

Date: 06 August 2020
Our ref: 320798
Your ref: Puddletown Neighbourhood Plan



BY EMAIL ONLY

planningpolicy@dorsetcouncil.gov.uk



Dear Sir/Madam

Puddletown Neighbourhood Plan – submission draft

Thank you for your consultation request on the above dated and received by Natural England on 25th June 2020.

Natural England 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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

We are supportive of Policy 1 which seeks to protect the green character of local green spaces and Policy 2 which recognises the local landscape features and seeks their retention and where possible enhancement.

Turning to Chapter 3 (The Environment), within Policy 6 we welcome recognition of the Biodiversity Mitigation and Enhancement Plans and the work that has been done to identify the existing and potential wildlife areas within the parish. The neighbourhood plan should seek to deliver net gain as a result of any development.

Policy 7 covers European and internationally protected sites. As we have some specific advice around that policy which comes under the auspices of the Habitats Regulations, that advice is under a separate section below.

Within Chapter 7 (traffic and transport), we welcome the aspiration to provide new access routes in parts of the village to promote walking over driving and also promote healthy lifestyles and better connect up the existing public rights of way.

Habitats Regulations Assessment (HRA) – screening and appropriate assessment requirements

The Puddletown Neighbourhood Plan Habitats Regulation Assessment (Feb 2020) submitted to Natural England by Dorset Council has concluded that a likely significant effect on international sites is likely and has completed an Appropriate Assessment (AA) accordingly. The AA considers the mitigation measures necessary to ensure the plan does not result in an adverse effect on the integrity of the international sites and recommends policy wording that has been incorporated into the Neighbourhood Plan Policy 7. Please note only where a neighbourhood plan can show conformity with Chapter 8 of the Habitats Regulations (as amended) can it progress.

The submitted AA of the Neighbourhood Plan relies on the mitigation measures set out in the Dorset Heathlands Planning Framework SPD and the Poole Harbour Nutrient Reduction SPD to ensure the proposals have no adverse effect on the integrity of the International Sites. The following comments are intended to inform the AA for the Puddletown NP:

- Natural England agrees with the Puddletown Neighbourhood Plan HRA Screening Assessment (Feb 2020).
- Natural England agrees with the conclusions set out in the appropriate assessment that adverse impacts to the Dorset Heaths / Dorset Heathlands European Sites can be avoided through adherence of the Dorset Heathlands Planning Framework SPD.
- Natural England has requested a review of the mitigation measures through the provisions of the Poole Harbour Nutrient Reduction SPD. The review was completed recently and has demonstrated that sufficient permanent nitrogen offsetting has been provided for the development that was permitted in 2017 to 2019 and is now built out, or under construction. However, a further 75.66 hectares of offsetting land, or other equivalent measures, is now needed to offset the remaining schemes permitted in that period but which have not yet commenced. This represents a significant backlog of mitigation requirements that now need addressing and raises some uncertainty about whether future permissions or allocations for residential development that rely on the SPD will meet the nitrogen offsetting requirements prior to occupation. Given the current deficit of nitrogen offsetting measures Natural England recommends the AA for the NP considers whether additional safeguards are now needed within the Policy 7 to ensure that development cannot commence until the Competent Authority is satisfied that sufficient nitrogen offsetting measures have been secured through the SPD, or other suitable mechanisms, to ensure the new developments will achieve nitrogen neutrality by first occupation.

An approach suggested elsewhere for impacts on internationally designated sites with a similar set of circumstances involved the following Neighbourhood Plan Policy wording:

“Development will be required to confirm the nitrogen budget and set out specific and appropriately located mitigation measures that would be implemented in order to ensure that development is nutrient neutral from the start of its operational phase. Such mitigation measures must be secured for the duration of the development's effects. A financial contribution to strategic mitigation measures may be an appropriate alternative to direct provision of mitigation. In this case it will be necessary to liaise with Dorset Council and Natural England to confirm an appropriate mitigation scheme to which the contributions will be directed and to ensure any contributions are sufficient to fully mitigate the impacts of the development on the Poole Harbour internationally designated sites”.

The Appropriate Assessment should also consider whether the necessary level of mitigation required by the allocated development within the plan can be wholly or partly secured through the provision of permanent land use change within the Neighbourhood Plan area. This might be achieved by the NP allocating additional agricultural land for land uses with a low nutrient status that will also be of benefit to the local community and/or biodiversity interests (eg community woodland, community orchards, nature reserve, new wetlands, or other similar green infrastructure including SANG) and thereby provide certainty that the appropriate level of nitrogen offsetting will be secured to enable the development identified within the NP.

- The NP proposes some 60 new dwellings, the Plan Group should seek confirmation from Dorset Council that there is no policy conflict with this number of dwellings coming forward without an identified Heathland Infrastructure Project. Dorset Council have a wider overview of development coming forward. It appears to Natural England that a very small number of dwellings might come forward within the 5km area from the Dorset Heathlands.

- Natural England is aware of recent policy adjustments required at the Purbeck Local Plan. The examiner has required that reference to SPDs should not be made within plan policies. The group should seek the advice of Dorset Council on this matter (policies 7, 12 and 18 refer to SPDs).

Natural England would be happy to discuss these matters at the earliest convenience.

For any further consultations on your plan, please contact: [REDACTED]

Yours faithfully

Alison Appleby
Lead Adviser
Dorset West Team
Wessex Area Team
[REDACTED]