

Bournemouth, Dorset & Poole

**Mineral Sites Plan
Pre-Submission Draft**

**Non-Technical Summary
of the
Assessment under the Conservation of
Habitats and Species Regulations,
2017.**

Prepared for the Mineral Planning Authority

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Mineral Sites Plan – Habitats Regulations Assessment Non-Technical Summary

1. Introduction

Dorset County Council, Bournemouth Borough Council and the Borough of Poole are jointly preparing the Bournemouth, Dorset and Poole Mineral Sites Plan.

The plan, when complete and adopted, will complement and develop the Bournemouth, Dorset and Poole Minerals Strategy, adopted in 2014. The Minerals Strategy set out the vision and objectives, spatial strategy, core policies and development management policies for the development and supply of minerals across Bournemouth, Dorset and Poole. The Draft Mineral Sites Plan allocates sites for the winning and working of minerals, along with larger spatial areas such as the sand and gravel area of search and the Puddletown Road policy area, and develops other aspects of the Minerals Strategy such as mineral safeguarding and site restoration.

It is a duty under the Conservation of Habitats and Species Regulations 2017 (the Habs Regs) for the plan making body, the County Council, to undertake an assessment of the implications of the Plan for habitats and wildlife designated at a European level, known as a Habitats Regulations Assessment (HRA). The HRA assesses the effect of the plan on the conservation objectives of the relevant European sites. The relevant European sites are: Special Areas of Conservation (and candidate SACs), Special Protection Areas (and potential SPAs) and Ramsar sites which may be affected by the plan.

There are several stages to the Habitats Regulations Assessment process:

- **Screening:** This stage determines whether the plan (policies, allocated sites and other spatial allocations) would have a likely significant effect on a European site, either on its own or in combination with other plans. A significant effect can be any effect that may reasonably be predicted as a consequence of the plan that may affect the conservation objectives of the features for which the wildlife site is designated, but excluding trivial or inconsequential effects. Case law (Dilly Lane/Justice Sweetman (CO/7623/2007)) has established that proposed mitigation may be considered at this stage in a Habs Regs Assessment.
- **Appropriate Assessment:** If there are found to be likely significant effects, the plan options must be subject to Appropriate Assessment to ascertain whether there will be an adverse effect on site integrity, in view of its conservation objectives.
- **Mitigation Measures and Alternative Solutions:** Where an Appropriate Assessment shows that a plan would adversely affect a European site or the effects are uncertain, an investigation of mitigation measures to lessen the effects to an insignificant level, or alternative solutions which avoid any effects, should be considered.
- **Exceptional Circumstances.** If it is not possible to conclude that there are no adverse effects and it is not possible to change the plan during the course of the Appropriate Assessment, then the County Council (as the plan making body) may only proceed to adopt the plan in closely defined circumstances. The County Council must be satisfied that, if there are no alternative solutions, the plan must be carried out for imperative reasons of overriding public interest (IROPI). The County Council may write to the Secretary of State for his opinion, and he may give direction prohibiting agreement with the plan.

2. Guidance on drafting policy to avoid conflict with the Habitats Regulations

Current guidance on limiting the risk of conflict is that where likely significant effects on a European site have been identified, 'the plan making body should look to introduce measure to eliminate or reduce them. To carry weight, such mitigation should preferably be included in the policy wording where policies are distinguishable from other text'. In other words each policy should be as self-contained as possible in referring to the conflict pathway and the European site. Changes to the wording of the policy or the introduction of a specific criterion within the policy may be sufficient to ensure no likely significant

effects and this is the approach adopted in the Draft Mineral Sites Plan, as recommended by Natural England.

3. Screening Issues

Six issues have been identified which could give rise to significant effects on the relevant European sites as a result of minerals development in Dorset facilitated through the Draft Mineral Sites Plan. These issues were first identified in discussion with Natural England

- i. **Hydrology:** surface and sub-surface water regimes are critical to maintenance of wetland interest features of the European heathland sites. Water sources may arise within designated sites or may be at some distance from the site. In bringing forward sites for minerals, an understanding of the potential of development to adversely affect local hydrology is essential.
- ii. **Displacement of recreation:** our understanding of the impact of human and related recreational activity on European heathlands in particular, has grown in the past decade. It is now considered a serious issue which generally threatens the integrity of these sites. If there is already public access on any site to be brought forward for mineral working, an assessment of the existing contribution to recreation in the locality will be needed, the extent to which development would deflect existing recreation patterns towards heathlands, and what mitigation in the form of alternative areas could be brought forward.
- iii. **Proximity:** in general, the closer a mineral allocation to a European site, the more likely there are to be significant effects on that site. Such effects may result from a range of factors including habitat fragmentation, loss of dispersal corridors, and indirect effects of mineral winning and processing. For example, at its closest, an adjacent mineral quarry could affect a European site if the stand-off were too close, or the angle of cut too steep, such that the part of the European site slipped into the quarry.
- iv. **Species:** species characteristic of European sites are often found beyond the boundaries of the sites, sometimes in considerable numbers and with functional links to the sites. This applies particularly to sand lizard and smooth snake. In addition, nightjar habitually forage long distances from their breeding places on heathlands and features in the wider landscape, such as semi-natural woodlands and improved grasslands, may be important to them. Other Annex 1 species such as woodlark and Dartford warbler and the Annex 2 species, southern damselfly, must also be considered.
- v. **Land management:** parts of European sites may be grazed within units that include areas outside the designated sites and these areas may be important in enabling the grazing regime to function properly. A development may also introduce a need for parts of the European site to be managed in a particular way that is at odds with the conservation objectives.
- vi. **Pollution:** Restoration of mineral voids and restored habitats could affect European sites, particularly where run-off from mineral sites enters a European site directly or via a receiving watercourse.

4. Screening Exercise Results

The Habitats Regulations Assessment identified several sites and policies where mitigation was required to enable a conclusion of no likely significant effect. These were:

- Sites:
 - AS-06 Great Plantation, Puddletown Road
 - AS-12 Philliol's Farm, Wareham
 - AS-13 Roeshot, Christchurch
 - BC-04 Trigon Hill Extension, Wareham
- Policies:
 - MS-1 Sites for the Provision of Sand and Gravel
 - MS-2 Sand and Gravel Area of Search
 - MS-3 Swanworth Quarry Extension

- MS-4 Site for the Provision of Recycled Aggregates
- MS-5 Site for the provision of Ball Clay
- MS-6 Sites for the Provision of Purbeck Stone
- MS-8 Puddletown Road Area Policy

Certainty that likely significant effects can be avoided has been provided by mitigation summarised below and provided and discussed in detail in the main body of the Habs Regs Assessment:

- Sites:
 - inserting wording into the policy text addressing the specific site effects and the requirement to avoid them by providing mitigation,
 - inserting information on the detail of the required mitigation (arising from discussions with site operators/owners, Natural England and the County Council) into the development guidelines for each site where required.
- Policies:
 - Inserting wording into policy text stating that development will only be considered where it has been demonstrated that possible effects would not adversely affect the integrity of the relevant European sites.
 - Inserting wording into the supporting text, linking the Mineral Sites Plan to Policy DM5 (Biodiversity and Geological Conservation) of the Mineral Strategy.

The assessment of all other policies and spatial allocations concluded that they would not lead to likely significant effects on the European sites.

An assessment of in-combination effects concluded that the plan (policies, allocated sites and other spatial allocations) would not lead to any likely significant effects on European sites when considered along with development arising from any other plans or policies.

5. Conclusion

It is concluded that, providing the recommended additions and changes in wording to policy, accompanying text and development guidelines are incorporated as above, the Draft Pre-Submission Minerals Sites Plan is compliant with the Conservation of Habitats and Species Regulations, 2017.