



Purbeck Local Plan Examination:

Memorandum of understanding between Dorset Council, Wyatt Homes and Natural England

September 2021

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Introduction

1. This Memorandum of Understanding (MoU) has been jointly prepared by Dorset Council (here after also referred to as the 'council'), Wyatt Homes and Natural England. Hereafter referred to as the parties.
2. This MoU relates to the examination of the Purbeck Local Plan (2018-2034). The local plan was submitted for examination in January 2019. Hearing sessions were held as part of the examination between July and October 2019. The Planning Inspector examining the local plan published a Post Hearing Note in March 2020. The Planning Inspector stated in her note that:

'I am reasonably satisfied at this stage that with Main Modifications the Plan is likely to be capable of being found legally compliant and sound, my advice given and the comments made now are without prejudice to my final conclusions on the Plan.'
3. The Inspector's note sets out a series of changes that she considered needed to be made to the local plan, and schedule of suggested Main Modifications (SD14), to make the local plan sound and legally compliant. After considering the Inspector's note, representations made on the local plan and the matters raised during the hearing sessions the council prepared a schedule of proposed Main Modifications for consultation. The council also published updated assessments (including a Sustainability Appraisal and Habitats Regulations Assessment) and other supporting evidence (including an updated 5 year housing land supply and infrastructure delivery plan) with the proposed Main Modifications.
4. The consultation was held between November 2020 and January 2021. The council published copies of the responses made on the proposed Main Modifications and a consultation response document in May 2021. The council found merit in the representations relating to proposed Main Modifications to 'Policy V2: Green Belt' and its supporting text (proposed Main Modifications 6 and 7) and to 'Policy I5: Morden Park strategic suitable alternative natural green space (SANG) and holiday park' and its supporting text (proposed Main Modifications 76 and 77). In response to these matters the council has invited the Planning Inspector examining the local plan to consider further Main Modifications to these policies which would delete reference to release of Green Belt at Morden for a holiday park.
5. The council and Charborough Estate intended that the Morden holiday park would act as enabling development to support delivery of the strategic SANG. The council continues to support delivery of a strategic SANG at Morden independently of the proposed holiday park. It has started, but not concluded, discussions with the Charborough Estate on this matter. Given the uncertainty around the delivery of a strategic SANG at Morden the council has sought to investigate interim measures to mitigate the impacts of residential development on Dorset Heaths Special Area of Conservation (SAC), Dorset Heathland Special Protection Area and Ramsar and Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC (here after collectively referred to as Dorset heaths habitat sites).

6. This MoU relates to the interim measures (comprising an extension to French's Farm SANG and the council securing excess mitigation capacity at the Lytchett Matravers SANG) which the parties will deliver to mitigate the impacts of residential development during an interim period between April 2018 and March 2024.

Proposed interim mitigation measure - Extension to French's Farm SANG, Upton

Location and description of the proposed interim mitigation measures

7. The existing SANG and the proposed extension areas are positioned in north eastern Purbeck close to the A35 (Upton bypass) and the edge of the large built-up area that includes Poole, Bournemouth and Christchurch. The settlements of Upton and Lytchett Minster are closely related to the land identified as a potential extension to an existing SANG¹. The enlarged SANG will be accessible on foot by those living in Upton² and visitors arriving by car from the wider catchment, will be able to make use of the car park associated with the existing French's Farm SANG.
8. The proposed interim mitigation measures comprise a heathland infrastructure project. Specifically, the parties will work together to enhance public access to existing agricultural land by creating an extension to the French's Farm Suitable Alternative Natural Greenspace (SANG). The proposed extension to the SANG will include enhancement of existing walking routes and provision of new permissive walking routes linking the new area to the existing French's Farm SANG – visitors travelling to the enlarged SANG by vehicle will be able to make use of existing car parking that has been delivered to support the use of the French's Farm SANG.
9. The plan in Appendix 1 identifies the proposed extension to the French's Farm SANG³. (Referred to as 'the sites' elsewhere in this MoU). The proposed extension to the SANG covers an area of approximately 4.2 hectares. There are no existing rights of access to the new areas which currently have an agricultural use. The sites for the extension to the French's Farm SANG are:
 - defined as part of the South East Dorset Green Belt;
 - positioned between the urban area of Upton to the north and the Poole Harbour Special Protection Area to the south; and
 - located within flood zone 1 (low probability of river or sea flooding) as shown on the EA flood map for planning, with parts of the extension areas being subject to surface

¹ The existing SANG was delivered to mitigate the impact from 70 dwellings that were allowed at appeal (APP/B1225/W/15/3049345) in 20 November 2015 following allocation in the Purbeck Local Plan Part 1 (2012). (Dorset Council planning application reference: 6/2014/0299). Natural England, Wyatt Homes and Dorset Council agree that the impacts from the 90 homes identified for allocation through the emerging Purbeck Local Plan (Policy H7: Upton) on Dorset heaths habitat sites can be mitigated through the existing SANG delivered in connection with planning permission 6/2014/0299 (see earlier MoU between Wyatt Homes, Natural England and Dorset Council June 2019).

² Existing homes next to Policemans Lane, to the north of Watery Lane, Sea View Road and Sandy Lane are all positioned within 400 metres of the enlarged SANG.

³ The existing French's Farm SANG covers an area of approximately 4.83 hectares.

water flood risk and coastal flooding taking into account longer term impacts of climate change as identified in the council's Level 1 Strategic Flood Risk Assessment.

10. The parties consider that there is potential to change the use and character of the land so that it is more attractive to visitors who might otherwise visit Dorset heaths habitat sites in a manner which takes account of the constraints outlined above. This is supported by visitor survey information from the current SANG. The sites could create further mitigation capacity for around 150-300 further homes⁴.
11. The parties have yet to agree the detailed design of the extensions to the existing French's Farm SANG, but as a matter of principle Dorset Council is satisfied that there is potential for the site to act strategically in mitigating the impacts from residential development on Dorset Heaths habitat sites within the Purbeck area. The parties are satisfied that there is potential:
 - a) for the site to be accessed on foot by the residents of Upton (to the north east);
 - b) for an existing visitor car park to support use of both French's Farm SANG and the proposed extension to the SANG (the parties will consider whether the car parking needs to be enlarged as part of finalising the detailed design of the proposed extension to the SANG);
 - c) to create physical links and walking routes between the existing French's Farm SANG and the proposed extension to the SANG and enhance local links to the SANG; and
 - d) to manage the proposed extension to the French's Farm SANG to give the sites a 'wild/natural character' which is likely to be attractive to visitors.

Delivery

12. Wyatt Homes own, or have interests, in the sites identified in Appendix 1. There are no restrictions or limitations relating to the land which would prevent delivery of the sites for use as an extension to French's Farm SANG by 31 March 2024.
13. Dorset Council is currently considering a planning application for the 'Erection of 92 Dwellings with access via Osprey Close, associated landscaping, drainage and footpaths onto Watery Lane' (6/2019/0717). (Here after referred to as the 'planning application'). The planning application relates to policy allocation H7 in the emerging Purbeck Local Plan and has been submitted in advance of the plans adoption to support housing delivery in the Purbeck area. In consultation with Natural England, Wyatt Homes and Dorset Council commit to enter into a 'delivery framework' agreement to secure timely delivery of the extension to the French's Farm SANG in the event that Dorset Council recommends that planning permission is given for the development in the planning application prior to the delivery of the extension to the French's Farm SANG.
14. The 'delivery framework' agreement will address the outstanding matters to be agreed that are listed in this Memorandum of Understanding and include a deadline for delivery of the extension to the French's Farm SANG of between 12 and 18 calendar

⁴ Working with Natural England and Wyatt Homes, the council has yet to complete a formal assessment of the enlarged SANGs capacity.

months from the date when Dorset Council grants planning permission for the planning application.

15. This Memorandum of Understanding has been prepared entirely without prejudice to the council's assessment and determination of the planning application. Dorset Council will assess the planning application on its merits having regard to the development plan and all other relevant material considerations.

Matters agreed

16. The following matters have been agreed between the parties:
- a) The sites at French's Farm Upton, identified in Appendix 1, are a suitable location for use as an extension to an existing SANG.
 - b) Wyatt Homes own or have an interest in the land identified in Appendix 1 and there are no legal restrictions that would prevent the SANG from being delivered by 31 March 2024.
 - c) The parties have agreed to work together to deliver the sites at French's Farm Upton as an extension to the existing French's Farm SANG.
 - d) That planning permission is required for use of the sites as SANG.

Matters to be agreed

17. In consultation with Natural England the following matters are to be agreed between Wyatt Homes and Dorset Council:
- a) The design of the proposed extensions to the existing SANG including:
 - i. The design, route, and length of the permissive paths across the sites.
 - b) The detailed measures required to manage and maintain the proposed SANG (SANG Management Plan).
 - c) The cost of delivering, managing, and maintaining the proposed SANG in perpetuity.
 - d) The financial contribution provided by Dorset Council securing additional residential capacity through funding delivery, management, and maintenance of the proposed SANG in perpetuity.

Proposed interim mitigation measure – utilise excess mitigation capacity in Flowers Drove SANG, Lytchett Matravers

Location and description of the proposed interim mitigation measures

18. The Flowers Drove SANG is positioned in north eastern Purbeck, adjacent to the north eastern edge of Lytchett Matravers. The SANG is identified as a heathland infrastructure project to mitigate the impacts of the residential development identified in 'Policy H6: Lytchett Matravers' of the emerging Purbeck Local Plan (2018-2034). In the course of examining the emerging local plan Dorset Council published evidence (SD93 – Mitigation Strategy Green Belt) which considered the capacity (expressed in numbers of homes) of existing and proposed heathland infrastructure projects to

mitigate the impacts of residential development on Dorset heaths habitat sites. Table 3 of SD93 indicates that the proposed Flowers Drove SANG has a capacity to mitigate the impacts from 410 homes.

19. Dorset Council granted planning permission for the Flowers Drove SANG in May 2021 (6/2019/0530). The Flowers Drove SANG is identified in Appendix 2.
20. Wyatt Homes wish to reserve capacity in the SANG to mitigate the impact from:
 - a) the proposed 150 homes allocated through Policy H6: Lytchett Matravers of the emerging Purbeck Local Plan (2018-2034);
 - b) a further 160 homes which Wyatt Homes is promoting for allocation through the Dorset Council Local Plan (2021-2038).
21. Based on the assessment of capacity for the Flowers Drove SANG in SD:93, the SANG could mitigate the impact from a further 100 homes. The parties also consider that there might be potential to enhance the level of mitigation (expressed in numbers of homes) offered by the Flowers Drove SANG.

Delivery

22. Wyatt Homes own the site for the Flowers Drove SANG identified in Appendix 2. Planning permission has been given for use of the land as a SANG (May 2021 – Dorset Council reference 6/2019/0530). There are no restrictions or limitations relating to the land which would prevent delivery of the sites for use as a SANG on or before 31 March 2024.

Matters agreed

23. The following matters have been agreed:
 - a) Wyatt Homes agree that Dorset Council has the opportunity secure mitigation for 100 homes, in perpetuity, from the excess capacity available in the Flowers Drove SANG, Lytchett Matravers (identified in Appendix 2).
 - b) Wyatt Homes and Dorset Council agree to explore the potential to enhance the 'mitigation capacity' of the Flowers Drove SANG more than the capacity presented in Table 3 of SD:93.
 - c) Wyatt Homes own the land identified in Appendix 2.
 - d) Subject to examination and adoption of the Purbeck Local Plan (2018-2034), there are no legal restrictions that would prevent the SANG from being delivered by 31 March 2024.

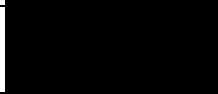
Matters to be agreed

24. The following matters are to be agreed between Wyatt Homes and Dorset Council:
 - a) The cost (expressed as a contribution per dwelling) of securing mitigation capacity in perpetuity from the Flowers Drove SANG.

- b) The financial contribution provided by Dorset Council to secure excess mitigation capacity in the Flowers Drove SANG.

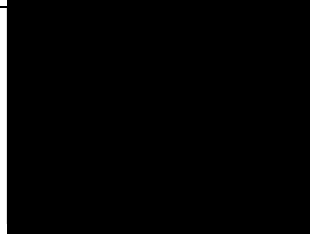
Declaration

Signed on behalf of Wyatt Homes:

Tim Hoskinson	Planning Manager		22/10/2021
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Name, Position, Signature, Date

Signed on behalf of: Natural England

Nick Squirrell	Lead Advisor		19/10/2021
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Name, Position, Signature, Date

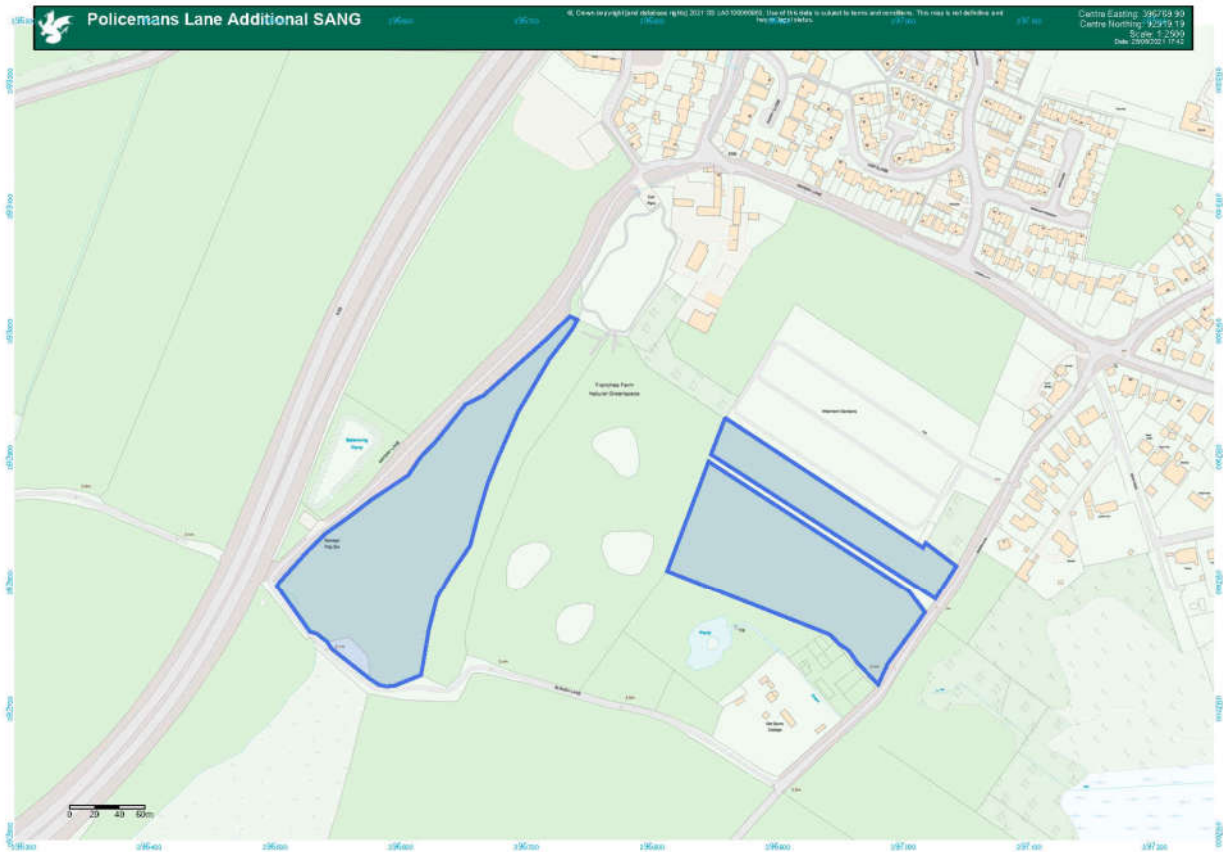
Signed on behalf of: Dorset Council

Michael Garrity	Head of Planning		09/11/2021
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Name, Position, Signature, Date

Appendix 1 – Map to show proposed extension to French’s Farm SANG, Upton

Memorandum of Understanding relating to the Purbeck Local Plan (2018-2034)
between: Dorset Council, Wyatt Homes and Natural England



Proposed extension to French's Farm SANG

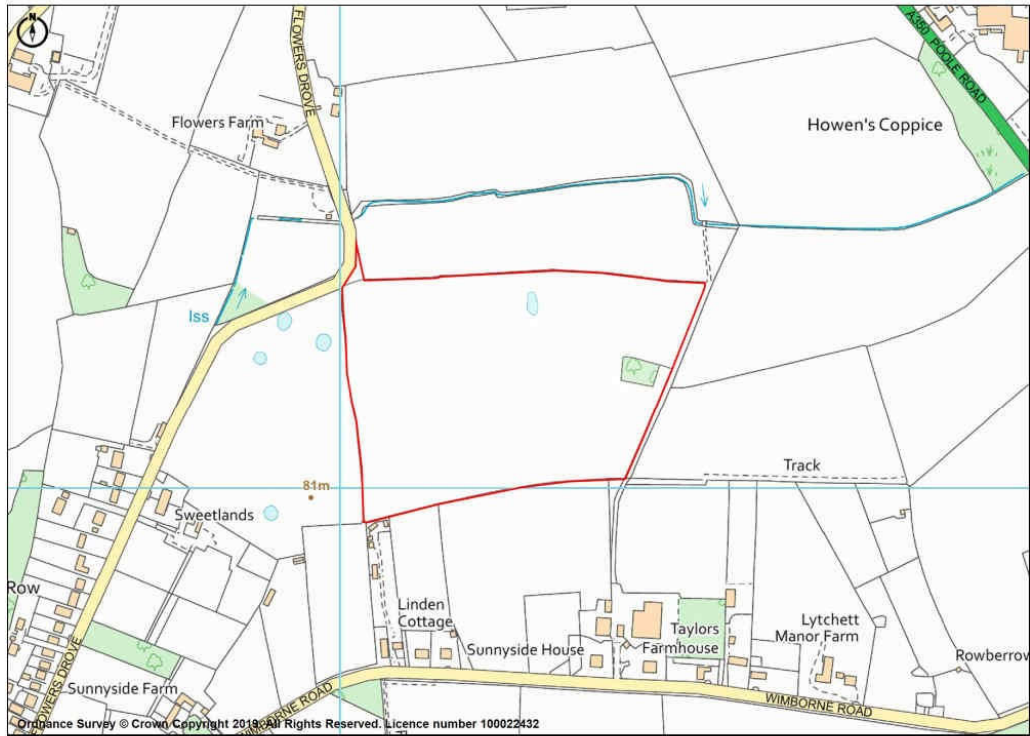


Existing French's Farm SANG outlined in blue ink.

Appendix 2 – Map to show Flowers Drove SANG, Lytchett Matravers

Memorandum of Understanding relating to the Purbeck Local Plan (2018-2034) between: Dorset Council, Wyatt Homes and Natural England

Location Plan



Promap v2
LANDMARK INFORMATION
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Flowers Drove SANG

Map to show the land which has planning permission for use as the Flowers Drove SANG.

