



Christchurch and East Dorset Core Strategy Examination

MATTER 10: ENVIRONMENTAL ISSUES

Statement by Christchurch and East Dorset Councils



Prepared by Christchurch Borough Council and
East Dorset District Council

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1 Issue 1: Provision of Robust Framework through ME1

Response to Issue

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

1.1 The policy together with those that cover landscape issues in chapter 14 of the Core Strategy are designed to complement each other to ensure all aspects of the landscape are appropriately managed and/or improved. Based on the requirements of the NPPF and the responses received through the consultation including those from Dorset Wildlife Trust, Natural England and Environment Agency, the policy was modified to reflect these changes.

1.2 On this basis there is not a requirement to include an exhaustive list of habitats and species in the policy. To support the revised wording of the policy in respect of all types of nature conservation sites functioning as an ecological network, an additional map that shows the local designated sites of nature conservation has been included. The Policies Map that will accompany the Core Strategy will also continue to show international, national and locally designated sites for nature conservation.

1.3 Overall there is key support for this policy from Natural England and the RSPB. The word changes suggested by Natural England are acceptable to the Councils' as a modification if the Inspector considers them appropriate.

2 Issue 2: Provision of Robust Framework for Heathlands through ME2

Response to Issue

Issue 2: Does Policy ME2 provide a robust basis for the protection of the Dorset Heathlands
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2.1 Policy ME2 sets out a clear approach that is being taken forward across all local authorities within South East Dorset. The combination of the 400 metre exclusion zone for residential development and heathland mitigation measures is considered an effective package to protect European designated heathlands. This approach was recently tested through the Purbeck Local Plan EiP and was considered sound by the Inspector's (October 2012). This policy is supported by heathland mitigation proposals set out in all the policies within the Core Strategy for strategic residential allocations.

2.2 The policy is also supported by the detailed SANG guidelines that are set out in appendix 5, again these guidelines are included in the recently adopted Purbeck Local Plan and found sound through the EiP.

2.3 Evidence now emerging in support of the emerging Joint Heathland DPD (ED8) is considered sufficiently certain by Natural England to justify the use of Suitable Alternative Natural Greenspaces (SANGs). This is primarily based on monitoring work undertaken on sites where public access has been significantly improved. The use of SANGs is also in combination with the other South East Dorset wide mitigation measures which includes the management of the heathland themselves, improvements of other existing open space and heathland education programmes. Natural England are also satisfied that the amended text set out in the Proposed Changes to the Core Strategy (SD18) are sound.

2.4 For strategic residential allocations in the Core Strategy the Councils have prepared SANGs strategies in conjunction with landowners and Natural England, which provide mitigation in line with Policy ME2.

2.5 The South East Dorset Heathland Mitigation Joint Development Plan Document (ED8) (currently at preferred options stage) sets out a strategy for provision of heathland mitigation across South East Dorset on a strategic level. Mitigation schemes identified for Christchurch and East Dorset, in combination with a rolling programme of schemes progressed through the Dorset Heathlands Planning Framework 2012 - 2014 SPD (ED7) will provide mitigation for residential development proposed in the Core Strategy supported through CIL. The South East Dorset authorities intend the current Dorset Heathlands Planning Framework SPD to continue beyond 2014 and are working jointly on its revision. It is considered appropriate to provide a rolling programme of measures in an SPD, where it can be regularly reviewed to reflect new evidence or target the areas where housing is coming forward at a given point in time within the plan period, to ensure the mitigation effectively relates to new development. The Heathland DPD will also feed into the preparation of the Councils' Site Specific Allocations DPD which will also confirm mitigation to be provided for residential allocations not dealt with in the Core Strategy.

2.6 The Core Strategy provides a certain and comprehensive strategic approach. This will be supported by the Heathland DPD and SPD, which will set out detailed heathland mitigation projects, providing flexibility for the strategy over the plan period to take account of new opportunities for mitigation.

2.7 Policy ME2 states that heathland mitigation will be provided supported by CIL. Sites of approximately 50 dwellings and above will be required to deliver SANGs in line with the guidelines set out in Appendix 5 of the Core Strategy. For developments of approximately 50 dwellings or more, where adequate mitigation measures cannot be provided on site, CIL will be used to deliver appropriate mitigation in line with the strategy set out in the heathland DPD and SPD.

2.8 This approach will be subject to examination as part of the Heathland DPD, which will also contain the overarching details of the types of mitigation that are appropriate and their general location.

2.9 Although not formally raised through consultation, the Councils consider a modification is necessary in respect of the paragraph referring to off site financial contributions for heathland mitigation. The following amendment to the policy is proposed:

2.10 ***"Any residential development within 400m and 5k of these areas will provide mitigation through a range of measures as set out in the Dorset Heathlands Joint Development Plan Document, and the Dorset Heathlands Joint Supplementary Planning Document. ~~which sets out guidance in the intervening period prior to the adoption of the Development Plan Document, including:.....~~***

2.11 This amendment is proposed as it is intended that the Heathland SPD will continue to exist alongside the Heathland DPD in providing a strategy for heathland mitigation.

2.12 ***~~"On development proposals of approximately 50 dwellings, where adequate mitigation measures cannot be provided on-site as part of the development, a financial contribution to the Councils will be required"~~***

2.13 The sentence is not required as CIL will be used from development to deliver necessary mitigation and this is already referred to elsewhere in the policy.

3 Issue 3: CIL Payments and SANG Double Counting

Response to Issue

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

3.1 Councils are required under the Community Infrastructure Levy Regulations to prepare and publish a Regulation 123 list which shows the categories of infrastructure which are to be funded from the Community Infrastructure Levy and those to be obtained through section 106 agreements. The Councils are currently drafting a Regulation 123 list and intend to publish this alongside the Councils' Draft Charging Schedule in the autumn of 2013.

3.2 It is proposed that all SANG provision, including in association with the strategic sites, will be funded from CIL with either land being acquired in lieu of CIL or the Councils purchasing the SANG land from the developer on the large sites or SANGs being provided by the developer on land that will remain in their ownership.

3.3 These measures will avoid any double counting in relation to SANG provision.

4 Issue 4: CIL Payment Triggers

Response to Issue

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

4.1 Councils in South East Dorset have been collecting funds from development which falls between 5km and 400m of protected heathland since January 2007 under the now Dorset Heathlands Planning Framework 2012 - 2014 (ED7). The funds are collected and pooled, with SANG and other mitigation schemes being brought forward across the area. Strategic heathland mitigation schemes identified in the emerging Heathland DPD will also be delivered through CIL, in the majority of cases.

4.2 SANGs required in relation to strategic housing allocations in the Core Strategy and for residential development coming forward across the plan area will be delivered through CIL. The first priority from CIL funds collected in Christchurch and East Dorset will be the delivery of heathland mitigation which will help to ensure that SANGs are delivered in pace with new development. Policy ME2 already states that ***'The avoidance or mitigation measures are to be delivered in advance of the developments being occupied and must provide for mitigation in perpetuity.'*** This provides clarity on the timing for the delivery of mitigation to be funded through CIL.

4.3 In some cases, where there is insufficient CIL to deliver the required mitigation in a timely fashion, the Council has the option to borrow money to be paid back through future CIL income to ensure mitigation is in place when required.

4.4 As part of the Duty to Co-operate the Councils will continue to work closely with the South East Dorset local authorities with a continuation of the Heathlands SPD, alongside the Heathland DPD which will enable the cross boundary pooling of CIL for strategic SANGs of benefit to the sub region.

5 Issue 5: Policies ME4 and ME5 Consistency with NPPF

Response to Issue

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

5.1 Paragraph 95 of the NPPF requires local planning authorities, when setting local requirements for sustainable development standards, to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards. These standards refer to regulated energy use and include the acceptance of "allowable solutions" to demonstrate acceptable appropriate compensatory measures if the proposals do not accord with the suggested energy hierarchy or a percentage of offsetting required by a CS policy. Examples of "allowable solutions" are the provision of on or off-site low-carbon energy generation measures or a financial contribution to carbon reduction measures. These measures may include the development of district heating systems or retro-fitting of existing buildings, subject to no unacceptable adverse impacts on sensitive environments. It will be up to any prospective developer to demonstrate why the main requirements of any CS policy cannot be met and to outline an appropriate compensatory measure.

5.2 It is accepted that the wording of Policy ME5 does not fully meet the requirements of paragraph 95 of the NPPF in light of the acceptance of "allowable solutions" and reference to regulated energy use and the Council suggests a Main Modification to Policy ME5 as follows:-

5.3 Add word in the second paragraph, "... 10% of the total **regulated** energy used..."

5.4 Replace the text within the brackets of the second paragraph with the following: **"If this is shown not to be feasible or viable the Council will accept an on-site carbon reduction of not less than the relevant Carbon Compliance levels stipulated by the Zero Carbon Homes policy, with the remaining reduction of regulated emissions to be provided by means of 'Allowable Solutions'. Regulated emissions refer to those related to space heating, hot water provision, fixed lighting and ventilation. Unregulated emissions are those related to cooking and plug-in appliances. Unregulated emissions are not counted for the purposes of calculating carbon compliance."**

5.5 The Councils consider that the wording of Policy ME4 remains consistent with paragraph 95 of the NPPF in that it is less prescriptive than Policy ME5 and relates to compliance with the relevant national policy which is applicable at the time the application is submitted.

6 Issue 6: Consistency between Policies ME8 and ME1

Response to Issue

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

6.1 Policy ME1 applies to all development within the Plan area, including renewable energy, and therefore any development proposal would need to comply with this policy.

6.2 The Councils added Policy ME8 to the Schedule of Proposed Changes to the Core Strategy Pre-Submission (November 2012, SD18) in light of the guidance set out in paragraphs 93 - 97 of the NPPF.

6.3 The DCLG have recently published "Planning practice guidance for renewable and low carbon energy" (July 2013). Paragraph 5 of that document states that 'The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections...' This point is reinforced in paragraph 15 of the guidance.

6.4 The Councils consider that the requirements of Policy ME8 are consistent with the requirements of Policy ME1, especially when read in conjunction with the latest DCLG guidance on the matter. It is only where there are imperative reasons of overriding public interest would the needs of the renewable energy proposal outweigh the environmental concerns, and this is likely to be a very rare occurrence. This situation is comparable with the guidance contained in the Habitats Directive regarding overriding public interest.

6.5 In recent discussions with Natural England, the Council has been advised that the words 'priority species' be added to bullet point 2 of Policy ME8. The Councils have no objection to this request which clarifies that the policy applies to priority species as well as protected habitats, and will accept this as a modification to the Plan.

7 Issue 7: SANG Guidelines

Response to Issue

Issue 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?**

7.1 Natural England originally developed these guidelines for South East Dorset, and they were recently tested through the Purbeck Local Plan EiP and considered sound. The Inspector's Report (October 2012) summarised that the provision of mitigation primarily through the implementation of SANGs is a logical approach which provides alternative sites for people to visit, thus reducing the pressure, particularly on areas of protected heathland. In order to establish what is required with regard to the provision of SANGs it is recommended in the interests of soundness that specific guidance is provided against which any proposal can be assessed. It is the intention that this guidance will be used by all local planning authorities in South East Dorset. This confirms that they do provide clear and adequate guidance regarding the location, accessibility and clarity regarding the quality and characteristics of SANG. Natural England continue to support the inclusion of these guidelines.

7.2 The landowners of developments that are required to provide their own SANGs are strongly encouraged to enter into discussions with Natural England to ensure that the SANGs proposed would result in the successful mitigation of the development's effects on protected heathland. This has been the case for the strategic allocations proposed in the Core Strategy, and in many cases Statements of Common Ground are being agreed between the landowner / developers and Natural England regarding a bespoke SANG strategy for the site in question. The approach allows flexibility in interpreting the SANG guidelines to take into account site specific circumstances whilst at the same time ensuring the Habitats Regulations are fully adhered to.

