



Responses: proposed Main Modifications to the Purbeck Local Plan

Consultation references: 22 to 35

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference:

Consultation reference: 22

[REDACTED]

Purbeck Local Plan Proposed Main Modifications
Consultation, Dorset Council,
Spatial Planning Team,
South Walks House, South Walks Road,
Dorchester,
DT1 1UZ.

[REDACTED]

24th December 2020

Dear Sirs / Madams,

**REPRESENTATIONS concerning PROPOSED MAIN MODIFICATIONS to THE
PROPOSED PURBECK LOCAL PLAN**

To assist proper consideration of the proposed Main Modifications of the previously proposed Purbeck Local Plan, please find attached the duly completed form containing our representations.

It is noted that the apparent non-adoption of our initial representations (of the 30th November 2018) – *particularly the need for “effective open and transparent consultation with those affected”* - has resulted in a vast number of amendments. All together they are evidence of an unsound initial consultation. This has ensured that, under current conditions (that obviously severely limit any consultation work), the whole plan is now a ‘lost cause with no residual importance’ - the proverbial “busted flush”. Under such circumstances it may be that Dorset Council will adopt significantly better planning procedures that can appreciate and accommodate the information gleaned from real consultations (as distinct from alleged consultations) when preparing its Local Plan for the benefit of each locality and its communities and that, in this case, also adequately protects the natural capital of Purbeck. No doubt, as you would expect, we would be pleased to assist in any such consultations.

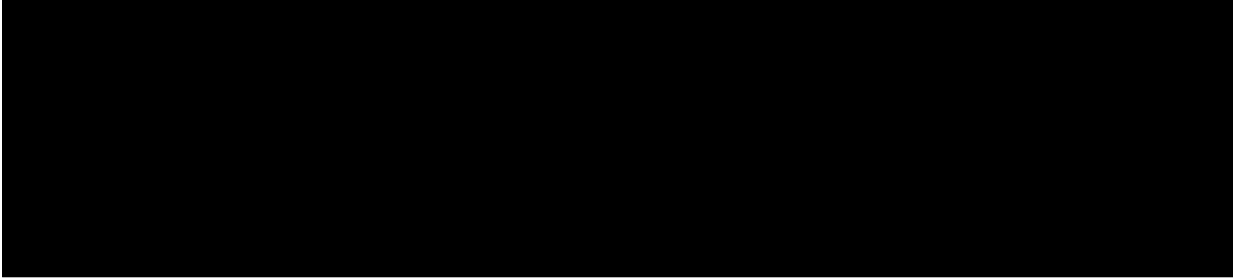
Yours faithfully,

[REDACTED]

[REDACTED]

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Purbeck Local Plan Proposed Main Modifications
Consultation, Dorset Council,
Spatial Planning Team,
South Walks House, South Walks Road,
Dorchester,
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Yours faithfully,





Response form for: Purbeck Local Plan proposed Main Modifications consultation

This form is for making representations on the proposed Main Modifications to the Purbeck Local Plan (2018-2034)

The Purbeck Local Plan was submitted for examination, by a Planning Inspectorate appointed by the Secretary of State, in January 2019. Public examination hearing sessions were held in July, August and October 2019. The Inspector examining the local plan issued a Post Hearing Note in March 2020. The council has prepared a schedule of proposed Main Modifications to the presubmission draft of the local plan as part of its examination. These proposed Main Modifications are considered necessary to ensure that the local plan is legally compliant and/or sound.

Proposed Main Modifications have been suggested by the Inspector; respondents (including those participants at the hearing sessions) and by the council.

The council has also prepared an updated version of the proposed adopted policies map(s) and updated versions of appraisals and supplementary evidence including:

- Habitats Regulations Assessment (HRA);
- Sustainability Appraisal (SA);
- 5 Year Housing Land Supply;
- Infrastructure Delivery Plan; and
- Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

continued overleaf

DORSET COUNCIL
29 DEC 2020
Digital Mail Room



The Council published a series of papers and supporting evidence, in response to representations, over the course of the local plan hearing sessions. It has also re-published a selection of these papers and evidence which relates to the proposed Main Modifications including:

- Review of capacity from small sites [SD88];
- Proposed amendments to HRA [SD89];
- Appropriate assessment statement [SD96];
- Addendum to SA re settlement hierarchy [SD92];
- Strategy for mitigating effects on European sites, and Green Belt changes at Morden [SD93];
- Summary of viability issues raised by respondents and Council / Dixon Seale response to those concerns [SD97];
- Examination stage – viability update Purbeck Local Plan [SD117];
- Memorandum of understanding between Dorset Council and Savills on viability related issues for housing sites around Wool October 2019;
- Memorandum of understanding between Dorset Council and Wyatt Homes on viability related issues for Lytchett Matravers and Upton October 2019;
- Memorandum of understanding between Dorset Council and the Moreton Estate on viability related issues for Moreton Station/Redbridge Pit October 2019;
- Proposed changes to care provision [SD95]; and
- Planning the care provision in Purbeck [SD115]

The consultation is focused on the proposed Main Modifications, changes to the local plan policies map(s), updated appraisals and supplementary evidence, including the HRA, SA and Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the examination. Weight will not be given to representations that repeat matters raised and discussed at the hearing sessions or in earlier responses.

Once the consultation is closed, the council will prepare a summary of the issues raised in representations to the consultation and provide its response. The council's summary, and full copies of the representations, will then be sent to the Planning Inspector for her consideration. If the Inspector's final report indicates that the local plan is sound and legally compliant with the proposed Main Modifications, the council will then take a decision about whether to adopt the local plan subject to Main Modifications.

PART A

	Your contact details	Agent's Details (if applicable)
Name	[REDACTED]	
Organisation / Group (if applicable)	[REDACTED]	
Address line 1	[REDACTED]	
Address line 2		
Town / City	[REDACTED]	
County	[REDACTED]	
Post Code	[REDACTED]	
E-mail address	[REDACTED]	

Group Representations

If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people support the representation.

? *

* Irrelevant and currently impracticable data – only one person was needed to inform the ill-advised complacent Emperor & the 10th bullet point request on page 4 must be denied : data protection applies.

Please note:

- The consultation period starts on **Friday 13 November 2020** and will last for 9 weeks until 11.45pm on **Friday 15 January 2021**.
- Only representations made in this period will be referred to the Planning Inspector for consideration.
- Responses must be made using this form (sent in the post or attached to an e-mail) or online at this link www.dorsetcouncil.gov.uk/plp-main-modifications.
- Respondents must complete Part A of this response form and separate Part B forms for each proposed Main Modification that they might wish to comment on.
- All respondents must provide their name and address and/or email address.
- All forms must be signed and dated.
- Responses cannot be treated as confidential. By making a response you agree to your name and comments being made available for public viewing.
- Information on the council's privacy policy is available on our website at:
www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorsetcouncil-general-privacy-notice.aspx
- The council will not accept any responsibility for the contents of comments submitted. We reserve the right to remove any comments containing defamatory, abusive or malicious allegations.
- If you are part of a group that shares a common view, please include a list of the contact details of each person (including names, addresses, emails, telephone numbers and signatures) along with a completed form providing details of the named lead representative.
- The proposed Main Modifications to the Purbeck Local Plan, proposed Purbeck Local Plan (2018-2034) policies map and the relevant background and evidence documents, are available to view on the Council's website at www.dorsetcouncil.gov.uk/plp-main-modifications.
- Hard copies of the consultation documents are available to loan from libraries in Dorchester, Lytchett Matravers, Swanage, Upton, Wareham and Wool. Please contact the libraries separately to ascertain their opening times, availability of documents to loan and for full details of their procedures to restrict the spread of COVID-19. You must follow any procedures relating to the COVID-19 in the libraries.
- If you have questions relating to the consultation, or the process for making a response, please contact the Planning Policy team on **01929556561** or planningpolicy@dorsetcouncil.gov.uk.
- Response forms returned in the post should reference the Purbeck Local Plan Proposed Main Modifications Consultation, Dorset Council, Spatial Planning Team and be sent to South Walks House, South Walks Road, Dorchester, DT1 1UZ.
- Please tick the box if you would like to be notified of the following:

Adoption of the Local Plan, or otherwise.

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number	(MM) 3
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2. Do you consider that the proposed Main Modification is:

- Legally compliant: Yes No
- Sound Yes No ✓

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

1 : The use of the expression 'less constrained' (with particular reference to Wool and Moreton Station) is unacceptable in view of the evidence provided during plan preparation and the clear expressions made at the hearings prior to the publication of this Main Modification. Should proof of this statement be required, it can be made available when necessary. Just because a level of accessibility is alleged that is no reason to neglect the protection of bio-diversity and particularly valuable habitats together with the need for compliance with legislation, the need to deal with the Climate Emergency and to ignore the constraints associated with the absence of all necessary infrastructure services and facilities : all such matters remain important issues for ensuring that real and relevant housing issues are properly planned to the satisfaction of local communities : the right housing and tenures are required in the right places and such matters have yet to be identified through adequate consultation with communities.

2 : The Habitats Regulations must not be compromised by the proposed developments at Morden Park which will inevitably adversely affect the neighbouring countryside – particularly if Green Belt status is removed to eventually allow a permanent settlement (with pets) in the area.

3 : A true holiday park could exist in a Green Belt area, albeit with limitations that would enhance the attractiveness of the place by holiday-makers, if they adequately protected the existing natural assets, presumably on a seasonal basis. Morden Park does not appear to be recognised by the proposed plan on any such basis and is therefore an unacceptable risk likely to create a new and wrongly sited settlement with inadequate resources / facilities.

4 : Moreton Station has no adequate suite of infrastructure services / facilities and the matter is exacerbated by the Dorset Clinical Commissioning Group's plans to move severe trauma and specialised emergency maternity services / facilities to the Far East of Dorset.

5 : Governmental policies concerning relevant planning issues are in a state of flux in the face of local objective research (commissioned by Dorset CPRE), reduced resources stemming from the current pandemic, increased awarenesses of the value of all natural land (as distinct from more urban brownfield land) heightened by the pandemic (The Glover Report also refers) and the need to comply with the Localism Act by use of open and transparent consultations, rather than the 'memoranda of understandings' and more secretive methods adopted by the authors of the proposed Purbeck Local Plan.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

A : Abandonment of any idea of completing the proposed Purbeck Local Plan, because of the comments at '3' above . This is considered entirely appropriate in view of the extremely large number of proposed Main Modifications (illustrating the inadequate quality of full and proper consultations) and also because no Planning Inspector (preparing a report on the modified proposals) or elected decision-maker in Dorset (asked to adopt a sustainable Local Plan) is able to 'second-guess' :-

1 : what the eventual sound outcome of sustainable governmental policies will be (in these truly 'exceptional circumstances') to set the necessary revised guiding principles for a relevant planning function : namely rational local planning that will be suitable for most of the next 25 years, and

2 : the resources of the Unitary Authority (and collaborating Authorities / Agencies) to implement and enforce any such plan to the satisfaction of the affected communities.

B : When considering establishing a potentially sustainable Local Plan (affecting Purbeck) consistent with satisfactory guidance and resources, it would be beneficial to :-

1 : avoid repeating the non-collaborative approach of the now defunct Purbeck District Council and their resistance to well publicised open and transparent consultations with the public and the various Parish and Town Councils, and

2 : concentrate on the actual content of consultations and the implications of the information provided : not just implementing processes or procedures which appear, from the nature of the hearings (in respect of the Purbeck Local Plan), to be the primary interest of a Planning Inspection.

Please continue on a separate sheet if necessary.

PART B

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Proposed Main Modifications reference number	(MM) 5
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- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
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Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

1 : The proposed adoption of such high numbers of extra dwellings to enhance sustainable communities is unacceptable in view of the evidence provided during plan preparation and the clear expressions made at the hearings prior to the publication of this Main Modification. Should proof of this statement be required, it can be made available when necessary. Protection of bio-diversity and particularly valuable habitats must not be neglected and neither should the need for compliance with legislation, the need to deal with the Climate Emergency nor the need to recognize the increasing risks of flooding. The constraints associated with the absence of all necessary infrastructure services and facilities appear to have been disregarded, despite evidence given to the above-mentioned hearings : all such matters remain important issues for ensuring that real and relevant housing issues are properly planned to the satisfaction of local communities and those responsible for reducing the nitrate pollution of Poole harbour from its river catchment area : the right housing and tenures are required in the right places and such matters have yet to be identified through adequate consultation with communities.

2 : The Habitats Regulations must not be compromised by the proposed developments (eg at Wool) which will inevitably adversely affect the neighbouring countryside that contains remarkable characteristics worthy of being respected properly - The Glover Report refers.

3 : The siting of two 65-bed care homes in Wool and Moreton is entirely inappropriate for accommodating people requiring sight of interesting activities and visits from friends as well as access to more complex care facilities, even hospitals.

4 : Moreton Station and Wool have no adequate suites of infrastructure services / facilities and the matter is exacerbated by the Dorset Clinical Commissioning Group's plans to move severe trauma and specialised emergency maternity services / facilities to the Far East of Dorset.

5 : Governmental policies concerning relevant planning issues are in a state of flux in the face of local objective research (commissioned by Dorset CPRE), reduced resources stemming from the current pandemic, increased awarenesses of the value of all natural land (as distinct from more urban brownfield land) heightened by the pandemic (The Glover Report also refers) and the need to comply with the Localism Act by use of open and transparent consultations, rather than the 'memoranda of understandings' and more secretive methods adopted by the authors of the proposed Purbeck Local Plan.

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Please continue on a separate sheet if necessary.

PART B

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Proposed Main Modifications reference number	(MM) 6
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2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No ✓

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3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

1 : The use of the expression "exceptional circumstances" is not compliant with the usual distinction between it and "natural consequences". The distinction should be made more strictly since there is nothing "exceptional" about the tendency to hoard land, to fail to build that for which planning approval has been secured and not to put 'brownfield land as a first priority for recycling'. Obviously such behaviour has a natural consequence but it is not an 'exceptional circumstance' such as something totally unusual like a viral pandemic. It is confirmed that Green Belt legislation allows adjustments to protected land in 'exceptional circumstances' but such circumstances do not pertain for application to the Green Belt land at Lytchett Matravers, Upton and Morden Park and as a consequence the matter is unsound and fails to meet the 'public interest'.

2 : The Habitats Regulations must not be compromised by the proposed developments at Morden Park which will inevitably adversely affect the neighbouring countryside – particularly if Green Belt status is removed to eventually allow a permanent settlement (with pets) in the area.

3 : A true holiday park could exist in a Green Belt area, albeit with limitations that would enhance the attractiveness of the place by holiday-makers, if they adequately protected the existing natural assets, presumably on a seasonal basis. Morden Park does not appear to be recognised by the proposed plan on any such basis and is therefore an unacceptable risk likely to create a new and wrongly sited settlement with inadequate resources / facilities.

4 : Governmental policies concerning relevant planning issues are in a state of flux in the face of local objective research (commissioned by Dorset CPRE), reduced resources stemming from the current pandemic, increased awarenesses of the value of all natural land (*as distinct from more urban brownfield land, being kept unused at the expense of greener land*) heightened by the pandemic (The Glover Report also refers) and the need to comply with the Localism Act by use of open and transparent consultations, rather than the 'memoranda of understandings' and more secretive methods adopted by the authors of the proposed Purbeck Local Plan, as considered to be exemplified by the methods of not making it obvious that land is being proposed for removal from the Green Belt, rather than the Green Belt being increased in area.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

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2 : concentrate on the actual content of consultations and the implications of the information provided : not just implementing processes or procedures which appear, from the nature of the hearings (in respect of the Purbeck Local Plan), to be the primary interest of a Planning Inspection.

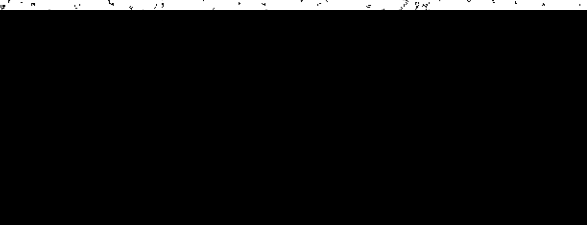
Please continue on a separate sheet if necessary.

PART C

1. Comments on updated policy maps, appraisals or evidence.

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	
<p>Please continue on a separate sheet if necessary.</p>	

<p>Please sign and date this form:</p> <p>Signature </p>	<p>Date: 24th December 2020</p>
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Consultee:



Event Name: Purbeck Local Plan proposed Main Modification

Consultee reference: 1188328

Consultation reference: 23

[REDACTED]

12 January 2021

Purbeck Local Plan Main Modifications Consultation

1. The Purbeck Local Plan was submitted by Purbeck District Council for Examination in January 2019. Hearings were held between July and October 2019. Following the hearing sessions and a Post Hearing Note prepared by the Planning Inspector issued in January 2020, Dorset Council has prepared a schedule of proposed Main Modifications to the Purbeck Local Plan which are considered to be necessary to ensure that the plan is legally compliant and/or sound. These run to some 267 pages. The Council has also published an updated version of the proposed policies maps and updated versions of appraisals and supplementary evidence. The closing date for comments is 15 January 2021. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the Local Plan Examination. This report covers the main modifications as they effect the Parish of Wareham.
2. **Housing Requirement for Wareham. (Policy V1, H1 and H2).** The submitted plan proposed 300 new homes for the Wareham Neighbourhood Plan area including windfall. The modifications now proposed 207 new homes for Wareham on allocated sites. This reflects updated evidence on sources of housing land supply in Wareham (as referenced in the emerging Wareham Neighbourhood Plan). Windfall development (on unallocated sites in the Neighbourhood Plan are not included in this housing requirement. This is fully in accord with the submitted neighbourhood Plan currently awaiting its Regulation 16 consultation and Examination and it is recommended that **these modifications are therefore supported.**
3. **Green Belt. (Policy V2)** This Policy no longer proposes removing land from the Green Belt at Wareham as shown in the submitted Plan. This reflects the recognition that it is now possible to accommodate the housing requirement for Wareham within the existing settlement boundary, largely due to higher housing numbers being proposed for the middle School and Bonnets Lane housing sites. The Policies map is also amended by deleting the reference to removing land from the Green Belt west of Westminster Road. **It is recommended that these modifications are supported.**
4. **Area of Outstanding Natural Beauty (Policy E1).** The submitted Plan did not fully comply with national policy for protected landscapes and the modification now proposes that “the Council attaches great weight to conserving and enhancing landscape and scenic beauty in the Area of Outstanding Natural Beauty (AONB). The scale and extent of any development within these designated areas will be limited. Development, other than major development (where the NPPF provides guidance), will only be permitted in the Area of Outstanding Natural Beauty (Dorset AONB) where proposals would conserve or and enhance the natural beauty of the area...”.

This is a significant strengthening of the Local Plan policy and it **is recommended that it be supported.**

5. **Small sites policy (H8).** This policy as submitted would have allowed small developments of up to 30 dwellings adjoining settlements on unallocated sites. This policy proved to be very contentious and is now proposed to be amended to a hierarchy subject to criteria:
- i) 30 homes on any single small site adjoining a town;
 - ii) 20 homes on any single small site adjoining a key service village;
 - iii) 15 homes on any single small site adjoining a local service village;
 - iv) 5 homes on any single small site adjoining other villages with a settlement boundary.

In addition, this policy is now not to apply within the Green belt or within a Neighbourhood Plan area where small sites have been allocated to meet identified housing needs in a made neighbourhood plan (as at Wareham). **It is recommended that this modification be supported.**

6. **Employment Land (Policy EE).** The Submitted Plan identified Strategic Employment Sites (Dorset Innovation Park and Holton Heath Trading Park) and other identified employment sites (at Wareham only the Sandford lane Estate). The main modification to this policy adds in the northern part of Westminster Road (2.5Ha) and the southern part of Johns Road (0.5Ha). The justification for this change given in the text is to “safeguarded employment land at Wareham and Bere Regis reflecting local policies in emerging and made local policies in neighbourhood plans in these areas (also having regard to the respective land supplies and needs for new homes and employment land)”. These are relatively modest areas of land, particularly at Johns Road and it is unclear exactly why this modification has been proposed. The numbers employed on these sites are relatively small and they are rundown with many buildings no longer fit for purpose. In the longer term they may well be the most suitable land for additional housing beyond the Plan period, and if owners wish to change the use of this land it is hard to see what harm would be caused. NPPF para. 117 requires local planning authorities to “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained” as it is at Wareham by AONB, Green Belt nature conservation and flooding designations. **It is therefore recommended that this modification is objected to for the reasons given.**

7. **Improving accessibility and transport (Policy I2).** A main modification adds to this policy states the following:

“Local vehicle parking provision

Local planning policies in neighbourhood plans relating to the provision of vehicle parking should support the general principles around delivering adequate parking in accordance with this policy and be consistent with national planning policy. Where

justified with robust local evidence, local policies in made neighbourhood plans may specify distinct local requirements for vehicle parking.”

This policy change provides discretion for neighbourhood plans to introduce, where justified, local requirements for vehicle parking. In the Wareham Neighbourhood Plan it is proposed that within the Conservation Area a stricter approach is taken to parking provision for new residential development. **It is therefore recommended that this modification be supported.**

- 8. Wareham integrated health and social care (Policy I6).** This policy is proposed to be modified to reflect the need for appropriate mitigation to be secured to avoid adverse effects on habitat sites. **It is recommended that this modification be supported.**

- 9. Policies Map – Protection of Local Green Space.** The modified policies map for Wareham does not include some significant local Green Spaces identified in the Neighbourhood Plan, for example the former middle School Playing fields or the allotments at Bestwall and Northmoor park. There is therefore a danger of confusion for the public and for decision takers about which Local Green Spaces are protected. It is therefore **recommended that this aspect of the Local Plan Policies Map for Wareham be objected to and that the Local Plan shows all the Local Green Spaces identified in the Wareham Neighbourhood Plan.**

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference:

Consultation reference: 24

Casey Read

From: [REDACTED] >
Sent: 13 January 2021 08:59
To: Casey Read
Subject: RE: Purbeck Local Plan Proposed Main Modifications consultation 13 Nov - 8 January 2021 org

Good Morning Casey,

In regards to the Purbeck Local Plan Proposed Main Modifications consultation, we [REDACTED] wish to make no comments at this time. However, I would like to offer our future support. If you have any questions in relation to the gas infrastructure please feel free to get in touch.

Kind regards,



Classified as Internal

From: Casey Read <casey.c.read@dorsetcouncil.gov.uk>
Sent: 13 November 2020 10:49
Cc: Sue Bellamy <sue.bellamy@dorsetcouncil.gov.uk>
Subject: Purbeck Local Plan Proposed Main Modifications consultation 13 Nov - 8 January 2021 org

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Sent on behalf of Spatial Planning

Dear Sir/Madam

Please find attached the notification of consultation on the Purbeck Local Plan Modifications. Full details can be found in the attached letter.

All documents can be found on-line at www.dorsetcouncil.gov.uk/plpmainmods. Responses should be submitted by **11:45pm on 8th January 2021**.

Yours faithfully

Casey Read

**Planning Assistant
Spatial Planning**

Dorset Council

dorsetcouncil.gov.uk

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[REDACTED]

[REDACTED]

S [REDACTED]

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1187806

Consultation reference: 25

MAIN MODIFICATIONS TO THE PURBECK LOCAL PLAN

A RESPONSE FROM [REDACTED] a resident of Wool

[REDACTED] BH20 6DW

5th January 2021

1. As a general comment, I wish to observe that the Main Modifications to the Local Plan as they apply to Wool largely reflect the input from would-be developers (as represented in their 'Memorandum of Understanding') and therefore the 'modifications' signally fail to embody the representations made by members of Wool's community at the Inspector's Hearings, and also the wishes of the community as implicitly stated in the two consultations. It seems to have escaped the notice of Dorset Council that Wool Parish Council, and a significant percentage of the community who responded (almost 80% of the responses submitted) rejected the proposal for even 470 houses.
2. It is noted that the Main Modifications refer to: Wool – **around** 470 new homes. I wish to take issue with such loose definition of numbers which I feel will be open to potential manipulation by developers, especially in the light of the proposal to include in the proposed development in Wool the inclusion in the Main Modifications of the statement that Purbeck's ageing population will be catered for by the provision of **around 65 units of extra care facilities** at Wool. It was noted in a previous response, and in representations made at the Hearings that there had been no mention of this additional build in the original consultation. It should be noted that this extra build will in fact make a total of 535 unit/houses, which is already significantly more than the agreed 470. In addition, I should like to point out that there is no evidence – as far as I am aware – that 65 units of extra care facilities are required by the local community.
3. Referring to paragraph **128** Land to the west of Chalk Pit Lane and Oakdene Road – it is noted that this is the largest of the four sites (positioned to the west of Chalk Pit Lane and Oakdene Road) and is currently used as agricultural land. Whilst it accurately reports that ground levels fall from the southern side of the site toward its north eastern corner and proposes that the Council considers that this site is suitable for up to **around** 320 homes, no mention is made of the real fears of added flood risk to those areas of Wool lying to the north of this natural drainage slope. It is the case that there is on-going enquiry instituted as a result of over 5 reports of flooding having been made following recent flash-flooding events. It is my opinion that this proposed development area should be downgraded to provisional only pending the outcome and recommendations of the flooding enquiries. It appears that the Planning Department has no up to date local knowledge of actual ground conditions or flood risk, or – if it has – it is choosing to ignore it.
4. I remain concerned – both as a member of the local community, and as an ex-teacher - that the dramatic increase in housing will bring with it potentially a huge increase in children of school age. I note that paragraph **133** makes the comment that *the sites fall inside the catchment areas for Wool CE VA Primary School*. No mention is made of the actual size and capacity of this school (where I spent several years as a governor, latterly as Chair of Governors), other than to reflect that financial contributions will be needed for extension to the school, betraying a complete lack of local knowledge or sensitivity to the wishes and requirements of the community. Yet again, this statement – whilst doubtless in keeping with

the application of Policies H3 and I1 – shows scant regard for the actual physical and geographical location of Wool CE VA Primary School which simply has no room for the significant expansion, regardless of the possibility of funding, that could be required by the excessive number of proposed new houses – a point that has been raised frequently throughout the consultation process and which has been tacitly ignored by the Planning Authority.

5. I am forced to question again the inclusion of the claims made for the benefits of the provision of a SANG. Whilst it is acknowledged that a case could be made that ***the development of the proposed SANG presents a significant opportunity to implement management to enhance the biodiversity value of Coombe Wood, e.g. through the restoration of existing plantation coniferous woodland to native broadleaved woodland towards meeting Ancient Woodland criteria, and creation of a series of rides and glades along proposed walking routes*** it seems that no notice whatever has been taken of the various submissions made at the Inspectors Hearings by local Flora and Fauna interest groups, with submissions being made by experts in their various fields of science, that far from enhancing biodiversity (and then only in one small, privately owned area) the impact on biodiversity in the wider development area, including the proposed removal of hedgerow habitat, the blocking off of migration routes and threats to protected and endangered species, has been completely ignored in the Main Modifications, adding weight to the previously expressed opinion that the document reflects only the wishes and aspirations of the developer whilst completely ignoring the representations of the local community.

It is further noted that although the human recreational aspect of a SANG could be satisfied by the PLP proposal, it is difficult to see how the conversion of an already biodiverse and ancient woodland into an accessible public space could be argued to maintain, let alone enhance biodiversity. Policy E10 (Amended) p76 states that ***In accordance with national policy development resulting in the loss or deterioration of Ancient Woodland, and veteran trees will be refused unless there are wholly exceptional circumstances and a compensation strategy exists.*** It is my understanding that integral to the concept of a SANG was that it would be formed from a 'biodepleted', formerly (intensively) cultivated or brownfield site, and that its conversion to green space, wooded or otherwise, would therefore increase the biodiversity factor of the locality. It would seem that neither the protection of Ancient Woodland and veteran trees as spelt out in Policy E10 (Amended), nor the general principles relating to the enhanced biodiversity resulting from SANG creation are supported in the Purbeck Local Plan proposed Main Modifications, but have been trampled over in the pursuit of expediency and profit.

6. I am firmly of the opinion that statements made in the Main Modifications document under **Policy H5** are formulaic, at best disingenuous, and do not reflect the reality of the geography of the village. It repeats the assertion that *Land at Wool as shown on the policies map will help to meet the District's development needs by providing a total of **around 470 new homes and around 65 extra care units** facility, community facilities and supporting infrastructure.* No evidence has ever been produced that confirms the need for such a large number of houses locally – other than of course to fulfil a completely irrelevant and now discredited government-imposed quota which takes no account of genuine local need or community aspiration. Indeed, it was shown in the production of statistics from the then Purbeck District Council that the Housing Needs Register would justify the building of perhaps 24 affordable houses (Gold and Silver Band requirements), and according to the rather misleading statement in the 2018 Consultation that the Council would *“encourage 40% affordable housing”* as a required proportion of any development, this would allow for a housing build number of perhaps up to 100 additional market-value houses – a tiny proportion of the “around 470” now being proposed. The local community’s response to the

various consultations has always agreed that some houses need to be built, but it would appear that the numbers being proposed are out of all proportion to those that are actually needed, leading to the conclusion, previously voiced on numerous occasions, that this development is based on Greed and not on Need – not least on the part of the Dorset Council which presumably seeks to profit from new build grant payments from central government.

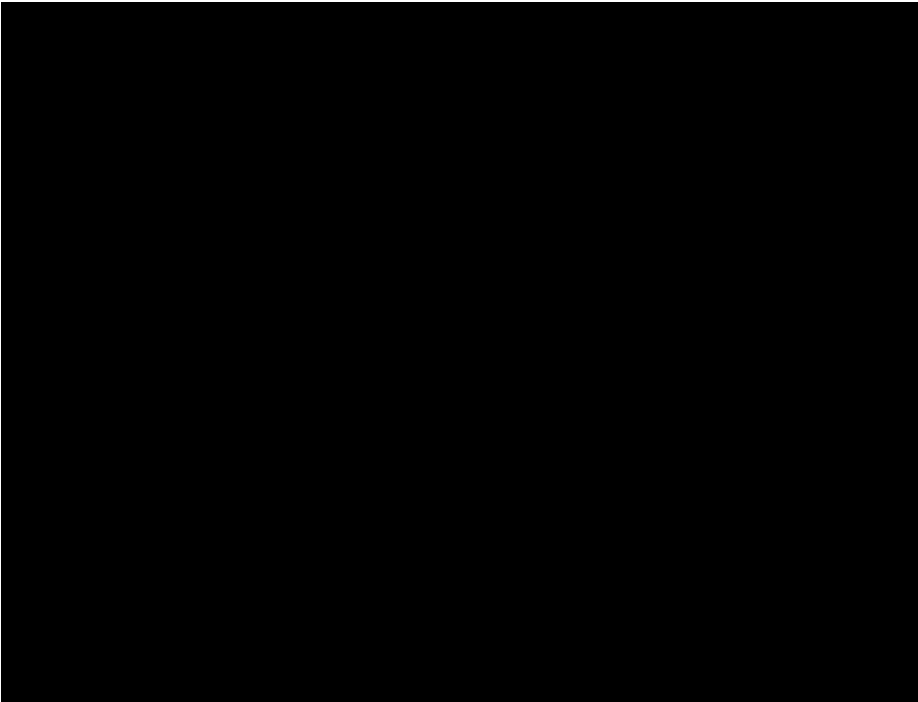
7. The Main Modifications contain – with relation to Wool – reference to a variety of Section 106 provisions. I should like to point out that to the best of my knowledge that at no time has Wool Parish Council, or the local community that it represents, requested any of the S106 statements, whether as part of the published Consultation Responses, or in any public meeting that I have attended. In addition, several of them again demonstrate a complete lack of awareness of actual geography, and actual (as opposed to conveniently aspirational) need. For example, Wool is already served by adequate local shops – the provision of *350sqm of convenience retail space* would only be required if there was any proven need for the number of houses being proposed – which is clearly not the case anyway. In addition, there is no guarantee that even if such retail space could/should be provided that occupancy could be assured. There is, it should be noted, no timetable included in the Main Modifications for any of these S106 contributions to be built – under the Parish Plan, which preceded the various consultations, and in responses to the previous consultations, it was consistently noted that identified infrastructure provision must be completed before housing development (especially on the scale envisaged) could be started, not least because of Dorset Council’s parlous record on enforcement of infrastructure provision. It is also noted that there is a non-specific statement regarding the provision of *contributions towards improvements at the D’Urberville Hall community facility*. Again, to my knowledge, this has never been requested by the Parish Council, and there has never been any discussion as to the sort of S106 provision that the community either wants or needs. Additionally, it is my understanding that the legal position is that if I do not do not reject this Main Modification, I am implicitly accepting the building development on which it is contingent. Part of my wish to reject this modification stems also from the decision to remove the easily calculated and transparent CIL payments from any large development (over 200 houses) and instead apply non-specific, developer led, and non-enforceable S106 statements which could easily turn out to be specious. Additionally, reference is made to a vague intention *to explore opportunities to provide a community hub*. Wool already has a community hub, and even were another to be provided, it would have the effect of creating two communities, not one unified village (or small town...).

Sections (d) and (e) in this section of the Main Modifications also betray a complete lack of awareness of local needs and geographical restrictions. Paragraph (d) refers to improving *accessibility between the sites and nearby services (including Wool Railway Station and Dorset Innovation Park) and facilities by forming or improving defined walking and cycling routes*. Two factors should be registered here: firstly, there is no current requirement for improved accessibility between the DIP and Wool Station, not least because the DIP is and will in all probability remain – a ‘white elephant’, certainly in the way it was promoted by Dorset Council. Secondly, other than the East Burton Road (already very narrow and congested and with no possibility for sufficient widening) there is nowhere for improved walking and cycling routes, making this ‘commitment’ completely pointless. Paragraph (e) refers to providing *details of improvements to the travel interchange at Wool Railway Station to include additional car parking, secure cycle storage, and electric vehicle charging points* which again demonstrates ignorance of the actual site. There is simply no room for

additional car parking (Wool Parish Council has previously been involved in discussion with Network Rail in terms of utilising the land beyond the old Goods Shed – it is simply not available, making any such ‘commitment’ mere pie-in-the-sky). I would also wish to point out that the document fails totally to provide any details of any of these improvements, without which the community would be ill-advised to accept any of these provisions.

8. **Policy H9** refers to Housing mix, and states that In order to achieve mixed and balanced communities, the Council will expect new market housing to support delivery of the housing mix identified through the Strategic Housing Market Assessment 2015, its update in 2018 or other recent evidence. I should like to point out that the SHMA has already been amended and questioned, and I remain concerned that the final housing mix proposed will be agreed between the applicant and the Council – in other words, will not necessarily reflect the expressed wishes of the local community, nor even represent the genuine requirement for housing based on Need rather than Greed, which is why voices raised in Wool require that far greater definition of this area of the document is required before we could or indeed, should, accept it. I would further note that a statement is made that *Where an applicant considers there are significant economic viability constraints that would prevent a mix of housing in accordance with the policy, they will be required to provide full justification of the exceptional circumstances to the Council’s satisfaction* – but I would posit the point that surely as stakeholders, the satisfaction of the Parish Council (as representing the community) and of the community is just as important – but the document fails to acknowledge this, as the Council has failed to do throughout this process.
9. Wool is in the process of developing a **Local Plan**. I fear greatly that if we are seen to be accepting the Main Modifications – many of which run contrary to the views that have been expressed locally in the process of compiling the outline so far reached of a local plan – it will become a complete irrelevance, and yet again, the stated wishes and aspirations of our community will be ignored.
10. I am very seriously concerned that a wide swathe of our demographic will have been unable to respond personally to this Consultation on the Main Modifications. There has been a lack of analogue publicity for the Consultation, and many members of our community had no idea of the existence of the Main Modifications, nor the ability to respond to the Consultation, leaning heavily as it does towards digital and on-line responses. Whilst I acknowledge that the Covid-19 Pandemic has meant that there have been unprecedented difficulties, this should – in my opinion – have been sufficient grounds for putting this process on hold until such time as public meetings could be held in order to inform and engage our community, and to allow paper documentation to be utilised. As it is, there are reasonable grounds for suggesting that this Consultation has been ***disenfranchising and discriminatory***. I need hardly remind you that there were over 1,000 paper responses to the 2018 Consultation; it is my fear that there will be significantly fewer responses to this consultation, and I would not wish the assumption to be made (as it was, on the record, in 2018/19) that non-response was deemed to be and was regarded as acceptance. As a footnote to this consideration, I should further wish to put on record that the Consultation on the Dorset Local Plan – as discussed in Para 11 (below) shall, in the light of the latest ‘lockdown’ make it even harder for any meaningful responses to be made, and it too should be abandoned until such time as community meetings can again be held.
11. As a final comment, it is my understanding that the Dorset Local Plan, due to be consulted on in early 2021, will render the Purbeck Local Plan, with all its flaws and inconsistencies, completely irrelevant. In this response, reference has been made frequently to the way that the stated democratic wishes of the community, and the representations of many members

of the community and indeed of the Parish Council, have been consistently ignored in drawing up the Main Modifications, certainly in comparison to the inclusion of many of the wishes of the would-be developers. To give one example of how the Dorset Plan renders the Purbeck Local Plan (and therefore, by inference, the Main Modifications) completely irrelevant, is the outline proposal for 800+ houses in Wool, making the 470 (to which the community has already stringently objected) a mere *bagatelle*. I would therefore urge that the Purbeck Local Plan, and the Main Modifications and all other ancillary documentation should be immediately abandoned, and any further decisions, planning applications or proposals be considered on the basis of, and following, the 2021 Dorset Local Plan Consultation. To proceed with the Purbeck Local Plan (and the Main Modifications) is – in my opinion - not merely flawed and in the process, ignoring of stated local wishes and opinions, but it would in fact be pointless.



Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1191476

Consultation reference: 26



Response form for Purbeck Local Plan proposed Main Modifications consultation

This form is for making representations on the proposed Main Modifications to the Purbeck Local Plan (2018-2034)

The Purbeck Local Plan was submitted for examination, by a Planning Inspectorate appointed by the Secretary of State, in January 2019. Public examination hearing sessions were held in July, August and October 2019. The Inspector examining the local plan issued a Post Hearing Note in March 2020. The council has prepared a schedule of proposed Main Modifications to the pre-submission draft of the local plan as part of its examination. These proposed Main Modifications are considered necessary to ensure that the local plan is legally compliant and/or sound. Proposed Main Modifications have been suggested by the Inspector, respondents (including those participants at the hearing sessions) and by the council.

The council has also prepared an updated version of the proposed adopted policies map(s) and updated versions of appraisals and supplementary evidence including:

- Habitats Regulations Assessment (HRA);
- Sustainability Appraisal (SA);
- 5 Year Housing Land Supply;
- Infrastructure Delivery Plan; and
- Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

continued overleaf

DORSET COUNCIL
18 JAN 2021
Digital Mail Room

DORSET
COUNCIL
14 JAN 2021
REF
TO
FURTHER



The Council published a series of papers and supporting evidence, in response to representations, over the course of the local plan hearing sessions. It has also re-published a selection of these papers and evidence which relates to the proposed Main Modifications including:

- Review of capacity from small sites [SD88];
- Proposed amendments to HRA [SD89];
- Appropriate assessment statement [SD96];
- Addendum to SA re settlement hierarchy [SD92];
- Strategy for mitigating effects on European sites, and Green Belt changes at Morden [SD93];
- Summary of viability issues raised by respondents and Council / Dixon Seale response to those concerns [SD97];
- Examination stage – viability update Purbeck Local Plan [SD117];
- Memorandum of understanding between Dorset Council and Savills on viability related issues for housing sites around Wool October 2019;
- Memorandum of understanding between Dorset Council and Wyatt Homes on viability related issues for Lytchett Matravers and Upton October 2019;
- Memorandum of understanding between Dorset Council and the Moreton Estate on viability related issues for Moreton Station/Redbridge Pit October 2019;
- Proposed changes to care provision [SD95]; and
- Planning the care provision in Purbeck [SD115]

The consultation is focused on the proposed Main Modifications, changes to the local plan policies map(s), updated appraisals and supplementary evidence, including the HRA, SA and Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the examination. Weight will not be given to representations that repeat matters raised and discussed at the hearing sessions or in earlier responses. .

Once the consultation is closed, the council will prepare a summary of the issues raised in representations to the consultation and provide its response. The council's summary, and full copies of the representations, will then be sent to the Planning Inspector for her consideration. If the Inspector's final report indicates that the local plan is sound and legally compliant with the proposed Main Modifications, the council will then take a decision about whether to adopt the local plan subject to Main Modifications.

PART A

Your contact details

Agent's Details (if applicable)

Name	[REDACTED]	
Organisation / Group (if applicable)		
Address line 1	[REDACTED]	
Address line 2	[REDACTED]	
Town / City	[REDACTED]	
County	[REDACTED]	
Post Code	[REDACTED]	
E-mail address	[REDACTED]	

Group Representations

If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people support the representation

Please note:

- The consultation period starts on **Friday 13 November 2020** and will last for 8 weeks until 11.45pm on **Friday 8 January 2021**.
- Only representations made in this period will be referred to the Planning Inspector for consideration.
- Responses must be made using this form (sent in the post or attached to an e-mail) or online at this link www.dorsetcouncil.gov.uk/plp-main-modifications .
- Respondents must complete Part A of this response form and separate Part B forms for each proposed Main Modification that they might wish to comment on.
- All respondents must provide their name and address and/or email address.
- All forms must be signed and dated.
- Responses cannot be treated as confidential. By making a response you agree to your name and comments being made available for public viewing.
- Information on the council's privacy policy is available on our website at:
www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-general-privacy-notice.aspx .
- The council will not accept any responsibility for the contents of comments submitted. We reserve the right to remove any comments containing defamatory, abusive or malicious allegations.
- If you are part of a group that shares a common view, please include a list of the contact details of each person (including names, addresses, emails, telephone numbers and signatures) along with a completed form providing details of the named lead representative.
- The proposed Main Modifications to the Purbeck Local Plan, proposed Purbeck Local Plan (2018-2034) policies map and the relevant background and evidence documents, are available to view on the Council's website at www.dorsetcouncil.gov.uk/plp-main-modifications .
- Hard copies of the consultation documents are available to loan from libraries in Dorchester, Lytchett Matravers, Swanage, Upton, Wareham and Wool. Please contact the libraries separately to ascertain their opening times, availability of documents to loan and for full details of their procedures to restrict the spread of COVID-19. You must follow any procedures relating to the COVID-19 in the libraries.
- If you have questions relating to the consultation, or the process for making a response, please contact the Planning Policy team on ☎ **01929556561** or [✉ planningpolicy@dorsetcouncil.gov.uk](mailto:planningpolicy@dorsetcouncil.gov.uk).
- Response forms returned in the post should reference the Purbeck Local Plan Proposed Main Modifications Consultation, Dorset Council, Spatial Planning Team and be sent to South Walks House, South Walks Road, Dorchester, DT1 1UZ.
- Please tick the box if you would like to be notified of the following:

Adoption of the Local Plan.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

1. Duty to co-operate.

On page 3 of your proposed main modification 2020 it says "People & Organisations who made written responses to the local plan and ~~indicated~~ indicated they wished to be heard, were invited to the hearing sessions and participated in the discussion."

This was not the case. We asked to be invited to the "Green Belt" hearing but were excluded, despite Council Officials being well aware that "Green Belt" issues were of concern to us and a major part of our objection to the plan that is the proposal to build on "Green Belt" land adjacent to Glebe Rd Lytchett Matravers

Consequently the examination/hearing were fundamentally flawed. When we tried to raise "Green Belt" issues at subsequent hearings we were prevented from doing so.

2. Policy H6.

Draft Policy stated "Up to 95 homes on land. East of Wareham Road Lytchett Matravers. The proposed change is to "about 95 homes". This gives the developer free reign to increase ^{an} already high housing development

3. In Housing Policy page 101 it says

"Deliver appropriately designed alternative natural spaces to avoid the effects of new homes ----"

H6 says a provision of SANG in Flower Down meets the requirement. Clearly not as this SANG is 2 miles away from the Wareham Road development.

4. Proposed Main Modification page 102

"enhance" has been deleted "avoid" substituted. There is no way the proposed development adjacent to Glebe Rd Lytchett Matravers ~~can~~ avoid harm.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

[Empty response box for question 4]

Please continue on a separate sheet if necessary.

3 Continued.

5. The Plan does not explain why 'green belt' sites have been chosen for development when Brown field sites have not been properly assessed and are clearly available. Neither does the Council's "Green Field" assessment/revision/study, whose conclusions we were unable to challenge.
6. The attached proposed main Modification says 'development must contribute to protect environmental objectives'. 16(c)
The proposed development clearly does not fulfil this requirement.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

- ① Paras 12-15 (Duty to co-operate) are incorrect as Glebe Road, Lytchett Matravers were excluded from the relevant inspection hearings. The wording should reflect this.
- ② Policy H6.
The wording "up to 95 homes" should be reinstated. The proposed revision to "about 95 homes" gives a developer free rein to overdevelop.
- ③ The proposed SANG for the development of land east of Wareham Rd, Lytchett Matravers is valueless as it is some 2 miles from the development.
If development is to take place a SANG should be adjacent to/near the site.
- ④ In Proposed Main Modification 11101 it replaces "enhance" by "avoid". The proposed development of land East of Wareham Road, Lytchett Matravers does not avoid harm. The original wording should be reinstated.
- ⑤ The plan is unsound because it does not explain why "Green Belt" land is chosen when "brown field" land availability has not been adequately assessed. The Council's "Green belt" study is unfair as it is unchangeable and should be undertaken in a fair and democratic manner. again
- ⑥ The Tracked proposed main modification says "development must contribute to protect ~~the~~ environmental objectives 16(c)
The proposed development on land East of Wareham Rd, Lytchett Matravers does not fulfil this requirement and is contrary to NPPF guidelines
The document should be modified to recognise this.

Please continue on a separate sheet if necessary.

PART C

1. Comments on updated policy maps, appraisals or evidence.

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	
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Please continue on a separate sheet if necessary.

Please sign and date this form:

Signature: _____ Date: _____

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1190865

Consultation reference: 27

PART A	Your contact details	Agent's Details (if applicable)
Name	[REDACTED]	
Organisation / Group (if applicable)		
Address line 1	[REDACTED]	
Address line 2	[REDACTED]	
Town / City	[REDACTED]	
County	[REDACTED]	
Post Code	[REDACTED]	
E-mail address	[REDACTED]	
<p>Group Representations If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people support the representation</p>		[REDACTED]

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number	10 listed on next page
--	------------------------

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

X = Not Compliant

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The modifications listed below are not consistent with the plan being legally compliant or sound. See details in the attached document. Some of these relate to modifications that may not be compliant in combination with others.

Preface MMCD1

Application of the plan

MM5

MM8

MM19

MM20

MM21

MM23

MM38

MM73

There are comments on several other modifications that are not directly related to the legal compliance or soundness of the plan but may have Aspects that relate to the modifications listed or may need some improvement.

Please continue on a separate sheet if necessary.

PART C

1. Comments on updated policy maps, appraisals or evidence.


Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	1. Main Modifications
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Attached Document

Please continue on a separate sheet if necessary.

Please sign and date this form:

Signature:		Date:	12-1-21
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Comments on the main modifications to the Draft Purbeck Local Plan.

This is an assessment of the Main Modifications of the Purbeck Local Plan MMCD1. My assessments and comments relate mainly to the environmental aspects although these are not entirely confined to the environmental policies as the environment of Purbeck is the substrate on which the plan stands. Consideration of the environment would have been the logical starting point for this plan not a desire to impose housing that is developer driven, eg Savilles Vision for Wool.

MMCD1

There are problems created by the inclusion of non strategic policies that in effect give outline planning permission. NPPF19 says that non strategic policies should be in neighbourhood plans. Strategic policies should give the broad location not specific locations. There are many instances in the plan where actions are deferred to the planning application stage but this virtual outline planning permission pre-empts the findings or recommendations of the deferred work referred to in the plan, there are also documents in preparation that it will not be possible to apply because the plan has already been approved.

Application of the Plan.

The creation of Dorset Council as a Unitary Authority gives an opportunity to plan Dorset as a whole rather than deal with it piecemeal according to its former districts. There is a proposal for a National Park covering much of the Dorset Coast (and some of the Devon Coast) and this would include a large proportion of Purbeck but nowhere in the plan is this mentioned although if it was designated it would have considerable implications for the area. An opportunity now exists to develop a properly integrated plan for the whole of the Dorset Council area.

NPPF 19 and its predecessors emphasise that Avoidance is the first step in an assessment of sites and that mitigation is second where the impacts cannot be avoided. This plan does nothing to avoid impacts and the use of mitigation is universal and in turn creates its own impacts.

High levels of mitigation are a sign of failure, failure to produce a plan that is sustainable, symptoms of the pre-selection of preferred sites and that the appraisals (SCHLAA) are neither unbiased nor objective. This is exactly what has happened in Wool where the second highest housing allocation is proposed. The fact that all the proposals in the Purbeck Plan have impacts on the Internationally important and Nationally important sites for nature conservation that then require the wholesale use of SANGs and other mitigation to be implemented demonstrates the very sensitive and fragile nature of the natural environment of Purbeck and just how necessary National Park designation is.

At present the plan fails the NPPF19 environmental objective of the three overarching objectives. As the first paragraph NPPF19 2. Achieving Sustainable Development says “sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”. This plan totally fails this and this is clearly exemplified by this plan failing to mention the National Park proposal.

MM2

This makes reference to the status of plan policies relative to SPDs. The Purbeck Plan says these SPDs provide guidance but there are policies in these documents that need a status. Which has precedence the Purbeck Local Plan or the SPD?

MM5 Policy V1 Spatial Strategy

The last condition: developments would not have an adverse effect on the integrity of European sites should this be clearer in terms of how European sites are covered now by UK law and that these sites already have SPD's applicable to them.

V1 d - Policy compliant sites – I would contend that the HRA and proposed mitigation are not adequate and need to be reconsidered as V1 d5 requires development not to have an adverse effect on the integrity of European Sites. (see also comments on Natural England in the HRA comments).

V1 5. There are also general duties applying to Sites of Special Scientific Interest (SSSI) in the Wildlife and Countryside Act 1981 and subsequent wildlife legislation eg "that local authorities should take reasonable steps to further the conservation and enhancement of the flora, fauna, geology and physiographic features". There is very little mention of SSSIs and The River Frome in particular that is both adversely affected itself as well as being a conduit for effects reaching Poole Harbour.

There is some confusion within the Environment chapter of the plan and it might be easier to separate "Green" environment from "Built" environment.

MM6

The term sustainable is not clear. It tends to be sprinkled throughout the plan becoming meaningless. It is clear that many of the proposed housing sites cater for people to commute into larger centres such as Poole / Bournemouth and Dorchester so generating transport costs, pollution and carbon footprint increases that are not sustainable. There seems to be little in the way of integrating housing and local employment one way that might make the proposals more sustainable.

MM8

The rewording changes the character of the text by clearly dismissing areas outside the designated sites. The whole of Purbeck is amongst the areas of highest biodiversity in Britain. The internationally important and other protected sites are part of a matrix of biodiverse sites that are mutually supporting. The wholesale proposal of SANGS to mitigate for likely damaging effects to most or all sites by the proposals in the plan clearly demonstrates the importance of the area and would justify the selection of the area as a National Park but there is no mention of a National Park. This proposal would have major implications for this plan and it is a Government proposal to announce these shortly.

Using "obliged" suggests some unwillingness to "give great weight to conserving and enhancing the natural beauty" etc. This is augmented by the apparent bias towards the historic environment and against the natural environment.

MM9

E1 The AONB boundary is not ideal as does not include the “Egdon” heaths which in many respects are the most famous Dorset landscape resulting from Thomas Hardy's novels. The “Egdon” heaths also include areas of international importance for nature conservation.

The bias towards the AONB diminishes the importance of the heaths that in addition to their international importance for wildlife have great landscape importance.

MM10

E2.- Historic environment confuses the man made and natural (prehistoric) environments or landscapes, the latter would be better with Biodiversity and Geology. Natural Beauty includes Fauna, Flora, Geology and Physiography.

MM14

Very, muddled modified paragraph inserts the Jurassic cliffs and World Heritage Site between Poole Harbour Ramsar and Poole Harbour SPA.

MM16 - Insert after paragraph 85

Air quality monitoring – the elevated ammonia levels together with odour from a slurry pit affects the proposed SANG. What is the mitigation strategy for this as it is important to all the proposals in the Wool - Winfrith area?

MM19 - E7 Protected Sites.

Paragraph 81 lists designated Natural Environment sites – All are SSSI; SPA, SAC and Ramsar sites are a subset of SSSI. LNR is also a statutory designation under NPAC Act 1949.

This section should also include Local Authorities responsibilities for the environment such as for Biodiversity (NERC Act 2006) and for sites under other wildlife legislation such as the Wildlife and Countryside Act 1981 with amendments in the NERC Act 2006.

The River Frome is an SSSI and is suffering decline due to nitrate, not quite the same problem as Poole harbour which has algal mat development but nevertheless leading to a decline in fish populations. Natural England have defined the Frome as “in need of improvement” and classified it as not being in favourable condition but it is not mentioned in consideration of the impacts of the Purbeck Local Plan.

E7 has a negative view of the Natural Environment in contrast to the earlier view of the Historic Environment

MM 20, E8 Dorset Heaths

The adverse effects on the heaths is greater than the HRA identifies because the SPA SAC is not fully designated, according to the original Habitats and Species Directive by not including feeding areas - see comments on the HRA, feeding areas will be subject to destruction and disturbance by the proposals in the Purbeck Local Plan.

Paragraph 83 Appropriate Assessment. Has this been correctly carried out? DC relies on Footprint Ecology for this but they are not an appropriate body and therefore should they be only providing the evidence for DC to then make the assessment and not drawing the conclusions themselves. This paragraph should also include destruction of feeding areas of the species for which the internationally important sites were designated – functionally linked areas. Fire is one of the most regular and damaging effects on the heaths not just confined to around urban areas.

The NPPF Paragraph 177 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans and projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site at present the HRA assessment is inadequate (see separate comments on this).

There is specific mention of Dorset Heathlands policy framework 2020 to 25 but this is withdrawn elsewhere because it might be given a status by inclusion in the Purbeck Local Plan. The SPD is not working, this is demonstrated by two instances of planning permission being given for residential development (see comments on the HRA) and it is also being reduced in scope by policies later in this document so it clearly needs a higher status.

Why is Corfe Common, made an exception when it is clearly part of the Dorset Heaths SAC? The statement is made that Corfe Common is not SPA as if this changes the application of the Dorset Heaths SPD which applies equally to SPA and SAC. Which plan has precedence when it comes to a decision on this point the SPD or the Purbeck Local Plan and should exceptions be made like this as it opens the door to exceptions being made to any site? By including Corfe Common, as an exception in the Purbeck Plan this appears to be making a modification to the Dorset Heaths SPD but this was revised in 2020 within the period that modifications to this plan have been under consideration yet no comment about changing the application of this policy to Corfe Common, was made. The Dorset Heaths SPD is a joint SPD with Poole, Christchurch and Bournemouth Council is your change unilateral?

How do the Council propose to be “satisfied that mitigation measures avoid adverse effects on protected heathland or for that matter on any other sites? Monitoring policies in the plan only considers paper monitoring. This is a very vague statement , it is ok to say how mitigation will be secured financially but ecologically how?

MM21 – E9 Poole Harbour

This will also apply to all the other Dorset Council areas in the Frome and Poole Harbour catchment - a large proportion of Dorset. Because this is a very serious existing problem this section is reproduced in the comments on the HRA.

The consideration of impacts on Poole harbour plays down the seriousness of this. Throughout both the plan and the HRA the end and the means are confused. The end is to prevent increased nitrates entering Poole Harbour (the ideal objective is to get nitrate levels back to those of 1980) but the means is largely by offsetting the nitrates from sewage by taking land out of agricultural production but throughout the timelag of 30 to 35 years to get an effect from this mitigation is overlooked or forgotten. The requirement is that nitrate neutrality should operate for the life of the development but for 30 years there is likely to be continued growth of nitrate levels and there will be a point shortly where very large proportion of Poole Harbour will be affected. Last summer (1-8-20) mud in Brands Bay was smelling awful the first time I have encountered this in the years that I have been doing wildlife surveys on the adjacent National Trust areas so it appear that damage is increasing to serious levels now. There are no alternatives for the 30-35 year period included. Dismissing the nitrate problem in Poole Harbour is simply not possible. None of the evidence/experience from other areas such as the Solent where the same problems are occurring are taken into account.

The ecological networks and potential ecological networks must not be recognised as definitive and that these maps are going to be continually subject to revision as more data becomes available; they form a basis but not a firm basis.

MM23 - E 10 Biodiversity and Geodiversity.

Biodiversity is far more complex than is implied here analysis of data for Wool shows that for beetles statutory sites include less than 50% of the species and if the SNCIs are added still only a small increase in species are covered mainly because ancient woodland species become included. Conserving biodiversity ideally needs the whole ecological network to be considered this can enable the food relationships of critical species to be assessed and why they may feed in particular areas, for example bats and Nightjar over the organic farmland.

Distribution of Coleoptera (Beetles) by designated site status.				
Site status /designation	Total Number of Coleoptera	% Total Coleoptera	Number of Rare & Notable spp.	% Rare & Notable spp.
Whole Parish Total Species	1032	100%	153	15%
SPA,SAC,Ramsar - statutory	217	21%	18	8.3%
SPA,SAC,Ramsar, SSSI & ptSSSI - statutory	363	35%	29	8%

SPA,SAC,Ramsar, SSSI & ptSSSI , LNR - statutory	440	42%	36	8.2%
SNCI (non statutory)	566	55%	40	7%
SPA,SAC,Ramsar, SSSI & ptSSSI , LNR,SNCI – combined statutory & non statutory	677	66%	63	9.3%
Only recorded <u>outside</u> statutory designated areas (by subtraction)	355	34%	89	25%
Total recorded <u>outside</u> all designated areas - combined statutory & non statutory	936	91%	127	13.6%
Total recorded <u>outside</u> Statutory designated areas	1013	98%	146	14.4%

Creating habitats is not easy they should be replaced like-for-like and need considerable time to establish you cannot expect to destroy the biodiversity on one site and then afterwards try to recreate it elsewhere but re-creation must occur well before destruction and then the new habitat needs to be assessed to see that it's actually replacing the destroyed habitat. Destruction of organic farmland as at Wool may take at least 20 years to re-establish. The concept of biodiversity gain sounds good but in practice in an area such as Wool the existing richness can only be improved with great difficulty and habitat destruction and biodiversity loss are all too likely. Subsequent management is another complex matter especially in the vicinity of houses where over-tidiness or dumping of rubbish are frequent problems.

The feeding areas of Nightjar and Woodlark are not protected and are likely to be affected by loss of sites and reduction in food species numbers as well as disturbance. The modified version of E10 loses the section referring to “within the vicinity of areas that support nationally significant numbers of Annex 1 bird species....” This is very important as it partially covers the failure to include feeding areas for Annex 1 birds within the designated SPA. The policy adds Functionally Linked Habitats but for example in the Footprint Ecology HRA there is no mention, avoidance?, of these.

E 10b

The selection of Combe/North Wood as a SANG would seem contrary to this, a clearer statement about ancient woodland and veteran trees has been included but E10b applies here.

H3D

The mitigation proposed has a time lag and is estimated to require up to 30 to 35 years to take full effect. There is not an immediate effect so this is not mitigating for the nitrates from the beginning of houses being occupied.

E10 also includes Functionally Linked Habitats and that applicants will need to demonstrate to the Councils satisfaction that there is no significant adverse effect on the species and their functionally

linked habitats, yet destruction and disturbance is proposed by H7. What constitutes the council's satisfaction? There is a case for such assessments to be carried out independent of the applicants.

E10 and H3

Loss and destruction of the biodiversity of the organic fields is considerable in Wool and avoiding harm and securing net gain is simplistic in these circumstances. Worldwide studies of organic agriculture have shown a 30% increase in biodiversity and populations, this is so for the organic fields in Wool as well. It has taken over 20 years for the fields to reach their present condition. The richness of these fields is a reason that protected species such as Nightjar and bats are using them as feeding areas.

MM24 Policy E12

It would be good if the same high and detailed standards that are applied to design were also applied to the "Green" environment.

MM 38, H5 Wool

A SANG in ancient woodland is not acceptable because:

Ancient Woodland including PAWS is an irreplaceable habitat and is protected by national policy

Disturbance to feeding areas of nightjar and woodlark

Damage and disturbance to dormice by ride management

Disturbance to bats, both their roosting and feeding areas

There will be loss of lichens etc through changes in humidity from opening up the wood to create views of surrounding landscape. Lichens will also be affected by ammonia and nitrates in the air from the nearby slurry pit, this will be exacerbated by increased permeability if the wood is opened up.

One of the justifications for the SANG was that it would enable the conversion of conifer woodland areas back to deciduous woodland but there is a proposal in the new forestry policy that would provide grants for this and it could be done without the SANG. To create the SANG suggests that a considerable amount of work would have to happen quickly but to replace the conifers with deciduous woodland should be done over a long period to avoid sudden change and allow simultaneous recolonisation and adjustment. Sudden change can be very damaging to biodiversity

The proposed development increases the East West form of Wool and links it with the Dorset Innovation Park so creating a built-up and at night a lit deterrent to Nightjar (a bird that feeds from

dusk onwards) and possibly Woodlark travelling from heaths to feeding areas and probably also bats that feed on the higher abundance of insects associated with the organic farmland.

Land north-west of Burton Cross is likely to be only the start of developing this area (see Savilles proposals) which could greatly increase the barrier created by the Wool - Dorset innovation Park and make the disturbance barrier to nightjars etc even greater. (See MM73).

Clauses under paragraph 87

These do not include a reiteration of the need to mitigate the destruction of the biodiversity rich organic farmland and feeding areas of nightjar etc. Although these policies occur in broad terms elsewhere these need a specific statement here in parallel with other policies here that are restatements of those elsewhere.

MM 39

It is inconsistent that in para. 134 it is stated that land at Bere Regis is currently used for agriculture but this is omitted for Wool in paragraph 127 where the same applies even more so, where in reality the land is currently biodiversity rich organic farmland suggesting a bias against Wool in the assessment.

MM72 Green Infrastructure I3

The Green Infrastructure sections MM72 & MM73 would be much better dealt with under Environment Policies to which they relate.

The Green Infrastructure Strategy appears to be a potentially key strategy for the environment but will appear after this plan is approved, therefore, after sites have in effect been given outline planning permission. It is essential that this strategy should be in place before any plan approval or even better was part of an integrated Dorset Plan.

The type of surveys outlined for consultants to carry out to fulfil the Dorset Biodiversity Appraisal Protocol can only deliver a snapshot of the area under consideration and are unable to consider the important ecological processes in the area. This is illustrated by EAD's report for Savilles on the land at Wool where hedgerows and their narrow field margins are dismissed without recognising that the fields are organically managed and have a 30% higher biodiversity and productivity of considerable benefit to insectivorous birds and mammals especially for protected species such as Nightjar and bats. This type of survey can also miss essential evidence such as the presence of a thriving population of Dormice in Coombe/North Wood.

MM 73 Policy 13 Green Infrastructure, Trees and Hedgerows

Policy

13 Green Infrastructure includes connectivity of wildlife habitats but the plan encouraging elongate ribbon development as at Wool is contrary to this. Although I have offered evidence of the important biodiversity around Wool I do not see this reflected in the proposals for Wool. Mostly the proposals could seriously reduce the rich biodiversity and in no way are there adequate proposals to reduce losses or restore these. Net gain is not applicable to Wool that already has an outstanding biodiversity in any case for most areas in Purbeck the existing biodiversity is not known so how can gain be demonstrated? From the evidence that has been provided and offered this will not result in net gain but large scale loss.

Conclusions.

Overall despite and in some cases because of the modifications this plan remains very far short of satisfying the environmental criteria of NPPF19 and is neither compliant nor sound.


Policies in NPPF19 for achieving sustainable development – 11b the application of policies in the framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development but in the plan area are not addressed.

There are very superficial proposals for conserving and enhancing the natural environment but some of the mitigation proposals are naive, eg. Nitrate Neutrality and others are not working eg. Heathlands SPD.

Throughout there is an attitude to the natural environment that seems to reduce its value in contrast to the historic environment and built environment yet it is one of Purbeck's greatest assets as exemplified by the former Purbeck District Council's "Keep Purbeck Special" tag line. Sadly something that is demonstrably abandoned in this plan and could only be adequately addressed by a National Park.

The National Park proposal is not mentioned suggesting that it is something not supported by Dorset Council.

The clear message from NPPF19 that **"sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"** is seriously if not totally compromised by this plan.


11-1-21

PART C

1. Comments on updated policy maps, appraisals or evidence.

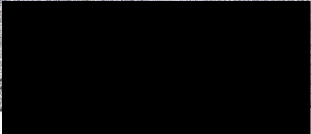
Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	2. Strategic Assessment of Main Modifications
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See attached document

Please continue on a separate sheet if necessary.

Please sign and date this form:

Signature: 	Date: 12-1-21
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Sustainability Appraisal.

As an ecologist I can only really comment on the environmental assessments in the appraisal but mainly my comments relate to the modifications to the Purbeck Plan itself and therefore do not need repetition here.

This is a very difficult appraisal to follow, not helped by the fact that the methodology does not appear until page 37 where table 10 gives the key to the colours used into in the tables, nine of which precede this. Up to page 37 appears to be the earlier history of the Sustainability Appraisal but this is not clear.

The methodology seems very arbitrary though a true assessment would be difficult given the very broad eight sustainability appraisal objectives. The methodology is unclear as it “pitches” eight Sustainability Assessment objectives against very broad areas of policy producing a series of assumptions and speculative assessments.

The introduction starts by saying that “modifications affecting this objective are generally positive”, however, there are many of these recommendations (modifications?) that could be considered to strengthen (increase?) the impact on the objective.

This document talks of “likely significant effects of implementing the plan” but these are only likely and not actually delivering any results of the policy in the short, medium and long term so that they can only be speculative and may be very different from what is actually delivered. It is therefore difficult to see what the benefit of this Sustainability Appraisal is except that it paints an over optimistic picture that supports the Council’s requirements. I have reassessed the column on biodiversity etc using my 25 year wildlife experience and knowledge of the Wool Area and have come to very different conclusions which are attached. I cannot do the same analysis for other areas of Purbeck so in the table N/A = not assessed for these. **My assessment is that the plan is very short of sustainable or sound.**

Mitigation is only designed to maintain the status quo so policies utilising mitigation can only be seen as neutral at best but since mitigation will only be in the future its success or failure cannot be known. The wholesale use of mitigation is seen as positive for biodiversity but it is not and does underline the general unsuitability of Purbeck and of sites proposed in general and particularly in the case of Wool where not only are SPA / SAC / Ramsar sites likely to be affected but functionally linked feeding areas are subject to destruction and disturbance and the corridors to these perhaps disrupted by the East-West elongated extension of Wool linking to Dorset Innovation Park. Lighting along this ribbon of development may be a serious disruption to nightjar which feeds at dusk. Bats may also be disrupted by light pollution. The appraisal also largely ignores SSSIs that in addition to the internationally important sites include the River Frome that is deteriorating due to nutrient increases much the same as Poole Harbour to which it leads.

A great deal of data demonstrating the exceptional biodiversity of Wool has been gathered over the last 25 years and the existence and availability of this was communicated to the former Purbeck District Council and Natural England yet has not been considered. Natural England who claim to be an “evidence-based” agency has not produced any alternative evidence; indeed they simply “see no problems”, a view that does not permit an objective assessment .

The SA and the HRA assessment – Table 12.

1. It is totally dependent on mitigation.
2. The Dorset Heathlands SPD - The SA says it has only just been updated but the Purbeck Local Plan has simultaneously modified it by changing its approach to Corfe Common. The SPD is not working as 2 recent caravan / residential bungalow developments demonstrate. So there are implications that cannot be ignored.
3. The HRA is flawed as many of its conclusions are drawn by playing down the effects on the mobile species especially on functionally linked areas that are to be destroyed or disturbed at Wool and the ribbon of development created by the near linking of Wool with the Dorset Innovation Park that may cause disturbance to bats and to birds such as Nightjar that feed from dusk onwards.
4. The SPD for Poole Harbour and the concept of Nitrate Neutrality is seriously flawed as it will not show any effects for up to 35 years meanwhile Poole Harbour will continue to deteriorate.
5. Air Quality effects do not even mention slurry pits that may raise nitrate and ammonia levels in the vicinity and these are also ignored in the HRA. Heaths are nutrient deficient ecosystems and may deteriorate near ammonia etc sources. The SA refers to Nitrogen emissions that would seem to imply gaseous nitrogen but it is nitrogen in sewage effluent that is being mitigated for.
6. The appropriate assessment for the HRA is not the only important environmental / biodiversity consideration- there are SSSIs for which impacts need assessment and there is a requirement for public bodies to take account of Biodiversity, (NERC Act 2006).

Conclusions



On the basis of what is included in the Sustainability Appraisal the Purbeck Local Plan cannot be considered “sound”.

Implementing the plan could be an environmental disaster and at a time when a crisis for biodiversity is being predicted.

8-1-21

Rescreening the modifications to the Sustainability Appraisal of the Purbeck Local Plan.

For Habitats and Species and Geodiversity.

KEY		
		Significant positive effect
		Positive effect
		Neutral effect
		Negative effect
		Serously negative effect
	N/A	Not Assesed - policies or areas outside environmental assessment
MM1		Inclusion of non strategic policies prejudices planning applications
MM2		Confusion over which documents policies have precedence
MM3		Underestimates the constrained environment of Wool
MM4		Potentially all result in a loss of biodiversity
MM5		"About" imprecise and open to even more damaging actions
MM6		SANG need is an admission of harmful impact can only at best return to status quo
MM7		Green Belt tinkering is not beneficial
MM8		Natural Beauty includes Flora, Fauna & Geology - Not affected
MM9		AONB as above
MM10		Coast
MM11		as above
MM12		Recognises Bat & Bird problems with Wind turbines
MM13		Hypothetical situation
MM14		Muddled insert
MM15		Recognises a potential problem
MM16		Slurry ammonia source not recognised
MM17		Disturbance to birds
MM18		Tinkering with heaths policy creates dangerous precedent
MM19		Failure to include SSSI especially River Frome
MM20		Flaws in application of Heath SPD
MM21		Failure to recognise Time lag will allow nitrate pollution to continue/increase
MM22		Restoration can be harmful and leaving alone can be best
MM23		Restoration of PAWS will be harmful if done quickly needs long term planning
MM24	N/A	
MM25	N/A	
MM26		Linked Habitats inadequately covered
MM27		Considerable biodiversity destruction
MM28		Destruction of biodiversity rich organic fields loss of corridor
MM29	N/A	
MM30		Spreads disturbance and destruction over a wide area
MM31	N/A	
MM32		Mitigation based on flawed policy whether it might work is speculative
MM33	N/A	
MM34	N/A	
MM35	N/A	
MM36		Destruction of biodiversity rich organic fields, loss of corridor
MM37		In appropriate use of Ancient Woodland PAWS

MM38		Destruction of biodiversity rich organic fields, loss of corridor
MM39	N/A	
MM40	N/A	
MM41	N/A	
MM42		Unpredictable
MM43	N/A	
MM44	N/A	
MM45	N/A	
MM46	N/A	
MM47	N/A	
MM48	N/A	
MM49		Great care needed over environmental impacts - current assessment speculative
MM50	N/A	
MM51	N/A	
MM52		Great care needed over environmental impacts - current assessment speculative
MM53		Great care needed over environmental impacts - current assessment speculative
MM54		Great care needed over environmental impacts - current assessment speculative
MM55	N/A	
MM56	N/A	
MM57	N/A	
MM58	N/A	
MM59		Great care needed over environmental impacts - current assessment speculative
MM60		Great care needed over environmental impacts - current assessment speculative
MM61	N/A	
MM62		Care over adjacent Winfrith Heath assessment speculative
MM63		Care over adjacent Winfrith Heath assessment speculative
MM64	N/A	
MM65	N/A	
MM66		Great care needed, extra load in sewage works & potential nitrate increase
MM67	N/A	
MM68		SPDs Flawed
MM69	N/A	
MM70	N/A	
MM71	N/A	
MM72		Needs to be in place before plan approval, Mitigation needs to be in place well before building
MM73		But needs careful implementation
MM74	N/A	
MM75	N/A	
MM76		Only restores status quo
MM77		Only restores status quo
MM78	N/A	Not clear how European sites are affected by proposals in Wareham?
MM79	N/A	
MM80	N/A	
MM81	N/A	
MM82	N/A	How is a paper exercise on Monitoring supposed to benefit biodiversity? Real Monitoring needed
MM83	??	How do changes to the glossary benefit biodiversity?
MM84	N/A	This and following Appendices Not assessed

PART C

1. Comments on updated policy maps, appraisals or evidence.

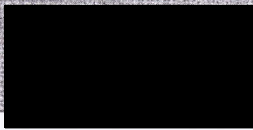
Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	Habitats Regulations Assesment, modifications
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See attached document

Please continue on a separate sheet if necessary.

Please sign and date this form:

Signature:		Date:	12-1-21
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Habitats Regulations Assessment.(HRA)

The modified version of this plan does not indicate what the modifications are so there is no option but to consider it as a whole.

The HRA by Footprint Ecology is a very long and on the face of it thorough document but it is actually heavily weighted to consideration of the heaths and recreation, the area in which authors have the greatest experience. However, despite this experience, much of it covered in the assessment, they seem to produce weak conclusions, “that there are no constraints”, in line with those required by Dorset Council (Purbeck District Council) who commissioned this work.

Paragraph 83 Appropriate Assessment. Has this been correctly carried out? DC relies on Footprint Ecology for this but they are not an appropriate body and therefore should they only be providing the evidence for DC to make the assessment and not drawing the conclusions themselves.

The support and advice of Natural England is acknowledged throughout but they have several conflicts of interest since they both implemented the CROW Act through the designation of access land and designated and defined the boundaries of the internationally important SPA / SAC / Ramsar sites. Now they are saying that recreation is damaging to the sites, at the time of the CROW Act implementation they could have kept these sites out of the access land process or they could use the option to close areas to access at sensitive times. They have also dismissed any consideration for organic farmland that benefits from Higher Level Stewardship payments despite organic farmland having higher biodiversity and populations and being a functionally linked area of the nearby heathland both of which Natural England have responsibilities for and a requirement to take into consideration though they conclude that there are “no constraints” without producing any evidence. They also endorse the proposals in this plan yet have a role in the assessment and possible designation of the area as a National Park.

There are particular problems illustrated by the use of areas outside the SPA for feeding. A failure of the SPA & SAC designations is that they only cover the breeding areas despite the Habitats and Species Directive including “areas essential for the life and reproduction of species”. Paragraphs 6.11 and 6.12 state how deciduous woodland and wet meadows are of considerable importance for hunting for food yet one of the largest deciduous woodlands near Winfrith Heath and Wool Heath, Coombe / North Wood, is proposed as a SANG, despite it being known to be frequented by nightjars. The organic farmland is 30% richer in insect species and also has enhanced populations of species and so is much richer for foraging than conventional farmland. These fields are known to be frequented by nightjars and bats yet will be destroyed. The extensions to Wool almost join it to the Dorset Innovation Park creating a very elongate ribbon of development. Paragraph 6.13 describes that flight path access to foraging areas can be blocked by the presence of built development. Nightjars fly at dusk so lighting of these areas will also be a deterrent. 6.12 quotes one report as saying “when it comes to nightjar conservation we believe that there may be a need to consider

both breeding and feeding habitats” and this along with disturbance on the Heath from recreation are described as reducing breeding success. The proposals for Wool therefore have a very serious effect on the nearby SPA / SAC / Ramsar sites by damage and loss of functionally linked areas.

The comment below reproduces that in the comments on the Main Modifications MM21 Policy E9

The consideration of impacts on Poole harbour plays down the seriousness of this. Throughout both the plan and the HRA the end and the means are confused. The end is to prevent increased nitrates entering Poole Harbour (the ideal objective is to get nitrate levels back to those of 1980) but the means is largely offsetting the nitrates from sewage by taking land out of agricultural production but throughout the timelag of 30 to 35 years to get an effect from this mitigation is overlooked or forgotten. The requirement is that nitrate neutrality should operate for the life of the development but for 30 years there is likely to be continued growth of nitrate levels and there will be a point shortly where very large proportion of Poole Harbour will be affected. Last summer (1-8-20) mud in Brands Bay was smelling awful the first time I have encountered this in the years that I have been doing wildlife surveys on the adjacent National Trust areas so it appears that damage is increasing to serious levels now. There are no alternatives for the 30-35 year period included. Dismissing the nitrate problem in Poole Harbour is simply not possible. None of the evidence/experience from other areas such as the Solent where the same problems are occurring are taken into account.

Air pollution receives cursory treatment in concentrating heavily on traffic and not mentioning slurry. Heathland is by its nature nutrient poor so nitrate and ammonia can change its vegetation characteristics. Slurry pits produce considerable amounts of ammonia probably also nitrates in the summer. If they are downwind in the proximity of Heath and then damage is possible. There is a large slurry pit at Winfrith Farm 1500m SE of Winfrith Heath. This also affects the SANG proposed in Ancient Woodland to the East where lichens are likely to be badly affected by ammonia and nitrates.

The weak assessment of these problems is highlighted in table 7 where for policies of V1, E8, E9, H5 and others the Appropriate Assessment needs to consider the success of mitigation approaches to date. But mitigation is not yet in place for many of these potential damaging activities, so where mitigation is deemed to counterbalance significant effects because nothing is yet in place this statement is worthless. Having highlighted the problem in table 7 the conclusions drawn in paragraph 6.19 are weak, ignore what is said in the table and by simply saying that mitigation adequately provides protection is not enough when the information and research presented does not seem to lead to this conclusion at all.

Conclusions

1. This document may not fulfil the aims of a Habitats Regulations Assessment because Footprint Ecology is not an appropriate body.
2. The conclusions drawn from some convincing evidence seem weak and biased towards the Local Plan.
3. There are aspects of the plan that are not adequately considered.

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

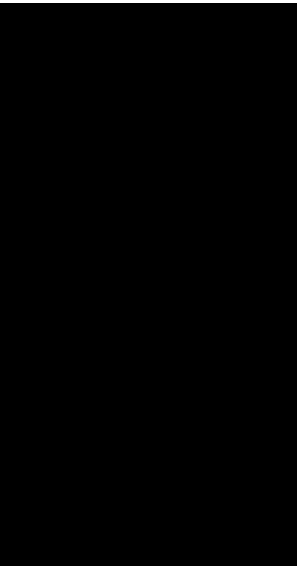
Consultee reference: 1186743

Consultation reference: 28

Date: 15 January 2021
Our ref: 333990
Your ref: [Click here to enter text.](#)

[Click here to enter text.](#)

BY EMAIL ONLY



Dear Mss Read

Purbeck Local Plan Proposed Main Modifications consultation

Thank you for your consultation on the Purbeck Local Plan Proposed Main Modifications.

██████████ is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

██████████ has no further substantive comments to make regarding the main modifications as set out in *SD 01 Purbeck Local Plan with tracked changes*.

██████████ advise that the Local Plan as modified is **welcomed**.

At the Annexe below I have noted several factual/typographical anomalies and raise one minor question which, following discussion appears to have been addressed but the reference is left as a precaution. These points are minor and have no bearing on the practical implementation of the Local plan if the proposed modifications are adopted as set out.

Yours sincerely

██████████
██
██████████
██
██
██
██
██

Annexe

Para 81 It should be the Dorset Heathlands SPA

Policy E8 and E9, there is an inconsistency in the final paragraphs of the two policies, one says case by case and one says site by site.

Policy H3, this refers at d and e to adverse effects on Poole Harbour but deletes reference at c to the Dorset Heathlands – is this correct?

Policy I5 [REDACTED] support the policy as worded. I am aware of reservations about the use of the word *eradication* however this issue is best addressed at the application and pre-application stages to resolve a pragmatic approach.

Page 116 Policy E9, it should refer to SPA and Ramsar – not SAC

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1190693

Consultation reference: 29



Response form for: Purbeck Local Plan proposed Main Modifications consultation

This form is for making representations on the proposed Main Modifications to the Purbeck Local Plan (2018-2034)

The Purbeck Local Plan was submitted for examination, by a Planning Inspectorate appointed by the Secretary of State, in January 2019. Public examination hearing sessions were held in July, August and October 2019. The Inspector examining the local plan issued a Post Hearing Note in March 2020. The council has prepared a schedule of proposed Main Modifications to the pre-submission draft of the local plan as part of its examination. These proposed Main Modifications are considered necessary to ensure that the local plan is legally compliant and/or sound. Proposed Main Modifications have been suggested by the Inspector, respondents (including those participants at the hearing sessions) and by the council.

The council has also prepared an updated version of the proposed adopted policies map(s) and updated versions of appraisals and supplementary evidence including:

- Habitats Regulations Assessment (HRA);
- Sustainability Appraisal (SA);
- 5 Year Housing Land Supply;
- Infrastructure Delivery Plan; and
- Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

continued overleaf

The Council published a series of papers and supporting evidence, in response to representations, over the course of the local plan hearing sessions. It has also re-published a selection of these papers and evidence which relates to the proposed Main Modifications including:

- Review of capacity from small sites [SD88];
- Proposed amendments to HRA [SD89];
- Appropriate assessment statement [SD96];
- Addendum to SA re settlement hierarchy [SD92];
- Strategy for mitigating effects on European sites, and Green Belt changes at Morden [SD93];
- Summary of viability issues raised by respondents and Council / Dixon Seale response to those concerns [SD97];
- Examination stage – viability update Purbeck Local Plan [SD117];
- Memorandum of understanding between Dorset Council and Savills on viability related issues for housing sites around Wool October 2019;
- Memorandum of understanding between Dorset Council and Wyatt Homes on viability related issues for Lytchett Matravers and Upton October 2019;
- Memorandum of understanding between Dorset Council and the Moreton Estate on viability related issues for Moreton Station/Redbridge Pit October 2019;
- Proposed changes to care provision [SD95]; and
- Planning the care provision in Purbeck [SD115]






The consultation is focused on the proposed Main Modifications, changes to the local plan policies map(s), updated appraisals and supplementary evidence, including the HRA, SA and Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the examination. Weight will not be given to representations that repeat matters raised and discussed at the hearing sessions or in earlier responses. .

Once the consultation is closed, the council will prepare a summary of the issues raised in representations to the consultation and provide its response. The council's summary, and full copies of the representations, will then be sent to the Planning Inspector for her consideration. If the Inspector's final report indicates that the local plan is sound and legally compliant with the proposed Main Modifications, the council will then take a decision about whether to adopt the local plan subject to Main Modifications.

PART A

	Your contact details	Agent's Details (if applicable)
Name		██████████
Organisation / Group (if applicable)	████████████████████ ████████████████████ ██████████████████	██████
Address line 1		██████████
Address line 2		
Town / City		██████████
County		
Post Code		██████████
E-mail address		██████████
Group Representations If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people support the representation		<div style="border: 1px solid black; width: 100px; height: 50px; background-color: #cccccc;"></div>

Please note:

- The consultation period starts on **Friday 13 November 2020** and will last for 8 weeks until 11.45pm on **Friday 8 January 2021**.
- Only representations made in this period will be referred to the Planning Inspector for consideration.
- Responses must be made using this form (sent in the post or attached to an e-mail) or online at this link  www.dorsetcouncil.gov.uk/plp-main-modifications .
- Respondents must complete Part A of this response form and separate Part B forms for each proposed Main Modification that they might wish to comment on.
- All respondents must provide their name and address and/or email address.
- All forms must be signed and dated.
- Responses cannot be treated as confidential. By making a response you agree to your name and comments being made available for public viewing.
- Information on the council's privacy policy is available on our website at:
 www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-general-privacy-notice.aspx .
- The council will not accept any responsibility for the contents of comments submitted. We reserve the right to remove any comments containing defamatory, abusive or malicious allegations.
- If you are part of a group that shares a common view, please include a list of the contact details of each person (including names, addresses, emails, telephone numbers and signatures) along with a completed form providing details of the named lead representative.
- The proposed Main Modifications to the Purbeck Local Plan, proposed Purbeck Local Plan (2018-2034) policies map and the relevant background and evidence documents, are available to view on the Council's website at  www.dorsetcouncil.gov.uk/plp-main-modifications .
- Hard copies of the consultation documents are available to loan from libraries in Dorchester, Lytchett Matravers, Swanage, Upton, Wareham and Wool. Please contact the libraries separately to ascertain their opening times, availability of documents to loan and for full details of their procedures to restrict the spread of COVID-19. You must follow any procedures relating to the COVID-19 in the libraries.
- If you have questions relating to the consultation, or the process for making a response, please contact the Planning Policy team on  **01929556561** or  planningpolicy@dorsetcouncil.gov.uk.
- Response forms returned in the post should reference the Purbeck Local Plan Proposed Main Modifications Consultation, Dorset Council, Spatial Planning Team and be sent to South Walks House, South Walks Road, Dorchester, DT1 1UZ.
- Please tick the box if you would like to be notified of the following:

Adoption of the Local Plan.

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number	MM26
---	------

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

MM26 proposes revised changes to Policy H1: Local housing requirement.

A key change is the inclusion of a new table specifying requirements for designated neighbourhood areas, where relevant.

The currently proposed wording for Lytchett Matravers and Wool gives the impression that no new homes are required within these neighbourhood plan areas.

This is not consistent with other parts of the Purbeck Local Plan and we therefore request that it is clarified with a revision that refers to the strategic allocations made by the Purbeck Local Plan.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

The text in the right-hand column of the table proposed to be added to Policy H1: Local housing requirement should be changed with reference to Wool as follows:

Wool	Emerging neighbourhood plan does not seek to allocate housing sites, no specific housing requirement in accordance with the Council's housing strategy <u>beyond the 470 homes allocated by this plan (Policy H5)</u>
------	--

An equivalent change should also be made to the text covering the Lytchett Matravers neighbourhood plan area.

Please continue on a separate sheet if necessary.

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number	MM2 and MM84
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2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

MM2 amends para 7 to the PLP regarding the status of other documents referred to in the supporting text, stating:

'the supporting text of a number of policies in the Purbeck Local Plan refer to other documents, these documents have been listed in an appendix to the local plan'.

and

'The documents referred to in the appendix do not form part of the development plan, but provide guidance to applicants and decision makers when exercising judgements required by development plan policies in this local plan'.

The related MM84 inserts a new appendix 1 which is a list of the 'other documents' referred to in the Purbeck Local Plan.

These changes are supported.

However, PLP para 104 relating to design states:

When developing proposals for development, applicants should have regard to the criteria set out in the policy below read alongside:

- *The District Design Guide SPD (2014);*
- *Dorset County Council's residential car parking strategy (2011); and*
- *townscape character appraisal SPDs for Swanage, Wareham, North Wareham, Upton, Bere Regis, Bovington, Corfe Castle, Lytchett Matravers and Wool (2012).*

Whilst the District Design Guide and car parking strategy are referenced in the new appendix 1, there is no reference to the townscape appraisals SPD.

The townscape appraisal SPDs should be added to the list at the new appendix 1 as an addition to the MM84 modifications.

This minor change will better meet the soundness test of effectiveness and by ensuring consistency with national policy.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Appendix 1 should be amended with the following addition:

- townscape character appraisal SPDs for Swanage, Wareham, North Wareham, Upton, Bere Regis, Bovington, Corfe Castle, Lytchett Matravers and Wool (2012). (referred to at: paragraph 104 in respect to Policy E12: Design)

Please continue on a separate sheet if necessary.

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number	MM38
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2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

Whilst the proposed main modifications to Wool policy H5 as set out in MM38 are supported there are some minor details which require further amendment/clarification.

With respect to the provision of transport improvements at Wool railway station as set out at criterion e, the policy wording continues to state a requirement to '*provide details of improvements to the travel interchange at Wool station*'. This should be amended to state '*provide financial contributions toward improvements..*'. This is on the basis that the Wool landowners cannot directly deliver improvements at Wool railway station as they are off-site. It is relevant that the MM35 change to policy H4 for Moreton Station/Redbridge Pit already makes a similar amendment in respect of transport improvements at Moreton Station.

With respect to the provision of community facilities, whilst the MM38 change to criterion C to add new text requiring '*contributions towards improvements at the D'Uberville Hall Community facility or explore opportunities to provide a community hub*' is supported, it is considered consequential minor changes are necessary to all subsequent references to community facilities elsewhere within the policy, most notably in respect of each sub-component land parcel.

This above changes will improve soundness by ensuring consistency and policy effectiveness by removing ambiguity and possible confusion.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

In terms of improvements at Wool railway station, amend criterion e as follows (new text shown as bold underline and deletions as strikethrough):

e. **provide contributions towards** ~~provide details of~~ improvements to the travel interchange at Wool Railway Station to include additional car parking, secure cycle storage, and electric vehicle charging points

In terms of community facilities, amend the text referring to the sub-component land parcels as follows, new text shown as **bold underline** to refer back to criterion a-j rather than the current part duplication:

Land to the west of Chalk Pit Lane and Oakdene Road

Land as shown on the policies map will help to meet the District's housing needs by providing up to around 320 new homes, **and** around 65 bed extra care units, ~~community facilities and infrastructure~~. Subject to the requirements **set out at criterion a-j above and the** ~~of~~ other policies in this plan, development on this site will be expected to.....

Land to the north east of Burton Cross Roundabout

Land as shown on the policies map will help to meet the District's housing needs by providing up to around 90 new homes, ~~community facilities and infrastructure~~. Subject to the requirements **set out at criterion a-j above and the** ~~of~~ other policies in this plan, development on this site will be expected to.....

Land to the north west of Burton Cross Roundabout

Land as shown on the policies map will help to meet the District's housing needs by providing up to around 30 new homes, ~~community facilities and infrastructure~~. Subject to the requirements **set out at criterion a-j above and the** ~~of~~ other policies in this plan, development on this site will be expected to.....

Land to the north of the railway line

Land as shown on the policies map will help to meet the District's housing needs by providing up to around 30 new homes, ~~community facilities and infrastructure~~. Subject to the requirements **set out at criterion a-j above and the** ~~of~~ other policies in this plan, development on this site will be expected to.....:

Please continue on a separate sheet if necessary.

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1190241

Consultation reference: 30

Casey Read

From: Steve Boyt <steve.boyt@dorsetcouncil.gov.uk>
Sent: 12 January 2021 13:34
To: Casey Read
Cc: Frances Summers; Sue Bellamy
Subject: [REDACTED]

Casey,

Please see [REDACTED] response to the proposed main modifications. I would be grateful if you could file the response and assess whether it would be possible to enter the information into the council's online response form.

Regards – Steve

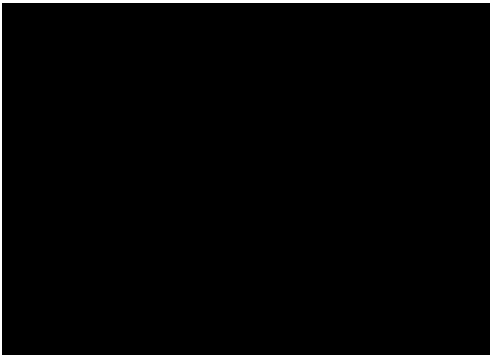
From: [REDACTED]
Sent: 12 January 2021 12:19
To: Planning Policy <planningpolicy@dorsetcouncil.gov.uk>
Cc: Steve Boyt <steve.boyt@dorsetcouncil.gov.uk>
Subject: [REDACTED]

Please find herewith [REDACTED] s response to [Purbeck's Local Plan proposed Main Modifications](#):

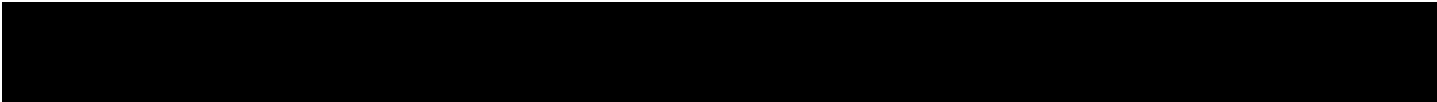
Policy reference	Wessex Water Response
Policy H3: New housing development requirements (overarching policy relating to housing allocations in detailed in policies H4 to H7)	[REDACTED] note the main modifications in relation to Policy H3 and acknowledge paragraph k remains unchanged. We support early consultation from developers on site specific drainage and water supply strategies.
Policy H4: Moreton Station / Redbridge Pit (around 490 homes on one site and 65 extra care units)	We note the potential for a fluctuation in development numbers at the site at Moreton Station / Redbridge Pit (Policy H4). We have devised high level drainage and water supply strategies to accommodate the new proposals within the Warmwell sewerage pumping station catchment (spanning the former Purbeck and West Dorset areas). The strategies will evolve depending upon the phasing and timing of development. Close liaison with [REDACTED] is recommended. Charges from new development contribute to providing associated capacity. The overflow at Warmwell sewerage pumping station is currently being monitored; improvements will be considered to accommodate new development and reduce overflow operation as appropriate.
Policy H5: Wool (around 470 homes in total spread around 4 sites and 65 extra care units)	We note the potential for a fluctuation in development numbers at the sites in Wool (Policy H5). We have devised high level drainage and water supply strategies to accommodate the new proposals within the East Burton Crossroads sewerage pumping station catchment. The strategy will evolve depending upon the phasing and timing of development. Close liaison with [REDACTED] is recommended.
Policy H6: Lytchett Matravers (around 150 homes in total spread around three sites)	We note the potential for a fluctuation of development numbers at the sites in Lytchett Matravers (Policy H6). The proposed sites drain to Bulbury Lane sewerage pumping station. The pumping station is currently under investigation due to high levels of groundwater in the catchment causing inundation of the pumping station during wet weather leading to frequent overflow operation. The additional foul flows from the proposals will have minimal impact upon the existing issue. [REDACTED] is working with local

	<p>stakeholders to develop solutions. In the short term we are planning a programme of sewer relining to reduce groundwater ingress (March 2022 target date) and in the long term a programme of capital investment works at Bulbury sewerage pumping station. Options under consideration are:</p> <ul style="list-style-type: none"> Additional storage at the pumping station Construction of a wetland area downstream of the outfall A hybrid storage and wetland solution Replacement of the existing overflow screen Optimisation of the pass forward flow to the sewage treatment works. General improvement works at Bulbury Lane sewerage pumping station. <p>Options will be subject to appropriate authorisations and have a provisional target date of 2025.</p> <p>New developments will be constructed with watertight systems and only convey foul flows to the existing network. We do not believe it necessary to delay development until downstream improvement works are complete. The relining works are due to be completed close to the proposed housing delivery dates. Allocated development is likely to accelerate the prioritisation of capital investment schemes.</p>
<p>Policy H7: Upton (around 90 homes in total on one site)</p>	<p>Drainage and water supply strategies have been realised to accommodate development.</p>

Kind Regards



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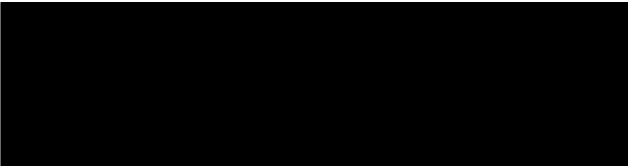


Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference:

Consultation reference: 31



Dorset Council
 Spatial Planning
 South Walks House
 South Walks
 Dorchester, DT1 1UZ

Our ref: PL00540482

By email

08 January 2021

Dear Sir or Madam

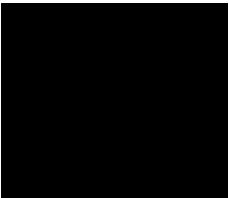
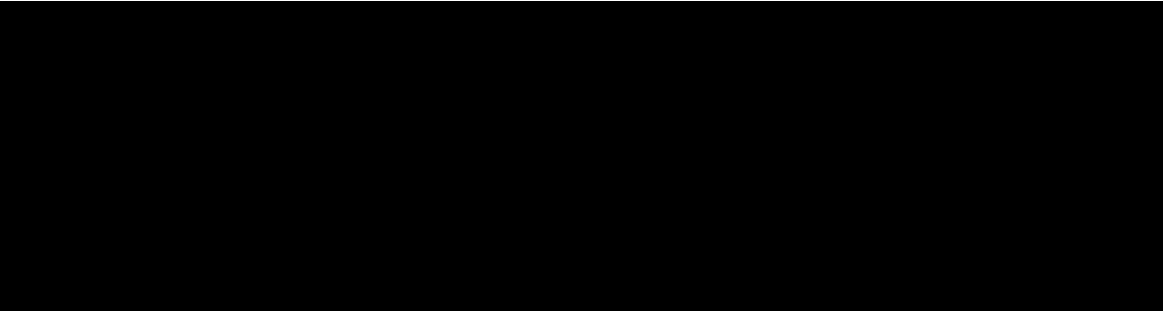
Purbeck Local Plan (2018-2034) Proposed Main Modifications 2020

Thank you for consulting [redacted] on the proposed Main Modifications to the Purbeck Local Plan (2018-2034). We have the following comments to make:

Main modification	Section/ Policy	Sound/ Unsound	Comment
MM1	Chapter 1, Introduction, Paragraph 3	Unsound	[redacted] considers that Policy E2: Historic Environment should be identified as a strategic policy in the table inserted after paragraph 3. This is in light of paragraph 20 of the National Planning Policy Framework (NPPF) 2019 and as part of a positive strategy for the conservation and enjoyment of the historic environment required by paragraph 185 of the NPPF 2019.
MM9 & MM10	Chapter 3, Environment, Policy E1 & new paragraph between 59 & 60	Sound	[redacted] supports the proposed moving of the Jurassic Coastline World Heritage Site policy and supporting text as proposed.
MM11	Chapter 3, Environment, Policy E2	Sound	[redacted] supports the proposed modification to Policy E2: Historic Environment as proposed.
MM24	Chapter 3, Environment Policy E12	Sound	[redacted] supports the introduction of additional policy text regarding locally distinctive design into Policy E12: Design as part of a positive strategy for the conservation and enjoyment of the historic environment required by paragraph 185 of the NPPF 2019 (criteria c & d).
MM46	Chapter 4, Housing, Policy H10	Sound	[redacted] supports the inclusion of 'c. heritage assets' in Policy H10: Adaptable and accessible homes as a site specific consideration.

We do not wish to comment on the Additional Modifications.

Yours faithfully



Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1191908

Consultation reference: 32



Response form for: Purbeck Local Plan proposed Main Modifications consultation

This form is for making representations on the proposed Main Modifications to the Purbeck Local Plan (2018-2034)

The Purbeck Local Plan was submitted for examination, by a Planning Inspectorate appointed by the Secretary of State, in January 2019. Public examination hearing sessions were held in July, August and October 2019. The Inspector examining the local plan issued a [Post Hearing Note](#) in March 2020. The council has prepared a schedule of proposed Main Modifications to the pre-submission draft of the local plan as part of its examination. These proposed Main Modifications are considered necessary to ensure that the local plan is legally compliant and/or sound. Proposed Main Modifications have been suggested by the Inspector, respondents (including those participants at the hearing sessions) and by the council.

The council has also prepared an updated version of the proposed Purbeck Local Plan (2018-2034) policies map(s) and updated versions of appraisals and supplementary evidence including:

- Habitats Regulations Assessment (HRA);
- Sustainability Appraisal (SA);
- 5 Year Housing Land Supply;
- Infrastructure Delivery Plan; and
- Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

The Council published a series of papers and supporting evidence, in response to representations, over the course of the local plan hearing sessions. It has also re-published a selection of these papers and evidence which relates to the proposed Main Modifications including:

- Review of capacity from small sites [SD88];
- Proposed amendments to HRA [SD89];
- Appropriate assessment statement [SD96];
- Addendum to SA re settlement hierarchy [SD92];
- Strategy for mitigating effects on European sites, and Green Belt changes at Morden [SD93];
- Summary of viability issues raised by respondents and Council / Dixon Seale response to those concerns [SD97];

- Examination stage – viability update Purbeck Local Plan [SD117];
- Memorandum of understanding between Dorset Council and Savills on viability related issues for housing sites around Wool October 2019;
- Memorandum of understanding between Dorset Council and Wyatt Homes on viability related issues for Lytchett Matravers and Upton October 2019;
- Memorandum of understanding between Dorset Council and the Moreton Estate on viability related issues for Moreton Station/Redbridge Pit October 2019;
- Proposed changes to care provision [SD95]; and
- Planning the care provision in Purbeck [SD115]

The consultation is focused on the proposed Main Modifications, changes to the local plan policies map(s), updated appraisals and supplementary evidence, including the HRA, SA and Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the examination. Weight will not be given to representations that repeat matters raised and discussed at the hearing sessions or in earlier responses.

Once the consultation is closed, the council will prepare a summary of the issues raised in representations to the consultation and provide its response. The council's summary, and full copies of the representations, will then be sent to the Planning Inspector for her consideration. If the Inspector's final report indicates that the local plan is sound and legally compliant with the proposed Main Modifications, the council will then take a decision about whether to adopt the local plan subject to Main Modifications.



PART A

	Your contact details	Agent's Details (if applicable)
Name	██████████	
Organisation / Group <small>(if applicable)</small>		
Address line 1		
Address line 2		
Town / City		
County		
Post Code		
E-mail address	██████████	

Group Representations

If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people supports the representation.

Please note:

- The consultation period starts on **Friday 13 November 2020** and will last for 8 weeks until 11.45pm on **Friday 15 January 2021**.
- Only representations made in this period will be referred to the Planning Inspector for consideration.
- Responses must be made using this form (sent in the post or attached to an e-mail) or online at this link www.dorsetcouncil.gov.uk/plp-main-modifications .
- Respondents must complete Part A of this response form and separate Part B forms for each proposed Main Modification that they might wish to comment on.
- All respondents must provide their name and address and/or email address.
- All forms must be signed and dated.
- Responses cannot be treated as confidential. By making a response you agree to your name and comments being made available for public viewing.
- Information on the council's privacy policy is available on our website at: <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-general-privacy-notice.aspx> .
- The council will not accept any responsibility for the contents of comments submitted. We reserve the right to remove any comments containing defamatory, abusive or malicious allegations.

- If you are part of a group that shares a common view, please include a list of the contact details of each person (including names, addresses, emails, telephone numbers and signatures) along with a completed form providing details of the named lead representative.
- The proposed Main Modifications to the Purbeck Local Plan, proposed Purbeck Local Plan (2018-2034) policies map and the relevant background and evidence documents, are available to view on the Council's website at www.dorsetcouncil.gov.uk/plp-main-modifications .
- Hard copies of the consultation documents are available to loan from libraries in Dorchester, Lytchett Matravers, Swanage, Upton, Wareham and Wool. Please contact the libraries separately to ascertain their opening times, availability of documents to loan and for full details of their procedures to restrict the spread of COVID-19. You must follow any procedures relating to the COVID-19 in the libraries.
- If you have questions relating to the consultation, or the process for making a response, please contact the Planning Policy team on 01929556561 or planningpolicy@dorsetcouncil.gov.uk.
- Response forms returned in the post should reference the Purbeck Local Plan Proposed Main Modifications Consultation, Dorset Council, Spatial Planning Team and be sent to South Walks House, South Walks Road, Dorchester, DT1 1UZ.
- Please tick the box if you would like to be notified of the following:

Adoption of the Local Plan.

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM15

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The HRA has identified a LSE on the St. Albans to Durlston Head and Isle of Portland to Studland Cliffs SAC from recreation pressure.

Whilst it may be true that planned development in Purbeck will generate a small *increase* in that pressure (which is acknowledged to be already considerable (new HRA para. 7.9)), the development has to be considered in combination with other plans and projects and the overall effect has to be assessed. The HRA has not considered other relevant plans and projects, such as the balance of planned development in Dorset and Bournemouth, Poole and Christchurch, or the general growth in visitor pressure from more distant sources. Therefore, the assessment is defective.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

If a HRA can conclude no adverse effect on the integrity of the sites after considering all the sources of, and degree of, recreation pressure, the wording of the final sentence of the insertion above para. 83 might be changed to

“The HRA concludes that no adverse effect on the integrity of these sites will arise from recreation pressures but as a precautionary measure, the local authority will continue to monitor the sites.”

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM16

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The HRA reaches a conclusion of no adverse effects at para. 9.42 but presents no evidence to support that conclusion.

The evidence that is presented relates to scenarios that are not what is in the Local Plan and only to changes in air quality, not to absolute levels. Even that data has been extrapolated beyond reasonable scientific certainty to what the changes in impacts on EU sites might be.

To conclude no adverse effects, one would have to evidence the current levels of pollution relative to the EU sites' critical loads and forecast any increases from the Local Plan policies and other plans and projects that may be relevant. Total levels determine the effects, and they may already be significant. None of that evidence is given.

Based on the discussion in section 9 of the HRA, all one can conclude is that the LSE of air quality is currently unknown. The precautionary principle means that development should not proceed until the required evidence is available and a conclusion of no adverse effects can be reached.

The promise of an unassessed interim strategy at a future date is not sufficient evidence to conclude no adverse effects.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

If the defects in the Plan level HRA can be overcome, the second inserted paragraph after 85 might become

Air quality monitoring shows that heathlands are exceeding the critical loads for pollutants such as nitrogen oxides and ammonia resulting from multiple sources including vehicle emissions. New housing and other developments can result in additional traffic and further deterioration of the protected sites. All developments must comply with Policy E7 in relation to air quality as well as any other relevant effects. An interim air quality mitigation strategy will be developed to cover the period to 2025 and provide a mechanism to achieve no adverse effects on European site integrity from air pollution. A longer term approach will be established as part of the new Dorset Council Local Plan supported by additional evidence such as traffic modelling and air quality monitoring.

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM19

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The wording of this Policy omits to say what developments are “in combination” with and therefore does not fully describe HRA requirements.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the **proposed** Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Suggest changing the wording to

Development will only be permitted where it would not lead to an adverse effect upon the integrity, either alone or in-combination **with other plans and projects, directly or indirectly,...**

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM20

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The first paragraph of E8 has the same defect as noted above for E7.

There is a missing “on” in the sentence following point b)

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the **proposed** Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Please see the change suggested for Policy E7 above.

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM21

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The first paragraph of E9 has the same defect as E7, see above.

The wording under Nitrogen Neutrality of

“ and does not have an adverse effect on the integrity of the site” just repeats the requirement of the first paragraph and is superfluous.

Under Recreational Effects, the wording

“ to ensure that additional effects arising from recreational activity do not have an adverse effect on the integrity of the site.”

It is not clear if these effects are from the project alone and what the test of no adverse effect includes (e.g. just this project in isolation, this project plus others in the local plan, or all plans and projects?). The overarching HRA requirement is covered in the first paragraph of E9, so this sub-section can relate to just a single project, as it does for Nitrogen Neutrality.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Please see the change to Policy E7 above.

Suggest removing the superfluous phrase in Nitrogen Neutrality.

Suggest changing the wording for Recreational Effects to

“Development proposals for any net increase in homes, tourist accommodation or a tourist attraction around the edges of the harbour (as defined on the local plan policies map) will provide measures to avoid or mitigate their additional effects arising from recreational activity.”

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM35

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

NB. These comments apply similarly to MMs 38, 40 & 41.

The wording in relation to SANGs of

“to avoid the adverse effects from the new homes on European sites”

incorrectly describes the capabilities of SANGs. SANGs cannot avoid adverse effects since they cannot guarantee that every new visit to a protected habitat will be avoided, they can only mitigate them. Also, SANGs cannot address all of the LSEs.

The wording

“to demonstrate that adverse effects can be avoided over the lifetime of the development”

does not quite describe the requirement accurately.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Suggest the alternate wording of

“partially to mitigate the adverse effects from the new homes on European sites”

and

“to demonstrate that the mitigation provided is effective over the lifetime of the development”

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM42

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The wording of this MM essentially repeats the requirement to comply with policy E7 and does not quite match the usual requirements for in-combination effects and avoiding/mitigating effects.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Suggest changing the wording to

The effects of small housing sites on European sites will need to be carefully considered on a case by case basis. The Council will screen proposed development for likely significant effects on European sites alone, or in combination with other **plans and projects**. Where development is found to have likely significant effects on European site(s) an appropriate assessment will be required. Applicants should provide full details of any mitigation measures needed to avoid **or mitigate** adverse impacts on European sites with their planning application, and demonstrate that mitigation can be delivered and maintained over the life time of development.

Or

The effects of small housing sites on European sites will need to be carefully considered on a case by case basis **and must comply with Policy E7, and Policies E8 & E9 if applicable**. Applicants should provide full details of any mitigation measures needed to avoid **or mitigate** adverse impacts on European sites with their planning application, and demonstrate that mitigation can be delivered and maintained over the life time of development.

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM43

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

Similar comments apply to MMs 49, 52, 53, 54, 59, 60, 63, 65, 66 & 78

This wording is used in MM43 and elsewhere

“the impact of proposed development on European sites, alone or in combination with other existing and proposed development, will be screened for likely significant effects under the Conservation of Habitats and Species Regulations (amended) (EU exit), 2019. Where this is found to be the case an appropriate assessment (to include any necessary mitigation) will be required (taking into account the lifetime of the development) to show how the development will avoid adverse impact on the integrity of the relevant European site(s).”

Similar to MM42 above, this wording repeats what is in Policy E7 and does not quite describe the HRA requirements.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Suggest changing the wording to

“the impact of proposed development on European sites, alone or in combination with other plans and projects, will be screened for likely significant effects under the Conservation of Habitats and Species Regulations (amended) (EU exit), 2019. Where this is found to be the case an appropriate assessment (to include any necessary mitigation) will be required (taking into account the lifetime of the development) to show how the development will avoid or mitigate adverse impact on the integrity of the relevant European site(s).”

Or

“the proposed development shall comply with Policy E7, and Policies E8 & E9 if applicable and provide mitigation for the lifetime of the development where necessary.”

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM69

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

Not *all* habitats mitigation will be secured through CIL for small sites (sub-para b. ii)

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the **proposed** Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Suggest changing the wording of b ii) to

for small sites and windfall developments of less than 50 dwellings, habitats mitigation for urban effects on designated heathlands, increased nitrogen discharges and recreation impacts on the Poole Harbour SPA will be secured through CIL as applicable;

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM81

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

Elsewhere it has been emphasised that new development must comply with Policies E7 – E9 but that has not been included for new community facilities in Policy I7, especially those that may be proposed outside the bounds of a development site.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the **proposed** Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Suggest including a specific reference to HRA requirements in Policy 17.

Please continue on a separate sheet if necessary

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Modifications reference number	Main
	MM82

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The monitoring and reporting requirements for designated sites is weak. For example,

“Access monitoring and visitor data, along with any data on species monitoring and habitat conditions *published when available.*”

“*Any reports on habitat conditions or trends in protected species within the SPA/SAC will be published.*”

This is hardly a rigorous framework to prove that the required mitigation for EU sites is working.

Table 4 of the 2020 HRA in relation to E8 & E9 states

“Appropriate assessment needs to consider success of mitigation approaches to date and check that strategic mitigation continues to be fit for purpose.”

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

The monitoring framework should include regular, periodic monitoring of the effectiveness of mitigation on European sites and reporting of results. This relates specifically to Policies E7, E8 & E9 but as E8 & E9 are not comprehensive, all mitigation needs to be monitored for effectiveness.

Please continue on a separate sheet if necessary

PART C

1. Comments on updated policy maps, appraisals or evidence.

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document:	Habitats Regulations Assessment (2020)
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Please see comments at MM15 and MM16 above.

The HRA has not considered in combination effects of other plans and projects. These should at least include plans for the rest of Dorset and Bournemouth, Poole and Christchurch UA.

Based on the evidence presented, it is hard to support the conclusion at para. 6.9 that “adverse effects for the River Avon SAC and Salmon can be ruled out, alone or in-combination”.

The argument in para. 6.8 that Natural England makes no mention of the Frome or Piddle in its supplementary advice for Salmon on the Avon does not in itself prove anything about the possible influence of these functionally linked habitats. Also, the genetic evidence is relatively new, so this pathway may not have been fully assessed yet. It is accepted that the Avon population is critically low (as are the Frome and Piddle populations), so maintaining genetic diversity via neighbouring populations may be especially important.

In para 6.7 it is accepted that mixing can occur at low levels, i.e. that the Frome, Piddle and Poole Harbour are functionally linked habitats for the Avon. A low level of mixing is all that is needed to affect genetic diversity. It does not necessarily follow that “Risks from the Purbeck plan for Salmon on the River Avon SAC are *likely* to therefore be very low”. The locations of allocations and Purbeck plan elements “set well back” from the Piddle or Frome are less important than their potential to affect water quality and quantity (and plans for the rest of the catchments must be considered in combination). This can include factors like water chemistry and pollution incidents, abstraction, flows from water treatment works, temperature, flow rates, human disturbance and watercourse management.

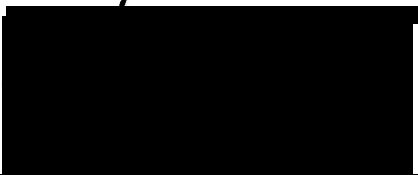
There is a large body of scientific research and expertise on Salmon in the Frome/Piddle catchment and it would be reassuring to see it used to assess risks from development, such as the overall quantum of housing in the catchment, or particular types of project that may require screening for LSEs on Salmon.

Further research on chalk stream Salmon populations to understand the supporting role that rivers not currently designated as SACs for Salmon may be providing to rivers like the Avon would be helpful.

Please continue on a separate sheet if necessary

Please sign and date this form:

Signature:



Date: 15 Jan 2021

Consultee: [REDACTED]
[REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference:

Consultation reference: 33



Response form for: Purbeck Local Plan proposed Main Modifications consultation

This form is for making representations on the proposed Main Modifications to the Purbeck Local Plan (2018-2034)

The Purbeck Local Plan was submitted for examination, by a Planning Inspectorate appointed by the Secretary of State, in January 2019. Public examination hearing sessions were held in July, August and October 2019. The Inspector examining the local plan issued a Post Hearing Note in March 2020. The council has prepared a schedule of proposed Main Modifications to the pre-submission draft of the local plan as part of its examination. These proposed Main Modifications are considered necessary to ensure that the local plan is legally compliant and/or sound. Proposed Main Modifications have been suggested by the Inspector, respondents (including those participants at the hearing sessions) and by the council.

The council has also prepared an updated version of the proposed adopted policies map(s) and updated versions of appraisals and supplementary evidence including:

- Habitats Regulations Assessment (HRA);
- Sustainability Appraisal (SA);
- 5 Year Housing Land Supply;
- Infrastructure Delivery Plan; and
- Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

continued overleaf

The Council published a series of papers and supporting evidence, in response to representations, over the course of the local plan hearing sessions. It has also re-published a selection of these papers and evidence which relates to the proposed Main Modifications including:

- Review of capacity from small sites [SD88];
- Proposed amendments to HRA [SD89];
- Appropriate assessment statement [SD96];
- Addendum to SA re settlement hierarchy [SD92];
- Strategy for mitigating effects on European sites, and Green Belt changes at Morden [SD93];
- Summary of viability issues raised by respondents and Council / Dixon Seale response to those concerns [SD97];
- Examination stage – viability update Purbeck Local Plan [SD117];
- Memorandum of understanding between Dorset Council and Savills on viability related issues for housing sites around Wool October 2019;
- Memorandum of understanding between Dorset Council and Wyatt Homes on viability related issues for Lytchett Matravers and Upton October 2019;
- Memorandum of understanding between Dorset Council and the Moreton Estate on viability related issues for Moreton Station/Redbridge Pit October 2019;
- Proposed changes to care provision [SD95]; and
- Planning the care provision in Purbeck [SD115]

The consultation is focused on the proposed Main Modifications, changes to the local plan policies map(s), updated appraisals and supplementary evidence, including the HRA, SA and Purbeck Local Plan Examination (2018-2034), Dorset Council response to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the examination. Weight will not be given to representations that repeat matters raised and discussed at the hearing sessions or in earlier responses. .

Once the consultation is closed, the council will prepare a summary of the issues raised in representations to the consultation and provide its response. The council's summary, and full copies of the representations, will then be sent to the Planning Inspector for her consideration. If the Inspector's final report indicates that the local plan is sound and legally compliant with the proposed Main Modifications, the council will then take a decision about whether to adopt the local plan subject to Main Modifications.

PART A






	Your contact details	Agent's Details (if applicable)
Name	[Redacted]	[Redacted]
Organisation / Group (if applicable)	[Redacted]	[Redacted]
Address line 1	[Redacted]	[Redacted]
Address line 2		[Redacted]
Town / City		[Redacted]
County		[Redacted]
Post Code		[Redacted]
E-mail address		[Redacted]

Group Representations

If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people support the representation

Approximately 40,000 members

Please note:

- The consultation period starts on **Friday 13 November 2020** and will last for 9 weeks until 11.45pm on **Friday 15 January 2021**.
- Only representations made in this period will be referred to the Planning Inspector for consideration.
- Responses must be made using this form (sent in the post or attached to an e-mail) or online at this link  www.dorsetcouncil.gov.uk/plp-main-modifications .
- Respondents must complete Part A of this response form and separate Part B forms for each proposed Main Modification that they might wish to comment on.
- All respondents must provide their name and address and/or email address.
- All forms must be signed and dated.
- Responses cannot be treated as confidential. By making a response you agree to your name and comments being made available for public viewing.
- Information on the council's privacy policy is available on our website at:
 www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-general-privacy-notice.aspx .
- The council will not accept any responsibility for the contents of comments submitted. We reserve the right to remove any comments containing defamatory, abusive or malicious allegations.
- If you are part of a group that shares a common view, please include a list of the contact details of each person (including names, addresses, emails, telephone numbers and signatures) along with a completed form providing details of the named lead representative.
- The proposed Main Modifications to the Purbeck Local Plan, proposed Purbeck Local Plan (2018-2034) policies map and the relevant background and evidence documents, are available to view on the Council's website at  www.dorsetcouncil.gov.uk/plp-main-modifications .
- Hard copies of the consultation documents are available to loan from libraries in Dorchester, Lytchett Matravers, Swanage, Upton, Wareham and Wool. Please contact the libraries separately to ascertain their opening times, availability of documents to loan and for full details of their procedures to restrict the spread of COVID-19. You must follow any procedures relating to the COVID-19 in the libraries.
- If you have questions relating to the consultation, or the process for making a response, please contact the Planning Policy team on  **01929556561** or  planningpolicy@dorsetcouncil.gov.uk.
- Response forms returned in the post should reference the Purbeck Local Plan Proposed Main Modifications Consultation, Dorset Council, Spatial Planning Team and be sent to South Walks House, South Walks Road, Dorchester, DT1 1UZ.
- Please tick the box if you would like to be notified of the following:

Adoption of the Local Plan.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

The Objectors object to MM77 (Policy I5) on the following grounds:

1. [REDACTED] has previously objected in-principle to policy I5 (allocation of holiday park and SANG at Morden Park) on the basis it is both legally non-compliant and unsound. [REDACTED] also supports the previous objections made.
2. The Main Modifications to policy I5 and additional supporting evidence do not overcome [REDACTED]'s previously lodged objections. The previous objections are maintained.
3. The extent of the allocation shown on the modifications to the Proposals Map for policy I5 is hugely excessive for a 100 unit holiday, with 157ha for the holiday park, once 37ha is deducted for the SANG from the overall 194ha. It is incapable of being reasonably justified and evidenced.
4. The holiday park site also (i) *includes* land on the Dorset Heaths SPA/SAC/Ramsar; and (ii) *abuts* another area of land designated as Dorset Heaths SPA/SAC/Ramsar bringing the holiday park activities *within* and directly *adjoining* the Dorset Heaths SPA/SAC/Ramsar. This is an implausible and unsound policy proposal.
5. The Main Modifications to policy I5 and additional supporting evidence remain legally non-compliant with Habitats Regulation Assessment (“HRA”) legal requirements and unsound.
6. The policy cannot be lawfully adopted.
7. Please see the accompanying Annexure for further detail on these objections.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

The Inspector is requested to recommend as follows:

1. Policy I5 and its supporting text is deleted and not adopted as [REDACTED]'s previous objections have not been overcome and the HRA is unlawful.
2. Although the Objectors consider that the SANG is unjustified and unlawful, if the Inspector decides to the contrary, the Objectors request in the alternative that the Inspector recommends in relation to policy I5 and its supporting text as follows:
 - a. The holiday park is deleted;
 - b. "The SANG will be located at Morden Park or an alternative suitable site in the north of Purbeck and, in either case, a site selection assessment must be submitted with the planning application to fully examine and take into account the reasonable alternatives";
 - c. "The SANG will be developed subject to agreement between the relevant land owner(s), the Council and Natural England or the Council using compulsory purchase powers where necessary";
 - d. "The promoter will need to demonstrate financial support for the SANG provision in perpetuity whether through the use of S106 contributions and/or the Community Infrastructure Levy and/or otherwise;"
3. The policies Proposal Map is updated accordingly.

Please continue on a separate sheet if necessary.

2. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

1. Objection is made to the following:
 - a. The release of Green Belt land for the holiday park;
 - b. Releasing Green Belt land for the holiday park to facilitate and enable delivery of the SANG;
 - c. Reference to the Council having considered alternative strategies for delivering the SANG in the north of Purbeck because the Council has not demonstrated that it has fully examined all reasonable options for meeting its identified need for housing and SANG development (paragraph 137, NPPF); and
 - d. Reference to the SANG will in turn mitigate the effect of new homes on protected heathland in the north of Purbeck. The need for the SANG is objected to as it is not fully evidenced and justified and also is not likely to provide the extent of mitigation the Council suggests.
3. The reasons for objection to MM7 (Policy V2) (see below) are also to be read as forming part of the reasons for this objection to MM6.
4. The release of Green Belt land for a holiday park is infected by unlawfulness because it is presented as enabling delivery of a SANG at Morden Park, which is based on an unlawful HRA for the reasons set out in the Annexure relating to MM77 (policy I5).
5. Further detail on the reasons for the objection to MM6 is provided in the Annexure to this objection.

Please continue on a separate sheet if necessary.

6. **Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound.** You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

The Inspector is requested to recommend the following is deleted from the Main Modifications to paragraphs 45 – 48:

1. All references to releasing Green Belt land for a holiday park at Morden Park;
2. All references to releasing Green Belt land as facilitating and enabling delivery of a SANG at Morden Park; and
3. All references to a SANG at Morden Park that in turn will mitigate the effects of new homes on protected heathland in the north of Purbeck.

Please continue on a separate sheet if necessary.

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number	MM7 (Policy V2)
and related Main Modification:	MM3

2. Do you consider that the proposed Main Modification is:

- Legally compliant **No**
- Sound **No**

To be considered legally compliant the proposed Main Modifications must:

- a. comply with The Conservation of Habitats and Species Regulation 2017; and
- b. be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- c. positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- d. justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- e. effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- f. consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

1. The Council has failed to give due attention to the NPPF policy requirements and has erroneously weighted the material considerations that has resulted in unsound Main Modifications to policy V2.
2. Policy V2 as re-worded is not a protection of Green Belt policy at all. It says nothing of protecting Green Belt, but instead sets out justifications for releasing and developing Green Belt land. The policy is unsound and inconsistent with the NPPF.
3. Policy V2 should reflect the fundamental aim and 5 purposes of the Green Belt set out in paragraphs 133 and 134 of the NPPF and the NPPF policy requirement for planning applications that inappropriate development should not be approved except in very special circumstances.
4. The Main Modifications for Green Belt release for a holiday park at Morden are not justified, not consistent with the NPPF policy tests and unsound for the following reasons:
 - a. Great importance and weight must be given to the loss of Green Belt (paragraph 133, NPPF).
 - b. On the other hand, the weight that can be attached to the Council's arguments is substantially undermined and diminished and insufficient to justify Green Belt release because of the following:
 - i. The Council's evidence and justification is not consistent with the NPPF;
 - ii. The Council has not fully evidenced and justified exceptional circumstances (paragraph 136, NPPF);
 - iii. The Council has not demonstrated that it has examined fully all other reasonable options for meeting its identified need for development (paragraph 137, NPPF);
 - iv. The Council has not adequately taken into account and given sufficient weight to the need to promote sustainable patterns of development (paragraph 138, NPPF) and as a result that *"The planning system should support the transition to a low carbon future in a changing climate. It should shape policies that contribute to reductions in greenhouse gas emissions in line with the objectives and provisions of the Climate Change Act 2008"* (paragraph 148, NPPF); and
 - v. The Memorandum of Understanding with the land owner, Charborough Estate, sets out that the Council has committed to spending an unspecified amount of public money towards the delivery of the SANG that significantly undermines and reduces the weight to be attached to the Council's arguments that the holiday park is enabling delivery of the SANG and constitutes exceptional circumstances. If the Inspector decides that a SANG is needed, which is objected to by the Objectors, the public money should be used towards delivering a SANG without the holiday park in the Green Belt either on Charborough Estates land or other land.
 - vi. Even if Green Belt released is accepted by the Inspector, 76ha of Green Belt release for built development is hugely excessive and should be reduced to the reasonable and proportionate amount for the proposed 100 holiday units. 100 houses, by comparison would typically require only 6ha. 76ha is also a large area to sacrifice for a limited amount, if any, of residual SANG capacity and no housing.
 - vii. The 76ha of Green Belt release brings the area for built development within 400m of the protected ecological sites contrary to the usual limitations on such development (see policy E8).
 - viii. The underlying reason for Green Belt release is housing in the area and the SANG, which is infected by an unlawful HRA as set out in the Annexure relating to MM77 (policy I5).
 - c. Exceptional circumstances do not exist or at least are not fully evidenced and justified. Presenting the holiday park as enabling delivery of the SANG is a Trojan horse for unjustified and unacceptable development in the Green Belt under NPPF policy.
5. Even if the Inspector accepts the holiday park, the land should remain in the Green Belt. That way the Green Belt land is safeguarded if the development does not come forward and any other development or additional holiday units over and above the 100 units would still have to demonstrate very special circumstances.
6. Further reasons for this objection are set out in the Annexure.

4. **Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound.** You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

The Inspector is requested to recommend as follows:

Main Modifications to Policy V2 (MM7) and MM3

1. Delete all reference to Green Belt release at Morden Park.
2. Delete all reference to a holiday park and a SANG at Morden Park.
3. Delete the reference to SANG generally in the Green Belt because that is not a Green Belt policy per se - ie: Delete the following paragraph in policy V2:

The Council will work in partnership with landowners, Natural England and other relevant stakeholders to ensure that appropriate land is identified and delivered for SANG. It will also ensure that there are suitable arrangements for the management of the SANG, and that SANG will be available for use prior to completion of associated residential development.

4. Re-instate the deleted paragraphs a. – d in policy V2 including protecting Green Belt to safeguard the countryside from encroachment.

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number MM66 (Policy EE4)

2. Do you consider that the proposed Main Modification is:

- Legally compliant No
- Sound No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

1. Objection is made to part of the Main Modifications text to Policy EE4 relating to the holiday park and SANG at Morden.
2. The reasons provided in relation to MM77 above (policy I5) are to be read as part of this objection to MM66.

Please continue on a separate sheet if necessary.

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

The Inspector is requested to recommend that the following text is deleted from the Main Modifications to policy EE4:

“The proposals for the holiday park at Morden Park should be assessed against the criteria in Policy I5: Morden Park strategic suitable alternative natural green space (SANG) and holiday park”.

Please continue on a separate sheet if necessary.

PART C

1. Comments on updated policy maps, appraisals or evidence.

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document Habitats Regulation Assessment (HRA)

1. The HRA is unlawful and does not meet the requirements of the Conservation of Habitats and Species Regulations 2017 and related Habitats Directive.
2. Further detail is provided in the Annexure in relation to MM77 (policy I5) and the case law referenced in Schedule 1 below.

Please continue on a separate sheet if necessary.

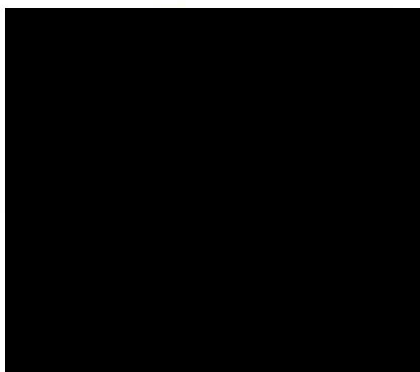
The Inspector is requested to recommend as follows:

1. Delete the modifications to the Proposals Map as follows:
 - a. Delete the release of Green Belt at Morden Park shaded yellow from the Proposals Map – See the reasons set out in relation to MM7 (policy V2).
 - b. Delete the identification of the extent of policy I5 (holiday park and SANG at Morden Park) edged blue from the Proposals Map – See the reasons set out in relation to MM77 (policy I5) and MM7 (policy V2).
2. Delete the SANG at Morden Park edged red from the Proposals Map because the modifications have not overcome Dr Langley's previous objections – See the reasons set out in relation to MM77 (policy I5).
3. If the Inspector does not accept deletion of the SANG, the Inspector is still requested to recommend deletion of the modifications mentioned in paragraph 1 above.
4. If the Inspector does not accept deletion of the modifications mentioned in paragraph 1 above, 76ha of Green Belt release for built development and a total 157ha for the holiday park overall is hugely excessive and should be reduced to the reasonable and proportionate amount for the proposed 100 holiday units.

(NB: The 157ha for the holiday park is based on the 194 ha for policy I5 minus 37 ha for the SANG as stated in paragraph 17 of the Memorandum of Understanding with Charborough Estate).

Please sign and date this form:

Signature:



Date: 14 January 2021

ANNEXURE TO OBJECTION



AND



MAIN MODIFICATIONS TO DRAFT PURBECK LOCAL PLAN 2018-2034:

SUMMARY

MM77 (Policy I5) & MM76

1. [REDACTED] has previously objected in-principle to policy I5 (allocation of holiday park and SANG at Morden Park) on the basis it was both legally non-compliant and unsound. The objections have not been overcome by the Main Modifications and the objections are maintained.
2. The modifications to the Proposals Map to provide 157 ha for the holiday park is hugely excessive (once 37 ha for the SANG is deducted from the 194ha for policy I5 overall) for a 100 unit holiday park and incapable of being reasonably justified and evidenced.
3. The holiday park site also (i) *includes* land on the Dorset Heaths SPA/SAC/Ramsar; and (ii) *abuts* another area of land designated as Dorset Heaths SPA/SAC/Ramsar bringing the holiday park activities *within* and directly *adjoining* the Dorset Heaths SPA/SAC/Ramsar. This is an implausible and unsound policy proposal.
4. The HRA at Main Modifications is unlawful and the policy cannot be lawfully adopted.

MM7 (Policy V2) and MM3 & MM6

5. Great importance and weight must be given to the loss of Green Belt (“**GB**”).
6. The release of a large area of GB at Morden is unnecessary, unjustified and damages the function and integrity of this piece of GB and the GB as a whole in this area, particularly given it is an “island” surrounded by GB land.
7. The resulting pattern of development would be inefficient and unsustainable.
8. The released area is disproportionate to any potential planning gains. 76ha is hugely excessive than is necessary to build 100 holiday units (along with the 157ha for the holiday park overall). By comparison, around 6ha is enough to build 100 houses.
9. 76ha is a large area to sacrifice for a limited amount, if any, of residual SANG capacity and no housing.

10. The 76ha of GB release brings the area for built development within 400m of the protected ecological sites contrary to the usual limitations on such development (see policy E8).
11. The SANG at Morden would be unique in being connected with the loss of a disproportionate area of GB that would not be used to provide housing and that is on a very sensitive site abutting and including parts of the Dorset Heaths SPA/SAC/Ramsar.
12. The presentation of the holiday park as an enabling development is undermined by the expectation of unquantified council contributions to the scheme.
13. Even if the Inspector accepts the holiday park, the GB would be significantly harmed with no guarantee that any compensatory benefits would actually arise or an adequate safeguard on the GB land. No safeguard whatsoever exists. The land should remain in the GB so that the safeguard of requiring very special circumstances is maintained, which is an appropriate safeguard as proposed by the Council in its draft Purbeck Local Plan (“**PLP**”) at the submission stage.
14. Exceptional circumstances have not been fully evidenced or justified and alternative methods of delivering identified needs for development have not been fully explored.
15. The HRA at Main Modifications is unlawful and the exceptional circumstances relied upon cannot be lawfully established.

INTRODUCTION

16. The central tests in the NPPF relevant to this objection are as follows:
 - 16.1. Justified – the policies need to be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence (paragraph 35, NPPF).
 - 16.2. Consistent with national policy – the policies need to enable the delivery of sustainable development in accordance with the policies in this Framework (paragraph 35, NPPF).
 - 16.3. In relation to the consistency with national policy, the most relevant is the NPPF GB policy (paragraphs 133 to 141, NPPF) including, in particular:
 - 16.3.1. The Government attaches great importance to GBs.
 - 16.3.2. Once established, GB boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.
 - 16.3.3. The strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This includes whether the strategy:

- 16.3.3.1. makes as much use as possible of suitable brownfield sites and underutilised land; and
 - 16.3.3.2. optimises the density of development.
 - 16.3.4. Taking account of the need to promote sustainable patterns of development.
17. Having regard to the main NPPF policies of relevance, [REDACTED] and [REDACTED] (“**Objectors**”) and their solicitors, [REDACTED] consider the key questions in relation to the Main Modifications to the PLP policies in respect of the holiday park and SANG at Morden Park to be as follows:
- 17.1. **First key issue** - Do the Main Modifications overcome [REDACTED]’s previous objections to policy I5 (holiday park and SANG allocation) that the policy is legally non-compliant and unsound?
 - 17.2. **Second key issue** - Is the Habitats Regulation Assessment (“**HRA**”) legally compliant?
 - 17.3. **Third key issue** – Given the underlining justification for GB release is the Morden SANG, what alternatives have been considered in fully evidencing and justifying that choice and have the alternatives been fully examined?
 - 17.4. **Fourth key issue** - Are there exceptional circumstances that justify the release of GB at Morden for the holiday park and have they been fully evidenced and justified?
 - 17.5. **Fifth Issue** - Is there an adequate safeguard on the release of the GB land?
18. The first and second key issues are principally dealt with in respect of Main Modification MM77 below (policy I5).
19. The Third, Fourth and fifth key issues are dealt with in respect of Main Modification M7 below (policy V2).
20. However, there is some overlap among the reasons for objecting to the various Main Modifications identified below and, therefore, the reasons for objecting are to be read as a whole.
-

PART B - MAIN MODIFICATIONS MM77 (POLICY I5) & MM76 (SUPPORTING TEXT)

WHY MAIN MODIFICATIONS ARE NOT LEGALLY COMPLIANT OR SOUND

First key issue - Do the Main Modifications overcome [REDACTED]'s previous objections to policy I5 (holiday park and SANG allocation) that the policy is legally non-compliant and unsound?

21. [REDACTED] has previously objected in-principle to policy I5 (allocation of holiday park and SANG at Morden Park) on the basis it was both legally non-compliant and unsound.
22. Those objections include, amongst other points¹:
 - 22.1. The HRA at the time was not legally compliant. The new HRA now consulted on is addressed below;
 - 22.2. Policy I5 is unsound, would result in likely significant adverse effects on Dorset Heaths and should be deleted for the following reasons:
 - 22.2.1. The site abuts the Heath near Morden Bog, which is an important environmental feature in itself and already a popular area to visit;
 - 22.2.2. Tourist development here would inevitably bring more people onto the heath, as that is the main natural local attraction;
 - 22.2.3. The site adds nothing to local housing needs but imports people in a very sensitive location;
 - 22.2.4. Any SANG would be small in comparison with the directly abutting heath and inherently less attractive than the heath itself;
 - 22.2.5. Horse riders and cyclists would not use the SANG (exclusively) because it is too small;
 - 22.2.6. The SANG is not more closely associated with any planned residential development than the heath itself, and most local people, who generally know Wareham Forest well, will choose the vastly larger heath over the SANG most of the time. SANGs are unlikely to work when they directly compete for visitors with immediately adjacent, wild heath; and
 - 22.2.7. The net result would be LSE on the Dorset Heath that is not sufficiently mitigated, and a false conclusion that the SANG has solved the mitigation problem of other housing developments in the North of Purbeck.
23. CPRE supports the previous objections made.

¹ [REDACTED] objection to the pre-submission draft Local Plan dated 3 December 2018 (as cross referenced and incorporated into examination objections)

24. The Main Modifications to policy I5 and additional supporting evidence do not overcome the previous objections. The previous objections are maintained.
25. The Main Modifications to policy I5 and additional supporting evidence remain legally non-compliant with HRA legal requirements and unsound.
26. Additionally, the modifications showing the size and location of the allocation for I5 is excessive, unsound and unlawful as explained below.

Second key issue - Is the HRA legally compliant?

HRA Requirements in relation to Purbeck Local Plan (“PLP”) under Conservation of Habitats and Species Regulations 2017 (as amended) (“Habitats Regulations”)

27. Before the Council may give effect to the PLP it must ensure that it has complied with Regulation 105 of the Habitats Regulations (assessment of implications for European sites and European offshore marine sites). In accordance with Article 6(3) of the Habitats Directive, relevant parts of Regulation 105 require that:

“(1) Where a land use plan—

(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, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

(3) The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.”

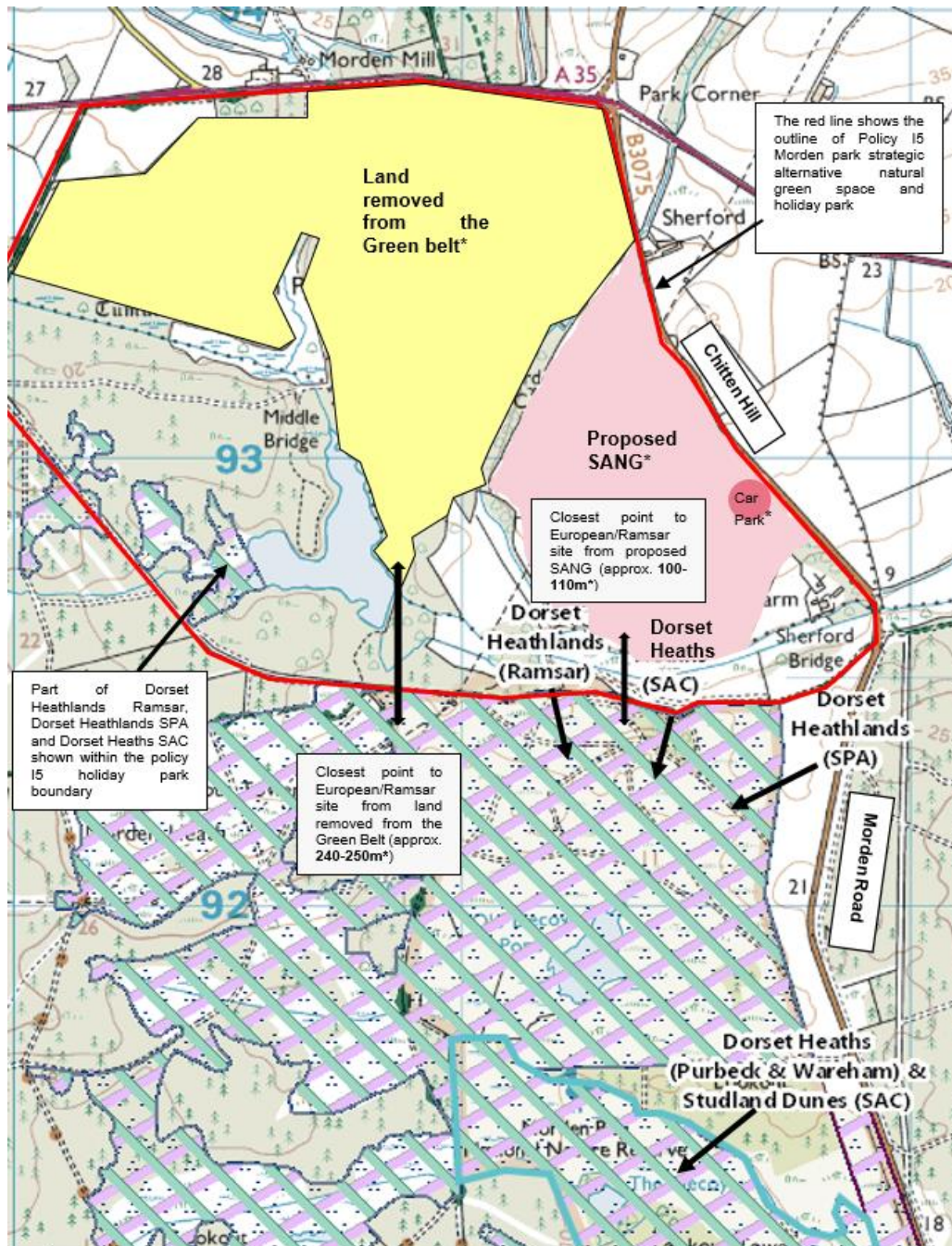
28. There are a large number of Court of Justice of the European Union (“**CJEU**”) and domestic court judgments which provide detailed interpretation of the requirements set out in the paragraph above. The key points arising from these judgements are set out at Schedule 1 of this Annexure.
29. The relevant part of paragraph 176 of the NPPF confirms that “The following should be given the same protection as habitats sites: ... b) listed ... Ramsar sites....”.

PLP, and Policy I5 in particular, cannot lawfully be given effect because it is not compliant with Regulation 105 of Habitats Regulations

30. It cannot be concluded by the Inspector or the Council, as is required under regulation 105 of the Habitats Regulations, that the PLP and in particular Policy I5 will have no adverse effect on the integrity of any European site alone or in combination with other plans or projects.
31. The revised policies map accompanying MM77 (revision to policy I5) shows that the land identified for policy I5 (i) *includes* some of the land designated as Dorset Heathlands Ramsar site, Dorset Heathlands SPA and Dorset Heaths SAC; and (ii) *abuts* another area of land designated as Dorset Heathlands Ramsar site, Dorset Heathlands SPA and Dorset Heaths SAC bringing the holiday park activities *within* and directly *adjoining* the Dorset Heaths SPA/SAC/Ramsar. There are therefore a number of pathways of impact from Policy I5's proposed holiday park and SANG at Morden Park on the included and abutting Dorset Heathlands Ramsar site, Dorset Heathlands SPA and Dorset Heaths SAC which have not been sufficiently / adequately investigated or assessed and which risk an adverse impact on the integrity of one or more of these European / Ramsar sites. This is an implausible, unsound and unlawful policy proposal.
32. On this basis, and given the Habitats Regulations and the associated very strict CJEU and domestic case law as set out in Schedule 1, the PLP, and Policy I5 in particular, cannot lawfully be given effect.

Sensitivity of location of Policy I5's holiday park and SANG

33. The Memorandum of Understanding dated June 2019 between Dorset Council, Charborough Estate and Natural England (“NE”) acknowledges that Morden Park (the location of Policy I5's proposed SANG and holiday park) is itself in a very sensitive environment (paragraph 7): “*Morden Park ...includes disparate areas of heathland in its southern section, including areas designated as European SPAs, SACs and listed Ramsar site*”.
34. Taken from the online Magic map (<https://magic.defra.gov.uk/MagicMap.aspx>) the proposed SANG (shown pink in the image below) is, at its nearest point, approximately 100-110m from the Dorset Heaths SAC, the Dorset Heathlands SPA and the Dorset Heathlands Ramsar. The policy I5 land (shown by the red line in the image below) includes part of the Dorset Heaths SAC, the Dorset Heathlands SPA and the Dorset Heathlands Ramsar site. The area of land to be removed from the GB under policy I5 (shown in yellow in the image below) is approximately 240-250m from the Dorset Heaths SAC, the Dorset Heathlands SPA and the Dorset Heathlands Ramsar.



*all drawings and distances are approximate only. Drawings are based on the Purbeck Local Plan inset map- Morden.

Map image taken from Magic maps (<https://magic.defra.gov.uk/MagicMap.aspx>)

35. The above-mentioned European / Ramsar sites and also the more distant Dorset Heaths (Purbeck and Wareham) and Studland and Dunes SAC (also shown on the above image) are all also very close to the B3075 road (the road is marked on the above image) which will be used by traffic accessing the SANG and / or holiday park.
36. For the Council to give lawful effect to the PLP, including Policy I5, it must, first, conclude, in accordance with regulation 105, that the PLP will have no adverse effect on the integrity of any European site, either alone or in combination with any other plans or projects.

37. This strict HRA test (based on the case law) cannot be met for the PLP as a whole or for Policy I5 in particular. This is for the following reasons.

*Land designated as Dorset Heaths SAC, the Dorset Heathlands SPA and the Dorset Heathlands Ramsar is included **within** the red line boundary of land marked on the policies map as policy I5 land; and yet direct or indirect impacts of policy I5 on that European / Ramsar-designated land have not been assessed*

38. The Policy I5 policies map makes clear that a 194ha area of land is subject to Policy I5. This includes 3 sections of land: 76ha of the GB release land (yellow); 37ha for the SANG (pink); and then the remaining land of 81ha.
39. The remaining 81ha *includes* land which is already designated as Dorset Heaths SAC, Dorset Heathlands SPA and Dorset Heathlands Ramsar, as can be seen in the image above.
40. The Council states in its PLP Proposed Main Modifications 2020 Policies Map text that “*The revisions [to the policies map] are needed to ensure that Policy I5 is effective and to: define the land needed for mitigation measures to avoid adverse effects on the integrity of habitat sites and to provide compensation for loss of land from the Green Belt*”.
41. There is no clarity on what “mitigation measures” are envisaged or indeed in which of the 3 sections of land these mitigation measures are intended to be delivered.
42. Nevertheless the inclusion of already-designated European / Ramsar site land *within* the policy I5 boundary indicates a clear and significant risk of both direct and indirect adverse effects on the 3 European / Ramsar sites from policy I5, whether from activities in the holiday park to be released from the GB land (yellow above) or the SANG land (pink above) or from, as is suggested above, activities on the policy I5 land from “*mitigation measures to avoid adverse effects on the integrity of habitat sites and to provide compensation for loss of land from the Green Belt*”.
43. No indirect or direct risks from policy I5 on the already-designated European / Ramsar site land *within* the policy I5 boundary have even been identified, let alone explained or assessed, in the HRA.
44. This is a very significant omission which makes the HRA seriously deficient. This in turn means that the PLP cannot lawfully be adopted / given effect on the basis of this HRA.

The holiday park and SANG envisaged at Policy I5 risk loss of or disturbance to Dorset Heathland SPA “functional land” used by the SPA qualifying species

45. Footprint Ecology’s HRA dated 6 September 2018 (SD03) in support of the PLP shows that there is use or potential use made by Dorset Heathland SPA qualifying bird species (nightjar and woodlark) of the land which has been identified under Policy I5 policies map as subject to policy I5. Paragraphs 6.6 of the HRA states:

“6.6 *Land at Morden is proposed for a holiday park, to provide a large area of public open space and around 80-100 holiday chalets. The location is sensitive as it is very close to the Dorset Heathlands SPA/Ramsar and the Dorset Heaths SAC [note, therefore, that this text does not even acknowledge, as explained above, that land designated as Ramsar /*

European site is actually *within* the identified policy I5 land]. Previous HRA work at Issues and Options and Options state [sic] raised concern that holiday chalets were proposed within 400m of the European site boundary. Data on the distribution of key bird species were also plotted in relation to the proposed country park and chalets. Likely significant effects to the interest features of the designated sites would include disturbance to Annex I birds, increased fire incidence, trampling, dog fouling, water quality. The areas outside the designated site boundary are likely to be important for nightjar and woodlark, in terms of foraging and possibly even breeding sites, and therefore are functionally linked to the SPA and areas of Wareham Forest (outside the SPA) support internationally important numbers of both woodlark and nightjar in their own right.

6.7 Careful, detailed design will be essential to consider the constraints at this location and the whether the chalets and country park can be designed so as to have no adverse effects on the integrity of the European site. It is understood that discussions have been taking place with Natural England, and that officers are in principle supportive of the proposal in terms of its ability to provide adequate and robust mitigation. A detailed project level HRA will need to set out a comprehensive suite of mitigation measures and the development design will need to fully accommodate constraints and prevent impact pathways. Natural England has recommended that a comprehensive management scheme forms part of the development, Design elements to minimise impacts to the European sites might include:

- The chalets being only on the eastern side of the lake, and therefore set back from the designated heathland and outside the 400m zone
- Dedicated barbeque facilities and dog exercise areas provided for the chalets well away from the heathland (avoiding fire risk)
- Ranger presence and no fires policy to limit fire risk
- Careful management of the vegetation to minimise fire risk in the area around the chalet
- Consideration of potential restrictions on dogs for visitors using the chalets if deemed necessary
- Routes within the country park focussing access away from the designated sites and focussing access along the eastern shore of the lake and the fields near the B3075.
- Parking for the country park and focal point for visiting set close to the B3075, ensuring access is set well back from the heathland
- Provision of extensive areas for dog walking well away from the heathland – ideally with areas that are fenced from the road, minimal grazing and safe for dogs to be off the lead.
- Provision of access to draw visitors away from Sherford Bridge and from walking onto Morden Bog National Nature Reserve.
- Access in the western part of the site carefully zoned to ensure access to the heathland is not promoted
- Measures to ensure the site is ‘nitrogen neutral’ (see Bryan & Kite 2013)”

46. These points are reiterated in the up to date HRA for the PLP Main Modifications (23 October 2020). The up to date HRA states the following (note that the wording used in paragraph 5.60 is almost identical to that contained in paragraph 6.6 of the 2018 HRA):

“5.60 Land at Morden is proposed for a holiday park, to provide a large area of public open space and around 80-100 holiday chalets. The holiday park will only

be permitted to facilitate the delivery of a strategic SANG. The location is sensitive as it is very close to the Dorset Heathlands SPA/Ramsar and the Dorset Heaths SAC [note again, therefore, that this text does not even acknowledge, as explained above, that land designated as Ramsar / European site is actually within the identified policy I5 land]. Previous HRA work at Issues and Options and Options state [sic] raised concern that holiday chalets were proposed within 400m of the European site boundary. Data on the distribution of key bird species were also plotted in relation to the proposed country park and chalets. Likely significant effects to the interest features of the designated sites would include disturbance to Annex I birds, increased fire incidence, trampling, dog fouling, water quality. The areas outside the designated site boundary are likely to be important for nightjar and woodlark, in terms of foraging and possibly even breeding sites, and therefore are functionally linked to the SPA and areas of Wareham Forest (outside the SPA) support internationally important numbers of both woodlark and nightjar in their own right.

5.61 *Careful, detailed design and discussion with Natural England will be essential to consider the constraints at this location and determine whether the chalets and country park can be designed so as to have no adverse effects on the integrity of the European site. These discussions have begun and Natural England is in principle supportive of the proposal in terms of its ability to provide adequate and robust mitigation. The SANG must be completed and open for use before the use of the holiday park begins. A detailed project level HRA will need to set out a comprehensive suite of mitigation measures and the development design will need to fully accommodate constraints and prevent impact pathways. Design elements to minimise impacts to the European sites might include:*

- The chalets being only on the eastern side of the lake, and therefore set back from the designated heathland and outside the 400m zone*
- Dedicated barbeque facilities and dog exercise areas provided for the chalets well away from the heathland (avoiding fire risk)*
- Ranger presence and no fires policy to limit fire risk*
- Careful management of the vegetation to minimise fire risk in the area around the chalet*
- Restrictions on dogs for visitors using the chalets*
- Routes within the country park focussing access away from the designated sites and focussing access along the eastern shore of the lake and the fields near the B3075.*
- Parking for the country park and focal point for visiting set close to the B3075, ensuring access is set well back from the heathland*
- Provision of extensive areas for dog walking well away from the heathland – ideally with areas that are fenced from the road, minimal grazing and safe for dogs to be off the lead.*
- Provision of access to draw visitors away from Sherford Bridge and from walking onto Morden Bog National Nature Reserve.*
- Access in the western part of the site carefully zoned to ensure access to the heathland is not promoted*
- Measures to ensure the site is ‘nitrogen neutral’ (see Bryan & Kite, 2013)”*

47. Land outside the site boundary of a SPA which is used by the SPA’s qualifying bird features for breeding or foraging (or used by other species which are important for the conservation of the qualifying bird species (see the CJEU decision in *C-461/17 Holohan and Others v An Bord Pleanála [2018]*)) is “functionally linked” to the SPA. The impacts on the integrity of the SPA of any proposal in a plan (such as the PLP) risking

disturbances on, or development of, such functional land must be fully assessed in an appropriate assessment and will risk an adverse effect on integrity of that European site.

48. No adequate assessment has been included in Footprint Ecology's up to date HRA (October 2020) of this "functional land" impact pathway on the SPA's integrity.
49. Footprint Ecology's up to date HRA provides a "Likely Significant Effect" screening assessment. In that screening assessment it considers Policy I5. However the screening assessment of Policy I5 (page 57) fails to highlight at all the "functional land" impact pathway risk to the SPA arising from the land which is the subject of Policy I5, even though it is clear from later paragraphs 5.60 and 5.61 of the up to date HRA that this is a potential impact. Instead the screening assessment (page 57) only identifies recreational effects, air quality effects and water quality effects as pathways of concern from Policy I5.
50. Footprint Ecology's up to date HRA however does then highlight the "functionally linked land" concern in the appropriate assessment under a heading "Recreation and urban effects on the Dorset Heaths" (see paragraph 5.60 above). However it does not then provide an adequate assessment of the functionally linked land impact pathway.
51. Under the case law set out in Schedule 1, a HRA of a *local plan* must undertake an assessment "*to the extent possible on the basis of the precision of the plan*":

*"49. ...Many details are regularly not settled until the time of final [planning] permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure **to the extent possible on the basis of the precision of the plan**. The assessment is to be updated with increasing specificity in subsequent stages of the procedure"* (paragraph 49, C-6/04).
52. Footprint Ecology effectively agrees with this. It's up to date HRA at paragraph 1.30 refers to the *Feeney* High Court case and states "this was given expression in the High Court (*Feeney*) which stated "*Each...assessment ...cannot do more than the level of detail of the strategy at that stage permits.*"
53. Here there is a proposed plan (the PLP) which identifies in Policy I5 a specific proposed holiday park and a specific proposed SANG allocation. These are not proposed in a general sense, without knowledge of their location, they are proposed in a specific location. Hence, based on the above case law, the HRA that accompanies the PLP must assess those *specific proposals* in Policy I5, and consider all the different impact pathways to any European site which might arise from them and whether they might risk an adverse effect on integrity of any European site either alone or in combination with other plans or projects.
54. Here Footprint Ecology is also, at paragraph 5.60, clearly identifying concerns about the SANG / holiday park being or potentially being functionally linked land for the SPA's qualifying bird species.
55. For these two reasons, and in view of the case law requirement to undertake an assessment of a local plan "*to the extent possible on the basis of the precision of the plan*", it is perfectly clear that a full assessment of the functionally linked land impact

pathway must be provided at this plan-level stage. This is to ensure that no policy is adopted in the PLP where there is a risk that that policy could go on to give rise to development which might in turn give rise to an adverse effect on integrity of any European site either alone or in combination with any other plan or project.

56. Furthermore, it is not as if there has not been time for Footprint Ecology to conduct the required assessment. It is clear from the wording used by Footprint Ecology in paragraph 6.7 of its September 2018 HRA (set out above) and the near identical wording used in paragraph 5.61 (set out above) of its October 2020 HRA, that, despite more than 2 years passing between the writing of the two sections of text and therefore ample opportunity, no progress whatsoever has been made by NE or the Council or Footprint Ecology in drilling down into or assessing further the potential impacts of the holiday park and SANG on SPA functionally linked land.
57. Footprint Ecology, in paragraph 5.61 (just as its predecessor paragraph 6.7 in the 2018 HRA) seeks to rely on “careful, detailed design” and “discussions with Natural England” and the fact that “Natural England is in principle supportive of the proposal in terms of its ability to provide adequate and robust mitigation”, as an answer to this, together with a “project level HRA”. But this is simply inadequate.
58. First it is not an answer that Natural England may or may not be supportive. What is required, following the clear CJEU and domestic case law above and in Schedule 1, is instead a clear and robust assessment by the competent authority which sets out fully whether there are any risks to the integrity of this SPA from this Policy I5 aspect of the PLP, either alone or in combination with other plans or projects. Natural England is then a consultee (as is the public) to that assessment. But such an assessment cannot lawfully simply be circumvented just because Natural England may or may not, without having been presented with the required assessment, have a pre-conceived (and un-evidenced) idea of its potential conclusions.
59. Secondly, paragraph 5.61 lists potential “design elements” as mitigation for the concerns presented in paragraph 5.60. The first concern about these design elements is that they have been listed prior to the required assessment first being undertaken and so have not been informed by the assessment. Hence they cannot be relied upon as valid mitigation. The second concern is that these are design elements which do not have relevance to any risk that Policy I5 may give rise to loss of or disturbance to SPA birds which might be using the Policy I5 land for foraging or breeding. These design elements instead have potential relevance only to the risk of recreational impacts on the SPA from occupants of the holiday park / SANG and their pets or from the risks of nitrogen pollution from the holiday park / SANG and even then the measures seem to be incomplete / deficient in that, for example, they do not appear to address the impact pathways of light or noise pollution from the holiday park / SANG.
60. Thirdly the case law in Schedule 1 shows that where mitigation measures are relied upon in relation to the HRA of a development plan, there must be sufficient information at the time of adoption of the development plan to enable the plan-making authority to be duly satisfied that the proposed mitigation can be achieved in practice i.e. the Council needs to be satisfied as to the achievability of the mitigation in order to be satisfied that the plan will have no such adverse effect (see *No Adastral New Town Limited v Suffolk Coastal District Council, Secretary of State for Communities and Local Government*, paragraph 72). In *The Queen on the Application of Devon Wildlife Trust v Teignbridge*

*District Council v Rocklands Development Partnership*², which related to an outline planning consent, the judge put the matter this way: “in a multi-stage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice, it is not necessary for all matters concerning mitigation to be fully resolved before a decision-maker is able to conclude that a development will satisfy the requirements of regulation 61 of the Habitats Regulations.” Without a proper assessment of impacts via the functionally linked land impact pathway, there is no clarity over what mitigation measures would be required and therefore no one can be satisfied that mitigation measures can be achieved in practice.

61. The Memorandum of Understanding dated June 2019 between Dorset Council, Charborough Estate and NE states (paragraph 22) that: “*the holiday units are subject to HRA requirements. Managing the park’s impact on heathland can be achieved through works within the boundary of the site. Mitigation for nitrogen may be fully met through a change of use from arable to SANG which is confirmed by NE*” and then it says “*Subject to the detail of restoration and management of the park and SANG, heathland and nitrogen mitigation can be met within the park and SANG*”. There may be scope, within the holiday park and SANG, for managing the risk of some of the recreational effects from the holiday park / SANG on the adjacent SPA. But, again, this does not circumvent the need for a proper assessment. But in any event, it is certainly *not* necessarily the case that measures *within* the holiday park / SANG can adequately address the risks of impacts on the SPA if the holiday park and SANG land is a foraging or breeding resource for the SPA birds.
62. For these reasons the PLP with Policy I5 cannot, on the basis of the up-to-date HRA 2020, be adopted / given effect consistently with the requirements of regulation 105 of the Habitats Regulations.

The “design elements to minimise impacts” set out in the up-to-date HRA (paragraph 5.61) to address the risk of recreational impacts on the Dorset Heathlands from Policy I5’s holiday park and SANG cannot be relied upon, as is clearly demonstrated by Policy E8

63. As noted above the case law in Schedule 1 shows that where mitigation measures are relied upon in relation to the HRA of a development plan, there must be sufficient information at the time of adoption of the development plan to enable the plan-making authority to be duly satisfied that the proposed mitigation can be achieved in practice i.e. the Council needs to be satisfied as to the achievability of the mitigation in order to be satisfied that the plan will have no such adverse effect.
64. At paragraph 5.61 Footprint Ecology lists possible design elements to address some of the risks of recreational effects from the holiday park and SANG on the Dorset Heathlands (as noted above light and noise pollution pathways do not appear to be addressed). But these clearly cannot be relied upon as effective mitigation since the PLP, at Policy E8, has outlawed development, including “other uses” of land, within 400m of the Dorset Heathlands, on the basis that effective mitigation of such development is not possible.
65. Policy E8(a) states (bold emphasis added) that “*To ensure that sites are not harmed, residential development involving a net increase in dwellings **or other uses such as tourist accommodation and equestrian-related development**: a. will not be permitted within 400 metres of heathland, as shown on the policies map, unless, as an exception, the type and occupier of residential development would not have an adverse effect upon*

² [2015] EWHC 2159 (Admin)

the sites' integrity (e.g. nursing homes such as those limited to advanced dementia and physical nursing needs)..”

66. The proposed SANG area in the policy I5 land (pink area in the image above) is, at its nearest point, approximately 100-110m from the Dorset Heaths SAC, the Dorset Heathlands SPA and the Dorset Heathlands Ramsar site and its intended use as a SANG clearly falls within “other uses” under Policy E8a. The GB release area in the policy I5 land (yellow area in the image above) is at its nearest point approximately 240-250m from the Dorset Heaths SAC, the Dorset Heathlands SPA and the Dorset Heathlands Ramsar site and again, since the holiday park residents will be using this land one way or another, falls within “other uses” under Policy E8a. But perhaps most importantly, already-designated Dorset Heaths SAC, Dorset Heathlands SPA and Dorset Heathlands Ramsar land is included *within* the Policy I5 land. That designated land will undoubtedly be both directly and indirectly affected by Policy I5. But also the Policy I5 land within 400m all around that designated land which is to be “used” (details unknown) also falls foul of Policy Ea..

The PLP, including Policy I5, risks air quality impacts on European and Ramsar sites

67. Para 85 of the PLP states:

“Air quality monitoring shows that heathlands are exceeding the critical loads for pollutants such as nitrogen oxides and ammonia resulting from multiple sources including vehicle emissions. New housing and other developments can result in additional traffic and further deterioration of the protected sites. An interim air quality mitigation strategy will cover the period to 2025 and provide confidence that short term growth can be achieved without adverse effects on site integrity from air pollution. As necessary, a longer term approach will be established to address the cumulative impacts of development on air quality as part of the new Dorset Council Local Plan supported by additional evidence such as traffic modelling and air quality monitoring”.

68. This summary reflects the conclusions of Footprint Ecology’s appropriate assessment of the air quality impact pathway in its up-to-date HRA (2020).
69. However that assessment is flawed, both generally and in the context of Policy I5’s proposed Morden holiday park / SANG, and is contrary to case law. As such it is not possible to conclude that the PLP as a whole, or Policy I5, will have no adverse effect on the integrity of any European site either alone or in combination with any other plan or project via the air quality impact pathway.
70. First, the assessment presented in the up-to-date HRA relies principally on Dorset County Council modelling dated 2016 (paragraph 9.31 HRA 2020) when assessing the air quality effects of the PLP “alone”. At 9.32 the HRA states (of this 2016 modelling):

“9.32 The modelling showed, for the overall modelled road network an increase of 1100– 1200 total trips per hour at the morning peak, when A or B were compared to the do minimum scenario. These totals represent all roads in the modelled area and all trips, in various directions. The scale of growth in the Purbeck Local Plan at Main Modifications is lower, and the main locations for development, towards the west will mean much of the traffic flow will be westwards, towards Dorchester. As such increases on any one road section as a result of the various developments alone, or the overall quantum of growth in the Local Plan will be low and are likely to be well under 1000ADT”.

71. On the face of it, paragraph 9.32 makes no sense. If “*the modelling showed, for the overall modelled road network, an increase of 1100 – 1200 total trips per hour at the morning peak*”, albeit representing all roads in the modelled area, then, when this hourly increase is converted into a **daily** measurement (ie Annual Average **Daily** Traffic (AADT)), the numbers will obviously be very much higher than the hourly increase of 1100-1200. It is therefore far from clear how it is then concluded that “*As such increases on any one road section as a result of the various developments alone, or the overall quantum of growth in the Local Plan will be low and are likely to be well under 1000ADT*”.
72. Paragraph 9.32 provides insufficient detail or clarity to give rise to the certainty needed in an appropriate assessment, as made clear by the case law. Even the author’s own words demonstrate this “...*increases on any one road section as a result of the various developments alone, or the overall quantum of growth in the Local Plan will be low and are likely to be well under 1000 ADT*” (emphasis added). A “likelihood” is simply not sufficient for an appropriate assessment. In any event this conclusion is not supported with adequate information or reasoning. The paragraph is basing its conclusion as to the likely ADT on any one road section (ie ADT is a measure of daily averaged traffic) on hourly increases across the road network. This is simply a case of apples and pears. And the conclusion drawn is far from robust given that the hourly increases provided in the paragraph (1100-1200) would obviously have to be multiplied up by many factors to get a daily traffic figure.
73. It is also understood that the 2016 modelling did not cover the actual proposal for development envisaged in the PLP, instead it considered only two illustrative scenarios, so again means that the 2016 data is inadequate as a basis for the air quality assessment in this HRA.
74. Paragraph 9.4 then goes on to state that these traffic increases need to be considered in the context with the phasing out of combustion engines and the growing trend for low emission vehicles and electric cars, which will mean that air quality is likely to continue to improve. It then states that such changes should not be relied upon. This is correct (ie they should not be relied upon) because the CJEU case law (Dutch Nitrogen cases³ and earlier case law⁴) require certainty over measures to be regarded as mitigation measures and there is no such certainty in relation to these measures. The same however also applies to the next point made at 9.34 ie “*The Purbeck Local Plan at Main Modifications also includes a range of measures that promote sustainable forms of transport, for example in H3 through encouraging the provision of charging points for electric vehicles and requiring transport plans to promote sustainable transport*”. These measures cannot be relied upon either, because they are not sufficiently certain.
75. There is therefore insufficient evidence / certainty to support the conclusion then drawn at paragraph 9.36 (repeated at 9.42) that there will be no adverse effect on the integrity of the European sites from air quality impacts of the PLP alone.
76. There is then even less certainty over delivery of the measures then presented in paragraphs 9.37-9.41 (ie a proposed interim air quality strategy) to address the risk of *in combination* air quality impacts on European sites. And hence, due to the Dutch Nitrogen cases and earlier case law, these measures also cannot be relied upon to draw a conclusion of no “in combination” adverse effect on the integrity of European sites.

³ C-293/17 and C-294/17

⁴ Briels (C-521/12); Hilden Orleans (C-387/15); Grace and Sweetman C-164/17

77. Again Footprint Ecology seems to consider that these uncertainties can be brushed aside on the basis that its conclusions (ie that a proposed interim air quality strategy can be relied upon as adequate mitigation so as to rule out in combination air quality effects (see paragraph 9.41)) “have been checked with Natural England” (see paragraphs 9.42 and 9.43). Once again, the assessment must be conducted by the competent authority not by Natural England. And that assessment must meet the strict legal HRA requirements. Natural England is a statutory consultee but has no “sign off” role in relation to HRAs. The HRA is the competent authority’s responsibility.
78. This is a particular concern in relation to traffic-related air quality impacts from Policy I5’s holiday park / the SANG at Morden on the Dorset Heathlands SPA / Dorset Heaths SAC / Dorset Heathlands Ramsar / the Dorset Heaths (Purbeck and Wareham) and Studland and Dunes SAC.
79. All these designated sites are very close to the B3075 road which will be used by traffic accessing the SANG and / or holiday park – the SANG car park is proposed to be directly accessible from the B3075 so obviously every car that arrives at the SANG will use the B3075 which runs right beside these European sites. As noted above the appropriate assessment of a plan must be undertaken “*to the extent possible on the basis of the precision of the plan*” and since we have comprehensive details of the holiday park and SANG in Policy I5 a more detailed assessment is required.
80. Natural England’s 2018 traffic air quality HRA guidance⁵ prescribes a careful process of air quality impact assessment to be followed at HRA screening of *plans and projects* where development (which includes development of the Morden holiday park / SANG) will lead to an increase in traffic on roads within 200m of any European site. This clearly applies here (all sites are less than 100m from the B3075). Yet no such assessment has been undertaken which allows any visibility of impacts from the Morden holiday park / SANG and in any event the 2016 traffic data, so heavily relied upon by Footprint Ecology at 9.32, would not have taken into account traffic from the holiday park / SANG as they were not at that time proposed.
81. As noted above, the Memorandum of Understanding dated June 2019 between Dorset Council, Charborough Estate and NE however says that (paragraph 22): “*the holiday units are subject to HRA requirements. Managing the park’s impact on heathland can be achieved through works within the boundary of the site. Mitigation for nitrogen may be fully met through a change of use from arable to SANG which is confirmed by NE*” and then it says “*Subject to the detail of restoration and management of the park and SANG, heathland and nitrogen mitigation can be met within the park and SANG*”.
82. This statement is of course not correct for the traffic air quality impact pathway. If there are air quality impacts on European sites, no mitigation for this can be delivered through works within the holiday park or the SANG. The air quality impacts from holiday park / SANG traffic on the European sites must be assessed.

Policy I5 risks water quality impacts on European and Ramsar sites

83. The HRA of the PLP Main Modifications (23 October 2020) explains at 3.10 and Table 2 that previous HRA work in 2011 for the PLP1 had identified as a likely significant effect

⁵ See *Natural England’s approach to advising competent authorities in the assessment of road traffic emissions under the Habitats Regulations, version June 2018* available at: <http://publications.naturalengland.org.uk/publication/4720542048845824>

water issues including abstraction and water quality. The identified likely significant effect related to a number of European sites including those very close to the Morden holiday park / SANG ie Dorset Heaths (Purbeck & Wareham) and Studland Dunes SAC, Dorset Heathlands SPA and Dorset Heathlands Ramsar.

84. The HRA of the PLP Main Modifications (23 October 2020), however, does not discuss this point further in relation to these particular European sites. The 2020 HRA identifies “water *quality* (deterioration in water quality)” as a potential impact pathway (paragraph 4.9). But it (inexplicably):
 - 84.1. makes no reference at all to water *quantity* as being a pathway of impact (the reliance at paragraph 4.11 on Wessex Water’s Water Resource Management Plan HRA (undertaken in 2017) is not an answer because this is not up to date and so did not take into account the Morden park proposals and also pre-dated the important CJEU case of *People over Wind*); and
 - 84.2. furthermore, and in contradiction to the HRA (2011), fails to link the Dorset Heaths (Purbeck & Wareham) and Studland Dunes SAC, Dorset Heathlands SPA or Dorset Heathlands Ramsar to the water *quality* pathway of impact and therefore fails to assess this point in relation to these sites (it only assesses this pathway of impact in relation to Poole Harbour SPA / Ramsar, see Table 4 (row relating to Policy I5)). It provides no explanation for this failure.
85. There is thus a gap – there has been no assessment in the 2020 HRA of the risk to Dorset Heathlands SPA and Dorset Heathlands Ramsar from the water quality impact pathways.
86. Furthermore this gap cannot be justified given that (i) the 2011 HRA for PLP1 had specifically identified these European / Ramsar sites as being at risk from this impact pathway; and (ii) furthermore the PLP Main Modifications now proposes a SANG and a holiday park directly adjacent to these European / Ramsar sites. These will bring in sources of water pollution (eg from holiday makers; dogs fouling) which could clearly affect water *quality*; and water demands too (eg holiday makers) which could clearly affect water *quantity*.

Defective HRA approach to assessing in-combination effects at HRA screening and at appropriate assessment

87. The Footprint Ecology HRA dated 23 October 2020 states at paragraphs 5.2, 7.2, 8.2 and 9.2 “*Screening identified likely significant effects for the following policies in-combination with other elements of plan and other plans/projects*”. However the screening assessment presented fails to explain what other “in-combination” plans and projects have been taken into account at the screening stage. No list of such plans or projects has been provided and no assessment provided as to how this aspect of the screening assessment has been undertaken. In the absence of this information it is not possible to interrogate whether a proper in-combination assessment has been made at the screening stage.
88. The appropriate assessment chapters of the HRA of the PLP (chapters 5, 6, 7, 8 and 9) must, in accordance with regulation 105, assess the implications of the PLP on European and Ramsar sites both alone and in combination with other plans or projects. The appropriate assessment’s approach to assessing in combination effects is also deficient.

89. As an example, Chapter 5 deals with recreation and urban effects [from the PLP] on the Dorset Heaths SAC/SPA/Ramsar. At paragraph 5.72 it is stated that “*recreation impacts or urban effects on the Dorset Heaths SACs/SPA/Ramsar can be ruled out alone or in combination*”.
90. Paragraph 5.38 states “*5.38 The policies map within the Purbeck Local Plan at the Main Modifications stage shows SANGs for policies H4, H5, H6, H7 and also the SANG in relation to I5. SANGs are an essential part of the strategic mitigation approach for recreation pressure, and there is strong and clear policy wording within the environmental policies E7 and E8, and their supporting text to commit to the strategic approach for mitigating for recreation pressure, and the provision of SANGs. Confidence in the availability of potentially suitable SANGs to serve the housing allocations within the Purbeck Local Plan at the Main Modifications stage comes from the extensive work that Natural England has been doing with the Council, landowners and developers to establish viable SANGs options which are now set out and adequately secured*”. This paragraph therefore purports to address the housing impacts of the PLP alone.
91. The first point to make is that this 5.38 statement itself is wholly undermined by the later statement at paragraph 5.64 that “*The capacity of the [Morden Park] SANG [under Policy I5] may therefore be at least in part absorbed by new chalets, and the potential for the SANG to function as a strategic SANG to mitigate for other development in the Purbeck area will need to be carefully assessed, bearing in mind the design of the chalet area*”. Paragraph 5.64 therefore makes clear that no one knows at this stage what strategic role or benefits the Morden Park SANG will provide in mitigating the recreational effects of the PLP even alone. Hence it is clear that the conclusion in 5.72 that “*recreation impacts or urban effects on the Dorset Heaths SACs/SPA/Ramsar can be ruled out alone*”, which in turn relies (in part) upon the SANG at Policy I5 (see paragraph 5.38), is in fact completely without foundation.
92. Secondly, however, there is no explanation of which other plans or projects have been taken into account “in combination with the PLP” in the appropriate assessment of this impact pathway and how an assessment has then been conducted, to address the “in combination with other plans or projects” legal requirement.
93. As a second example, chapter 6 deals with fragmentation and mobile species effects of the PLP on European/ Ramsar sites. Paragraph 6.25 states “*adverse effects on integrity, alone or in combination, from fragmentation and loss of functionally-linked land can be ruled out for Salmon and the River Avon SAC and for heathland birds and the Dorset Heathlands SPA/ Ramsar*”.
94. Again the first point to make about this statement, as regards the effects of the PLP alone, is that the statement is completely undermined by the fact that in part it relies on an assumption that there will be a 400m exclusion zone around European and Ramsar sites (see 6.19 which states “*the 400m exclusions zone ensures no loss of functionally linked land directly adjacent to heaths and provides further confidence that issues can be eliminated*”) and yet we know that this 400m exclusion zone is not being respected in relation to the land marked on the policies map for Policy I5.
95. But, secondly, again, there is no explanation of which other plans or projects have been taken into account “in combination with the PLP” in the appropriate assessment of this impact pathway and how an assessment has then been conducted to address the “in combination with other plans or projects” legal requirement.

Conflicts between PLP and policy E8

96. As already noted above Policy I5's proposed GB release land (yellow in the image above) and SANG (pink in the image above) is on land within 400m of the boundary of various European sites. Furthermore the remainder of the policy I5 land includes and surrounds already-designated European site / Ramsar site land.
97. As explained above, it could not be clearer that policy I5 is in direct conflict with PLP Policy E8.

Conclusion

98. The Main Modifications relating to policy I5 (holiday park and SANG allocation) and additional supporting evidence do not overcome [REDACTED] previous objections.
99. Additionally, the modifications showing the size and location of the allocation for I5 is excessive, unsound and unlawful.
100. Policy I5 remains legally non-compliant with HRA legal requirements and unsound.
101. Any adoption of the PLP on the basis of the latest HRA will be unlawful.
102. The Objectors request that the Inspector recommends that policy I5 is deleted and not adopted as the previous objections have not been overcome and the latest HRA is unlawful.

PART B - MAIN MODIFICATIONS MM7 (POLICY V2) AND MM3 & MM6
(SUPPORTING TEXT)

WHY MAIN MODIFICATION IS NOT LEGALLY COMPLIANT OR SOUND

Third key issue: Given the underlining justification for GB release is the Morden SANG, what alternatives have been considered in evidencing and justifying that choice and have the alternatives been fully examined?

103. The Objectors object on the basis that:

103.1. Reasonable alternatives to the Morden SANG have not been methodically and fully examined and this SANG is not fully evidenced and justified under GB policy (paragraphs 136, 137, NPPF), given it is the justification for releasing GB for the holiday park;

103.2. Insufficient weight has been given to the arising harm to the permanence, function and integrity of this piece of GB and the GB as a whole in this area; and

103.3. The area of the proposed release of GB at Morden is hugely excessive and disproportionate, for example, when compared with other GB releases in the PLP at Lytchett Matravers and Upton that will deliver homes directly.

104. A number of documents suggest that that there has been an assumption for some time that a strategic SANG is needed in the north of Purbeck district, even though the reasons for this are not fully explained.

105. None of the policies in the PLP actually require a SANG at Morden or at least that has not been adequately evidenced by the Council, and the previously produced HRA did not require it as mitigation, though it is certainly discussed as a potential measure (see paras 2.12, 6.6 - 6.12 of SD03). As the Morden SANG underpins the justification for GB release, it is part of the exceptional circumstances justification under NPPF GB policy that must be fully evidenced and justified (paragraph 136) and the Council must be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. If a SANG specifically at Morden is unnecessary, the justification for policy I5 and GB release fall away. The evidence and justification is inadequate.

106. In any event, the evidence that a strategic SANG is needed at *Morden Park* specifically, and that alternative locations do not exist, is not present.

107. There are also significant concerns as to the ability to even deliver this proposed SANG and, even if it can be delivered, for it to have capacity and the right characteristics and location to mitigate against the impacts of windfall development in the wider district as has been assumed.

108. The PLP1 dated November 2012 stated (pg 36 top) "*The DPD will investigate the potential for SANG between Bere Regis and Lytchett Matravers...*".

109. The Memorandum of Understanding between Dorset Council, Charborough Estate and NE dated June 2019 also echoes (paragraph 2) "*The HRAs for the area identifies the need for a strategic SANG in the north of the Purbeck Area*".

110. One document we have seen which seeks to explain *why* a SANG is needed in the north of Purbeck is Dorset Council's document SD93 "Strategy for mitigating the effects of new housing on European sites and justification for changes to GB boundaries at Morden". This states at paragraphs 33 and 35 (see also paragraphs 145-146 of the GB Study, SD51):
33. *"The HRA for Purbeck Local Plan Part 1 identified a need for a strategic SANG in the north of the District between Bere Regis (north west spatial area – 120 homes) and Lytchett Matravers (north east spatial area – 605 homes). Natural England have confirmed that they consider the assessment presented in the HRA for the Purbeck Local Plan Part 1 is robust and that a strategic SANG is needed.*
35. *A strategic SANG is needed in the north of Purbeck to:*
- *provide an alternative location specifically for those people visiting Morden Bog SSSI, SPA, SAC and Ramsar which is within the wider Wareham Forest area (visitor data from Sherford Bridge, immediately south of the proposed SANG and north east of Morden Bog indicates that the majority of visitors to the protected Morden Bog access the site along the A35 corridor, Bere Regis in the west and Lytchett Matravers, Corfe Mullen and Poole in the east); and*
 - *address the additional effects of new housing development expected in this part of the area (including completed and expected windfall development, and allocations from earlier plans)."*
111. Whilst, as above, the conclusion that a SANG is needed in north Purbeck is not well explained, the justification for a SANG needed at *Morden Park specifically* is even more unclear. The above observations do not explain why this area of Purbeck heath is different from other areas that also receive many visitors and have a similar, or greater, potential for windfall housing nearby and why it therefore requires unique treatment. Existing visitor pressure from all existing and planned housing will be mitigated by existing measures, so if there is still a problem with visitor numbers it suggests that current mitigation policies are failing. Windfall development within a reasonable distance of Morden will be severely constrained by the GB, and Morden is not well placed for development to the west of the GB towards Bere Regis. At Bere Regis and Lytchett Matravers, local SANGs have already been planned to mitigate the new housing, so no further SANG provision is needed for them. Alternatives to a strategic SANG in the north of Purbeck are clearly possible, just as they would be in the rest of Purbeck. One very significant problem with the option of the SANG at Morden is that it would be delivered only by releasing a very large area of GB for a holiday park in an environmentally very sensitive location. These considerations count heavily against this option.
112. The Memorandum of Understanding dated June 2019 between Dorset Council, Charborough Estate and NE asserts that a SANG at Morden Park is needed as mitigation for windfall development, but it does not limit new development on land which is environmentally sensitive, for example GB, because the holiday park would be precisely that. Paragraph 30 states:
- 112.1. *"The creation of a SANG in this location would service a significant strategic function in supporting the delivery of existing and future windfall development. Supporting development in existing towns and villages, and on previously developed land in these locations, is consistent with the effective use of land and limiting new development on land which is environmentally sensitive (for example Areas of Outstanding Natural Beauty and green belt)."*

113. Dorset Council's SD93 "Strategy for mitigating the effects of new housing on European sites and justification for changes to GB boundaries at Morden" seeks to explain why the Morden Park SANG is needed. Paragraph 36 states:

"Most of the land in the north of Purbeck that might be suitable as a SANG is either owned by the Charborough Estate (western area including Morden) or the Lees Estate (eastern area including Lytchett Minster). Using the information presented in the 'Partial Review Options Consultation Document 2016' (<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck/local-plan-review-purbeck/past-consultations-and-evidence.aspx>), the Council has identified three alternatives for a potential strategic SANG in the north of the area: Morden Park/Wareham Forest (as identified on the policies map of the Purbeck Local Plan) and those SANGs associated with the Bere Farm and Lytchett Minster housing options sites."

114. These comparisons were defective because the council did not make any allowance for the housing that the different alternatives would deliver, and other alternatives were clearly possible. For example, the Morden option delivers zero houses, and SANG capacity estimated at c300 houses for 76ha of lost GB in an unsustainable location; the Lytchett Minster option delivers c650 houses and SANG capacity of c1000 houses for 29ha of lost GB in a more sustainable location. This also demonstrates the extent to which the GB release at Morden Park is hugely excessive for 100 holiday units.
115. There is also no explanation given as to why *other land* owned by the Charborough Estate or the Lees Estate would not be available for a SANG; or why land owned by *other landowners* would not be available (note that paragraph 36 states "Most of the land in the north of Purbeck that might be suitable as a SANG is either owned by", it does not say "all of the land...").
116. Furthermore paragraph 36 refers to the 2016 Partial Review Options Consultation Document 2016 as being the source of the three alternatives for a strategic SANG that *have* been considered. But on close reading of this document it is in fact clear that:

116.1. no general search for alternative sites was undertaken; and

116.2. the Council only chose the Morden Park site because this had been specifically suggested by NE, see paragraph 187, and there is no evidence that NE themselves had carried out a general search for alternative sites in arriving at that suggestion:

187. *"Natural England would like the Council to identify a strategic SANG in north Purbeck, as it would help direct people away from internationally-protected conservation sites elsewhere. Morden Park Corner is ideally situated to provide this."*

117. The Council's "Purbeck Local Plan GB study" dated October 2018 presents no further analysis of alternative locations for a SANG. Paragraph 151 of the study merely makes clear that the Council asked the landowner of the Charborough Estate whether they could offer any alternative sites for a SANG. Paragraph 151 states:

"The land owner has promoted land for use as a SANG and between 70 and 80 holiday homes. The SANG will serve in limiting / avoiding the adverse impacts from

new homes on protected heathland in the northern part of the District. The Council has asked the land owner to consider whether there are any other alternative sites for the holiday homes on land in their ownership which is also outside the green belt. The land owner does not consider that there are any other alternative sites which are suitable for this development on their land outside the green belt. Together with the SANG the land owner is also considering implementing land management measures to remove invasive species (Rhododendron) and restore native habitats. The Council has taken these considerations into account when assessing the suitability of development at this site.”

118. The choice of a strategic SANG at Morden Park is in any event ill-advised because:
- 118.1. First, as noted above, there cannot, based on the evidence, be reasonable scientific certainty (as the CJEU caselaw on HRA at Annex 1 requires) that no adverse effect on the integrity of any European site will arise from the proposed SANG either alone or in combination with other plans or projects. Hence based on the evidence the PLP’s proposed the SANG at Morden Park must fail the strict HRA tests and cannot be given effect under regulation 105 of the Conservation of Habitats and Species Regulations 2017
 - 118.2. Secondly there is a complete absence of clarity over whether there will be sufficient capacity left within the SANG to “mitigate” for other windfall development once the open space provided by the SANG has been relied upon to: (i) mitigate against impacts on the European sites from the occupants of / visitors to the holiday park under the Conservation of Habitats and Species Regulations 2017; and (ii) mitigate against the loss of GB land to permit development of the holiday park as per paragraph 138 of NPPF.
119. The starting point in relation to this second point is paragraph 6.9 of the Footprint Ecology HRA dated 6 September 2018 which makes clear the doubt over whether the SANG could provide any excess capacity in terms of the Conservation of Habitats and Species Regulations 2017:
- “6.9 As residents of the chalets would be likely to explore the full extent of Wareham Forest (which would be the draw to staying there), the design of the holiday park mitigation and its relationship with the strategic SANG will need to be considered. The capacity of the SANG may be at least in part absorbed by the new chalets, and the ability for the SANG to function as a strategic SANG to mitigate for other development in the Purbeck District will need to be evident, bearing in mind the design of the chalet area and its own mitigation measures.*
120. These concerns are not addressed in the Memorandum of Understanding dated June 2019. The Memorandum of Understanding dated June 2019 states (paragraph 15 and 17) that:
- 15. *“The SANG will need to be available prior to the first sale or occupancy of a holiday home.*
 - 17. *The proposal is for up to 100 holiday units on a 194 ha site, including an approximately 37ha SANG. The map below indicates the areas of opportunities for holiday lodges. The lodges are anticipated to be provided on a mix of longer terms licences and short term rentals. The final mix is to be determined.”*
121. The SANG must, under paragraph 15, be available prior to the first sale or occupancy of a holiday home. This is presumably because the SANG is needed to mitigate the

impacts of the 100 proposed holiday homes. This need is made clear in paragraph 6.9 of the Footprint Ecology HRA (see above) and in paragraph 256 of the latest HRA (as amended) (underlining added):

256 *The siting of a holiday park at the junction of the A35 and B3075 roads would, by way of compensatory mitigation measures, meet the identified need for a strategic SANG in this part of the District. The Green Belt boundaries at Morden Park as altered through this plan allow the land to be re-developed as a holiday park. The Council's green belt review concludes that the provision of a strategic SANG would provide the exceptional circumstances required to amend the green belt boundary to enable the development of an adjacent holiday park.*

122. Dorset Council's document SD93 "Strategy for mitigating the effects of new housing on European sites and justification for changes to GB boundaries at Morden" states at the Table at pages 13 /14 that the Morden Park SANG will give rise to "c250-300 spare capacity ie expressed in numbers of homes". But there is no visibility at all on how this calculation has been made. This is not acceptable, particularly given the doubt and concerns raised in Footprint Ecology's HRA.
123. Paragraph 29 of Dorset Council's document SD93 states that the starting point for NE's assessment of SANG capacity involves applying a ratio of 16ha per 1000 population. This is just a rough rule of thumb, since the "capacity" of a SANG to divert visits away from protected habitats depends heavily upon its character, accessibility and competing alternatives and not just its size. However, the Memorandum of Understanding (paragraph 17) tells us that there are to be 100 holiday homes. If each holiday home had, say, 4 double beds this gives rise to 800 people meaning a SANG to absorb just the holiday homes would have to be 12.8ha in size. The proposed SANG is 37ha in total meaning, on that basis, there is 24.2ha of SANG "leftover" giving rise to a "leftover" capacity of 1,512 people in total (based crudely on 16 ha / 1000).
124. But the following further constraints would also need to be applied to assess the true capacity of the SANG:
 - 124.1. Before a true estimate of the remaining capacity of the SANG can be calculated (in terms of supporting future windfall development) there would need to be a visitor survey, once the SANG is open, to assess how many visitors are already using the SANG. The availability of excess capacity for new residents of windfall development must be calculated having taken into account (discounted) that baseline level of visitors. This is a standard approach adopted by NE.
 - 124.2. Any capacity available at the proposed Morden Park SANG to "mop up" / "mitigate" windfall development must also take into account the separate requirement that the Morden Park SANG is required to offset the removal of holiday park land from the GB, so as to reflect paragraph 138 of the NPPF. This is clear from Dorset Council's position. The Council has explained that that there are *two* policy reasons for the delivery of SANGs elsewhere in Purbeck. The first is in order to reflect paragraph 138 of the NPPF and the second is to address the risk of impacts on European sites. See paragraph 14 of the Council's "*Response to Inspector's Matters, Issues and Questions: Matter C Green Belt*" dated 7 June 2019 where the Council states that: "*In proposing revisions to existing Green Belt boundaries the Council is required to set out ways in which the impact of removing land from the Green Belt can be offset*

through compensatory improvements to the quality and accessibility of the remaining Green Belt land (NPPF paragraph 138 refers). The Council has identified that the proposed SANGs associated with the housing allocations at Lytchett Matravers and Wareham can provide compensation for removing land from the Green Belt. They are also required to avoid / mitigate the adverse effects from new homes allocated around Lytchett Matravers (in the Council's local plan) and Wareham (in the Neighbourhood Plan) on European sites (including Dorset Heathlands)". See also paragraph 147 of the Council's GB Study of October 2018 where it states (underlining added) "The SANG will increase public accessibility into this part of the GB. This increase in public accessibility will provide compensation to partially offset the proposed loss of green belt land to the holiday park". The Morden Park SANG is only 37ha in size (ie nowhere near the size of the extent of land loss from the GB to the holiday park (76ha). So further careful consideration must be given to whether, taking into account the NPPF paragraph 138 requirement, it can be said that there is indeed excess capacity within the SANG.

- 124.3. There is a car parking constraint at the SANG. This will affect the ability of the SANG to mitigate against windfall development. Policy I5 of the PLP (SD01A) on "Morden Park strategic suitable alternative natural green space (SANG) and holiday park" states (together with MM73 in SD14 pg 84): "*The SANG provided will need to be designed and managed following criteria to be agreed with Dorset Council and Natural England. The key features include:New car park to intercept users which may be up to 30 spaces over time*".
125. The Council's failure to provide fully evidence and justify the whether the SANG will provide any additional or any significant additional mitigation to provide extra capacity for housing in the area is in essence confirmed in paragraph 5.64 of the latest HRA, which states:
- "As residents of the chalets would clearly be likely to explore the full extent of Wareham Forest (which would be the draw to staying there), the SANG would have to draw users who would otherwise be using the forest. The capacity of the SANG may therefore be at least in part absorbed by the new chalets, and the potential for the SANG to function as a strategic SANG to mitigate for other development in the Purbeck area will need to be carefully assessed, bearing in mind the design of the chalet area."*
126. It is not sufficient either legally in respect of a HRA assessment requirements or in terms of soundness or GB policy, given the SANG is presented as the underlining reason for GB release, for the SANG to only have a potential mitigating effect for housing development in the area or to defer assessment of the extent to which the SANG will provide mitigation and capacity for housing developments in the area.
127. Consideration must also be given to whether the likely location of all small developments and windfall development in Purbeck which it is intended will be "mopped up" by the proposed Morden Park SANG is sufficiently close to the proposed SANG for it to operate as effective mitigation.
128. SANGs are much less likely to be effective when they do not associate more closely with the housing development than the protected habitats site that is to be protected.
129. It is also unlikely that a single "strategic SANG" will be effective in mitigating a diffuse collection of smaller sites, particularly when the SANG is in close proximity to the protected European sites and no more accessible than those sites.

130. Given the close proximity of the Morden SANG to the protected ecological sites and these other factors, there is a serious risk and likelihood that the occupiers of the developments are more likely to use the protected ecological sites, rather than the SANG.
131. Even if it is accepted that SANG is needed in the north of Purbeck, as is asserted, it is far from clear that a SANG *at Morden Park* is needed and why other areas might not be available even where most of the land in the north of Purbeck is owned by the South Lytchett Estate and the Charborough Estate. As set out above, there has been no presentation by the Council of any comprehensive review of land opportunities in the area. The Morden Park SANG was selected, in effect, simply because NE in 2016 indicated that the Morden Park area would be ideal.
132. Also no examination has been given to the different / alternative ways that SANGs (and indeed this SANG) may be funded and provided (evidence on this is non-existent). Different ways of SANG funding or provision may well present alternatives to relying on the enabling development of a holiday park that has significant negative GB impacts of great importance and weight as addressed below. It appears that the Council has accepted the “sweetner” on offer from Charborough Estate without any proper assessment of the alternatives, let alone one that is fully evidenced and justified.
133. Given the limited resources available, it is not for CPRE to demonstrate an appropriate alternative SANG strategy or to provide a definitive alternative solution. That is for the Council to evidence and demonstrate to underpin the appropriateness and soundness of its strategy under NPPF policy (eg paragraphs 11, 35 and 136 – 138).
134. For example, it is not clear why the normal approach of the Council accumulating funds from developers via s106 agreements or the Community Infrastructure Levy (“**CIL**”) could not give rise to sufficient funding to allow the Council to purchase or lease SANG land, either at Morden Park or elsewhere. The following documents all show that the normal approach of the Council accumulating funds from developers will be available so this begs the question as to why has it been presumed that the Council could not itself fund the purchase or lease of this SANG.
135. For example the HRA for the PLP Submission Version dated 6 September 2018 [SD03] explains how Purbeck has previously funded its heathland mitigation:
- “4.10 *Developer contributions for heathland mitigation were originally collected by Purbeck District Council through individual Section 106 agreements. With the introduction of the new Community Infrastructure Levy (CIL) a change in the way in which planning authorities obtain developer money was introduced, with any funding required to provide infrastructure collected through CIL, in accordance with tariffs set for each administrative area based on their infrastructure needs and viability of payments, i.e. tariffs are set at a level that is affordable and viable for the development of the local area. Planning authorities with European site mitigation schemes in place or in development are therefore able to use CIL to fund infrastructure related mitigation.*
- 4.11 *Since 4 June 2014, Purbeck’s heathland mitigation has either been funded through CIL or by securing site specific and bespoke mitigation through Section 106. Purbeck’s CIL charging schedule commits to heathland mitigation. The charging schedule refers to the need to fund strategic off-site measures and a range of on-site management measures. CIL expenditure is*

not necessarily restricted to those projects on the charging schedule, and the strategic approach to heathland mitigation will require a continued update of proposed projects for funding.

4.12 *Monitoring has shown that as of February 2014, the cumulative amount of gross contributions received by the relevant local planning authorities (Poole, Bournemouth, East Dorset, Purbeck & Christchurch) was £6,479,495. This money has been spent on a wide range of projects, including:*

- *On-site wardening*
- *Education programmes delivered by the Urban Heaths Partnership and Dorset Dogs*
- *Improvements to existing sites outside the heaths which have the potential to absorb additional access (such as Delph Woods)*
- *Creation of alternative sites away from heaths (including a BMX area in Christchurch and contribution towards a multi-use play area as well as new sites for more general recreation)*
- *Purchase of land adjacent to heaths ('heath support areas') to provide increased space for recreation*
- *Installation of fire-fighting infrastructure on the heaths (such as fire hydrants)*
- *On-site management works, such as path work to minimise erosion*
- *Monitoring, including purchase monitoring equipment and both bird and people monitoring."*

136. The PLP itself in the latest version states at paragraphs 229:

"229 CIL is an important mechanism for the Council in seeking contributions towards heathland mitigation. Developer contributions secured to ensure appropriate management of the impacts of growth upon Purbeck's internationally protected heathland have been crucial to enabling growth and development in the District and will continue to be so over the period covered by this Purbeck Local Plan".

137. Furthermore relevant parts of Policy I1 in the PLP incorporating the Main Modifications state:

"Policy I1: Developer contributions to deliver Purbeck's infrastructure

The Council will work with its partners, funding bodies and infrastructure providers to secure the infrastructure required to enable sustainable growth to meet the needs of Purbeck.

Developer contributions will be sought from new proposals through a range of mechanisms in order to achieve timely and effective investment in infrastructure and secured through the application of Community Infrastructure Levy, S106 agreements and S278 agreements for works to the highway.

As part of the process of securing site specific developer contributions, the Council will

have regard to the overall costs of development, including CIL, and work with applicants to ensure necessary investment in infrastructure can be secured whilst enabling otherwise sustainable and viable development to proceed. Contributions will be sought as follows:

- a.
- b. *habitats mitigation will be secured through a combination of CIL and S106 agreements with CIL rates being set to reflect this approach:*
 - i. *for allocated sites and sites not allocated in this plan of 50 dwellings or more, heathland mitigation and nitrate mitigation will be secured through S106 agreements whereas mitigation of recreation impacts on Poole Harbour will be secured through CIL*
 - ii. *for small sites and windfall developments of less than 50 dwellings, all habitats mitigation will be secured through CIL;*

138. The failure of the Council to present any evidence as to why the normal approach to accumulating funding for a SANG (ie CIL or s106) could not give rise to a new SANG in this case is all the more perplexing when one considers that the Council is intending to *give money to Charborough Estate* to help them develop the Morden Park SANG.
139. This funding from the Council to Charborough Estate is clear from the Memorandum of Understanding dated June 2019 as between Dorset Council, NE and Charborough Estate where paragraph 16 acknowledges that Charborough Estates' holiday park is reliant on Council money to finance the SANG: *"The holiday park is capable of financing the SANG with a contribution from the Council."* Paragraph 11 of the Memorandum of Understanding dated June 2019 also states: *"A draft high level conceptual scheme with rough costings has been provided. These costings indicate that the holiday park could sustain a SANG, with a contribution from developers through the Council. The Council is not in a position currently to agree the amount of funding that would be available"*.
140. There is no reason why the Council money should go to Charborough Estate to, in effect, enable a holiday park in the GB with its significant negative impacts, as opposed to funding a SANG or other mitigation without the holiday park either in this location or locating the SANG on another suitable site in the north of Purbeck.
141. This also demonstrates that the Council anticipates having money available for a SANG in the north of Purbeck and this, in itself, provides an alternative to the Council's current strategy.
142. With the funds available, for example, through s106 contributions and/or the CIL, the Council could either use the funds to negotiate a purchase or lease of the necessary land or, where necessary, use compulsory purchase powers and provide the SANG at Morden Park or on an alternative site. The SANG could either be provided by the Council or some other body. Once the land has been acquired and the upfront capital costs paid, subsequent residential developments relying on the SANG can be required to pay a proportionate amount for the ongoing costs via s106 agreements or the CIL.
143. Thirdly it is not clear why a Morden Park SANG is needed and why other types of Heathland Infrastructure Projects ("**HIPs**") could not be relied upon to deliver the

required mitigation. No evidence has been presented to explain this. It is clear from the following documents that other non-SANG HIPs are an option so as to mitigate against European site impacts from new housing.

144. The Dorset Heathlands Planning Framework 2015-2020 SPD dated October 2015 [SD79] states at 5.1-5.5 that:

“5.1 Since January 2007 the local authorities in South East Dorset have been operating a strategy based on delivering a range of measures to mitigate the adverse effects of residential development while bringing forward individual Local Plans/Core Strategies.”

5.2 The strategy consists of:

- Heathland Infrastructure Projects (HIPs)*
- Strategic Access Management and Monitoring (SAMM)*

5.3 HIPs are projects that provide facilities to attract people away from protected heathland sites. Projects are tailored to the specific needs that have been identified through the HRAs of the local authority’s local plans as being requirements for the avoidance or mitigation of adverse effects from development. Of these projects SANGs (Suitable Alternative Natural Greenspaces) are the most significant element of provision, having a key role in attracting residents away from the Dorset Heaths. Other 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.

5.4 HIPs will be delivered by either the local authorities from contributions collected through Community Infrastructure Levy payments and/or directly by developers through on site provision.”

145. The Council’s document SD93 “Strategy for mitigating the effects of new housing on European sites and justification for changes to green belt boundaries at Morden” states (paragraph 52) also makes clear that there are alternative non-SANG HIP possibilities:

“Taking account of the likely distribution of windfall housing (based on the settlement hierarchy of the plan) and guidance from Natural England, the Council is satisfied that the assessment framework in planning policies/supplementary planning documents, strategic access management/monitoring and the network of existing/proposed Suitable Alternative Natural Green Spaces (SANGs) provide the necessary certainty that windfall housing will not adversely affect European sites. A range of additional HIPs have been already considered by other authorities in south east Dorset as cost effective measures which are open to the Council to implement, these include off road cycle facilities, fenced training areas for dog owners, access improvements to control and direct parking near to designated sites etc and these offer local solutions to enable developments to come forward whilst providing appropriate mitigation”.

146. As the above demonstrates, the Council’s consideration of the reasonable alternatives to the Morden SANG is inadequate. It is not fully evidenced and justified and the Council’s strategy cannot be concluded on the evidence to be appropriate. As such, the present policy of releasing land from the GB to allocate the holiday park site must be found to be unsound.

Fourth key issue: Are there exceptional circumstances that justify the release of GB at Morden for the holiday park and have they been fully evidenced and justified?

147. In summary:

147.1. Neither Dorset Council, nor Charborough Estate has demonstrated an objectively assessed need for the holiday park per se. In fact, there is little to no assessment presented for the need for the holiday park itself and it is perfectly clear that no one is suggesting that the holiday park (without the SANG) has any ability, itself, to demonstrate “exceptional circumstances” justifying the alteration of the GB for its delivery; and

147.2. The proposed holiday park causes significant harm to the GB by encroaching on the countryside and failing to maintain the openness and permanence of the GB. Given the proposed location and large size of the holiday park in the middle of GB land, it also potentially compromises the future permanence and integrity of surrounding parts. The holiday park would be unacceptable in GB terms unless the associated provision of the SANG can constitute exceptional circumstances, which is addressed under other issues.

NPPF Soundness Tests

148. The tests for whether the PLP is sound are that it must be positively prepared, justified, effective and consistent with national policy.

NPPF GB Tests

149. The NPPF which sets out the fundamental aim and objectives of the GB as follows:

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

134. Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Assessment

150. A key document in this context is the Council’s GB Study, October 2018 (SD56) which assesses the GB function of the Morden Park site. Relevant aspects at p79-80 are as follows:

Criteria 3 - To assist in safeguarding the countryside from encroachment

154. The site covers a large area (around 194 hectares). The land is a mix of agricultural fields, heathland and a woodland. The site's undeveloped character makes a significant contribution to the purpose of safeguarding the countryside from encroachment.

Fully satisfies

Criteria 5 - Strategic function of the green belt

156. The site forms part of parcel 7 in stage 1 of this green belt review. It scores highly for its openness and the positive contribution that it makes to the undeveloped character of the countryside. Whilst the site is not positioned close to, or around any existing settlements, its size means that it performs a significant function in maintaining the openness of the countryside.

Fully satisfies

Criteria 6 – New permanent boundaries

157. The eastern edge of the site is defined by a road (Chitten Hill) which leads up to the A35 Road. The edge of the site is clearly defined and likely to remain permanent. The remaining edges of the site are not clearly defined by permanent physical features. Parts of the boundary correspond with tracks used as public rights of way.

Partly satisfies

151. It is clear from the above assessment that the Morden Park site has the essential characteristics of the GB, which is its openness and permanence, and it serves the objective of safeguarding the countryside from encroachment.
152. Unacceptable harm in relation to the Morden Park GB land is set out in the latest Sustainability Appraisal of the Main Modifications, 2020 (MMCD4) at p21 as a combination of a significant negative impact in the consumption of natural resources and negative impacts on sustainability in terms of transportation and landscape as follows:

	List of options, sites and policies assessed against SA Framework	Meet as much of Purbeck's housing need as possible	Promote services and facilities where need is identified	Harness the economic potential of tourism and widen employment opportunities in Purbeck	Help everyone access basic services, reduce the need to travel by car & encourage cycling, walking and use of public transport?	Reduce vulnerability to flooding and coastal change, and adapt to climatic changes	Protect & enhance habitats and species and local geo-diversity?	Protect & enhance Purbeck's unique landscape & townscape, & cultural & historical assets?	Minimise all forms of pollution and consumption of natural resources.
Issue 16: country park and tourist accommodation at Morden									
16a	develop land at Morden for public open space and around 80 – 100 holiday chalets	n/a	++	+	-	n	n	-	--

Symbol	Definition
++	Significant positive effect
+	Positive effect
n	Neutral effect
-	Negative effect
--	Significant negative effect
n/a	not applicable
u	Unknown at this stage

153. Considering the holiday park in isolation, it is an unacceptable encroachment on the countryside and fails to maintain its openness and permanence.
154. The location of the holiday park with its urbanising effect in the middle of the GB also potentially compromises the future permanence and integrity of surrounding parts.
155. GB is irreplaceable because once countryside land in the GB is lost, there is no realistic prospect of reinstatement of its openness or countryside characteristics. That is unsustainable because it compromises the ability of future generations to meet their own needs (paragraph 7, NPPF).
156. Maintaining the essential characteristics of GB openness and permanence, preventing encroachment of the countryside and the harm resulting from the loss of GB must be given great importance and weight. The Council's assessments have not given full and proper account to the GB harm resulting from the removal of land from the GB for the construction of the holiday park.
157. The Memorandum of Understanding dated June 2019 between Charborough Estate, NE and Dorset Council states on pg 10 that "*Provision of a strategic SANG provides exceptional circumstances to justify changes in the green belt boundary to enable the development of a holiday park, subject to all other planning requirements.*"
158. However, given the great importance and weight to be given to any harm to the GB and the negative impacts of the proposed holiday park on sustainability and landscape, full evidence and justification on this point is required.
159. Dorset Council's "Response to Inspector's Matters, Issues and Question: Matter C: GB 7 June 2019" states (paragraph 11):
11. *The exceptional circumstances for release of Green Belt land for a 'holiday park' at Morden can be summarised as follows:*
- a) *the landowner has committed to delivery of a strategic SANG – the SANG would mitigate/avoid the adverse effects arising from windfall residential development and underpin the delivery of sustainable housing in this part of Purbeck (paragraphs 145 and 146 SD51);*
- b) *the holiday park will confer compensatory improvements to offset harm – improved accessibility into the SANG (paragraphs 147, 148 and 149 SD51); and*
- c) *positive environmental management - the landowner has also committed to a programme of positive environmental management within the holiday park to remove invasive species and promote ecological diversity.*
160. But this is not adequate.
161. In relation to a) this could only amount to an exceptional circumstance where it has been demonstrated that a Morden Park SANG is fully evidenced and justified, having regard to alternatives available to fund and provide the SANG or alternative suitable sites or mitigation. As is set out above, this has not been fully evidenced or justified;
162. In relation to b), the point is a spurious argument and not an exceptional circumstance since the harm is being caused by the introduction of the holiday park. If the GB land is

not released and the holiday park is not provided in what is existing GB, the harm would not arise; and

163. In relation to c), this is not an “exceptional circumstance”, given the existing NPPF’s requirement for biodiversity net gain and particularly where shortly, under the forthcoming Environment Act, it will be a legal requirement for *all* developments to deliver, as a minimum, a 10% biodiversity net gain. Positive environmental management is already standard and is a “given” for all developments. A minimum 10% biodiversity net gain will become the norm shortly. In no way can c) be said to be “exceptional”.
164. Furthermore, Charborough Estate, the owner of the Morden Park site, also has not even evidenced before the Inspector the viability of its holiday park development, with the associated provision of the SANG.
165. The Pro Vision representation (June 2019) on behalf of the owner (contained in the Further Representations, Matter C, GB document contained on the Council’s Examination webpage) acknowledges this in that it says:
 - 165.1. *“The Estate had undertaken viability work to show that the holiday park could fund and deliver the SANG and related works proposed by Natural England but it had not got to the position whereby this information could be relayed in an appropriate format for Council scrutiny”* (paragraph 3.5).
 - 165.2. *“The Council has “Concerns over deliverability of the SANG in the absence of a viability was the main reason given for these late stage modifications”* (paragraph 3.2).
166. No consideration has been presented of the size of the GB release and whether it has both been minimised to limit the harm and is proportionate to the claimed benefits. 76ha is an extremely large area to release for the construction of up to 100 holiday chalets, together with 157ha overall for the holiday park (once the 37ha for the SANG is deducted from the overall area for policy I5 of 194ha). 100 houses, by comparison would typically require only 6ha. It is also a large area to sacrifice for a limited amount, if any, of residual SANG capacity and no housing.
167. The 76ha of GB release brings the area for built development within 400m of the protected ecological sites contrary to the usual limitations on such development (see policy E8 for example).
168. Document SD83 (Additional submission to Purbeck DC covering: “Assessment of alternative non green belt sites” prepared for and on behalf of The Charborough Estate effectively concedes that there are no exceptional circumstances for a holiday park development alone in the GB. It confirms that the only possible argument for exceptional circumstances of a holiday park is via delivery of the Morden Park SANG. Document 83 states (page 3):

“It is understood that the Council are moving forward with a holiday park allocation for the site but that a strategic SANG for the northern part of the District should be proposed, allocated and enabled in parallel. The Council consider the SANG is necessary to demonstrate the “exceptional circumstances” for allocating new holiday park development in green belt.
169. This is confirmed in the Memorandum of Understanding between Dorset Council, Charborough Estate and NE dated June 2019 which states (top of page 10) that:

“Provision of a strategic SANG provides exceptional circumstances to justify changes in the green belt boundary to enable the development of a holiday park subject to all other planning requirements”.

170. Furthermore, the Council appears to have considered few to no other options for the location of a holiday park, for example, outside of the GB. The Council has merely asked the landowner of the Morden Park site for any alternatives that he could offer, see the GB Study, October 2018 (SD56) which says at p79 as follows:

The Council has asked the land owner to consider whether there are any other alternative sites for the holiday homes on land in their ownership which is also outside the green belt. The land owner does not consider that there are any other alternative sites which are suitable for this development on their land outside the green belt.

171. There is no indication that the Council has sought to objectively verify this information or sought in this context to consider other sites outside of Charborough Estate’s ownership or fully examined the reasonable alternatives as discussed above.
172. Furthermore, the use of public funds as the Council has promised in the Memorandum of Understanding with the Charborough Estate towards the delivery of the Morden SANG significantly reduces the weight that can be given to the holiday park “enabling delivery” of the SANG and the claimed exceptional circumstances for GB release.
173. As the Council has already recognised, the location of the holiday park site is such that it is not sustainable and has a negative sustainability impact (see the table above from the Sustainability Appraisal, January 2018 (SD54) at p169).
174. The Council has taken into account the need to promote sustainable patterns of development in the Sustainability Appraisal when reviewing the GB boundary in relation to the holiday park proposal, but has not given the issue due recognition or weight in respect of that part of the GB and the particular site.
175. Greater weight should also be given to the need to promote sustainable patterns of development, given paragraph 138, NPPF and as a result that *“The planning system should support the transition to a low carbon future in a changing climate. It should shape policies that contribute to reductions in greenhouse gas emissions in line with the objectives and provisions of the Climate Change Act 2008”* (paragraph 148, NPPF).
176. Exceptional circumstances for the alteration of the GB to deliver the holiday park simply do not exist on the evidence before the Inspector, having regard to the GB impacts of great importance and weight and the lack of full evidence and justification including in relation to the reasonable alternatives.

Fifth Issue - Is there an adequate safeguard on the release of the GB land?

177. There is not an adequate safeguard or any safeguard whatsoever.
178. The proposal is to release land from the GB, but there is no guarantee the holiday park or the SANG will be provided. With the land released from the GB, it might also be possible in the future for the landowner to promote some other development that could not be justified if the land is GB. If the Inspector does not accept the overall objection in principle to the holiday park and SANG, the holiday park land should not be released from the GB and the subsequent planning application for the holiday park should be required to demonstrate very special circumstances in order to obtain planning

permission. If the Inspector decides to accept the holiday park and SANG contrary to this objection, that approach would be appropriate, given the obvious lack of full evidence and justification at this stage.

179. If the holiday does not come forward, that way the GB is retained in relation to any other proposed developments for the land that would require very special circumstances to be demonstrated.
180. Additionally, given the GB release is a hugely excessive 76ha, it would also mean that should the developer seek planning permission either at the outset or at a later date for more than 100 holiday units, very special circumstances would have to be demonstrated. On the approach in the Main Modifications that would not be the case, therefore, the grounds for refusing planning permission would be substantially diminished.

Conclusion

181. Great importance and weight must be given to the loss of GB (paragraph 133, NPPF).
182. The Council's justification for the GB release is the holiday park in the GB enabling the provision of the SANG as mitigation for infill and windfall housing in the area.
183. However, there is no need for a strategic SANG in the north of Purbeck or the Council has failed to fully evidence and justify it.
184. Even if the Inspector decides there is a need for a SANG, the reasonable alternatives for funding and delivering it have not been fully examined and evidenced.
185. The Council has failed to give due attention to the NPPF policy requirements and has erroneously weighted the material considerations that has resulted in unsound Main Modifications to policy V2.
186. The weight that can be attached to the Council's arguments is substantially undermined and diminished and insufficient to justify GB release due to non-compliance with NPPF policy, the disproportionate area of GB that would be harmed, the use of public money towards the delivery of the Morden SANG (which should be used towards delivering a SANG or other mitigation without the holiday park in the current GB) and the unlawfulness of the related HRA for the reasons set out in the Annexure relating to MM77 (policy I5).
187. 76ha of GB release is hugely excessive for the construction of up to 100 holiday units, together with 157ha overall for the holiday park (once the 37ha for the SANG is deducted from the overall area for policy I5 of 194ha). 100 houses, by comparison would typically require only 6ha.
188. It is also a large area to sacrifice for a limited amount, if any, of residual SANG capacity and no housing.
189. Even if the holiday park is accepted by the Inspector, policy V2 contains no safeguard whatsoever on the GB release. The holiday park land should remain in the GB to provide an adequate safeguard if the intended development does not come forward and against other development on the land or additional holiday units being proposed. Very special

circumstances would then need to be demonstrated, which is an appropriate safeguard as proposed by the Council in its Submission PLP.

190. Exceptional circumstances do not exist and have not been fully evidenced and justified, having regard to a full examination of the alternatives.
191. The Main Modifications MM3, MM6 and MM7 to release GB land for the holiday park at Morden Park are not justified, not consistent with the NPPF policy tests and, therefore, unsound. The Inspector is requested to recommend that they are deleted and not adopted.

SCHEDULE 1

CASE LAW ON HRAs RELATING TO LOCAL PLANS

1. The HRA requirements under the Habitats Regulations must be applied consistently with the precautionary principle (see the judgment of Lord Carnwath in *R. (on the application of Champion) v North Norfolk District Council*, at paragraph 12⁶).
2. The need for an “appropriate assessment” is triggered by a risk that the plan or project in question will have a significant effect on a European site. Such a risk will exist if, on the basis of objective information, the possibility of a significant effect cannot be excluded⁷ (see the judgment of the Grand Chamber of the European Court of Justice in case C-127/02⁸ at paragraph 44, and the Opinion of Advocate General Sharpston in CJEU case C-258/11⁹, at paragraphs 47 to 50).
3. The “likely significant effect” test operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken of the implications of the plan or project for the conservation objectives of the site (Advocate General Eleanor Sharpston in CJEU case C-258/11, paragraph 49).
4. An appropriate assessment implies that all the aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field (CJEU case C-127/02, paragraph 54).
5. The purpose of that assessment is that the plan or project in question should be considered thoroughly, on the basis of what the Court has termed ‘the best scientific knowledge in the field’ (Advocate General Eleanor Sharpston in CJEU case C-258/11, paragraph 49).
6. The assessment carried out under that provision may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned (CJEU case C-164/17¹⁰, paragraph 39).
7. An appropriate assessment of the implications for the site concerned of the plan or project must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site’s conservation objectives (CJEU case C-127/02, paragraph 53).
8. The competent national authorities, taking account of the appropriate assessment of the implications of [the plan or project] for the site concerned in the light of the site’s conservation objectives, are to authorise [it] only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects (CJEU case C-127/02, paragraph 61).

⁶ [2015] UKSC 52

⁷ [2017] EWCA Civ 58, paragraph 30

⁸ *Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij* [2005] 2 C.M.L.R. 31

⁹ *Sweetman and others v An Bord Pleanala* [2013] 3 C.M.L.R. 16

¹⁰ *Grace and Sweetman v An Bord Pleanala* [2018] C-164/17

9. The plan or project in question may be granted authorisation only on the condition that the competent national authorities are convinced that it will not adversely affect the integrity of the site concerned (CJEU case C-127/02, paragraph 56).
10. So, where doubt remains as to the absence of adverse effects on the integrity of the site linked to the plan or project being considered, the competent authority will have to refuse authorisation [subject to the derogation tests which we do not consider here] (CJEU case C-127/02, paragraph 57).
11. The threshold at this (the second) [appropriate assessment] stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not 'should we bother to check?' (the question at the first [likely significant effect stage]) but rather 'what will happen to the site if this plan or project goes ahead; and is that consistent with "maintaining or restoring the favourable conservation status" of the habitat or species concerned?' (Advocate General Eleanor Sharpston in CJEU case C-258/11, paragraph 50).
12. An appropriate assessment is not a defined term. It is an assessment which must be "appropriate" in terms of its scope, content, length and complexity to the plan or project under assessment. As was stated by the Supreme Court in *Champion v North Norfolk District Council*¹¹ (paragraph 41): *"'Appropriate' is not a technical term. It indicates no more than that the assessment should be appropriate to the task in hand: that task being to satisfy the authority that the project will not adversely affect the integrity of the site concerned"*. This follows the European Court judgment in case C-127/02 (paragraph 52); *"As regards the concept of 'appropriate assessment' within the meaning of Article 6(3) of the Habitats Directive, it must be pointed out that the provision does not define any particular method for carrying out such an assessment"*.
13. Clearly a land use plan cannot be assessed to the same level of precision as a specific project (eg planning application) that might come forward even though the legal requirements relating to appropriate assessment must still be met.
14. In the CJEU case C-6/04¹² the Advocate General (J. Kokott) stated, in the context of development plans, that the adverse effects on areas of conservation must be assessed at every relevant stage of the [planning] procedure *to the extent possible on the basis of the precision of the plan*:

"49. ...Many details are regularly not settled until the time of final [planning] permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. The assessment is to be updated with increasing specificity in subsequent stages of the procedure" (paragraph 49, C-6/04).
15. The case law shows that, where mitigation measures are relied upon in relation to the HRA of a development plan, there must be sufficient information at the time of adoption of the development plan to enable the plan-making authority to be duly satisfied that the proposed mitigation can be achieved in practice i.e. the Council needs to be satisfied as to the achievability of the mitigation in order to be satisfied that the plan will have no

¹¹ [2015] UKSC 52

¹² *Commission v United Kingdom* [2005] ECR I-9017

such adverse effect (see *No Adastral New Town Limited v Suffolk Coastal District Council, Secretary of State for Communities and Local Government*, paragraph 72). In *The Queen on the Application of Devon Wildlife Trust v Teignbridge District Council v Rocklands Development Partnership*¹³, which related to an outline planning consent, the judge put the matter this way: “*in a multi-stage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice, it is not necessary for all matters concerning mitigation to be fully resolved before a decision-maker is able to conclude that a development will satisfy the requirements of regulation 61 of the Habitats Regulations.*”

16. It is furthermore clear from case law relating to a development plan (specifically a neighbourhood development plan, see paragraph 50 in *R. (on the application of DLA Delivery Ltd.) v Lewes District Council v Newick Parish Council*¹⁴), that the examiner [of the plan] must explicitly address any lack of positive evidence to demonstrate that necessary mitigation would in fact be brought forward in a timely way. There must be more than a mere conclusion that there is “no substantive evidence” to demonstrate the impossibility of the mitigation being delivered. It is not a sufficient explanation simply to observe that the Council is working towards the provision of mitigation and that this is recognised within plan. The examiner must go further than that and articulate more fully why the mitigation would be provided, even though, for the moment, the detail of the mitigation had not been identified.

¹³ [2015] EWHC 2159 (Admin)

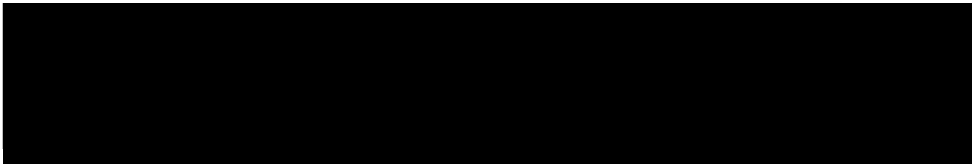
¹⁴ [2017] EWCA Civ 58

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1192742

Consultation reference: 34





15th January 2020

By Email

Dear Sir/Madam,

PURBECK LOCAL PLAN AND CIL PROPOSED MODIFICATIONS CONSULTATION. VIABILITY EVIDENCE BASE

This is a joint representation made on behalf of 


We are a group of independent and competing housebuilders specialising in sheltered housing for the elderly. Together as a group, we are responsible for delivering circa 90% of England’s specialist owner occupied retirement housing.

These representations are made in respect of the viability evidence base supporting the draft policies in respect of affordable housing and in particular the proposed application of these policies against specialist housing proposals for older people. The viability evidence base is also intended to support the proposed CIL Charging Schedule. Therefore this representation relates to both the Local Plan and the CIL Proposed Modifications.

The Consortium has previously engaged with officers and the council’s appointed viability consultant DSP. We are pleased to note that some amendments are proposed to the charging schedule in respect of extra care housing proposals.

However, we stand by our original submissions which highlighted what we still consider to be issues in the way viability is assessed for smaller brownfield sites which are typically the sites where specialist housing proposals for older people are brought forward by the Consortium. This is particularly relevant in respect of benchmark land value for which it is well known tends not to come forward at existing use value plus a small premium.

The retirement sector has been disproportionately impacted by the on-going pandemic and the series of national lockdowns which has resulted in many prospective purchasers shielding for long periods. This has had a dramatic impact on sales rates which have fallen across the companies by 60-70% over the last 12 months¹.

We have one further observation in respect of ground rents. The Government announced on 7th January 2021 that they will bring forward legislation to ban the charging of ground rents for all new leasehold properties². This ban is likely therefore to come into force by the end of 2022 with investor appetite in these funds likely to dwindle once the legislation advances given the other

¹ <https://www.housingtoday.co.uk/news/mccarthy-and-stone-sales-slump-as-second-wave-hits/5108916.article>

² <https://www.gov.uk/government/news/government-reforms-make-it-easier-and-cheaper-for-leaseholders-to-buy-their-homes>

proposed changes to leasehold properties including the drive to introduce commonhold and peppercorn rents. We note that the DSP viability testing includes significant income in many appraisals in respect of ground rents and we strongly suggest the testing be updated now to assess the impact of the loss of ground rents.

In summary we maintain the belief that viability evidence base underpinning the draft proposed policy in respect of affordable housing and specialist housing for older people is likely to severely restrict the supply of this important housing typology within the Local Plan area.

We would be happy to input further into revised viability testing undertaken.

Thank you for the opportunity to comment.

Yours sincerely,

Consultee: [REDACTED]

Event Name: Purbeck Local Plan proposed Main Modifications

Consultee reference: 1185234/1187112

Consultation reference: 35

PART A






	Your contact details	Agent's Details (if applicable)
Name	[REDACTED]	
Organisation / Group (if applicable)	[REDACTED]	
Address line 1	[REDACTED]	
Address line 2		
Town / City	[REDACTED]	
County	[REDACTED]	
Post Code	[REDACTED]	
E-mail address	[REDACTED]	

Group Representations

If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people support the representation

COMMITTEE
MEMBERS
6 + 1

Please note:

- The consultation period starts on **Friday 13 November 2020** and will last for 8 weeks until 11.45pm on **Friday 8 January 2021**.
- Only representations made in this period will be referred to the Planning Inspector for consideration.
- Responses must be made using this form (sent in the post or attached to an e-mail) or online at this link  www.dorsetcouncil.gov.uk/plp-main-modifications .
- Respondents must complete Part A of this response form and separate Part B forms for each proposed Main Modification that they might wish to comment on.
- All respondents must provide their name and address and/or email address.
- All forms must be signed and dated.
- Responses cannot be treated as confidential. By making a response you agree to your name and comments being made available for public viewing.
- Information on the council's privacy policy is available on our website at:
 www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-general-privacy-notice.aspx .
- The council will not accept any responsibility for the contents of comments submitted. We reserve the right to remove any comments containing defamatory, abusive or malicious allegations.
- If you are part of a group that shares a common view, please include a list of the contact details of each person (including names, addresses, emails, telephone numbers and signatures) along with a completed form providing details of the named lead representative.
- The proposed Main Modifications to the Purbeck Local Plan, proposed Purbeck Local Plan (2018-2034) policies map and the relevant background and evidence documents, are available to view on the Council's website at  www.dorsetcouncil.gov.uk/plp-main-modifications .
- Hard copies of the consultation documents are available to loan from libraries in Dorchester, Lytchett Matravers, Swanage, Upton, Wareham and Wool. Please contact the libraries separately to ascertain their opening times, availability of documents to loan and for full details of their procedures to restrict the spread of COVID-19. You must follow any procedures relating to the COVID-19 in the libraries.
- If you have questions relating to the consultation, or the process for making a response, please contact the Planning Policy team on  **01929556561** or  planningpolicy@dorsetcouncil.gov.uk.
- Response forms returned in the post should reference the Purbeck Local Plan Proposed Main Modifications Consultation, Dorset Council, Spatial Planning Team and be sent to South Walks House, South Walks Road, Dorchester, DT1 1UZ.
- Please tick the box if you would like to be notified of the following:

Adoption of the Local Plan.

ADDENDUM FOR REPRESENTATION

SUMMARY OF POLICIES IN DOCUMENT WITH CROSS REFERENCES

Policy	Cross Reference
Policy 13 (or is this 1.3) Chapter 6 MM73 MM22 Green infrastructure – trees & hedgerows	Plan is unsound strategically Policy E10 SANG and Ancient Woodland Natural Networks M23
Policy E10 Chapter 3 M23 MM23 Environment Biodiversity and Geodiversity	E7 MM19 Protected Sites eg Poole Harbour
Policy 13(or is this 1.3) M22 Addition insert Paragraph after 100	M72 Networks Natural Corridors MM73 Green Infrastructure
Policy H5 Chapter 4 MM28 Housing in Wool 38	See E10 Networks See E10 The SANG See E10 Bat & Dormice Mitigation
See MM21 Policy E9 Poole Harbour	For [REDACTED] full appraisal on damage to Poole Harbour
See MM20 E8	For [REDACTED] full Appraisal

BIBLIOGRAPHY

The Vincent Wildlife Trust. Review 1997-2000

Pat Morris The Hedgehog New Naturalist

JNCC Nature Conservation No 15 1997

Donald P.F. The Ecology and Conservation of the Corn Bunting. Review of the Current Status and Decline and possible causes

Wool Flora and Fauna Group Web site Woolwildlife

EAD records – some gaps and inaccuracies – rigorous in general. Little coverage of Invertebrates, Lichens or Fungi

DERC Records of Protected Species

A.C. Warne invertebrate records and analysis (The Biodiversity of Wool as Exemplified by Beetles)

Woodland Trust letter on SANGS on Ancient Woodland available on file

[Redacted], 1,2,& 3 (email Contact) are the sequence of contacts.

[Redacted]	Botanist specialising in Woodland Flora including Lichens. Environmental Education	[Redacted]	[Redacted]
[Redacted]	Entomologist and Ecologist	[Redacted]	[Redacted]
[Redacted]	Specialist in Dragonflies Environmental Education	[Redacted]	[Redacted]
[Redacted]	Ornithologist	[Redacted]	[Redacted]
[Redacted]	Advisor for Farming Wildlife	[Redacted]	[Redacted]
[Redacted]	Secretary [Redacted]	[Redacted]	[Redacted]
[Redacted]		[Redacted]	[Redacted]

PART B

1. Which proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

Proposed Main Modifications reference number	UN SOUND
--	----------

2. Do you consider that the proposed Main Modification is:

- Legally compliant Yes No
- Sound Yes No

To be considered legally compliant the proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

To be considered sound the local plan as a whole must be:

- positively prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.

Some or all of these considerations of soundness may be relevant to the proposed Main Modification[s] that you are seeking to make a representation on.

3. Please give details of why you consider the proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).

Part B3

The plan can only be delivered by ignoring attention to legal compliance. It works on the principle of ignoring all "constraints" as to deliver "about" 470 houses plus possibly more in the future and then replacing or repairing any environmental damage.

1. It conflicts with the HABITATS REGULATIONS on European Habitats, Poole Harbour SPA and the Heathlands SPA as no evidence is provided of mitigation suggestions as measuring up to the "GRAMPIAN PRINCIPAL" - no scientific doubt- i.e. NITRATE REMOVAL or of the SANG for Wool. For further details see E10 policy and Dr Warne.
2. There is no evidence of mitigation measures preventing decline leading to loss for the large numbers of PRIORITY SPECIES on sites or in the SANG. UK BAP Priority Species are those identified as being the most threatened and requiring CONSERVATION ACTION under the UK Biodiversity action plan (UK BAP) it is a legal requirement. Revised lists have been made periodically the last one in 2007
3. Legality may be breached in delivering all the hedgerows of the development without causing decline of associated species e.g. Bats and Birds. IMPORTANT HEDGEROWS of which one or possibly two occur within the development area. IMPORTANT HEDGROWS are LEGALLY PROTECTED- HEDGEROW REGULATIONS 1996 see policy E10 MM23 and policy E13 GREEN INFRASTRUCTURE.

Part B4

The choice of Wool for the second highest numbers of housing allocation in Purbeck as evidenced by the vast numbers of mitigation shows that the first level of SUSTAINABLE DEVELOPMENT should have been applied AVOID. The modification re Ancient Woodland E10 if applied Coombe Wood is a step in the right direction of AVOID. Appropriate action to prevent the plan floundering on soundness on Environmental Sustainability is to REMOVE WOOL FROM THE PLAN.

Please continue on a separate sheet if necessary.

REASONS WHY [REDACTED] BELIEVE THIS PLAN IS UNSOUND

It fails on achieving the third derogation test NPPF 8C.

It does not protect the environment or enhance it, make effective use of land, improve BIODIVERSITY, minimise POLLUTION adapt to CLIMATE CHANGE or help in the move to a low-carbon economy. THE PLAN IS UNSUSTAINABLE

National planning policy provides a framework within which locally prepared plans for housing can be produced. This plan ignores these core principles national planning policy framework 2019 but also ignores other guidelines and UK Government Policies and Acts NERC Act Section 40,41.

CORE PRINCIPLES

- 1. In N.P.P.F 2019 plan- making should contribute to conserving and enhancing the Natural environment and reducing pollution using allocations of land of lesser environmental value where consistent with other N.P.P.F policies**

BUT In choosing Wool for the second largest development in Purbeck one of the most biodiverse areas in England with Wool having annexe 1 bird species using the areas in or near (SSSI River Frome). Huge numbers of priority species; SPA, SAC, SSSI, 9 SNCI's ,1 LNR and 13 Ancient Woodlands, one being used as part of a SANG, Wool is possibly one of the Jewels in Purbeck shows no attention to this principle.

- 2. The planning system should contribute and enhance the local environment minimising impacts on biodiversity.....halt the overall decline in biodiversity establishing coherent ecological networks.**

BUT The site for development destroys an excellent example of a wildlife corridor and its ecological network replacing a rural area with urbanisation – with a community hub where three species of national importance exist can hardly help the survival of sensitive species.

- 3. Proposed development on land within or outside an SSSI likely to have an adverse effect should not normally be permitted except where the benefits of the development at that site clearly outweigh the impact .**

Pollution of the river Frome is already a problem with decline in Priority Species salmon and otter and a sewage network in less than robust state. The allocation of housing far exceeds that of local need. The development will draw people into the area from not only Dorset but further afield .Built infrastructure is lacking and local residents are already suffering from flooding events - including sewage contaminated waste 28/8/18 and 16/3/19.

FURTHER QUOTES FROM BIODIVERSITY 2020 STRATEGY FOR ENGLAND'S WILDLIFE ECOSYSTEM SERVICES 13 October 2014

We are committed to the improvement of the status of our wildlife (and prevention of) human induced extinctions of known threatened species.

Protection of Priority Species most at risk. There is a legal requirement for their conservation see reasons for the Plan being considered illegal.

Wool with its extensive list of Priority Species therefore should not have been considered for such a development. The plan is unsound- arguably conflicting with legal requirements (it shows scant attention to Wool's burgeoning biodiversity and a level of even a faint appreciation of it is shown in small totally inadequate offerings here and there such as a very small corner of one of the sites being assigned to a wildflower area (wild cornflowers occur on one of the development sites other notable species occur throughout the sites) and the wildlife corridor in area 1. **2019 N.P.P.F care needs to be taken to ensure that any benefits promised will lead to genuine and demonstrable gains for biodiversity paragraph 024.**

The identification of SANGs should seek to avoid sites of high nature conservation. This plan uses a site of highest nature conservation value- Ancient Woodland see section on amendment modification forestry commission and Natural England state planning permission resulting in the loss of Ancient Woodland or Veteran Trees should be refused, the need for and benefits need to be established- compensation by itself does not alter that advice. BUT SEE AMENDMENT TO E10.

Also Sir John Lawton is quoted the collection of wildlife areas does not currently represent a coherent and resilient network capable of responding to the challenges of climate change and population growth which are likely to put pressure on ecosystems in the future

UNJUSTIFIED – in its promotion of Wool for its second biggest house allocation against Bere Regis. They are both are key service villages

1. (Quoted from a SHALAA) Bere Regis has excellent road links to the major towns of Poole and Dorchester A35 and A31. This route has considerable areas of dual carriage way – a fast East West route. The A352 link with these towns from Wool has business accesses, settlements along its length, farm access, flooding incidents, MOD tank use, areas of bends.
2. Bere Regis has a large central car park. Wool has inadequate central parking.
3. This leads to the Railway being a less than enabling feature in transport to the major towns and hospitals.
4. Railway at present is not used for most travellers when moving East or West. The crossing causes extensive traffic jams – only to be increased with increasing population – poor traffic flow through the village impact adversely on its role as Gateway to the Heritage Coast – a negative effect on tourism. Wool does not act as a Transport Hub – more of a TRAFFIC BLOCK.

Part B

5. Bere Regis has a thriving business centre with room for expansion. The Winfrith Business Centre is not central and provides only specialist employment.
6. Bere Regis has a much larger school with large grounds for expansion, Wool school is full to capacity with no room for expansion on site.
7. Wool has no local sewage capacity for large scale increase Bere Regis has limited capacity.
8. Increased clean water availability is questionable in Wool not in Bere Regis.
9. Fields in the north of Bere Regis are of no great Biodiversity value. Wool with organic fields and hedgerows, its different habitats including the river Frome SSSI running through it, with its water meadows, 13 Ancient Woods, Heathland all provide a Habitat Mosaic and Biodiversity levels possibly unmatched in Purbeck. Wool therefore more sensitive environmentally than Bere Regis.
10. Bere Regis is not part of a proposed National Park so plans would not be affected or need to be changed.

Constraints that exist in Bere Regis based on SHLAA assessment are dismissed in Wool. In some cases the constraint in Wool is more marked i.e.

1. Sewage
Wool SCHLAA P.188Y218 Wessex Water states there is NO local sewage capacity for development on this scale (at another site which is accepted as viable Wessex Water states "they are unsure of the capacity for local sewage")
Bere Regis SCHLAA/0007 comes to the conclusion the site is unsuitable because there is moderate risk from sewer flooding. Wessex Water states "there is limited capacity available in local foul water sewers"
2. Flooding
Is approached in a different way in Wool compared to Bere Regis. In Wool flood risks are mentioned on every selected sites. This can however be dealt with by mitigation. Flood risk levels here are between 2 and 3. SCHLAA/0081 land west of Chalk Pit Lane concerns are voiced that flooding risks could affect areas outside of site 1 . The main Dorchester Road A ??? . This is an accepted site. Offsite flooding equivalent to risk zone 3 may also extend beyond the site 3. It is an accepted site 1. In Bere Regis one proposed site is not assessed because of moderate flooding – no zones quoted. Flood risks are at a lower level and no mitigation is suggested.
3. European Sites
Bere Regis site at Rye Hill Farm SCHLAA/0011. The site is not assessed because of its unsuitability as there is no evidence that adverse effects on European Sites could be avoided or mitigated. However a statement on SHLAA/0006 Bere Regis land North of West Street states it should be possible to avoid adverse impacts as a possible SANG has been identified in the neighbourhood plan capable of mitigating the effects on both Protected Heathland and Poole Harbour. Further the site North of Snow Hill Lane Bere Regis SHLAA/005 states a constraint of it being within 500m of Ancient Woodland. Consultation with the Woodland Trust is needed to consider any negative impacts. Compare this with Wool where a SANG is inside Ancient Woodland and the Woodland Trust have registered strong concerns already. Site 3 has been accepted despite the local head Flood Authority stated "that it may be challenging to provide a sufficient drainage system for development here "It relies

Part B

on a railway embankment acting as a barrier to surface water flow towards the River Frome SSSI so increasing pollution problems here. Does this ignore the fact of increased flooding event due to climate change? P51(b) Adverse effects here should preclude development permission.

4. Hedges

Every Wool site put forward has hedges and their mitigation by survey followed by replanting is necessary. Hedges are a priority habitat and many are enclosure hedges and are rich in species MITIGATION, is essential to pushing the plan for larger scale housing development on Wool. Mitigation is not widely mentioned for SHLAAs in Bere Regis as there are few hedges here.

There is presumption in favour of development at Wool.

ALSO UNJUSTIFIED. THE PLAN IS BASED ON INACCURACIES PUT FORWARD BY PROFESSIONALS E.G. NATURAL ENGLAND

Natural England advise to the Council "Coombe Wood has no constraints (as a SANG) despite being Ancient Woodland and having a high number of Veteran Trees and legal constraints because of high numbers of Priority Species requiring conservation protection – NERC Act 2006 40-41 (We have felt it our duty to question the advice by Natural England with the Ombudsman). Dr Lilly in the Addendum to Sustainability Appraisal 2019 (SN02) for Wool. Wool 98 "Though there are small pockets of Biodiversity to take into account these can be mitigated for" – "including Ancient Woodland this is replanted" - this makes no difference to its status for protection. EAD ecological Consultant for the developer said "Invertebrate Species in the development are unlikely to be Notable or other than WIDESPREAD" However over 200sp of Beetle have been recorded 6% Nationally Notable many associated with arable weeds threatened by Agricultural Intensification. Substitute Wool has exceptionally high levels of Biodiversity throughout – they cannot all be mitigated for (See E10 response).

These statements are UNJUSTIFIED, incorrect and help to dismiss the real situation of BIODIVERSITY in Wool.

MITIGATION

There are extremely high levels of mitigation proposed to get the plan for Wool off the ground, none of the proposed sites are able to function without at least one need for mitigation. In this case enough evidence provided by our surveys DEFC records and the EAD survey should have prompted the planners to look elsewhere for the houses in Purbeck so avoiding an area rich in such Biodiversity as Wool. The NPPF lists quoted by the Dorset Assessment Protocol should have stopped at stage one.

- Avoid Impact Where Possible
- MITIGATION If Impacts Cannot Be Avoided

The two most important areas for MITIGATION are to remove the effect of the plan for Wool satisfactorily by eliminating adverse effects on the two European sites i.e. European

Part B

Heathland SPA, SAC RAMSAR Site and the already problematic site of Poole Harbour. See MM20 E8 and MM21 E9 for Dr Warne's full appraisal.

The effect on Poole Harbour and increasing pollution of the river Frome SSSI need MITIGATION beyond all possible scientific doubt.

Nitrate Neutrality requires a nitrate stripping facility Wastewater Treatment Works are required to remove thereby 75% of nitrates using a nitrate stripping facility. This process is expensive, to get funding for this according to Mr Squirrel the population of Wool, even with the additional 470 or 1000 houses, would mean would not qualify for help. The papers assessing pollution problems for Wool unlike those for other areas are dismissed as minor. Wool sewage works is operating at full capacity and the piping infrastructure is inadequate resulting in raw sewage flowing into people's gardens and therefore straight into water entering the Frome. There is no room for expansion as two-thirds of the land around the station is road or more important SSSI.

Severe deterioration in the SPA Ramsar Priority Habitats at Poole Harbour is happening now. Time lag in any nitrate reduction process means the situation will continue to worsen. Nitrate Neutrality Policy is based on hope with no clear evidence. See Dr A C Warne's submission on this. Grampian principle if applied would require the condition for Nitrate Neutrality could be achieved by Mitigation as an absolute certainty. This should happen before setting out sites for development.

BUT both these fail in one of the key principles of MITIGATION the principle of evidence being effective beyond all scientific doubt the Grampian Principal. If MITIGATION cannot be evidence for these key issues on which it rests to provide this level of soundness surely the whole plan is deemed unsound. 177 2019 NPPF- the presumption in favour of sustainable does not apply unless an appropriate assessment has concluded that the plan will not adversely affect the habitat site. Throughout this plan relies on mitigation to mop up uncertainties and to avoid biodiversity constraints without giving any evidence as to whether it will operate successfully in doing this.

- MITIGATION can prove a weak-link in providing SUSTAINABILITY
- It is not a quick fix and for environmental issues it is likely to take time before being effective.
- Ecologically it must be species-specific - see section on hedge replacement
- Requires monitoring.

Dr Lilly states that MITIGATION can be left to plan application stage to give details. This is TOO LATE it allows no effect of failure to influence the plan proceeding. NPPF 177 presumption in favour of sustainability does not apply where the plan is likely to have significant effect on a habitat site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitat. The effect on Heathland requires a viable SANG for MITIGATION.

PART C

1. Comments on updated policy maps, appraisals or evidence.

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	MM2 (Policy E10) INSERT PAR. AFTER 100 I 3
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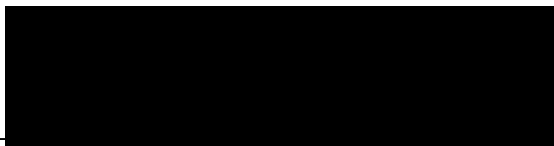
PROPOSED MODIFICATION MM22 CHAPTER 3

POLICY 1 ADDITIONAL INSERT PARAGRAPH AFTER 100 BEFORE E10

The Dorset Council with the local nature partnership has produced the Dorset ecological network maps. These do not provide a clear picture of wildlife corridors in Wool. Only one is able to be discerned - along the Water Meadows of the river Frome. This forms part of a much larger network we wish to record based on information we have obtained through survey (some bat species records from EAD) and simple yearly records of migration through the Parish. In this case the word potential can be replaced by it is used. It may involve 8 Acre Coppice LNR and the river Frome SSSI and an SNCI Meadow, but they do not need to be involved as part of a delivery of a nature recovery process and quoting from Dr Warne's paper " The Conservation Of Biodiversity Exemplified by Beetles In Wool" the Biodiversity in Wool is not restricted to the designated areas indeed they account for less than 50% of the total. This plan actually destroys arguably one of the best natural corridors in Purbeck with the development areas and Coombe Wood acting as it's firm basis. Once destroyed it is unlikely that it can be reconstituted. The wildlife corridor runs from South to North of the parish involving several different habitats along the way. In the south near New Buildings are fields overlaying chalk and these are linked to a green lane in the east-west direction from Lutworth Road. It next runs through Coombe Wood, heart of the designated SANG where chalk is underlying the wood to be replaced through the wood by acid soils so all combinations of Ancient Woodland flora are found (e.g. Wood Sorrell in abundance). Then outside the wood through the organic species rich fields and hedges of area 1 and then across the A352 north to areas 2,3 and 4 wet meadows with more species-rich hedgerows beyond the railway line leading to even wetter river meadows- north of the river Frome SSSI to a band of Ancient Woodlands on the rising band of Bagshot Beds, Great Perry Copse, Little Perry Copse, and Bindman's Wood where there is a clear felled area in the northwest direction. This is part occupied by the Bovington stream separating Westfield Wood from Bindman's Wood the stream runs North through a privately-owned wildflower meadow in Cologne Road. Bovington stream leads to Bovington and up to the S.P.A. Dorset Heathlands where Nightjars nest. This corridor is used by a variety of Species. Those named e.g. in Policy E10 are all PRIORITY SPECIES. Several species of bats in particular use the section from the South through Coombe Wood through the development sites towards the river. Observations over 20-years show migration north of species from the river along the SNCI meadow adjoining the Bovington stream. The Cuckoo travels northward to the M.O.D ranges, heard in late April / May Nightjars also travel along this stretch first

Please sign and date this form:

Signature:



Date: 14/01/21

PART C - Continued

recordings being in June but seen travelling South towards the river during evenings at different times throughout the summer.

The idea in E.A.D that a dark area with houses surrounding the fields in area 1 could provide a wildlife corridor for bats is ludicrous. Will species really use a strip for bats going nowhere as a corridor? How will all light be excluded from this area? The above mentioned corridor does provide darkness and shelter but above all an insect rich area for feeding along route. As well as this main North-South corridor there are interconnecting east-west corridor provided by the river Frome. Water Voles, Otters, Salmon and Lamprey use this corridor. This has been weakened of latter years due to pollution- which will increase with this development. Numbers of smaller fish have declined so the feeding potential has been reduced so affecting species up the food chain. The chain of woods mentioned also provide east-west movement and the extensive numbers of hedgerows across the development to a lesser extent through the parish as a whole has provided interconnecting areas and a degree of permeability through the village to the open countryside. Wool has also several green lanes, historical droves in some cases, but what can happen to these when bordered by housing development can be seen in Vicarage Lane footpath heading South from Colliers Lane where fences have replaced old hedges, dumping of garden rubbish- causing loss of woodland flora and bottles and old tyres has reduced this to a biodiversity no go area.

The Dorset Biodiversity Protocol is the strategy for protecting and ensuring conservation of species required legally by Section 40 of The Natural Environment and Rural Communities Act Section 40 2006 is delivered. Does this actually do this? Will a standard B.M.E.P Biodiversity Mitigation and Enhancement Plan with accompanying NET Natural Environmental Team licence be submitted for every site or will the requirement be selectively applied and just broad-brush. Will it also be required for the SANG(in this case extremely Biodiverse Ancient Woodland) if not surely the case for protecting the conservation of priority species is not full proof.

With the extent of priority species throughout development sites (see E10 chart submission) and the extent of migration measures needed any evidence of likelihood of success will be extensive. All this uncertainty must be provided before outline planning permission is granted and as the whole plan is to ratify housing numbers on sites surely this needs to be established BEFORE the plan is signed off as sound. Planning permission cannot be given where there is a doubt over possible significant adverse effects on European Priority Species. Taking into account all this uncertainty provided by placing a large-scale development in an extremely biodiverse rich area, surely looking at the N.P.P.F's sequence of hierarchy produced 2018 in the B.M.E.P. suggests, AVOID, MITIGATION, COMPENSATION the justified selection would be to follow stage 1 AVOID.

No evidence of absolute certainty against adverse effects on the European Heathland S P A bird Nightjar has been offered as the SANG - proposed Coombe Wood is still in question (see amendment policy E10).

Also the negative effects of increasing pollution affecting SPA birds in Poole Harbour remains a threat also NPPF 19 174 b " To promote the conservation and restoration of priority habitat and recovery of priority species", this remains unaddressed with the River Frome pollution levels likely to be increased by this development. This allowing for further declines of Priority Species such as a SALMON and OTTER and as noted declines of the fish food sources already registered for such species continues. Measurable and total losses may occur over time- certainly there will be no net gains.

PART C - Continued

Perhaps that is why 1.2 in the D.B.A.P states sites of Special Scientific Interest are outside its scope and left to consulting conservation organisations AFTER a planning submission- AFTER the plan has been declared sound. Furthermore 177 NPPF 12 states the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on habitats site unless an appropriate assessment has concluded the plan will not affect the integrity of the habitat site (River Frome). Surely therefore the pressure on using Wool for the second highest housing allocation in Purbeck is removed.

We submit some examples where all the intricacies proposed by DBAP will still allow possibilities of the loss of some of Wool's Priority Species so showing lack of compliance to the NERC Act in failing it's duty to attend to the conservation of such species.

Wool has a total of 10 British species of bats recorded in the development area. All bats are protected under the NERC Act and Habitats Regulations. The section in DBAP (C) details mitigation for roosts. It does not also suggest any mitigation for loss of feeding areas where bats are recorded throughout all parts of the development area and the SANG for functional feeding habitats and feeding corridors and migration corridors. Cutting off these by replacing Organic Fields and moth rich hedges with houses will have a negative effect on their ability to feed and breed thereby reducing population numbers - in some cases - the rarest species in particular leading to total loss from the Parish. Even the DBAP list of mitigation for roosts losses are unproven. Only theoretical evidence and this is poor and inadequate exist for the efficiency of bat boxes especially for tree cavity roosting species at least 2 such species roost in Coombe Wood. Will Cornbuntings, Priority Species (steep National declines) recorded as nesting in site 2 hedges be likely to use nest boxes when their feeding habitat, seed and insect rich organic fields with widespread arable weeds are replaced by houses with all the noise and associated disturbance of construction? These will surely be lost from the Parish: Will cuckoos (red list species) still be heard on the River Frome water meadows when people pressure reduces nesting of reed warblers- unlikely.

Will lapwings Red List be found using the organic fields in particular Area 1 for feeding habitat (possibly breeding) when they are under houses or forming part of a SANG - unlikely.

Will any dormice remain in Coombe Wood using the dense shrub on the sides of paths for daytime shelter. The populations are seemingly in decline now as with the one survey EAD carried out had none recorded. They will not only be lost from Parish but add to the national trend of loss, Dorset one of the few remaining counties where they still occur.

The D.A.B.P is extremely rigorous in its requirements and providing hurdles that have to be crossed to allow the granting of planning permission. But how will would-be developers respond and cope- using an Ecological Consultant - EAD? Whose summary of the vast biodiversity they have recorded "no constraints"! Is the D.A.B.P. fit for purpose? and deliverable? Certainly the N.E.T team will have their work cut out surveying, overseeing building sites in the construction stage and monitoring thereafter to check environmental sustainability. What happens if with all this (if attended to) failures are encountered on all its checks. Will it allow for removal of a site from the plan or indeed the dismissal of the whole plan - or will it be too late once the plan is set rolling by being deemed sound.

Rigour by Dorset County Council was certainly shown with the single site for the Harbour school replacing the former school at Bovington. Even so some trees have been removed listed for retention. A very expensive and highly commendable provision of a bat hotel has still to produce monitoring evidence of its success. Evidence from interested local residents suggest this might not be so as prior to the site there were plenty of summer records each year of different bat species flying in this area but now little or no activity. I have recorded one possible pipistrelle in the last two summers.

PART C

1. Comments on updated policy maps, appraisals or evidence.

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	POLICY E10 Chpt 3 MM23 ENVIRONMENT BIODIVERSITY & GOODIVERSITY
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POLICY E10 CHAPTER 3 MM23

As a policy as a whole to cover the outstanding Biodiversity of the Development Site in Wool it is totally inadequate. It has no justification in not dealing with the outstanding levels of Priority species recorded throughout. The biodiversity of Wool goes unrecognised. However section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England to have regards in the exercise of their functions to the purpose of conserving biodiversity. For protection of Priority, BAP species therefore is a legal requirement. These species are neither mentioned nor acknowledged in this plan despite Wool Flora and Fauna efforts over 3 years to enlighten and inform planners. It is in view of the total miscomprehension of their existence and importance and constraints that arise that we submit the following table and appraisal.

The statement in the appraisal for Wool by Mr Lilly in the Addendum to Stainability Appraisal 2019 Wool (SDOT2) "Small Pockets of Biodiversity Occur" needs to be removed and substituted by An Outstanding Level of Biodiversity in and off-site occurs in Wool.

To give the environmental basis for this plan any level of reality. Appreciation of Priority Species occurrences is essential.

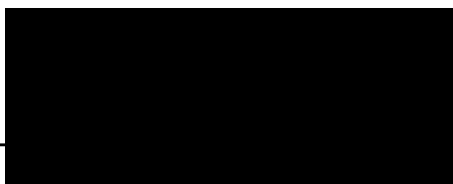
PRIORITY SPECIES

The following Species are a conservative list of those found either on the development sites or in the SANG. Some are legally protected under the SPECIES REGULATIONS 2017.

Please continue on a separate sheet if necessary.

Please sign and date this form:

Signature:



Date: 11/01/21

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

REMOVE WOOL FROM THE PLAN AS ENVIRONMENTALLY UNSOUND

Please continue on a separate sheet if necessary.

E10 PRIORITY SPECIES

Item	Where Found	Threats	Mitigation
Common Hazel dormouse Full protection under UK & European Legislation 2017	Coombe Wood, not in EAD	Removal of scrub along walks opening up of wood Disturbance by tree felling	Suggestion made of recreating scrub could take 30 years!
Otter Full protection European Legislation 2017	SSSI River Frome and water meadows	Pollution recognised by N.C.C. as not optimum state it occurs now in the River Frome, there are declines in fish numbers eg. Salmon recorded – more sewage contamination	Build a new sewage station and pipework – where? Time? Expense
Great Crested Newt Full protection European Legislation 2017	In Coombe Wood and substantial population in pond in property next to Area 3	Loss of terrestrial part of habitat on site of area 3	N.C.C. in negotiations with owner have occurred
Water Vole Priority Species Legal protection under the Wildlife and Countryside Act 1981	River Frome	People pressure and dogs sweeping away river banks – climate change	NONE
Hedgehog B.A.P species	All over Parish (possibly with exception of new development at Purbeck Gate)	Increasing traffic * replacement of hedges by fences isolation of habitat, insidious urbanisation and intensive arable farming	Holes in fences – voluntary
Harvest Mouse B.A.P. Species	Organic * Development Fields Not recorded by E.A.D	Total loss of habitat	NONE
Brown Hare Priority Species	Organic quiet fields		NONE
Grass Snake Priority Species	Coombe Wood low population plus Water meadows		NONE Capture relocate
Adder Priority Species	Under hedges on development sites	Construction and people	NONE Capture relocate

Part C - Continued

Item	Where Found	Threats	Mitigation
Common lizard Priority Species	Coombe Wood along the track in the centre of Coombe Wood – also slow worms here	Woodland management for a SANG with paths widened.	NONE Capture relocate
All native reptiles are legally protected and PRIORITY SPECIES			
Salmon Priority Species	River Frome	Decline over 5 years – increased pollution in River Frome, more sewage	NONE
Lamprey Priority Species	River Frome	“ ”	NONE
Slowworm Priority Species	Most development sites	Construction	Obligation on developer to search and remove – to where?
Nightjar S.P.A. Highest level protection Annex 1	Foraging along River Frome in site 1 round monument Coombe Wood SPA Heathland	Loss of linked functionally habitat food sources.	As Coombe Wood is the SANG to draw visitors off the heathland
Woodlark Annex 1 S.P.A. protection	Coombe Wood	Loss of scrub around reservoir and along paths	Replanted scrub will not act as habitat for 30 years
Corn Bunting Priority Species Wildlife and 1981 Countryside Act	Hedges Development fields	Construction loss of hedgerows for nesting	NONE
All birds including nest & eggs legally protected	Coombe Wood and development sites		Bird boxes are not an adequate solution
Cuckoo Priority Species & Yellow Hammer Priority Species	River Frome water meadows Hedges development fields	Loss of host – reed warblers decline in numbers with People disturbance Warblers and disturbance	NONE

BATS

Bat Species are most likely to be lost by increasing urbanisation with lighting and traffic pollution, nitrogen oxides, ozone, sulphur dioxide and ammonia and particle pollution particularly important in this.

All bat species are afforded full protection under the UK and European legislation Habitats and Species.

Two threats occur to cause serious decline or loss of Species:

1. Loss of roosts - it is illegal to disturb roosts and unoccupied roosts are equally protected. E.A.D. Mentions no finding of summer roosts or ~~winter roosts which is strange with the high populations of bats in the area of development~~. They do mention 56 suitable trees in Coombe Wood; these no doubt include the 25 + veterans in the wood. Local authorities have a duty to ensure impacts upon legally protected Species are a material consideration in any planning permission. All sites of the development have recordings of bat registrations. 172 In area 1, 265 in in areas 2, 3 and 4. There are 10 records for Bats in Coombe Wood. This must be a principal roost area as large numbers of all sizes (different Species) have been recorded in July 2019 issuing from the main entrance.
2. Loss of connectivity from feeding areas. The development fields are all organically managed for 20-years therefore have high levels of insects. Survey of total sites have recorded 203 beetles on moth rich hedges occurring on all sites and some sites provide nectar as the Meadows are flower rich EG area 2. This plus the fact that area 3 is in part horse paddock with horse manure boosting beetle populations could account for the moderate and even high levels of bat activity in the south of area 3, therefore provide particularly rich foraging ground for bats.

Areas 2 and 3 and the northern part of area 1 are most likely to be negatively affected by increasing traffic and pollution and lighting on the A352. This will be especially important as a network of roads converge on the Winfrith roundabout. The development extends the Parish in its western part around this roundabout, but there will be an elongated east-west band of light also from traffic across the parish. This lighting will be particularly important at dusk and will be the most active time for migrating, foraging bats will have a particularly negative effect and will make any mitigation very limited. The local authority should have a lighting policy and discussions may be needed between an independent ecologist, lighting professionals and local authorities to provide any level of mitigation. This is now accepted by local authorities, certainly planning officers or developers should ensure a lighting assessment alongside an ecological assessment.

The Newburgh roundabout is a bat hub. This hub will break the flight paths. A statement in a paper recently read states no lighting is bat friendly and no bat totally light tolerant although the sensitivity varies. Generally the larger slower flying bats which may have travelled from further away to feed here e.g. from roosts in the line of Ancient Valley Woods, Perry Coppice etc. are the most sensitive to light. (If this was the case they would be flying into a higher level of housing lighting than before development). These include some of the rarest bats recorded on sites Barbastelle bats are very rare, are particularly sensitive to light consequently they are put at a competitive disadvantage with other bats and are less able to forage successfully and efficiently where light pollution occurs. This can have a significant impact upon fitness and breeding success so artificial light has potentially devastating consequences for the Species Rouse et al 2016 Barbastelle, Core Sustenance zone calculated at 6 km. Connectivity requirements include tree lines, hedgerows and river corridors. It frequents deciduous Woodland and wet meadows. Low records occur in Coombe Wood. It can roost in trees or buildings 3% of records come from sites 2, 3 and 4 so it could be using the Natural corridors see below.

↑
need
CA

Part C - Continued

The alignment of developments from the South at Coombe Wood towards the River Frome in the North likely forms a perfect Natural Corridor for Bats with the plentiful moth rich hedgerows this provides a food rich migration route and foraging area. Coombe Wood certainly has 2 roosts and with the 25+ cavity rich veteran trees provides key roosting areas. This is evidenced by observations of different species recorded flying out of the wood at dusk. Other Bat roost possible trees occur on the sites EAD records 56 trees in all having moderate to high roosting potential. The majority of species recorded use trees as roosts. *the wood is* is suggestive of the link between Coombe Wood and development sites. The site 1 near the Ancient Monument has the highest number of bat records 8.

Another very rare species the Grey Long Eared Bat appears to be recorded in Coombe Wood and from areas 2,3,4. The Greater Horse Shoe Bat is another rarity and is recorded near the Ancient Monument. It is a tree rooster so maybe using Coombe Wood. BUT the nearest confirmed roost is East of the parish at Binnegar. This whole development site is of extreme importance for Bats.

However despite EAD suggesting that links could be forged through it providing a bat corridor, evidence suggests it already exists, the whole development with light and air pollution and removal of rich foraging sites will cause a steep decline in Bat Populations in Wool. Bat species are given full legal protection under the Habitats & species regulation 2017. Removal of foraging areas can not be mitigated against for lost roosts. The evidence for the success of Bat Boxes being successful is only poor to medium – not adequate. At Bovington the building of the Harbour School as a replacement for Bovington Middle School was preceded by rigorous survey of the site by D.C.C. even so not all trees stated to be retained were saved but in particular a very impressive commendable and expensive Bat Hotel provided for losses from removal of the old buildings may not have been successful. In the light of no monitoring evidence. Interested local residents who previously experienced plentiful bat activity in area over the last two summers have had very few sightings - I have only seen 1 (probably Pipistrelle) in this time since on site demolition occurred.

BADGERS

Badgers protected by the badgers act 1992. A large community of badgers with sets on Coombe Wood SANG about 50% of the sets are in the northwest and therefore highly likely to draw attention to themselves by increasing visitor presence. Clearance of scrub in this area and along the paths will make them even more obvious and likely to be disturbed by visitors. Clearance supervised by an ecologist does not inspire confidence that people pressure will not cause disturbance and will remove likely habitat used by dormice and woodlark for nesting and feeding. What mitigation measures are going to be provided? a notice saying "keep out please?" or policing at night as found necessary? from any possible badger baiters.

Applicant will need to demonstrate to the council's satisfaction that no adverse effects on their functionality linked habitat.

BIRDS

Birds 50% of the 67 species breeding in Wool are on the Red List of high conservation concern. Also the majority of those listed here are PRIORITY SPECIES. (These will be underlined) Corn Bunting, Yellowhammer, Bullfinch, Thrush and Linnet use the Hedges on all the Organic development fields for nesting. The centres of the grass organic fields (Site 1) are used by Lapwing and Skylark for breeding and feeding. The Cuckoo uses the Frome meadows where Meadow Pipits and Reed Warblers occur these provide hosts for its egg laying. The Frome Meadows are also used by Cettis Warbler. In Coombe Wood there are breeding Marsh Tit, Spotted Flycatcher and Lesser Red Poll, (they use the coniferous areas). We have two single records in area 1 One of these is unsubstantiated as also records of Nightingales one in Coombe Wood and one near the Ancient Monument, Bullfinch, Dunnock and Firecrest and Hobby also breed here. Two of the most important Annexe 1 SPA birds are recorded in Coombe Wood- the Woodlark and the Nightjar. This latter one uses the wood as a functionally linked a feeding area.

INVERTEBRATES

Invertebrates E.A.D. has mainly relied on a desk study 2 kilometres. They do not mention 13 Priority Species:- Stag Beetle is found in Coombe Wood SANG. Black Oil Beetles – Priority Species has been recorded for the central area of site 1. Other records from EAD include Dingy Skipper, Grizzled Skipper, Wall, Small Heath, Grayling, Silver Studded Blue, Cinnabar And Hornet Robber Fly. Most of the butterflies occur in the organic fields but the Grayling likely to be on the edge. The White Admiral would have been recorded for Coombe Wood. Dr Warne was refused permission to survey here by the Lulworth Estates.

Many species occurring on the development sites are threatened e.g. 3 Nationally Notable species including Ampedus Sanguinolentus. This has been shown not to be the case by Dr Warne with his survey work on all the development organic fields. He records 314 different invertebrates species. This list included 203 beetles and 6% nationally notable species. Obviously all insects are possible casualties of increasing traffic on the A352 and being drawn to house lighting. They could be at risk due to changes resulting from climate change floods and droughts.

FLOWERING PLANTS

A full list of Ancient Woodland indicators is found in Coombe Wood where there are sweeps of Bluebells. Most Ancient Woodland flowers are Dorset Notables. As with all other species of flowering plant it is illegal to dig these up. With empty gardens new residents may be tempted to do this e.g. Bluebells and Primroses. Throughout the Parish there are over 400 flowering plants and increasing numbers of dogs (with faeces enrichment) and increased traffic pollution is bound to have a detrimental effect.

SPECIES	OCCURRENCE	DESIGNATION
Corky Fruited Water Dropwort	Areas around the Winfrith roundabout	Nationally Scarce
Cornflower Not Planted	Field 2	Nationally Notable
Corn Marigold	Field 2 and others	Dorset Notable
Common Storks Bill	Scattered Organic Fields	Dorset Notable
Corn Spurrey	Scattered Organic Fields	Dorset Notable
Field Madder	Scattered Organic Fields	Dorset Notable

NON-FLOWERING PLANTS

Southern Grey Physcia is the only lichen Priority Species mentioned but a full lichen survey has not been carried out in Coombe Wood. A short survey has been carried out by Brian Edwards DERC, where I took part and recognised 2 European important Species on a veteran Oak *Schismatomma niveum* and *Rhinodina roboris*. This Oak is near the main track and pond and has been designated as a play area in plans for the SANG, tree climbing allowed? A survey has not been carried out and Coombe Wood with all its dead wood is likely to reveal rarities and more Priority Species.

SANG

A SANG is of utmost importance – under pinning the soundness of a plan in an area where European Heathland exists. In the case of Wool the large housing allocation rests on the selection of Coombe Wood, Ancient Woodland providing part of this essential. From the earliest days Purbeck Plan has had an ambivalent if not obfuscating attitude to this selection. When the housing allocation changed from no houses in 2012 to upwards of 575. I questioned why Wool? Susan Bellamy's response was it has so much green space and that is exactly what the attitude to Coombe Wood has been – Green Space. Wool Flora and Fauna have consistently over a period of 3 / 4 years tried to inform and enlighten the planning team. Coombe Wood was never located or named in the early days, in fact Wool Flora and Fauna had to make a special visit to Purbeck Council Offices to view a large scale map to verify an Ancient Woodland was to be used as a SANG – and it's location and name were divulged. There has been some uncertainty since then – to date a request for a map showing just how much of the wood was to be used was overlooked. It is good therefore that the Council has at last realised that Ancient Woodland and 25 or more Ancient Veteran trees have protection under national policy. Therefore we approve the amended policy. It appears that Coombe Wood and its 25 Veteran Trees will not figure in the amended plan however just in case there is any wriggle room we go on to expiate the statement and uphold it in its entirety. Also because Natural England has signed up to a statement in the Memorandum of Understanding - document also approved by the Developer, Savills and the Council - on the grounds that Natural England see "no constraints"!

It does register as Ancient Woodland in its entirety, part of it is mature deciduous Oak – one third, Maple Ash woodlands. Approximately two-thirds is planted some deciduous Woodlands in the main Beech the rest is Coniferous. It is registered as a PAWS but this does not take into account the mature old deciduous woodland. The joint government paper on Ancient Woodland Forestry Commission and Natural England, 13th of October 2014 clearly states ancient semi-natural woodland and plantations on Ancient Woodland sites have equal protection under the National Planning Policy Framework which also states planning authorities should refuse planning permission or developments that would lead to loss or deterioration of irreplaceable habitats.

The area of woodland used has been reduced by including some fields around the Ancient Monument. This does not remove the constraints. Also having special protection areas in the wood is inappropriate mitigation. Many of the species of conservation importance will not be compartmentalized. This includes Bats (10 present in all the development). Myositis species are very rare and recorded in Coombe Wood. It is also true for birds - Woodlark and

Part C - Continued

Nightjar Annex 1 SPA. species. The latter species uses the wood as functionally linked feeding habitat. Other priority and protected species such as dormice and badgers will not be confined.

CAUSES OF DETERIORATION are listed in government papers on Ancient Woodland

- Changing the water table and drainage
- Increasing disturbances from visitors
- Increasing impact from domestic pet dogs- noise and increasing people pressure
- Increasing fly-tipping and bottles causing traps for small mammals. Cats predation, also enrichment from faeces.

Add to the above list anti-social behaviour including vandalism, graffiti on trees and barbecues (fire e.g. Wareham Forest summer 2019 widespread wildlife loss).

The Yorkshire Naturalist Trust has done a full investigation into determining the impact of development with increasing proximity to and levels of damage and disturbance.

Fin Rylatt and Lauren Garside York Naturalist Trust issue 97 September 2017

LOSS AND DIFFERENTIATION OF ANCIENT WOODLAND WILL BE A CONCOMMITMENT OF MAKING IT A SANG. It will affect habitat loss- a suitable place to breed feed and shelter and seclusion. Deterioration caused by management for a SANG must place safety prime factor, e.g. risks from falling trees and branches must be avoided. There will be tree felling noise and chainsaws and large-scale vehicular movements. Change of layout of wood will effect foraging bats.

Paths must be suitable for all weathers- changing atmosphere humidity. Removal of scrub with path widening will be important but disturb daytime resting places for dormice. Area of scrub near reservoir suitable breeding site for Woodlark Annex 1.

Higher risk factors will be applied to trees - less dead and decaying wood prime habitat for fungi and saproxylic insects. Neither of these groups have been surveyed by EAD. Insect survey has been refused by owners to Dr A C Warne. These habitat features are highly likely to show species richness and rarity but there has been no evaluation.

Changes to atmospheric humidity affects lichens and bats (indirectly by reducing the number of flying insects). Enrichment by dog fouling causes loss of ancient woodland flora by enrichment.

A compensation strategy voiced by Natural England is replanting the woodland areas of conifers with deciduous woodlands. Over a long period of time if done in small coups this would lead to an increase in biodiversity and there are new grants now for this sort of Forest management from the Forestry Commission. But for these trees adding to the overall biodiversity would need 20 years plus. Meanwhile unless in very small groups there would be biodiversity loss, including reduction possible loss of large populations of Goldcrests and Siskins and Firecrests. Noise and disturbance of the soil during extraction would have a negative effect. Opening up the wood would adversely affect and lower air humidity.

The role of Compensation is inappropriate as a stand-alone reason for overriding the NPPF guidance on development affecting Ancient Woodland. It will not be appropriate to take these measures into account solely. "They can only be considered once the existence of

Part C - Continued

wholly exceptional circumstances has been established" (these are usually reasons of National Importance – e.g. Countrywide Infrastructure). Coombe Wood is in the A.O.N.B.

PPPG 2019 Ministry of Housing Communities and Local Government paragraph 033ref: ID8-0332019072.

It was therefore totally inappropriate for Natural England to advise the Council that there were no constraints in putting an Ancient Woodland into use as a SANG, there by conflicting with National Planning Policy and their own policies and it is for this reason and the complete disregard for conservation of biodiversity we have found it our duty to refer the lack of sound advice proffered to the council to the Ombudsman.

PART C

1. Comments on updated policy maps, appraisals or evidence.

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Document	POLICY H5 CHPT. 4 MM38
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CHAPTER 4 H5 HOUSING - MM38

All the following increase the built environment: This turns Wool from a semi-rural parish to a town – urbanisation

b) provides 350 square metres of residential space

c).explores opportunities to provide a Community Hub. This threatens a bat hub identified by [REDACTED], see E10,

h) provides contributions for education, the building of a new school will be essential for any hoped for sustainability of this scheme as the present school is full to capacity But where?

e) includes additional car parking, secure cycle storage and electric vehicle charging points. Wool has totally inadequate car parking for increasing numbers of vehicles arising from this development. Electric vehicle charging points give the plan one tick for the environment. It provides 65 extra Care units, where? plus around 320 more envisaged? New houses on land to the West of Chalk Pit Lane and Oakdene Road (Site 1) has one of the highest records for insects and is bat foraging ground and Nightjars.

j) Suddenly the appearance of a SANG mentioned to avoid adverse effects of new homes on European sites. Apart from 2 aspects of huge biodiversity in the Ancient Woodland all the other species reflecting high biodiversity are ignored. This reflects the "pocket" response to biodiversity a damaging attitude mentioned by Professor Matthews environmental department Sussex University, see E10.

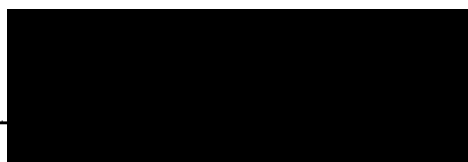
To summarise this policy reinforces a dismissal of Wool's vast levels of biodiversity. It is not mentioned as a housing constraint. In light of climate change causing significant increases in flooding in Wool surely taking climate change here should have been mentioned in the plan. Urbanisation is the greatest threat to wildlife in Wool.

Please continue on a separate sheet if necessary.

Please sign and date this form:



Signature:



Date: 13. Jan. 2021

4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the proposed Main Modification legally compliant or sound. You will need to say why this change will make the proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Wool should be removed
from the plan on environmental
unsoundness turning a semi-rural
parish into a town urbanisation

Please continue on a separate sheet if necessary.

A former friend professor Oliver Gilbert, sadly no longer alive, Botanist in the Landscape Department of Sheffield University was involved with urbanisation and had a book published on this. I suggest even so he would be unable to find any urban situation having even a degree of the biodiversity possessed by Wool.

CONCLUSION the future for Wool and its exceptional wildlife lies in the balance. As we see it there are three possibilities for its future:-

1. The plan for Wool is withdrawn on unsound environmental grounds **WOOL FLORA AND FAUNA REQUEST THIS REVISION AND MODIFICATION ON THE PLAN**
2. Wool along with other areas of Purbeck become part of the proposed new **NATIONAL PARK** where there will be **NO PRESUMPTION IN FAVOUR OF DEVELOPMENT** drawing large numbers of people into the area. Wool Flora and Fauna would approve and welcome this resolution to the environmental problems voiced in their response.
3. The plan is passed- is ratified. Wool Flora And Fauna believe this will amount to **ENVIRONMENTAL VANDALISM.**

PART C

1. Comments on updated policy maps, appraisals or evidence.

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

Document	POLICY CHPT. 6 MM 73 GREEN INFRASTRUCTURE TREES & HEDGEROWS
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MM Policy 13 Green Infrastructure Trees And Hedgerows

Point 249 states that green infrastructure is still to be developed. This highlights the lack of overall strategy in the plan. How can the plan be signed off as sound if this is not in place? It should have provided the framework submitted at the earliest possibility not be added as an adjustment after the plan is accepted. There is even an implication that the underpinning issues of European Sites - Heathland and excessive nitrates in Poole Harbour are to be sorted out later.

Greenspace includes under its umbrella recreational areas and playing fields as well as wildlife and the environment. With the importance of Green Space contributing so much to biodiversity it should have been evaluated separately we feel. Wool's outstanding Biodiversity is "not located in small pockets" but is widespread, see Dr Warne's paper "The Biodiversity of Wool as Exemplified by Beetles". In this he states 66% of rare and notable beetles occur in around verges of the Winfrith roundabout. This area will be lost due to the development (see also Wool Flora and Fauna map). Emphasis should be made as to the value of Green Space in adding to the total biodiversity in Wool - using robust local evidence. Cross-reference comments on wildlife networks and Green Corridors (Proposed Modification MM22 Chapter 3 added paragraph to E10).

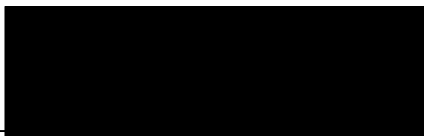
Hedges are a Priority Habitat; Wool has an exceptionally high percentage of these throughout the Parish. This is one of the two top assets along with an extremely rich variety of habitats that account for the present high biodiversity levels here. Dr Warne is working on a complete audit for the parish.

Most of the development sites show hedgerows. Many of which are Enclosure Hedges and are Species Rich. To deliver this development breaching will occur not only in effecting house building but also in the provision of joint utilities infrastructure. Despite measures to control losses by D.B.A.P. losses will be extensive D.B.A.P. suggest protection during construction of a 2 meter buffer zone to hedges. If carried out this will invoke significant losses of building land. Retention of this after construction and proposed Hedge Management Scheme may prove difficult to deliver. IMPORTANT Hedgerows are legally protected. The suggestion that Planning Authorities could override this by asking for Financial Compensation conflicts with legality. Certainly it will not compensate for Biodiversity loss.

Please continue on a separate sheet if necessary.

Please sign and date this form:

Signature:



Date: 14/01/21

There are few Important Hedgerows left in Wool - removal has occurred e.g. for the construction of Lawrence View. In the mid 1990's many hedgerows were breached at 30 meter intervals, thus removing the chance of their qualifying in the 4 or 5 ADAS criteria, One criteria is important hedgerows have to be over 30 years old nearly if not all hedgerows on site qualify on this. Remnants of holly hedge occur in Parish which May date from 1500. EAD records of hedges are not wholly accurate. They miss out the species richness of the hedgerow leading from Winfrith roundabout to Coombe Wood. This should be re-surveyed in spring to check out its status as it could qualify as an IMPORTANT HEDGEROW. Hedges around Area 2 are part of some of the oldest in Parish. They surrounded the Great Field possibly thirteenth-century. This hedge will have be removed at least in part to mitigate the narrowness of the lane to the East of Area 2. Wool's hedges have not been well treated in past years and despite suggestions by D.B.A.P. this plan is likely to result in further losses adversely affecting Biodiversity as nesting sites for birds are removed e.g. Thrush, Cornbunting and Hedge Sparrow, breeding host for the Cuckoo. They are also important in providing habitat for the extensive variety of Bats found in Parish See E10.

Replanting is essential- I have been involved in this with local school children in Trees For Dorset Schools Project. This may go someway to counteracting losses but a replacement hedge can take up to 30 years before being equivalent as regards biodiversity. It is essential these are LIKE FOR LIKE not just native species.

Short leaved Willows in hedges near Winfrith roundabout provide a food plant for the National Notable Weevil *Acalyptis coryli*. If like-for-like there replanting occurs here - because Willows grow fast it is just possible this loss could be avoided. Suggesting the base of a hedge can be managed to avoid cat predication is laughable. My cat, luckily not a birder scrambles through dense holly hedge to wind up the dogs in the neighbours garden!

TREE LOSS

Huge numbers trees will be at risk from carrying out this development with its joint utilities requirement for infrastructure (Felling licences for the latter are bypassed) ,house building and possibly also road widening.

Planting for replacement of trees will be essential. As with hedgerows this should be LIKE FOR LIKE. The problem with this is Wool is an Oak rich Parish and they are one of the slowest growing

trees. An Oak tree can provide habitat for 4,000 species. These will not automatically be restored because of time lag – 30 years+ some species will inevitably be lost in this time. Aspens will grow very fast so might be suitable for the damp soils on sites e.g. the very small wildlife area for area 3. But they are species poor. Downy Birch would fit the bill better here. EAD suggest there are 56 trees with Bat roosting potential. Will these trees be saved?

Trees for Dorset in conjunction with launching their new project "I'm Backing A Greener Britain" will be providing a policy on tree planting requiring, 3 trees planted for each new build house and 10 trees for any tree cut down. This will not be a licence to fell. The carbon removal by replanting will not act for approximately 20 years depending on tree species. In the first years after planting the reverse will happen – they will be adding CO2 to the environment.



Biodiversity is widespread in the Parish not just in "small pockets"