

**CORE STRATEGY
DEVELOPMENT PLAN
DOCUMENT (DPD)**

LDF EXAMINATION

**Matter 10 – Environmental
Issues**

STATEMENT PREPARED BY:

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REPRESENTATION NUMBER: 507541

On behalf of:

**Bodorgan Properties (Channel Islands)
Ltd., Sainsbury's Supermarkets Ltd. &
Taylor Wimpey Strategic Land**

AUGUST 2013

1. Our joint clients own and have interests in the proposed mixed use extension at North Christchurch (CN1) and wish to ensure that the planning policy framework aimed at securing release of the land is sound in that it is Positively prepared, justified, effective and consistent with national policy. To do so it must be sufficiently flexible.

Question 1: Does Policy ME1 provide a robust framework for safeguarding biodiversity and geodiversity?

2. No comment

Question 2: Does Policy ME2 provide a robust basis for the protection of the Dorset Heathlands

3. No comment

Question 3: Is there a strategy to avoid double counting SANG/ mitigation and payment of CIL (ME2)?

4. At present there is no strategy for double counting of physical SANG (a benefit in kind) with provision of wider heathland mitigation payments made through CIL under policy ME2. This is confirmed by email from East Dorset District Council. (Annex A)
5. The Meyrick Estate representations to the CIL draft charging schedule are reproduced here as they are relevant to this issue.
6. In new neighbourhoods where SANG is provided as part of the development package there will be potential for double charging for heathland mitigation, this is precluded in the CIL regulations as planning authorities cannot charge for the same items through s106 and CIL.
7. The Council has not yet produced the Regulation 123 list of projects that CIL would fund. By comparison in Poole Borough, where heathland mitigation issues also affect development, they specify the priority projects in their regulation 123 list that they will fund wholly or partly through CIL receipts. For

heathland mitigation they specify two items: Upton Farm SANG and Other SPA mitigation not linked to a specific site.

8. It was noted at the Poole Examination report into the CIL charging schedule:

“At present each development contributes directly to Habitats Regulations (HR) mitigation through a Section 106 agreement. When CIL is adopted this direct link will be severed. The DPIDPD proposes that HR mitigation will be funded through CIL, but its inclusion on the CIL Regulation 123 list will mean that it can no longer be funded through Section 106 agreements.”
9. You will know this as you were the Inspector examining the Poole CIL tariff when you concluded that it was not for you to deal with this issue. We believe therefore if it is not for the CIL tariff examination it must be another DPD that relates to the development of the site. We believe in this case the relevant policy document is this Core Strategy.
10. It is not sufficient to rely on earlier decisions by other Dorset Authorities who have already progressed their DPDs to adoption despite this difficulty as they have not tackled this issue. (Poole, Bournemouth and Purbeck) As it currently stands, if a site within Poole Borough provided its own SANG, it would also be charged CIL for the development and that would mean the developer is paying for further general heathland mitigation in the Borough to serve other developments.
11. SANG by its very nature cannot be open only to the residents of the specific new dwellings which generate its need, so new SANGs will potentially benefit the whole Borough and beyond. This is its intention as an area-wide solution to an area-wide problem, so it must follow that a site specific SANG has the same effects for mitigation as non-site specific projects that create SANG for smaller developments, for example the SANG at Upton Farm.
12. Therefore, if SANG is provided physically through a s106 agreement as part of a development to mitigate potential harm to heathland, this is also part of the area-wide solution, which is currently proposed to also be charged through CIL.

This would therefore be charging twice and not be in compliance with the regulations.

13. Clearly with reference to Annex A, there have been discussions between Natural England, the Councils and other developers about a reduction in CIL to deal with double counting. It has therefore been recognised as an issue by the Councils but there is no resolution to it at present. This means the plan cannot be found sound as it fails to meet the “Effective” test under Paragraph 182 of the NPPF as it does not allow for the effective delivery of heathland mitigation across South East Dorset which is a cross-boundary strategic priority.
14. There are a number of solutions to this to find the plan sound:
15. Sites where physical SANG is provided could be exempt from CIL this would potentially allow for sites to avoid double charging with the site still to be subject to s106 payments directly related to the development. This could be stated in each site- specific policy for each new neighbourhood where a physical SANG solution is required.
16. Or alternatively if a reduced CIL rate or discount was introduced for sites when physical SANG is provided this would potentially allow for sites to avoid double charging with the site still to be subject to s106 payments directly related to the development, if the reduction was proportionate to the development in kind.
17. This is more complex and hence it has not been agreed as evidenced by Annex A. There are complications relating to SANG standards where some developments may provide SANG well in excess of that required to mitigate the harm from the development the reduction from CIL should be proportionate to the wider mitigation potential. This would lead to such complex calculations that may not be able to accurately quantify wider SANG benefits that the only real alternative is an exemption from CIL where SANG is provided.

Question 4: Should Policy ME2 clarify that payment of CIL would be a trigger which would allow development to commence?

18. No comment

Question 5: Do Policies ME4 and ME5 set local requirements in a way which is consistent with paragraph 95 of the NPPF?

19. No comment

Question 6: Is Policy ME8 consistent with ME1 with regard to impacts on biodiversity and ecological impact?

20. No comment

Question 7: Do the SANG guidelines:

- **Provide clear and adequate guidance regarding the location and accessibility of SANG?**
- **Provide clarity regarding the quality and characteristics of SANG?**
- **Provide sufficient flexibility to allow for site specific circumstances?**

21. The SANG guidelines provide a framework for providing SANG which is generally supported. However the matter needs to be addressed realistically. A new SANG area at least in the early years will not be more attractive than well-established Dorset Heathlands. The guidelines need to provide for local flexibility with bespoke solutions used on a case by case basis.

Annex A