposal	Engineering works to infill the existing residential caravan park to stabilise the surrounding banks
Application Number	7-2024-951-AG
Applicant	AR (Christchurch Marina) Ltd
Agent	Bratherton Park Design Consultants
Ward and Ward Member(s)	East Southbourne and Tuckton  Councillor Bernadette Nanovo Councillor Judy Richardson
Report Status	Public
Meeting Date	20 <sup>th</sup> February 2025
<b>Summary of Recommendation</b>	<p><b>Grant</b> in accordance with the details set out below for the reasons as set out in the report subject to the signing of a Section 106 legal agreement to provide monitoring fees to ensure that BNG is maintained for 30 years.</p> <p><b>OR</b></p> <p><b>Refuse</b> if S106 agreement is not signed due to the failure to provide suitable biodiversity net gain.</p>
Reason for Referral to Planning Committee	<p>Called in by Councillor Nanovo for the following reasons:</p> <p>The infill works are unnecessary and raising the level of the site will potentially affect the whole neighbourhood and result in flooding and overlooking when the development is completed. Plus other factors relating to the health and wellbeing of the community.</p> <p>CS4 – Surface Water flooding. CS5 – Promoting a healthy community CS38 – Minimising Pollution CS4- Quality Design</p> <p>Wick Farm and Village where this site is located and through which access is required is a conservation area and should be protected. When this caravan park originally was created there was another access route but land has been sold and</p>

	now the access is restricted to a single lane via Wick village. There is also a public pathway leading to St Katherines School which is used by families daily.
Case Officer	Peter Walters
Is the proposal EIA Development?	No

### **Description of Proposal**

- 1 The applicant is seeking planning permission to carry out engineering works to the site to infill it, with a degree of cutting. The land levels will fall to the existing levels at the northern end of the site. The works will prevent future subsidence from the existing escarpments on the west, south and eastern boundaries of the site. The imported material for the infilling will be crushed hardcore graded from 6F2 to 6F5 and will be introduced in controlled compacted layers across the site using a combination of tracked machines and rollers to create an infill to match as closely as possible the nature of the original ground conditions and those of the surrounding higher ground on which the residential properties are constructed.
2. The proposal does not result in the change of the existing use of the site as a residential caravan park and does not alter the number of caravans allowed on the site, which is set out in the site licence.

### **Description of Site and Surroundings**

3. The site is situated within Wick, and is bounded on the north, west and southern sides by suburban residential development. To the south west of the site is St Katherines School. To the east is Wick Meads Nature Reserve. Access is achieved along Wick Lane from the north eastern side of the site. Wick Lane continues as a pedestrian only route past the eastern boundary of the site.
4. The site has a lawful use as a caravan park for residential caravans. The site itself is set below the land level of the surrounding neighbouring properties, and therefore there are escarpments on the west, south and east of the site. These reach a maximum height of 4m and taper down towards the northern end of the site. The ground levels on the site fluctuate, dropping to the street level at the north eastern corner of the site.

### **Relevant Planning History:**

5. The planning history for the proposal is as follows:
  - 7/9/9511 – 1964 – Use as a permanent caravan park – granted 13.10.1964
  - 7-2000-951-AA - Formation of new vehicular access from Thornbury Road and new internal road – Refused 24/07/2000

## **Constraints**

6. Within 5km of SSSI heathland

## **Public Sector Equalities Duty**

7. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **Other relevant duties**

8. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”) appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.

In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.

## **Consultations**

9. Historic England

- Not offering advice
- Seek advice of internal conservation and archaeological advisers

### County Archaeologist

- While there is some excavation around the site, most of the works are infilling
- As a result of this, do not consider there to be a strong enough case to require archaeological condition

### Lead Local Flood Authority

- Site is not mapped as being at risk of surface water flooding so proposals should not increase flood risk elsewhere
- A condition will be required to ensure surface water drainage is considered as part of any works at the site to ensure that there is no increase in flood risk from surface water.

### Highways

- No objections raised to the engineering works as they do not alter the access to the site.
- Applicant has submitted a construction management plan to demonstrate how materials and caravans will be delivered to the site. Compliance with the construction management plan is required to ensure safety and efficiency, minimising disruption to the local area. This will be resolved by means of a planning condition.

### Tree Officer

- The site is not protected by a Tree Preservation Order and is not within a Conservation Area.
- Low quality trees may be lost with the engineering works. There are no objections to this, a scheme for tree losses on the embankment should be provided if it is required.
- Recommends a high quality new tree planting scheme and soft landscaping scheme to improve visual amenity values for the future.

### Environmental Health

- Site has potential infill and falls within the 250m notifiable area of two tipped sites.
- Consideration of whether there is any asbestos from former caravans removed from the site should be taken into account
- Given the potential for land contamination on the site, pre-commencement conditions are proposed.

### Biodiversity

- No objection to the proposals on the grounds of BNG
- Additional net gain will need to be secured by offsite biodiversity units
- Section 106 agreement will be required to secure monitoring fees

## **Representations**

10. 54 comments have been received on this proposal. The issues raised by the proposal are as follows: 1 support, 2 withdrawn objections
  - Concerns regarding the delivery lorries waiting in wider parts of Wick Lane – these should be defined.
  - Signage at the entrance to Wick Lane to instruct delivery drivers is also required and the works should take place outside of peak tourist season.
  - Concerns regarding whether the drainage is sufficient on the site

- Concerns regarding damage to neighbouring properties and properties on Wick Lane (some of which are Grade II listed) during the construction process.
- Clarity required about the hours of operation
- Concerns regarding whether Wick Lane can sustain the delivery lorries and the safety of other users, including pedestrians
- Concerns about the density of the site once the development is completed
- Concerns about the increase in traffic movements from the increased density of units
- Will the proposed layout ensure compliance with the site licence
- Maintenance of the hedgerow next to Roscrea Drive has not been regular, causing potential damage to sewer
- Concerns about privacy of neighbours if additional caravans are brought onto the site
- Engineering issues could be resolved through other means
- Concerns about the impact of vibrations etc from the construction process on neighbouring houses.
- Can more material be used on site?
- Suitability of the access onto the site for installing caravans
- Weight limit on Wick Lane to protect underground sewage pipe may be breached by delivery lorries
- New sewage should be provided for larger caravans
- Original site was larger in size, therefore site will have a higher density than originally intended
- Work has been undertaken on the site prior to the submission of the application which may have contributed to land stability issues
- Bigger park homes are proposed on the site than was previously the case
- Less intrusive stabilisation works could have been undertaken – proposed fill is to increase the developable area
- Risk to safety of children during school pick up and drop off
- Previous larger site had two additional access points
- Infill may have already begun
- Generation of dust could have an impact on nearby SSSI
- Raised site will make the site more visually prominent in the local area
- Roof ridge heights will be higher than in Wick Lane and Roscrea Drive which will impact on the character of the area.
- Climate change impact associated with importing the material to the site
- Health risks from dust generated
- Clarification should be sought regarding the height of the caravan units
- Concerns that foul drainage is not fully addressed in the application
- Concerns that some retaining walls were removed during the removal of the previous caravans
- No details on site plan of visitor parking spaces
- Noise impact during the construction process
- Could a new access to the site be provided?

- Age of owners of new caravans should be conditioned to prevent subletting or holiday home use
- Construction management plan should be submitted to the Council and if the application is approved it should be the subject of a planning condition.
- Should be an in and out access point
- Impact on the privacy of neighbouring residents
- Noncompliance of the submitted construction management plan has already occurred by contractors installing caravan units outside of the area that is the subject of the proposed engineering works

### **Key Issue(s)**

11. The key issue(s) involved with this proposal are:

- Whether the proposed development would have a harmful impact upon:
  - Principle of development
  - Highway safety
  - Drainage
  - Neighbouring amenity
  - The character and appearance of the area
  - Biodiversity Net Gain

12. These issues will be considered along with other matters relevant to this proposal below.

### **Policy context**

13. Local documents:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the following:

- **Bournemouth Core Strategy (2012)**

CS1: National Planning Policy Framework – Presumption in Favour of Sustainable Development  
 CS4: Surface Water Flooding  
 CS34: Site of Special Scientific Interest  
 CS35: Nature and Geological Conservation  
 CS41: Quality Design

- **Bournemouth District Wide Local Plan (2002) – saved policies**  
 Policy 3.12 Camping and Caravan Sites

14. National Planning Policy Framework (“NPPF” / “Framework”)

Including in particular the following:

## Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

## Section 12 – Achieving well-designed places

Paragraph 135 –

“Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;”

## Section 14 – Meeting the challenge of climate change, flooding and coastal change

Paragraph 182 –

“Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

### 15. Caravan Sites and Control of Development Act 1960

Requires all caravan sites to have a valid site licence issued by the Local Authority.

Includes the definition of a caravan

16. Caravan Sites Act 1968

Provides a definition of the maximum size of a structure that can be defined as a caravan (including twin units)

## **Planning Assessment**

### Principle of Development

17. The site is situated within the settlement boundary of Bournemouth. The planning history of the site being used for caravans dates to 1948 when a temporary planning permission was granted for the use of land for siting caravans. The number of caravans permitted was restricted to 25. The site had previously been used for extracting gravel. An extension was granted to this permission in 1951, with a seeming restriction on the caravans being used for holiday purposes, and was once again granted for a further 5 years in 1960. In 1964, planning permission was granted for use of the site as a permanent caravan camp. The site licence granted at the same time specifies that caravans were being used for residential purposes. While it is noted that there are gaps in the planning history, officers consider that on the balance of probability based on the site licence, the 1964 planning permission allowed permanent residential occupation of the site.
18. The proposed development is to undertake engineering works to level the land at the site, by partially cutting and filling the land, while also importing fill to the site. Given that there is an extant permission on the land, works to facilitate the continued use of the land are considered to be acceptable.
19. The proposal is to infill the site, to provide finished levels that gently slope as opposed to the current escarpments. Some of the fill material required to do this will be achieved through cutting and filling of the existing banks, however, there will be a shortfall which will need to be achieved by importing fill to the site. This is estimated as being up to 6000 cubic metres of filling material.
20. The proposed development will not result in a change of use of the land. The site is identified as having a lawful use as a caravan site and this use will continue. As is required for all caravan sites, a site licence has been issued permitting the site's use and imposing restrictions. While the site licence does not specify a number of caravans that can be stationed on the site, it does specify the density of the site, of 50 caravans per hectare. The site area is 0.98 hectares, therefore, approximately 49 caravans are permitted within the site. It is noted that the site licence is separate from the planning process. As such, at present, the applicant has the option of installing 49 caravans (subject to compliance with stipulations in the licence regarding the distances between each caravan and fire assembly points etc).
21. A number of comments have been received suggesting that the proposed levelling works would facilitate an increase in the number of caravans on the



site. In practice, the applicant is proposing 29 units, which is fewer than were on the site prior to its clearance. While the units themselves maybe larger, it is considered that the intensity of use is likely to reduce. Regardless of the proposed works, it is noted that the applicant has a fallback position of stationing caravans up to the allowed density. As such, officers are satisfied that the proposed engineering works would not tacitly allow an increase in the number of units that can be stationed on the site.

### Highway Safety

22. Access to the site is achieved via Wick Lane, immediately prior to the public highway becoming a footpath. No alterations are proposed to the access as part of the proposal. Moreover, as noted above, due to the potential reduction in total number of units, number of traffic movements will be reduced. Concerns have been raised by members of the public regarding the suitability of the access. As stated above, the use of the site will not be intensified by the proposals). The Council's Highways Team have reviewed the proposal and indicated that they have no objections to the proposal on the grounds of access provision. It is noted that comments made by the public have put forward a suggestion for the reformation of an additional access. As the proposal is solely for engineering works and does not increase the intensity of the use of the land it is considered that this cannot be justified.
23. Further concerns have been raised regarding the route to access the site. Vehicular access is gained from Wick Lane. Comments raised include concerns regarding the width of the highway in places, the lack of footways and the weight limit of the road. The proposal will require transportation of the fill material to the site using this approach. The Highways Team have not identified that this will have a severe adverse impact on the safety of the Highways.
24. A construction management plan has been produced by the applicant to demonstrate how the impact of the construction process will be mitigated. This includes hours of operation, the provision of a traffic marshal, the vehicles sheeted before leaving the site to reduce materials being spread onto the highway, the use of roadsweepers to clean the road where required and restricting the size of the vehicles bringing the fill material to site, amongst other measures. The Highways Authority have considered this and concluded that it would address the concerns that have been raised. Therefore, subject to a planning condition requiring compliance with the construction management plan the proposal is considered to be acceptable in terms of highway safety.

### Drainage

25. The proposal will require significant changes to the land levels across the site, forming a gentle slope. Public concerns have been raised regarding the potential for an increase in surface water run-off, affecting neighbouring properties to the north of the site. The Lead Local Flood Authority have been consulted on the proposals. It is noted that the site has not been identified as being at risk from surface water flooding. However, it is considered appropriate to impose a planning condition to ensure that the proposed development does

not result in an increase in surface water run-off causing the risk of flooding elsewhere.

26. Subject to the imposition of the planning condition, the proposal is considered to be compliant with Policy CS4: Surface Water Flooding of the Bournemouth Local Plan Core Strategy 2014.

#### Neighbouring Amenity

27. The proposed development will increase the land levels of the site. The levels taper off towards the northern end of the site, as such the caravans at this end of the site are at the same level as the neighbouring properties. The caravans stationed at the other end of the site will be at a higher level than is presently the case.
28. However, the caravans are limited by the 1968 Caravan Sites act to having a maximum height (measured internally from the floor at the lowest level to the ceiling at the highest level) of 3.05 metres. In this respect, they be single storey, therefore there will be no first floor window to window overlooking from the caravan to neighbouring residential properties. The height will also not be sufficient to have an overbearing impact on the neighbouring residential properties.
29. In addition to this, the provided sections demonstrate that due to the cutting of the bank, the ground levels adjacent to the site boundaries are set below the ground level of the neighbouring properties by between 1m and 2m at different points of the site. In addition, there is established screening on all boundaries comprising of a 1.9m fence and vegetation.
30. Taking the above into account, it is considered that the proposal will not have a harmful impact on the amenity of neighbouring residents and is therefore compliant with Policy CS41 Quality Design of the Bournemouth Local Plan Core Strategy 2014.

#### Impact on the character and appearance of the area

31. The previous caravans were largely set below the ground level of the neighbouring properties to the south, west and east of the site, although Google Street imagery indicates that some were at the same height as the properties on Thornbury Road. Comments received by the public raise concerns that the proposal, by virtue of increasing the land level on part of the site will have a harmful impact on the character of the area.
32. Officers do not agree with this conclusion. It is noted that some of the former caravans on site were prominent in the local area, notably those on the eastern and southern ends of the site which were on a plateau. The caravans on the eastern plateau were visually dominant from Wick Lane:



*Google Street View image April 2011*

33. The caravans that were stationed at the southern end of the site were also visible on Thornbury Road. As detailed earlier in the report the ground height of the replacement caravans will be lower. As such, it is considered that they will be less visually prominent. While some of the caravans will be on a higher ground level than was previously the case, they will likely only be visible in very localised views, predominantly from Wick Lane. There are no wider views of the site. Additionally, the proposal is for engineering works to level the site which, due to the limited height of the infill will not have any additional impact on the character of the area.
34. Taking into account the above the proposal is considered not to have a harmful impact on the character and appearance of the area and therefore is compliant with Policy CS41: Quality Design.

### Biodiversity Net Gain

35. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
36. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy CS35 Nature and Geological Conservation Interests, sets out policy requirements for the protection and where possible, a net gain in biodiversity. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021.

37. An ecological impact assessment and Statutory Biodiversity Metric has been submitted with the application. The metric demonstrates that the replacement on-site habitats will result in a reduction of 52.49% BNG (-52.49%). However, the proposal includes an increase of hedgerow habitats.
38. Existing habitat within the site are of moderate distinctiveness including an urban tree and a native hedgerow. It also includes low distinctiveness habitats consisting of vegetated garden, mixed scrub, a poor quality tree and developed land, sealed surface. All but the hedgerow will be lost, due to the nature of the proposed development which consists of engineering works. The applicant is proposing post site intervention of mixed scrub, modified grassland, broadleaved woodland and an urban tree, as well as enhancing the retained hedgerow.
39. As no further gain that can be counted towards the 10% can be provided within the site as set out in the Natural England BNG Guidance, it is considered that in this case the design and layout of the proposal has retained as many habitats, particularly those of moderate distinctiveness, as is possible and as such, though the 10% BNG cannot be achieved, it is accepted and the remainder of the 10% target can be achieved when the statutory condition is discharged prior to commencement, by way of purchasing other biodiversity units, or if this is not possible, biodiversity credits.
40. Therefore, proposal can be made acceptable and in accordance with the relevant legislation and Policy CS35 Nature and Geological Conservation Interests.

#### Land Contamination

41. Officers note that the Environmental Health Team have identified that the land could have potential land contamination. Given that the proposal includes cutting some of the escarpments, conditions are recommended to monitor the site for contamination. Subject to the conditions the proposal is considered to be acceptable in this regard.

#### **Planning Balance / Conclusion**

42. The proposal will enhance the stability of the escarpments surrounding the site. However, the proposals will necessitate the loss of existing habitats to undertake the works. It is noted that members of the public have raised concerns regarding the intensification of the use of the site. However, the site licence restricts the number of caravans that can be stationed on site. The proposed number of twin units on the site will be lower than the number of single units that were formerly on the site and therefore this is not considered to be the case. Officers note that the site has an extant permission that would allow for caravans to be stationed with immediate effect, up to the permitted density.

43. The proposal will not increase flood risk as outlined above, nor will it have a harmful impact on the amenity of neighbouring residents. In addition, given the lack of wider views, the proposal will not have a harmful impact on the character of the area. Biodiversity Net Gain will be met by a combination of onsite and offsite measures.
44. Taking account of the above, officers consider that the proposal is acceptable and in accordance with the relevant planning policies outlined in the report.

### **Recommendation**

45. **GRANT** permission for the reasons as set out in this report subject to:
- the following conditions with power delegated to the Head of Planning Operations (including any officer exercising their powers if absent and/or the post is vacant, and any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with
  - a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified in this report.

**OR**

**Refuse** if S106 agreement is not signed due to the failure to provide suitable biodiversity net gain.

### **Conditions**

#### **1. Development to be carried out in accordance with plans as listed**

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

1441.1 Location Plan

1441.4 A Existing & Proposed Sections

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

#### **2. Reporting of unexpected contamination**

The presence of any previously unencountered contamination that becomes evident during the development of the Site shall be reported to the Planning Authority in writing within one (1) week, and work on the affected area shall cease with immediate effect.

At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to re-commencement works in the affected area. The approved details shall be implemented as approved. Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that the development is carried out safely in the public interest and in accordance with best practice and with Policy 3.20 of the Bournemouth District Wide Local Plan (February 2002).

### **3. Implementation of Construction Method Statement**

Before the approved development begins, the submitted Construction Environmental Management Plan must be fully implemented and adhered to throughout the entire construction and movement of the caravan's period.

Reason: To minimize the impact of construction traffic on the surrounding highway network and prevent the deposit of loose material on the adjoining highway.

### **4. Surface Water Drainage (SUDS Implementation)**

Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:

- a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.
- b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run off.
- c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

### **5. BNG LEMP**

No part of the development hereby permitted shall be commenced, including any site clearance for the purposes of the development, unless a Landscape and Ecology Management Plan ("LEMP") has first been submitted to and approved in writing by the local planning authority. The LEMP shall accord with the Biodiversity Gain Plan

approved for the purposes of the development [and] the approved HMMP required in accordance with the conditions forming part of this permission (“the agreed HMMP”) together with the recommendations contained in the Biodiversity Net Gain Assessment dated January 2025. The LEMP shall in particular include:

- (a) details of all ecological matters (including species enhancements) and landscaping associated with the development not otherwise identified in the agreed HMMP including identification of what is to be retained as well as all proposed creation and enhancement;
- (b) details of all proposed works relating to such ecological matters and landscaping together with any relating to on-site habitat not otherwise identified in the agreed HMMP including any proposed hard landscaping and all boundary treatments;
- (c) a timetable for the provision of all such ecological matters, landscaping and works; and
- (d) details and arrangements as to future on-going retention, management and maintenance of all such ecological matters, landscaping and works including provision for the replacement of any plant or tree found damaged, removed, dead or dying.

The approved LEMP shall at all times be accorded with and the identified ecological matters, landscaping and works at all times retained, managed and maintained in accordance with the approved LEMP.

Reason: To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies CS35 of the Bournemouth Local Plan Core Strategy 2014 and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

## **6. BNG HMMP**

(a) No part of the development hereby permitted shall be commenced, including any site clearance for the purposes of the development, unless a Habitat Management and Monitoring Plan (“HMMP”) has first been submitted to and approved in writing by the local planning authority.

(b) The HMMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted and the recommendations contained in Biodiversity Net Gain Assessment dated January 2025.

(c) The HMMP shall in particular include:

(A) a background section; including:

- (i) a high level summary of all relevant matters identified in the HMMP;
- (ii) details of the person(s) who have written the HMMP and who will be responsible for delivery and maintenance of all Habitat Provision; and
- (iii) the metric used for the purposes of the HMMP; and

(B) a section setting out all planned habitat activities, including:

- (i) overarching aims and objectives;
- (ii) design principles informed by all relevant baseline information;

- (iii) full details of the Habitat Provision;
- (iv) a Condition Target for each habitat forming part of the Habitat Provision together with targets required to meet every Condition Target including timelines against which progress against those targets can be assessed;
- (v) details of all protective, management and maintenance measures in relation to the Habitat Provision to cover a period of at least thirty years from the Completion of Development; and
- (vi) details of any identifiable risk relating to the Habitat Provision and also the meeting of any Condition Target together with initial identified remedial measures relating to any such risk; and
- (C) a monitoring schedule section including:
  - (i) a monitoring strategy;
  - (ii) details of monitoring methods to be used for a Monitoring Report together with intervals for the provision of every Monitoring Report to the local planning authority; and
  - (iii) details of how Adaptive Management will be incorporated into meeting every Condition Target; and
- (D) plans and details reasonably necessary for each section.

(d) No part of the development shall be occupied or otherwise brought into use unless the local planning authority has approved in writing the Completion of Development Report.

(e) The approved HMMP shall at all times be accorded with. If at any time it is identified that any Condition Target specified in the approved HMMP may not be, or is no longer being, met then Adaptive Management shall be implemented without unreasonable delay sufficient to ensure that the Condition Target will be met or continues to be met (as the case may be) in accordance with the approved HMMP.

(f) Whenever a Monitoring Report is submitted to the local planning authority in accordance with the approved HMMP, in addition to any other information, it shall in particular include:

- (i) a progress summary;
- (ii) details of the person(s) responsible for compiling the information in the monitoring report;
- (iii) details identifying the success or failure of the Habitat Provision both generally and in particular as against every relevant Condition Target;
- (iv) progress toward every Condition Target including any identified barrier(s) to such progress;
- (v) any Adaptive Management required to ensure that the Habitat Provision is on track to meet each Condition Target and continues to meet every Condition Target once achieved;
- (vi) a register of activity; and
- (vii) any identified need to vary the approved HMMP together with relevant explanation.

For the purposes of this condition:

“Adaptive Management” means procedure(s) whether originally identified in the approved HMMP, a Monitoring Report or otherwise including a timetable for delivery to ensure that the Condition Target(s) are achieved and thereafter maintained



including any procedure(s) that the local planning authority may at any time specify in writing for such a purpose [in the event of any procedure not proving successful;

“Condition Target” mean the minimum acceptable targeted level of habitat condition in relation to each habitat type situated on the application site including a time by when that habitat condition will be reached where it is not already being met;

“Completion of Development” means the date on which the local planning authority issue an approval of the Completion of Development Report;

“Completion of Development Report” means a written report submitted to the local planning authority for the purposes of this condition identifying the date on which the development hereby permitted has been completed together with evidence of such completion and also of compliance with all targets applicable on or before that date identified in the approved HMMP;

“Habitat Provision” means all habitat situated on the application site to which this permission relates to be retained, created and enhanced; and

“Monitoring Report” means a report containing monitoring and survey information to be submitted to the local planning authority in relation to the Habitat Provision including person(s) responsible for undertaking all such monitoring and surveys and submission of the report to the local planning authority.

Reason -To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies PP33 and PP27 respectively of the Poole Local Plan November 2018 and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

## **Informative Notes:**

### **1. S106 Legal Agreement**

This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated [TBC], the obligations in which relate to this development.

### **2. Informative BNG - Approval Required**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional

arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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

### **3. Statement required by the National Planning Policy Framework**

In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance, the applicant/agent was provided with the opportunity to address issues identified by the case officer and the application has been recommended for approval.

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.

Case Officer Report Completed

Officer: Peter Walters  
Date: 31/01/2025

Agreed by:  
Date:  
Comment: