

# Bournemouth, Dorset and Poole Minerals Plan

## Examination in Public

25<sup>th</sup> - 27<sup>th</sup> September & 2<sup>nd</sup> - 4<sup>th</sup> October 2018

## Proof of Evidence of

Cllr Marion Pope BA (Hons), MA

Independent Councillor for the Merley and Bearwood Ward

Borough of Poole

August 2018

Separating the examination of the Bournemouth, Dorset and Poole Minerals and Waste Plan into two distinct examinations under separate Inspectors is not without problems. Most of us responded to a joint consultation on the two Plans and, in the case of my ward, there is a crossover between the two which causes some repetition. However, I was elected in 2015 on a manifesto promise to protect green spaces and the Green Belt 'at all costs' so I believe I have a mandate from my constituents to object to Policy MS – 2: Sand and Gravel Area of Search and Policy MS – 4: RA – 01 - the proposed permanent intensification of the site for recycled aggregates at Whites Pit, Poole. I also object on my own behalf as a resident of Merley and Bearwood.

#### Policy MS – 2: Sand and Gravel Area of Search

I attach Figure 2 Aggregates Area of Search (Appendix A). A large area of search is indicated to the north-east of my ward along the Stour Valley. So far as I am aware, the owner has never offered this site as a site allocation in any previous plan. Designating it with the intention of facilitating mineral extraction if certain conditions apply seems extremely autocratic and is likely to cause planning blight in what is a conservation area.

I am aware that the owner of this site offered it as a windfall in 2015 for the extraction of a million tonnes of sand and gravel (APP/16/00339/Y). Initial discussions between the land owner, Poole Council and Dorset County Council were conducted in secret because the necessary closure of the Canford Magna Golf courses, which then occupied the site, was commercially sensitive. The golf courses closed in 2016 so that argument no longer applies. Poole's Planning Committee refused the application after hearing evidence that noise would seriously affect the education of pupils at the adjacent Canford School and more generally have an adverse effect on this area of my ward. Policy MS -2 if adopted would bring uncertainty about the possibility of future extraction. The whole purpose of having a plan is to bring certainty for its duration.

#### Recycled Aggregate Policy MS – 4: Site for the provision of Recycled Aggregate RA – 01: White's Pit Inert Recycling Facility, Poole.

Temporary permission was originally granted for the preparation of recycled aggregates and soils to cap the adjacent landfill site. That permission expired on 31 December 2010. The capping was incomplete but no attempt was made to renew or extend the permission. Neither was there any attempt to remove the machinery and restore the land to its original condition or to remove the haul road that led to the site from Arrowsmith Road.

In 2014, the owners made an application to remain on the Green Belt in perpetuity. It became clear that, during the time of operation without planning permission, the approved tonnage processed had increased beyond that permitted and a business

model had developed to sell recycled aggregates on the open market: possibly one of the reasons the capping of the landfill site is still incomplete.

There were many objections to the site remaining in perpetuity including that from Natural England (Appendix B). While the Council refused permission for the operation in perpetuity, it granted temporary permission for a further 7 years. (APP/14/00120/Y refers). But for the diversion into commercial production of recycled aggregates, the capping of the landfill site would have been completed years ago and the land returned to open countryside. Instead there remains an industrial operation at the very edge of Canford Heath SSSI (Appendix C).

In response to specific points:

175 For effectiveness, Policy MS – 4 should state that RA-001 is actually allocated on a temporary basis.

176 The Development Guidelines should certainly provide more detail in respect of the site assessment on criterion, C13 – surface waters especially in the light of 'very significant impact (Category A) on a drain within the site boundary'. I suggest that DGs might also include other matters which give cause for concern e.g. damage to heathland soils.

177 There will be adverse impacts on nearby residents not just in Arrowsmith Road but, I would argue, along the A341 Magna Road/Queen Anne Drive. This is the third Plan to be examined this year which will have an adverse impact on traffic here: the others being Poole Local Plan and the Bournemouth, Dorset and Poole Waste Plan. All these will lead to an increase in traffic on this road.

In March, Poole's Transportation Policy Manager informed Malcolm Rivett, the Inspector examining the Local Plan, that there had been only a 1% increase in traffic on this road since 2003. *This is completely untrue*. I enclose an exchange of emails which shows that the ATC was damaged so that volumes recorded before 2015 were suspect (Appendix D). Recalibration of the ATC increased traffic volumes by some 250%. There is no mitigation for this increase nor the further increases from proposals in the 3 plans: the road is incapable of carrying higher volumes.

178 Have all significant matters been taken into account in the Sustainability Appraisal and the Site Assessment? I think not. The site is adjacent to an undeveloped green belt site that is proposed for the extension of waste facilities by some 25,000 tonnes per annum. At the examination of the waste plan, the owners claimed that they already had planning permission for recycling waste here. Appendix E shows that this is not the case and that Dorset County Council has accepted that planning permission would need to be granted if this was to be used for waste processing. My concern is that the cumulative effect of these two adjacent sites at the very edge of Canford Heath SSSI will have a devastating effect on habitats for protected species. I note that the November 2017 HRA Screening Report identified this site as requiring mitigation to enable a conclusion of 'no likely significant effects' to be made. I can think of no mitigation except cessation of works

in this very vulnerable area. As I prepare this, the waste plants have suffered a major conflagration, the cause of which is not yet known. It would be foolhardy to continue this trend of major developments adjacent to the heath without some safety corridor between the two.

179 I complained to the Local Government Ombudsman last year that the owners were in breach of planning conditions attached to temporary permission granted under APP/14/00120/Y, by selling recycled aggregates etc to the public through an outlet, Avon Material Supplies, on the haul road. The LGO found that such sales were *di minimis (trifling)* and dismissed the complaint. Given the creeping evolution of this site over the years, DGs should be much stricter on this, especially on green belt and other sensitive sites. The owners say it has all the characteristics of a brownfield site but it is the industrial developments which have made it so. We would like to see this site restored to its original condition when the temporary permission comes to an end.



set, Bournemouth and Poole Sand and Gravel Assessment - Minerals and Waste Programme - External Report  
11/049. BGS: 2011

Date: 09 May 2014  
Our ref: 112557  
Your ref: APP/14/00120/Y

N  
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James Gillilan  
Borough of Poole

BY EMAIL ONLY

JRG 8023  
TBT  
ON SYSTEM  
12 MAY 21  
12:15:11

Dear Mr Gillilan

**Planning consultation: Permanent retention of an inert recycling facility, to generate recycled aggregates and soils, and installation of washing plant**  
**Location: Whites Pit Inert Recycling, Arrowsmith Road, BH21 3BE**

Thank you for your consultation on the above dated 04 March 2014 which was received by Natural England on 04 March 2014.

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.

**Town and Country Planning Act 1990**  
**Town and country Planning (General Development Procedure Order) 1985, Article 10**  
**The Conservation of Habitats and Species Regulations 2010, regulation 61**  
**Wildlife and Countryside Act 1981, Section 28 (G) and (I)**

**Objection**

This application is immediately adjacent to Canford Heath Site of Special Scientific Interest (SSSI) Special Protection Area and Special Area of Conservation. Natural England objects to this development on the grounds that the application, as submitted, is likely to prevent appropriate restoration of Canford Heath SSSI or prevent the enhancement of features for which Canford Heath SPA has been protected. Our concerns are set out below.

- 1) **Prevention of restoration of an area of Canford Heath SSSI**  
As a result of the mineral extraction at Whites Pit an area of land which was notified as SSSI and which contained priority biodiversity habitat was lost into the quarry. This proposal is contrary to long term agreed objectives to restore this lost habitat as part of the restoration of the previous uses, mineral extraction and landfill. The proposal indicates an acid grassland habitat which was not present at the time of SSSI notification rather than lowland heathland in the SSSI land. Natural England advise the authority that agreeing loss of this area would be contrary to local plan policy and would require compensation under the NPPF (para 118 see below).
- 2) The previous operators proposal (Biffa), see below made provision for a range of features which are sympathetic to the context of the heathland and which would act to support the protected biodiversity present in the SPA and SAC. The proposal for extensive areas of coppiced woodland and minimal habitat restoration would not act in a manner which would facilitate the maintenance or restoration of favourable condition as would the Biffa plan. The Biffa plan does bring forward measures which are aligned with the European sites



conservation objectives, enclosed. This is a material consideration for your authority as the objectives are to maintain or where not in favourable condition to enhance. The two SPA Annex 1 birds are both in unfavourable condition at the present time. The BIFFA proposal would have resulted in a sympathetic landscape for nightjar and woodlark particularly, whereas there is little ecological evidence that the proposed coppiced area, sited on a landfill site will be on any more than neutral benefit to the SPA features. Natural England is aware that the applicant would be able to demonstrate that this matter has been secured in other adjacent landholdings through a suitable legal agreement.

**3) Impact of the local distinctiveness of the landscape**

Natural England has not been consulted on the new restoration plan submitted with this proposal. Within this plan, Natural England have concerns about the proposal to plant a short rotation coppice on the site down to the boundary of Canford Heath SSSI. This is not consistent with the landscape of the area and would detract from the local distinctiveness associated with heathland. This would contradict PCS 23 of the Poole Core Strategy which states development must maintain the "open heathland character" of Canford Heath SSSI.

**4) Limited ecological enhancement resulting from restoration of the site.**

This proposal is contrary to the National Planning Policy Framework (NPPF) as the restoration and landfill aftercare scheme should provide appropriate biodiversity enhancement. This is encapsulated in paragraph 109 which states "planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

In addition to this, paragraph 118 states that when determining planning applications "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"

In the original applications (03/00663/033/F and 03/27392/011/F), Natural England was consulted, and Natural England had agreed to a restoration plan with the operating company Biffa in 2009 to mitigate against the environmental impact of the development. This plan involved the restoration of a substantial part of the site to heathland and neutral grassland as outlined in the document 'Restoration and Aftercare Scheme'. In relation to the objectives of paragraph 118, that permission for the site was granted and the mitigation proposed with the development would have resulted in a net gain for biodiversity.

The new restoration plan called "A living landscape: proposals for the sustainable restoration and after care of Whites Pit Landfill site" does not provide adequate or appropriate biodiversity enhancement. Natural England do not consider that short rotation coppice provides appropriate restoration because it provides limited biodiversity enhancement and does not compliment the habitats on the European heathland adjacent to the site.

Furthermore, this document proposes the removal of trees from 8ha of woodland within Canford Heath SSSI, SPA, SAC as a form of biodiversity enhancement. Natural England welcomes this proposal by the applicant, however, work that is being undertaken within the SSSI cannot be considered as providing ecological enhancement to mitigate against the development as there are other legal mechanisms for securing such necessary site restoration. The proposal is outwith the area of the application and may require a further permission from the Forestry Commission which means that the proposal would be difficult to secure through the planning system.

Natural England were not consulted during the preparation of this new restoration plan and have not had the opportunity to provide the applicant with advice on this new scheme. Overall, this new scheme does not compliment the landscape of the area and does not provide adequate mitigation to



compensate for the impact of the development.

Therefore, Natural England objects to the proposed development and advises that the local authority that permission for this development should not be granted as it contradicts the authorities obligations under the NERC Act 2006, the NPPF and the LPA's own Local Plan policy.

In Appendix A Natural England have outlined a few initial comments on the applicants restoration plan, outlining some more appropriate restoration measures for the site.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice relating to Canford Heath SSSI contained in this letter, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service. If the form is not attached, it can also be accessed on our website.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Emily Smith on 07788224126 or [Emily.smith@naturalengland.org.uk](mailto:Emily.smith@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).





We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Marc Turner  
Senior Adviser  
Sustainable Development and Regulation  
Dorset, Hampshire and Isle of Wight Area Team

#### Appendix A: General observations on the 2012 Restoration Plan

Considering the 2012 restoration plan put forward by the Whites Pit there are several general comments that Natural England would suggest in order to progress with this application

- 1) Although short rotation coppice is not consist with the landscape of the area and does not provide biodiversity enhancement, there is the potential that this could be acceptable on part of the site. Referring to Figure 1 of in the Appendix of Whites Pits restoration plan, short rotation coppice could be planted in area labelled 1 of the site, and extend into the yellow area indicating the recycling unit. This area is surrounded on its western and northern edge by woodland so would contrast be more complimentary to the landscape.
- 2) Natural England welcomes the proposal by the applicant to remove trees within part of their site that is within the SSSI boundary, and would like to keep this in the restoration scheme.
- 3) Area 3 and 4 of the restoration plan should be restored to heathland and neutral grassland. This will provide biodiversity enhancement and additional habitat that compliments the adjacent SSSI and European site. This will also provide an appropriate landscape and ecological buffer between the SSSI and the short rotation coppice. Recent observations of the site indicates that the southern slope adjacent to the heathland is beginning to colonise with heathland plant species. Natural England would therefore advice against the application of compost to this slope (area 3) to allow this process to continue.
- 4) Within area 2 between the short rotation coppice and the neutral grassland, mixed acidic woodland as outlined in the Biffa 2009 restoration plan (page 9) could be placed to provide some screening between the neutral grassland and the short rotation coppicing. Suggested species are stated on page 10 and include Pedunculate oak (*Quercus robur*), Silver birch (*Betula pendula* or *B. pubescens*) and Scots pine (*Pinus sylvestris*). At the woodland edges shrubs such as Hazel (*Corylus avellana*) and Hawthorn (*Crataegus monogyna*) could be used.





marion pope

**From:** "marion pope" <empeepope@btinternet.com>  
**Date:** 21 April 2016 08:49  
**To:** "Steve Dean" <s.dean@poole.gov.uk>  
**Subject:** Re: APP/16/00339/Y - Mineral Extraction and restoration work and Change of Use from Golf Course to SANG

Dear Steve,

Thank you for providing this more detailed breakdown for 2015. Because Vectos' figures are only 'A first principles assessment' I think it best to use your Artic/HGV figures only. These give a daily average on a six-day week of between 195 and 214. Vectos gives working as '..... restricted to 07:00 – 18:00 Monday to Saturday, excluding public holidays. This equates to 66 hours a week.' On that basis there will be 110 extra HGV movements a day (660 per working week): a 56.5% increase over 2015 figures.

This presents a much more reasonable assumption of traffic increase on the Magna Road should permission be granted for this application. And accords with James Larson's comments on whether the additional traffic could be accommodated through the Knighton Lane junction.

Steve, thank you once again for this.

Kind Regards

Marion

Clr Marion Pope

Merley and Bearwood Ward

**From:** Steve Dean  
**Sent:** Wednesday, April 20, 2016 5:33 PM  
**To:** mailto:empeepope@btinternet.com  
**Subject:** FW: APP/16/00339/Y - Mineral Extraction and restoration work and Change of Use from Golf Course to SANG

Marion

Sorry to keep you waiting for a response here.

I haven't been involved in the planning application and haven't read the applicant's statement so I can't really comment on the terminology of whether an HGV movement is an in and an out, or an in or an out, but I can understand your point.

I also can't really comment on whether the applicant would be operating these vehicles throughout the whole of an 11 hour day ( there would presumably be meal/rest breaks) so I don't know if your 220 HGVs per day estimate is reliable. The remainder of the document might clarify that.

I am responsible for our Traffic Data Collection though, so I can be clearer there:-

We've become quite worried about the results that we've been getting from our Traffic Counter in Magna Road ( you probably know that it is situated between Knighton Lane and Canford Arena). It has suffered some vandalism in the past, and has also been damaged by cars ( presumably parking on the grass adjacent to the counter). I'm afraid we're not confident of the data that we've obtained prior to 2015, and that does seem to tie in with the residents' feelings that their surveys don't agree with the figures that we gave you previously ( which were for 2015)

We recalibrated the machine for 2015 and so we're more confident of the data now (below)

2015 (new counter, correctly set up beginning of January 2015)

21/04/2016

Class	Weekday 24h Average	7 Day 24h Average
Motorcycles	115	123
Car and Mini Van	14191	13331
Trailers	65	54
Lorries and Mini Buses	281	220
Artic / HGV	239	184
Bus or Coach	59	49
<b>Total</b>	<b>14950</b>	<b>13961</b>

I would like to explain a few of points though:-

- While an Automatic Traffic Counter, will give a good count of the total number of vehicles, the actual classifications are not always an exact match.
- This is particularly important in the case of the Class 4 (Lorries and Mini Buses), and Class 5 (Artic/HGV). Smaller HGVs are classified as Class 4, but they share this class with large vans and Medium Goods Vehicles. Despite my, personal, frustration, this is a nationally used classification which I can't influence.
- In practice it is actually quite difficult to tell a large van or Medium Goods Vehicle from an HGV when you see them driving down the road. Our enumerators are very practiced in distinguishing them, but I am aware that residents do not always get this classification right.

One final thing, our Traffic Survey reporting software will give reports of weekday average and 7 day average, but doesn't output a 6-day average flow. I hope that the 5 or 7 day averages above will help you to put your summary together.

Steve Dean  
 Transportation Services  
 Borough of Poole  
 Civic Centre  
 Poole  
 01202 262071  
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**From:** marion pope [mailto:empeepope@btinternet.com]

**Sent:** 18 April 2016 15:07

**To:** Steve Dean

**Subject:** Fw: APP/16/00339/Y - Mineral Extraction and restoration work and Change of Use from Golf Course to SANG

Dear Steve,

Clr Jane Newell and I held a special surgery on Saturday to discuss this application with concerned residents. I used the Council's 2014 figures to demonstrate the huge increase in HGV traffic this proposed development would bring to the Magna Road. The 2014 figures were challenged by some who live on the Magna Road. They say the figure today is much higher from counts they have conducted themselves. I wondered if you were in a position to provide the 2015 figures? If so would it be possible to give a daily average of HGV using a 6 day Average flow so that I can compare

21/04/2016