

Appendix 1

Posting by Andrew Henderson (organiser for the NNS 1999 and NNS 2012 in Kent) on the Kent Ornithological Society Forum, regarding interim results from NNS 2012.



Kent Ornithological Society

Providing information about Birds and Birdwatching in Kent

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**Author**

Andrew Henderson
KOSMembers
★★★★★
member is offline

Joined: Mar 2009
Posts: 45

Topic: Nightingales (Read 32 times)

 **Nightingales**
« Thread Started on May 17, 2012, 3:09pm »

We're now into the last few days of the extended daytime survey period, ending on Sunday 20th May. Sunday itself looks to be poor (breezy and damp) but Friday & Saturday are better, with temperatures soaring to a sweltering 15C.

The optional nocturnal survey period for tetrads where birds have been found begins on Saturday, lasting until 4th June.

I hope surveyors who haven't done second visits yet will take this last opportunity to do them. As Murray and others have found, it's possible to find new birds even this far into the season. Individual Nightingales can be surprisingly silent and difficult to find without repeated visits.

If you've not been taking part in the survey, you can still help by submitting casual records of singing birds or, later in the season, birds giving anxiety calls. Especially away from the hotspots, there is always the chance that these will be unrecorded.

Details of the survey and how to submit records can be found at
www.kentos.org.uk/whatsnew/Nightingales2012.htm
and
www.bto.org/volunteer-surveys/nightingale-survey

Our projection of the county total based on counts already reported remains at about 700, down from 1200 in 1999. Downland squares such as TR24 & 34 near Dover and TQ95 above Sittingbourne have fared worst (the total for these three squares down from 54 to zero). Low-lying and often damp areas with scrub have done better. TQ64 around Paddock Wood (up from 32 to at least 45), TQ77 on the Hoo peninsula (82 to 130), and TQ96 around Sittingbourne-Teynham (15 to 28) have done most impressively so far.

Many thanks to all the surveyors who have been out finding - or regrettably diligently not finding - Nightingales this spring.

Andrew

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Andrew Henderson
KOSMembers
★★★★★
member is offline

 **Re: Nightingales**
« Reply #1 on May 23, 2012, 6:12pm »

Anyone taking part in the nocturnal part of the Nightingale survey should read the additional guidance just published by the BTO - see

Joined: Mar 2009
Posts: 45

www.bto.org/volunteer-surveys/nightingale-survey/latest-news

Meanwhile, we are still interested in any newly found Nightingales anywhere in the county, at day or night. Just let us know via the methods described in my previous posting or to kentnightingales@btinternet.com. They are still being discovered - Don Taylor found two yesterday at a location in the Teise valley that he visits each spring and where they've never been before.

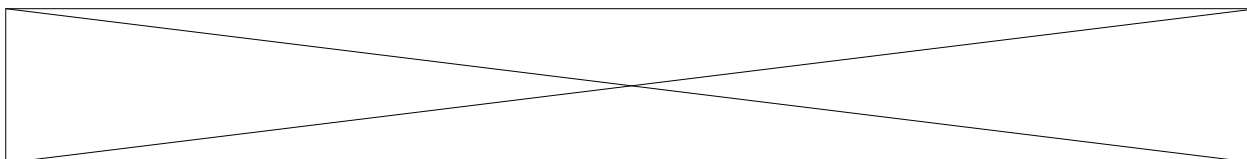
Andrew

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Appendix 2

RSPB letter to Natural England (sent 13 January 2012) in respect of the Lodge Hill area and Natural England's SSSI Rapid Review



nature's voice

James Seymour
Area Manager
Natural England
Guildbourne House,
Chatsworth Road
Worthing,
BN11 1LD

By email

Dear Jim

NE SSSI Rapid Review - Chattenden Woods SSSI and environs: inclusion on basis of nationally important nightingale population

I was pleased to hear that our staff had a very constructive meeting yesterday, including discussions about the buffer zone and status of the site.

Following this meeting, and further to our recent conversations before Christmas, in our view the RSPB considers there is a strong case for the nightingale population of the current Chattenden Woods SSSI and adjacent former MoD site to be considered as part of Natural England's ongoing SSSI Rapid Review. This is based on the fact that the area supports more than 1% of the British population of nightingales, a rapidly declining species (60% between 1995-2009). Nightingales currently form part of the woodland breeding bird assemblage feature of the SSSI, but are now breeding in more than nationally important numbers across the SSSI and surrounding area (the latter in dense scrub).

As you are aware under section 28 Wildlife and Countryside Act 1981 (as amended) NE have a clear duty to notify sites of special interest for, among other things, their fauna. In this context, and given the imminent threat to the nationally important nightingale population of this area from the proposed development of 5,000 houses and associated development on the former MoD site, I am writing to seek Natural England's formal view on inclusion of this area in the SSSI Rapid Review.

Nightingale population of Chattenden Woods SSSI and environs

Nightingales are found throughout the proposed development site and the Chattenden Woods SSSI.

The last national nightingale survey in the UK in 1999 located 4,557 singing males, Kent being the most important county with 27% of the UK population. Chattenden Woods-Upnor was found to be an area of national importance, with 46 territories, and more than 1% of the British population in its own right.

Between 1995-2009, the British nightingale population declined by 60% (latest State of the UK Birds report http://www.rspb.org.uk/Images/sukbs2011_tcm9-298041.pdf).

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The actual number of nightingales supported in the area is unclear, since no complete nightingale survey work has been undertaken with full access to the site. Despite this, the applicant's Breeding Bird Masterplan (2011) puts the population at 50 territories (SSSI plus proposed development site). Given the shortcomings in the survey work, this may be an underestimate.

The site's relative importance at a Great Britain level is likely to have increased given the national level decline and may now be closer to 2% of the British population. A full survey is required to establish the true population and its British importance. The BTO's national Nightingale survey is taking place in 2012, so should be the means of establishing the true population of the area. Given historic difficulties of full access to the site for survey purposes, it may be appropriate for Natural England to exercise its power of entry under section 51 of the 1981 Act to ensure a full survey can be completed to inform its consideration of whether the site is of special interest for its nightingale population.

Either way, the available data suggests the area as a whole (SSSI plus proposed development site) easily meets the 1% threshold for qualifying as a SSSI for nightingale. As a consequence, the RSPB considers there is a prima facie case for the nightingale population of the area to be considered for inclusion (in its own right) in the ongoing NE SSSI Rapid Review.

Due to the importance and urgency of this matter, I am also copying this letter to Ben Fraser who I understand is heading up the SSSI Rapid Review.

Yours,

A handwritten signature in black ink, appearing to read 'Chris Corrigan', with a stylized flourish at the end.

Chris Corrigan
Regional Director

cc Ben Fraser, Natural England
 Kate Jennings, RSPB

Appendix 3

Reply from Natural England to RSPB (dated 10 February 2012) in respect of the Lodge Hill area and Natural England's SSSI Rapid Review

Date: 10th February

Our ref:

Your ref: -



Chris Corrigan
South East Regional Director
RSPB
1st Floor, Pavilion View
19 New Road
Brighton
Sussex, BN1 1UF

Hercules House
Hercules Road
London
SE1 7DU

By email only, no hard copy to follow

NE SSSI Rapid Review - Chattenden Woods SSSI and environs: inclusion on basis of nationally important nightingale population

Dear Chris

Many thanks for bringing the above matter to our attention. As you know, Natural England is in the process of implementing its SSSI Notification Strategy, part of which involves a Rapid Notification Review (RNR) of the features and boundaries of all 4,000+ existing SSSIs in England. The RNR is an initial filter to identify sites that may require changes and which will therefore go forward for a more detailed review in the next 2-3 years, in order to inform possible amended notifications.

We have identified through the RNR the need to consider re-notifying Chattenden Woods SSSI to include nightingale as a standalone interest feature and extend the site to include a significant number of breeding territories located adjacent to the SSSI and within the MOD's Chattenden Barracks and Lodge Hill Training Area. That said, you will appreciate that it is difficult to reach firm evidence-based conclusions on the size of the population involved, its relative importance in a national context and therefore the drawing of an appropriate boundary. This is because (as you acknowledge in your letter) :

- There are no recent accurate population estimates for nightingales for the SSSI and Barracks combined; and
- The national nightingale population is due to be resurveyed this year.

We will ensure as far as practicable that the 2012 national nightingale survey covers both the SSSI and all relevant areas outside it, so that on completion of the survey, we will have a much better understanding of the relative importance of the SSSI and surrounding area for breeding nightingales. We will then be in a position to carry out a detailed review of the notification. This is likely to be towards the end of 2012 or early in 2013, depending on when the results become available and we would welcome your input into this process.

Given the limitations of current survey data and the timescale over which this will be resolved, it will not be reasonably practicable for Natural England to re-notify the SSSI in a way that would constructively influence what is currently a live planning application for the Lodge Hill site. However, we remain committed to working with the RSPB, Land Securities, Medway Council and other interested parties to ensure that the impacts of the proposed development on biodiversity are fully addressed. As you will be aware, we are currently objecting to the scheme because we do not consider that the applicant has fully addressed these impacts. Removal of this objection will be contingent on our being satisfied that the applicant has committed to a robust package of mitigation/compensation measures (including long-term management) that will fully address the

impacts of the proposed development on the ecology of the site. This will include its population of breeding nightingales.

I hope that this makes Natural England's position clear but if you have any further questions please don't hesitate to contact me.

Yours sincerely

Dominic Coath
Senior Advisor, Ashford Land Use Operations Team
Tel: 0300 060 2205
Email dominic.coath@naturalengland.org.uk

CC Carly Stoddart, Medway Council
Stephen Neal, Land Securities

Appendix One: Clarification on Natural England's concerns in relation to the Lodge Hill outline planning application

Guidance on the information required to inform an appropriate assessment

As discussed previously, a development of this scale is likely to result in increased visitor numbers to the north Kent Coastline. Significant areas of the coastline in the vicinity of Lodge Hill fall within either the Thames Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) or the Medway Estuary and Marshes SPA and Ramsar (in addition to the respective underpinning Site of Special Scientific Interest (SSSI) designations). Research has been undertaken overseen by the North Kent Planning Group to look at visitor numbers to the north Kent coastal designated sites, with some funding contributed by Land Securities for this work.

Given the likely increase in visits to the coastal sites which will result from the increased population at Lodge Hill, we consider that the information which should be provided within the statement to inform the appropriate assessment is as follows:

- Details of the likely increase in visitor numbers resulting from the development visiting both the Medway Estuary and Marshes and the Thames Estuary and Marsh SPAs and Ramsar Sites;
- An assessment of the likely increase in key recreational activities and disturbance events to birds within the aforementioned sites that are likely to result from the increased population;
- An assessment of the likely impacts that may result from any increase in recreational activities and disturbance events upon the SPA and/or Ramsar Site features;
- Depending upon the results of the above, details of proposed avoidance and mitigation measures that will be implemented to ensure that this scheme does not result in an adverse effect on the integrity of the SPA and Ramsar Sites.

Much of the data to help inform the points above is available within the North Kent Visitor Survey Results prepared by Footprint Ecology which I understand you have a copy of.

Clarity on those designated sites which where recreational impacts should be further considered

In addition to the work detailed above for the South Thames Estuary and Marshes SSSI, Thames Estuary and Marshes SPA and Ramsar Site and the Medway Estuary and Marshes SSSI, SPA and Ramsar Site, we consider that recreational impacts should be considered further for the following designated sites:

- Tower Hill to Cockham Wood SSSI
- Northward Hill SSSI

Further details of these sites can be found via <http://www.natureonthemap.naturalengland.org.uk/> including the interest features of the sites. We would expect a similar impact assessment approach to that for the SPA and Ramsar Sites detailed above to be undertaken for these sites, although of course no appropriate assessment will need to be undertaken by the Council in respect of these sites.

Comments on the access management strategy

We have a number of outstanding concerns in relation to the access management strategy as detailed within our letter to Medway Council dated 12 December 2011 and we would welcome clarification on these ahead of our meeting on the 6 February. Our detailed comments in relation to the access management strategy accompanying the outline planning application are provided below.

Natural England is concerned that significant reduction has occurred in relation to the width of the buffer zone from the agreed 200 metre width. As detailed within section 1.3.4 of the Access Management Strategy, the purpose of the buffer is 'to minimise impacts to the SSSI and ancient

woodlands from recreational activities, pets and dumping of house and garden waste'. However, the buffer in the vicinity of the SSSI has been reduced to 100 metres in places but no justification for such a reduction, in ecological terms, has been provided. Consequently, we recommend that further clarity is provided in relation to functionality of the buffer.

In respect of the woodland buffer zones, 20 metres is generally the buffer recommended to protect the root zone from compaction by machinery rather than an access management technique. As such, it would be helpful if clarity could be provided from an ecological perspective how this will conserve the woodland interest.

During pre-application meetings, Natural England discussed the habitat types proposed within the buffer zones along with the transition from woodland to grassland habitats. This was designed to try and minimise incursion into the designated site through dense scrub planting with a gradual transition to grassland habitat. Unfortunately such a plan does not appear to have been included within the documents supporting the planning application. Consequently, we would request clarification be provided on the proposed habitat types and habitat transition that will be employed throughout the buffer zone. Similarly, it is unclear what types of development (such as sheltered housing or allotments) and their locations are proposed within the buffer zone and it would be helpful if greater clarity on these could be provided.

Within Section 3.4.2 of the access management strategy, we note that a permissive bridleway along the ridge line to connect the existing public rights of way is proposed. However it is unclear from the information within the access management strategy or the indicative plans how access into Rough Shaw or Lodge Hill Wood (which are within Chattenden Woods SSSI) by walkers, cyclist or indeed horse riders will be prevented. As such, further clarity is required on the measures to be employed in this regard.

As part of the visioning and master planning work undertaken for Lodge Hill, access connections were proposed including a 'figure of eight' loop which we understood were to provide alternative circular walking routes for residents away from the designated sites. Within Section 3.4.3 it is stated that Lodge Hill will promote a number of off-site links to connect into the existing network of public rights of way but no details are provided or firm commitments made. As such, we recommend that further clarity on the proposed connections are provided.

As discussed earlier, Natural England is concerned that a development of this scale is likely to result in increased visitor numbers visiting the coastal designated sites in North Kent. Research has shown that people visit the coastline to experience the feeling of being close to the sea. As such, provision of alternative greenspace inland as is suggested within the access management strategy (section 4.2.1) is unlikely to be successful in influencing behaviours. Consequently, we recommend that further clarity on measures to manage recreational access upon the coastal designated sites is provided.

We have suggested that consideration of recreational impacts is considered further for Tower Hill to Cockham Wood and Northward Hill SSSIs and we are pleased that consideration of funding for honey-pot sites will be considered. However, we recommend that, once the impact assessment recommended above has been undertaken, further clarity on the measures for these sites are provided within a revised access management strategy.

We note that wardens are to be employed to manage anti-social activities within Chattenden Woods SSSI (section 4.4.1) but recommend that a commitment to fund such wardens in-perpetuity is provided within the outline application.

The recommendation contained within Section 4.6.3 of the access strategy in respect of returning existing public footpaths to 'muddy earth paths' does not appear to be an appropriate means of managing recreational activity. Existing users of the site will potentially be prejudiced by this measure and we recommend that alternative mechanisms are provided to manage recreational impacts resulting from this scheme rather than discouraging existing users.

We welcome the proposed monitoring of the effectiveness of the access management strategy and would be pleased to comment on the nature of the monitoring in due course. We would however recommend that a commitment to implementing any recommendations for additional management measures that may arise from the monitoring needs to be provided.

Within section 4.9 of the access management strategy, it is stated that approximately 700 metres of cat proof fencing is to be installed in the vicinity of Lodge Hill Wood. In this area, the buffer zone appears to be below the 200 metre width previously agreed and we would be grateful if you were able to provide evidence on the likely success of cat proof fencing as evidenced by its use at other similar sites.

On a general note, there does not appear to be a definitive plan showing the existing and proposed access routes within the site and Chattenden Woods SSSI overlaid with the various access management measures which would be helpful in assessing the strategy more fully.

Further information on bat mitigation measures

It is unclear from the information provided within the Bat Masterplan which habitats are considered as being key foraging and commuting routes (Tables 1 and 2). This makes it difficult to ascertain that there will be no net loss in foraging and commuting habitat for bats. Within the recently provided 'Habitat Loss and Gain' table for bats, it appears that the only habitats considered as being of importance for commuting and foraging bats are semi-natural and planted broadleaved woodland. However, grassy margins and scrub provide excellent foraging habitat for bats and some species such as the noctule feed almost exclusively in more open habitats. As such, we recommend that further information is provided detailing which habitats are considered as key commuting and foraging areas for the different species of bats present on the application site and how these will be mitigated.

It is stated within section 5.2.7 of the Bat Masterplan that 21 key commuting routes will be suitable for species of bats identified at Lodge Hill. Different species of bats on the site will have differing requirements, for example long-eared bats prefer dark corridors to commute through which are unlikely to be provided in the urban areas. Similarly, the commuting corridors need to link key habitats for bats, be they roosts (on or off the application site) or foraging areas to ensure the continued ecological functionality of the area for bats. Given the lack of information provided on how bats are using the wider landscape and how this site fits within the local area, it is important that robust provision of commuting corridors linking key features for all species of bats using the site is provided. As such, we recommend that further clarity on the nature of the commuting routes is provided and how the differing ecological requirements of the various bat species will be maintained during, and post construction. To provide confidence that these measures will maintain key corridors for bats, it will be important to understand how this site fits within the wider landscape for bats.

Within Table 4 of the Bat Masterplan, it is stated that 'At least 314 bat boxes and 314 houses... will be fitted with at least 5 features to provide access into roost spaces for pipistrelle bats' and 'at least 18 permanent roost opportunities within roof voids for brown long-eared bats will be provided in suitable community and service compound buildings such as churches...'. No information is provided as to their location or habitat linkages which are vital to the success of replacement roosts. As such, we recommend that further information is provided on the likely locations of the replacement roosts and the surrounding habitat usage to ensure the functionality of the replacement roosts is secured. This is also likely to require the monitoring of the internal environmental conditions of the existing roosts for at least a season prior to demolition to allow these to be replicated as closely as possible in the replacement roosts

Within Section 7.4.29 of the Bat Masterplan, it is stated that 'where lighting is required, low and high pressure sodium instead of mercury and metal halide bulbs will be used in order to reduce the impact of light pollution on commuting bats'. However, within Section 2.4.16 of the environmental statement, it is stated that 'It is proposed to use a "white" light source with good colour rendering properties... thereby minimising energy consumption and obtrusive light levels compared to high pressure sodium or sodium oxide (SOX) lamps.' Good practice guidelines recommend that sodium

lamps are preferable where lighting must be used in areas used by bats. However, given the relative importance of this site for bats, key commuting corridors across the site should be kept dark. Consequently, clarity on the nature of the lighting across the site should be provided and it would also be appropriate for a light contour map to be submitted.

Guiding principles for bat mitigation

Given the site's importance for bats with at least seven species recorded on the site, it is important that the ecological requirements of all species present are considered and mitigated for. Below are guiding principles which we feel should be considered when drawing up the bat mitigation strategy for this site:

- Ensuring that the favourable conservation status of all species of bats is maintained, and wherever possible enhanced, as a result of this scheme and during each phase of the development;
- Ensuring that the existing linkages from the site into the wider landscape are maintained for all species of bats present in the area during and post construction;
- Ensuring that commuting routes and foraging areas for all species of bats directly or indirectly impacted by this scheme are maintained (or fully compensated for) to ensure the site and surrounding area continues to function as a key bat foraging and commuting area both during and post construction;
- Ensuring that any replacement commuting routes or foraging areas are sufficiently wide to function from an ecological perspective;
- Ensuring that indirect effects, such as disturbance to bats, is fully understood and mitigated for (both during and post construction); and
- Ensuring that roosts that are to be replaced are appropriately sized and positioned to ensure that the ecological functionality of the roost they are replacing is maintained;

Further information required on great crested newt mitigation measures

It is unclear, from both the great crested newt survey report and the Masterplan, what area of habitat which supports amphibians is present on the application site and the areas of each habitat that will be impacted during the phases of development. The recently received 'Habitat loss and gain for amphibians' table provides some clarity but suggests that the terrestrial habitats which are likely to be used by newts are woodland, scrub and coarse grassland. However, based upon other sites, pasture and improved grassland can also form terrestrial habitat for newts, particularly when present as a mosaic with other habitats. As such, we recommend that clarity is provided on why improved grassland and semi-improved grassland at Lodge Hill are not considered to represent terrestrial habitat.

Notwithstanding the concerns raised above in terms of the quantity and quality of habitat provision for amphibians, the information provided in Table 5 of the Amphibian Masterplan highlights that during Phase 1, there will be at least 13.5 hectares of amphibian habitat created and one breeding pond, this is despite 21.7 hectares of terrestrial habitat within 250 metres of a breeding pond being lost and two breeding ponds (Table 5). Consequently, clarity on the areas of the habitat types which may support amphibians that are to be lost and recreated during each phase of the development needs to be provided by the applicant to ensure there is no net loss in quality and quantity of habitat throughout the lifespan of this development for great crested newts.

Within sections 5.3.4 and 5.3.5 and Table 4 of the Amphibian Masterplan, it appears that only habitat within 250 metres of a breeding pond is being considered as terrestrial habitat for the calculation of mitigation rather than the usual 500 metres. This site is likely to support a relatively high population of newts for North Kent, so it would be appropriate to consider habitat within 500 metres of the breeding ponds when calculating the habitat areas required to compensate for the impacts resulting from this development.

Given that 17 hectares of habitat is to be retained and some 24 hectares created on site for newts, no information has been provided as to how the urbanising effects of this proposal will be managed to prevent negative impacts upon local amphibian populations through pet predation or the introduction of fish to breeding ponds for example. If urbanising effects cannot be appropriately

managed, then the off-site mitigation area may need to be significantly larger than that which is currently proposed.

Guiding principles for great crested newt mitigation

Below are guiding principles which we feel should be considered when drawing up the great crested newt mitigation strategy for this site:

- Ensuring that the favourable conservation status of newts is maintained during and post construction
- Ensuring that there will be not net loss of habitat (in terms of quality and quantity) during each phase of the development;
- Ensuring that indirect effects of the development (such as pet predation or release of fish to breeding ponds) is prevented;
- Ensuring that the compensatory habitat provision maintains linkages to wider newt populations allowing interchange between newt metapopulations around the site;
- Ensuring that the design of hard infrastructure across the site such as roads minimises the likelihood of great crested newt casualties; and
- Ensuring that robust, long-term habitat management and monitoring procedures are in place to ensure that the population of great crested newts is maintained, and wherever possible, enhanced in the medium to long-term.

Appendix 4

A summary of urban effects from residential development on the wildlife of adjacent and nearby designated sites¹

Effect	Summary Description	Species or group affected
Fragmentation	Loss of habitat in the LHSA site and smaller size of SSSI increases edge effects	Birds, plants reptiles, amphibians and mammals
Predation and increased mortalities	Access by pet cats, some of which will hunt in adjoining habitats including scrub and woodland. Increase in crows and magpies on sites with greater human activity. Increased fox population which occur in higher densities in urban areas. Increased dog population in new urban areas	Birds (particularly ground nesting), mammals, reptiles and amphibians
Roads and traffic levels	Road kills Increased levels of noise and light pollution	Birds, mammals, invertebrates, reptiles and amphibians Birds, invertebrates
Disturbance to birds	Areas with high visitor pressure are not settled by breeding birds or adults flushed from the nest by people/dogs, with disturbance linked to higher levels of predation or higher visitor pressure reduces productivity. Foraging behaviour of birds affected.	All these effects have been demonstrated during research of disturbance to ground nesting birds
Pollution	Ground and water surface pollution from dumping, air pollution from fires and vehicles	Plants and soils
Trampling	Soil compaction, erosion and deposition and damage to vegetation, Damage to breeding and wintering sites Creation of more extensive path networks increases spatial disturbance	Plant communities and species, invertebrates Invertebrates, birds and reptiles Birds (especially breeding birds), reptiles
Vandalism	Damage to signs fences and gates, reduces visitor information and control. Introduction of non-native species Can affect site management practices	Plant communities and species

¹ Adapted from Underhill-Day, J. C. 2005. A literature review of urban effects on lowland heaths and their wildlife. English Nature Research Reports No 623. English Nature, Peterborough.

Effect	Summary Description	Species or group affected
Eutrophication	Enrichment of soils from dog excrement and dumping of household and garden rubbish	Plant communities and species, invertebrates
Fires	Higher fire incidence adjoining urban areas cause direct mortality of fauna, temporary removal of breeding and foraging habitat, long term vegetation changes from repeated fires	Birds, mammals, invertebrates, reptiles and amphibians
Restrictions on management	Objections to management e. g. tree clearance or coppicing Increased need for wardening	

Appendix 5

Copies of the Thames Basin Heaths Delivery Framework and the Dorset Heaths Interim Planning Framework



Thames Basin Heaths Special Protection Area Delivery Framework

Thames Basin Heaths Joint Strategic Partnership Board

This Delivery Framework has been endorsed by the Thames Basin Heaths Joint Strategic Partnership Board and is recommended to the local authorities affected by the Special Protection Area (SPA). The Board encourages local authorities to use the Framework to guide the production or revision of local avoidance and mitigation strategies without delay.

This document has been prepared as a non-statutory document within the context of the South East Plan proposed changes published in July 2008 (which, when adopted, will form part of the statutory development plan), and on the basis of regional planning and governance arrangements as of January 2009.

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**Introductory message from Cllr Moira Gibson,
Chairman of the Thames Basin Heaths Joint Strategic Partnership Board**

When planning for our communities, we need to balance the requirements of our residents to make sure they have the homes and services that they need, against the need to protect and enhance our natural environment; which makes our region such an attractive place to live.

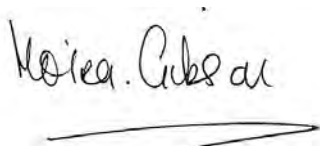
The Thames Basin Heaths, which covers parts of Surrey, Hampshire and Berkshire, is a rare example of lowland heathland. It is home to three important bird species, and protected by international law as a 'Special Protection Area' (SPA). The heaths, and the birds that nest and breed there, are easily disturbed by people and their pets.

This means that new homes built in the area for our residents must not increase the risks the heathland faces.

Considerable work

The local authorities surrounding the Thames Basin Heaths have undertaken a considerable amount work in seeking a way forward to allow development. Along with the Regional Assembly and other partners, the authorities have established the Thames Basin Heaths Joint Strategic Partnership to agree the long-term protection of the SPA.

This long-term strategy is needed if we are to ensure that the balance between protecting the heathland, and its birds, and the need to provide new homes for our residents is maintained into the future.

A handwritten signature in black ink, appearing to read 'Moira Gibson', with a horizontal line drawn underneath it.

Cllr Moira Gibson

1. Aim

- 1.1 This Delivery Framework sets out the Thames Basin Heaths Joint Strategic Partnership Board's (JSPB) recommendations on measures to enable the delivery of dwellings in the vicinity of the SPA - without having a significant effect on the SPA as a whole. It focuses on avoiding the impact of recreation and urbanisation on the SPA habitat and interest features.
- 1.2 Local authorities should refer to this Delivery Framework in the preparation of local or joint mini-plans, development plan documents (DPDs) and/or supplementary planning documents (SPDs). They should also ensure that appropriate references are made to the provision of SPA-related impact avoidance measures in their Local Development Framework (LDF) and supporting implementation documents in line with policy within the South East Plan.
- 1.3 Adopting the framework approach into SPD/DPD does not negate the need to undertake a Habitats Regulations Assessment on that document. In developing planning documents which relate to the SPA, local authorities should satisfy themselves as to whether the document requires a Habitats Regulations Assessment or should be subject to Strategic Environmental Assessment. This Delivery Framework should not be used directly for development control purposes.

2. Objectives

- 2.1 The objectives of the Delivery Framework are to recommend:
- A consistent approach to the protection of the SPA from the significant effects of residential development
 - The type and extent of residential development that may have a

significant effect alone or in combination on the SPA

- iii. Key criteria for the delivery of avoidance measures.

- 2.2 The Delivery Framework will be accompanied by a programme of actions for the local and collective delivery and implementation of avoidance measures and a clear strategy for monitoring the SPA.

3. Key Principles

- 3.1 The following key principles set out the overarching context for the recommendations within this Delivery Framework.

- All net new residential development - when considered either alone or in combination with other plans and projects - is likely to have a significant effect on the SPA and should therefore provide or contribute to the provision of avoidance measures.
- Developments can provide - or make a contribution to the provision of - measures to ensure that they have no likely significant effect on the SPA. In doing so, residential development will not have to undergo an appropriate assessment.¹ The option remains for developers to undertake a Habitats Regulations screening assessment and where necessary a full appropriate assessment to demonstrate that a proposal will not adversely affect the integrity of the SPA.
- A three prong approach to avoiding likely significant effect on the SPA is appropriate², however this framework

¹ This principle has been established through the High Court Judgement of J Sullivan in Hart DC v SoS for Communities and Local Government [2008].

² That is, focusing on (i) provision of Suitable Alternative Natural Greenspace (SANG), (ii) access management; and (iii) habitat management.

focuses on the two prongs of SANG (Suitable Alternative Natural Greenspace) and access management, which the JSPB currently considers are the most appropriate avoidance measures.³

- This Framework sets out the JSPB's recommended approach to the provision of avoidance measures. Its key objective is to recommend consistent standards for the application and provision of avoidance measures. However, as a strategic document it cannot address every foreseeable circumstance. It is acknowledged that there may be some exceptional circumstances where local authorities consider that a more or less prescriptive approach needs to be taken, or greater local specificity is needed, in the light of local circumstances or evidence base, or the detail of the proposed new residential development⁴. Such circumstances should be carefully justified.
- It should be noted that the JSPB has no formal control on the planning decisions which are to be made in respect of the Thames Basin nor does it set any formal planning policy. However, the JSPB will retain an overview of local authority mini-plans, SPDs and DPDs, and will seek to ensure that a consistent approach is being applied and sufficient avoidance measures are being provided.

³ In the longer term, habitat management may – theoretically – be taken to be an avoidance measure; however, the focus in the short-term must be improving the quality of the SPA to favourable condition status. This is a duty of SPA landowners which falls outside the development control system.

⁴ For example, if it can be demonstrated that small scale social housing developments will cater for housing need existing within the zone of influence and will not directly or indirectly lead to an increase in population in the zone of influence.

4. What development is covered?

- 4.1 This section describes the location, type and scale of development to which it is recommended the Delivery Framework be applied.

Location

- 4.2 The avoidance measures recommended in the Delivery Framework should be applied within a 'Zone of Influence' - defined as the area from 400m from the perimeter of the SPA (measured as the crow flies to nearest part of the curtilage of the dwelling) to 5km from the perimeter of the SPA, (measured as the crow flies from the primary point of access to the curtilage of the dwelling).⁵
- 4.3 In exceptional circumstances it may be appropriate for local authorities to modify the extent of this zone to take account of physical obstructions to cat, or human movement or access.
- 4.4 Applications for large scale development proposals beyond the zone of influence should be assessed on an individual basis. Where appropriate a full appropriate assessment may be required to ascertain whether the proposal could have an adverse effect on the SPA.⁶

⁵ The South East Plan Technical Assessor ('the Assessor') recommended that a zone of influence should be defined on the basis of travel distance. A travel distance approach was trialled by LAs, however this approach led to increased confusion and uncertainty. The JSPB therefore recommends that in the interests of certainty and clarity the Zone of Influence of the Delivery Framework approach to provision of avoidance measures is based on a 5km linear distance.

⁶ This is in line with the general requirements of the Habitats Regulations and reflects the approach proposed by the Assessor, who recommended that between 5 and 7km from the edge of the SPA residential developments of over 50 houses should be assessed and may be required to provide appropriate mitigation. It is recommended that such cases be considered on a case by case basis.

- 4.5 Within 400m of the SPA (measured as the crow flies from the SPA perimeter to the point of access on the curtilage of the dwellings) the impact of net new residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect on the SPA. There should therefore be a presumption against development within this zone – an Appropriate Assessment will be needed to demonstrate that any development will not have an adverse effect on the SPA and/or the acceptability of any avoidance measures provided. In exceptional circumstances the 400m distance may be modified by local authorities to take account of physical obstructions to cat movement and human access⁷.

Type of development covered

- 4.6 The avoidance measures recommended in the Delivery Framework should be sought in relation to the following types of development:
- i) Proposals for 1 or more net new dwelling unit falling within Use Class C3 (residential development).⁸
 - ii) Proposals for 1 or more net new units of staff residential accommodation falling within Use Class C1 and C2⁹

⁷ The Assessor recommended the retention of a 400m zone in which no development should be allowed unless it could be demonstrated that it would not lead to further recreational use of the SPA or have any other significant effect on its integrity.

⁸ The Assessor recommended that only new residential development of 10 dwellings or more would have an impact on the SPA. The Board considers that this approach fails to recognise the longer term cumulative effect of small-scale developments, however accepts his conclusion that *individually* developments of less than 10 dwellings will not have a significant impact on the SPA. Thus this Delivery Framework recommends a more flexible approach to the provision of SANG in relation to smaller developments. The threshold of 10 is identified on the basis of the definition of major development in the GDPO 1995.

⁹ The principal impact on the SPA being dealt with in this Framework is that resulting from recreational pressure

except large residential development proposals which, due to their scale and potential impact and ability to offer their own alternative avoidance measures, should be considered by local authorities on a case-by-case basis. The numerical definition of 'large development proposals', and the ability of large schemes to provide their own avoidance measures, will vary depending on the particular locality of the proposals.

- 4.7 Small-scale residential developments are likely to have an effect on the SPA in combination with other residential developments, therefore should provide a contribution towards the provision of avoidance measures.
- 4.8 The recommendations within this Delivery Framework apply only to net new residential development. It is considered that replacement dwellings will not generally lead to increased recreational pressure therefore will have no likely significant effect on the SPA.
- 4.9 All other applications for planning permission for developments in the vicinity of the SPA should be screened to assess whether they will have a likely significant effect (individually or in combination with other plans or projects) and where necessary a full Habitats Regulations Assessment should be undertaken.
- 4.10 The recommendations in this Framework should be applied to applications for full or outline planning permission. Reserved matters, discharge of conditions or amendments to existing planning consents

and urbanisation impacts associated with residential development (eg cat predation). On this basis it is recommended that the Delivery Framework approach generally be applied to all net new development which provides permanent accommodation. It is recommended that other C1 and C2 uses are assessed on a case by case basis.

should be considered on an individual basis by local authorities.

5. Avoidance measures

- 5.1 This section describes the measures recommended by the Board to avoid any likely significant effect of development on the SPA. The suite of avoidance measures should be provided in order that it can function in perpetuity¹⁰.

SANG (Suitable Alternative Natural Greenspace)

- 5.2 The provision of alternative recreational land to attract new residents away from the SPA is a key part of the three pronged approach set out above (para 3.13).
- 5.3 SANG should be delivered by local authorities or groups of local authorities and funded by developer contributions. To meet the requirements of the Habitats Regulations, SANG must be provided in perpetuity.
- 5.4 Joint working between authorities to provide SANG may be appropriate when:
- i) A LPA alone is not able to provide sufficient SANG land to meet its local need
 - ii) The catchment of a SANG extends into a neighbouring authority
 - iii) There is the opportunity to add value and/or capacity to individual SANG by developing a network of SANGs across boundaries.

- 5.5 Local authorities should explore opportunities for cross boundary working.

- 5.6 SANG provision should be funded by developer contributions, collected at a local or cross authority level; the calculation of costs should take account of acquisition costs, upgrading costs, and maintenance and management costs in perpetuity. Alternatively SANG may be provided by developers for individual developments.

- 5.7 Sufficient SANG should be provided in advance of dwelling completion¹¹ to ensure that there is no likely significant effect on the SPA, however, in exceptional circumstances (to be agreed by Natural England) contributions may need to be pooled to provide for the costs associated with the upgrading or maintenance of SANG.

- 5.8 SANG should be provided on new or existing public open space, taking into account the availability of land and its potential for improvement. Where it is proposed to use existing public open space as SANG, the existing patterns and rights of public use must be taken into account and protected. When new land or existing public open space is proposed as SANG, any existing nature conservation interests must be taken into account.

- 5.9 SANG should be provided on the basis of at least 8ha per 1,000 population¹². The average occupancy rate should be assumed to be 2.4 persons per dwelling unless robust local evidence demonstrates otherwise.¹³

¹⁰ Perpetuity means forever and, for the avoidance of doubt, does not mean the estimated design life of the development. Where financial payments form all or part of the avoidance measures, a commuted sum should be collected to allow the avoidance measures to be provided forever through a continual annuity.

¹¹ Completion should be defined as when an *individual* dwelling is completed, rather than when a whole development is completed.

¹² Based on the recommendations of the South East Plan Technical Assessor.

¹³ Based on the occupancy rate across the 11 affected authorities in 2006.

- 5.10 The size of site suitable for use as SANG will depend on the individual site characteristics and location, including its relationship within a wider accessible open space or network of green infrastructure. The preference should be for SANG to be of at least 2ha in size, and located within a wider open space or network of spaces although smaller spaces may form part of a wider SANG network. Across the affected area, a range of types and sizes of SANG should be provided, offering a range of experiences, including large SANG which have the benefit of being able to act as attractor sites.
- 5.11 The catchment of SANG will depend on the individual site characteristics and location, and their location within a wider green infrastructure network. As a guide, it should be assumed that:
- i) SANG of 2-12ha will have a catchment of 2km
 - ii) SANG of 12-20ha will have a catchment of 4km
 - iii) SANG of 20ha+ will have a catchment of 5km¹⁴.
- 5.12 Developments of less than 10 dwellings do not need to be within a specified distance of SANG provided that a sufficient quantity and quality of SANG land to cater for the consequent increase in population is identified and available in that district or agreed in an adjoining district, and functional in advance of completion¹⁵. However, all net new dwellings (including on sites of less than 10 dwellings) will be required to contribute to the provision of avoidance measures. Monitoring of the available capacity of SANG must take account of this requirement.
- 5.13 Regard should be had to the cumulative effect of the small development proposals with other anticipated developments in the vicinity – for example where the local authority receives an application for planning permission for development which forms part of a more substantial proposal on the same land or adjoining land.
- 5.14 In assessing the required quality for new SANG land regard should be had to the guidance published by NE.
- 5.15 The JSPB will retain an overview of SANG provision to ensure that sufficient SANG is delivered to deliver South East Plan housing allocations.
- Access Management
- 5.16 Existing landowners and managers should deliver access management and funding should come from developer contributions. Funding should be provided for in perpetuity.
- 5.17 Access management should be coordinated strategically, by Natural England (NE) working with local authority and land managers, in line with an overarching strategy for access management on the SPA and SANGs, which should include:
- i) A consistent SPA/SANG message - which may include signs, leaflets, educational material, etc
 - ii) Guidance on access management on the SPA eg rangers, seasonal restrictions, campaigns etc
 - iii) Guidance over access management on SANG eg provision of attractive facilities.

¹⁴ These catchments are indicative and based on initial research by NE as set out in the draft Delivery Plan.

¹⁵ Whilst the Board considers that SANG is not required to cater for the individual impact of small developments (see footnote 8), in order to provide certainty that the overall (cumulative) impact of all small developments on the SPA is avoided, an appropriate level of SANG should be provided within the vicinity of the SPA as a whole.

5.18 Access management on the SPA should be funded by ensuring that the charge levied on developer contributions includes an allowance for the cost of this service. The charge collected in relation to access management measures should be pooled for strategic allocation. Alternatively, where a developer is also an SPA land manager, access management measures may be provided by that developer.

5.19 There should be a focus on 'soft' measures for access management - where access restriction is proposed for the purposes of the avoidance of recreational impact, this should be as a last resort, and reasons must be clearly identified and restrictions carried out within legal requirements and provisions to protect existing public or open access rights. Care must also be taken to protect other existing nature conservation interests on the SPA including SSSI interest features.

5.20 The JSPB will retain an overview of access management provision to ensure that sufficient measures are being taken to protect the SPA.

6. Monitoring and review

6.1 Monitoring of the success of avoidance/mitigation measures should be carried out by local authorities, NE and existing landowners and managers, and funded by ensuring that the charge levied on developer contributions includes an allowance for the cost of this work. The charge collected in relation to monitoring should be pooled for strategic allocation.

6.2 This monitoring should address:

- i) Habitat condition and bird numbers (an existing NE responsibility).
- ii) The provision of SANG and delivery of dwellings
- iii) Access Management
- iv) Visitor Surveys.

It should be coordinated strategically, in line with a Monitoring Strategy agreed by the JSPB.

6.3 Partners, including NE, may undertake additional monitoring and research in relation to the SPA and in order to improve the evidence base.

7. Review of the Delivery Framework

7.1 The JSPB will review the results of the monitoring work undertaken on an annual basis. Where necessary the Board will consider amendments to the Delivery Framework that are required to address identified problems. Any amendments agreed by the JSPB in this way should in turn be considered by individual local planning authorities when updating mini-plans, SPDs or DPDs.

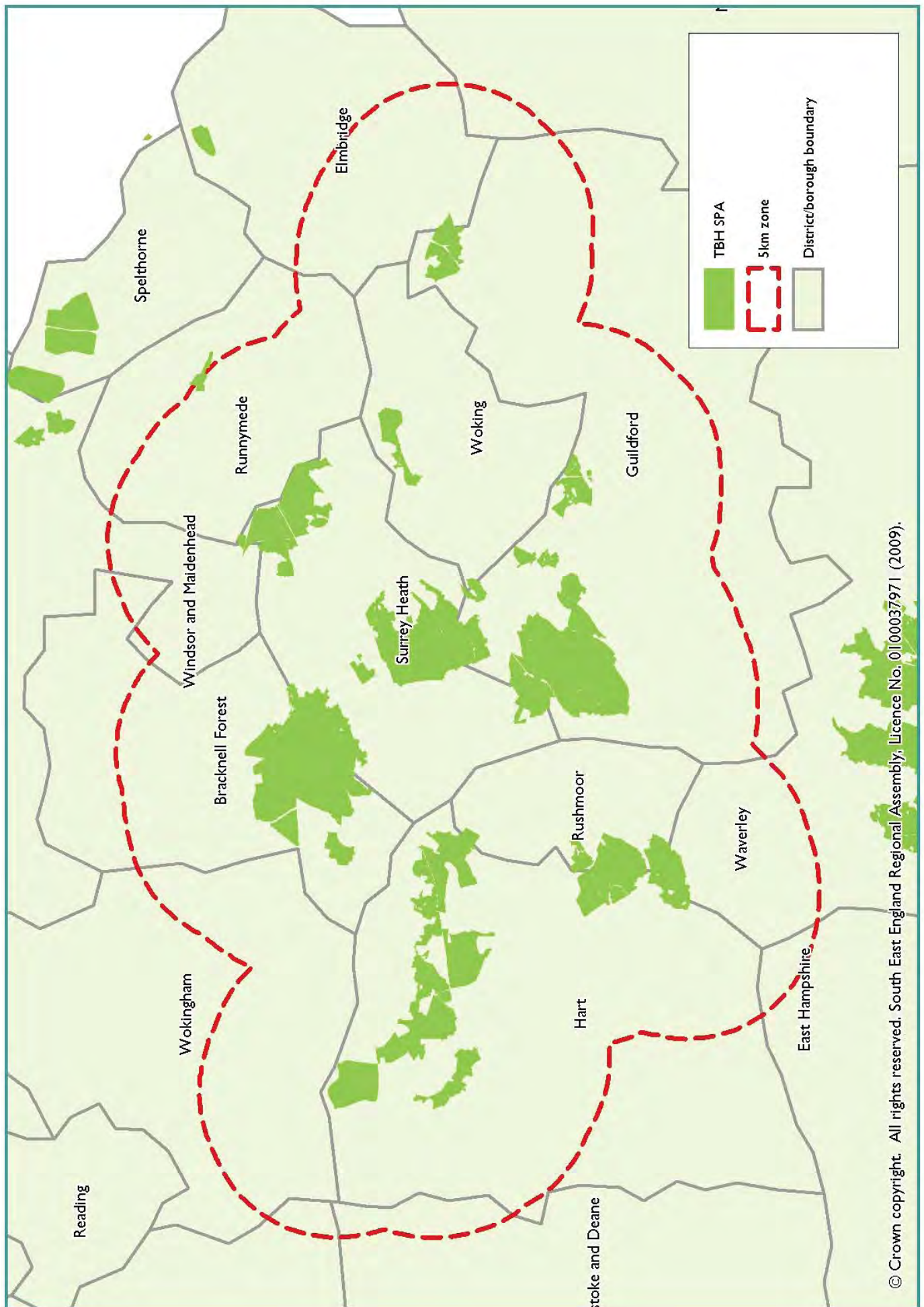
**Joint Strategic Partnership Board
February 2009**

GLOSSARY

Term	Definition
AA	See Appropriate Assessment
access management	Measures to limit the damage caused by visitors to the SPA. This can include 'soft' measures, such as education and wardening, or 'hard' measures such as limiting car parking, pathways etc.
the affected authorities / affected area	Those local authorities that surround the SPA, and that wholly or partially fall within 5km of the SPA boundary.
Appropriate Assessment, or AA	The second stage in a Habitats Regulations Assessment process, an AA assesses the implications of a plan or project on a European site's conservation interests.
the (Technical) Assessor's report	The report from the Planning Inspector who ran the draft South East Plan Examination in Public Technical Sessions looking at the Natural England draft Delivery Plan.
avoidance measures	Used to refer to the collection of measures that may be used to avoid any significant effect of new development on the SPA; that is, SANG and access management. This definition also sometimes includes monitoring.
the (Joint Strategic Partnership) Board	A forum of elected representatives from the 11 authorities that surround the SPA, and two county councils, and advisors from key stakeholder groups including the nature conservation sector and development industry and major landowners. The work of the JSP Board is guided by a member steering group.
competent authority	An authority entitled to give an authorisation or consent to a plan or project. Local authorities are competent authorities.
Delivery Framework	A set of recommendations from the Board about measures that will help to enable consistent provision of avoidance measures across those local authorities within the vicinity of the SPA.
Development Plan Document (DPD)	A statutory local planning document which forms part of the LDF, prepared by a local authority, and setting out planning policies for the area
Draft Delivery Plan	The original avoidance measure document published by Natural England in 2006, which sets out the principles using SANG and access management to avoid any significant effect from new residential development on the SPA.
Habitat management	Measures to improve the quality of the heathland so that the protected bird species are able to live and breed successfully.
Habitat Regulations Assessment (HRA)	<p>The assessment of the possible impact of a new development or plan on European Sites. A HRA comprises:</p> <ul style="list-style-type: none"> - an initial 'screening stage' to determine whether a plan or development is likely to have a significant effect on a European site and (if it is determined that there is likely to be a significant effect) - a second stage called the 'appropriate assessment' which comprises an assessment of the proposal in light of the particular conservation interests of the site. <p>Only if the appropriate assessment demonstrates that there will be no adverse effect on the European Site integrity can the project or plan be approved.</p>
HRA	See Habitat Regulations Assessment
Joint Strategic Partnership or JSP	A partnership of those local authorities affected by the SPA designation along with a wide range of stakeholders who have an

	interest in providing dwellings whilst ensuring the protection of the SPA.
Local Development Framework (LDF)	A collection of DPDs and other planning documents which form the local spatial plan for an area.
Mini-plan	A short-term strategy produced by a local authority planning department to allow development in the vicinity of the SPA to go ahead through the collection of developer contributions to fund the provision of avoidance measures by the local authority.
the Project Board	Formed to manage and oversee the delivery of strategic access management and monitoring measures; reporting to the JSP Board
SANG	Suitable Alternative Natural Greenspace – alternative open space similar in character to the SPA provided to attract new residents away from the SPA. Cross boundary SANG has the potential to act as an avoidance measure for more than one authority, or for a different authority to that in which it is located.
SPA	Special Protection Area – a protected area designated under European law
Supplementary Planning Document (SPD)	Planning document which provides guidance on how policies in Development Plan Documents (DPDs) are implemented
TBH	Thames Basin Heaths

Map of the Thames Basin Heaths



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Guildford Borough Council
Hart District Council
Royal Borough of Windsor and Maidenhead
Runnymede Borough Council
Rushmoor Borough Council
Surrey Heath Borough Council
Waverley Borough Council
Woking Borough Council
Wokingham Borough Council
Hampshire County Council
Surrey County Council
South East England Regional Assembly.

The Board is advised by:

Berkshire Joint Strategic Planning Unit
Defence Estates
Forestry Commission
Government Office for the South East
Federation of Master Builders
Natural England
Open Spaces Society
Royal Society for the Protection of Birds
Wildlife Trusts in the South East

APPENDIX TO

DORSET HEATHLANDS INTERIM PLANNING FRAMEWORK

BACKGROUND PAPER

23 October 2006

**Borough of Poole Bournemouth Borough Council Christchurch Borough Council
Dorset County Council East Dorset District Council Purbeck District Council**

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DORSET HEATHLANDS INTERIM PLANNING FRAMEWORK

Background Paper

1. Introduction

- 1.1. The Dorset heaths now enjoy the highest level of protection of any designation in the land as European wildlife sites. They are designated as the Dorset Heathlands Special Protection (SPA) and Ramsar site and the Dorset Heathlands Special Area of Conservation (SAC)¹. These designations cover an extensive complex of sites from Warmwell near Dorchester in the west, to Verwood and Alderholt in the north, through Poole and Bournemouth to Christchurch in the east, and across the northern half of Purbeck in the south. The complex supports an outstanding array of wildlife in a national and European context, with habitats and species dependent on the Dorset heaths for their survival in this country. The heaths also define the landscape character of much of South East Dorset, they have a rich cultural history, and are a valued recreational resource for local communities.
- 1.2. In the next few decades, and probably in perpetuity, the heaths situated close to built development in South East Dorset face particular risks to their integrity given their frequent use and abuse by people². Local people value the heaths ever more highly; they enjoy living near them, and using them for quiet recreational pursuits. The conurbation has been built on the formerly extensive tracts of heath north of the Poole Bay coastline, and the remaining heathland fragments provide communities with relatively easy access to open countryside for regular activities such as dog walking. Not only is there an existing problem that needs to be lessened through countryside management to allow people and wildlife to co-exist, but further residential and economic development in South East Dorset is likely to exacerbate the situation without careful forward planning to take account of people's recreational needs³.
- 1.3. Recent research has demonstrated links between adverse effects on the heathland and the proximity of built development, and the diverse effects that people and urban living have on the heaths have become known as 'urban pressures' and are now well understood and documented^{4,5}. The following is a list of effects that can, either directly or indirectly, adversely affect the wildlife value of the designated heathlands:
 - Increased incidence of arson (especially damaging during summer when the habitats and wildlife are most vulnerable).
 - Increased use by dog walkers leading to disturbance of ground nesting birds (particularly nightjar and woodlark) with consequent effects on their distribution, abundance and breeding success.

¹ Under *The Conservation (Natural Habitats &c) Regulations 1994*

² Haskins, L 2000. Heathlands in an urban setting - effects of urban development on heathlands of southeast Dorset. *British Wildlife* 11: 229-237.

³ Land Use Consultants, 2005, *Going going gone: The cumulative impact of land development on biodiversity in England*, English Nature Research Report 626, English Nature Peterborough

⁴ Kirby, J S & Tantrum, D A S 1999. Monitoring heathland fires in Dorset: Phase 1. Report to DETR: Wildlife and Countryside Directorate. Terra Environmental Consultancy, Northampton.

⁵ Underhill-Day, J C 2005. A literature review of urban effects on lowland heaths and their wildlife. English Nature Research Report No. 623. English Nature, 2005

- Increased number of feral predators (e.g. foxes, crows) affecting breeding success of ground nesting birds.
- Increased use of heathland for off road cycle and motorcycling, causing soil erosion, disturbance and damage to heath habitats. Similar disturbance and erosion of sandy tracks by horse riders. Sand lizard and invertebrate breeding sites are particularly at risk.
- Predation by domestic cats on birds (especially Dartford warbler) and reptiles.
- Disruption to the hydrology of heathland wetland through drainage interception and enriched urban water discharges
- Presence of more people and greater recreational use leading to more difficulties and substantially increased costs in managing the heaths effectively (e.g. from enhanced requirements for recreation and general vandalism); increased problems with the introduction of essential management measures (e.g. free roaming livestock for habitat management, removal of tree and scrub invasion and access controls).
- Increased degradation of the heathland habitats due to the dumping of garden and other waste by nearby property owners. This physically smothers the heath vegetation and enriches the soil, changing the habitat. Soil enrichment and habitat change through enrichment by dog faeces.
- Loss or degradation of key habitats used by nightjar for foraging (nightjar travel away from the heaths to forage).

2. Policy & legal framework

- 2.1. Urban pressures on the Dorset heathlands were recognised as long ago as 1998 by the Standing Committee of the Bern Convention⁶, when in 'Recommendation 67' it recommended to the UK Government that it should 'avoid any more development close to existing heathland; for new housing to provide for areas other than heathlands, to avoid unwanted pressure on heathlands.'
- 2.2. European wildlife sites (SAC, SPA) are protected by the Habitats Regulations⁷. The Regulations place particular responsibilities on a local authority granting planning permission for development that may affect such sites. Government Circular (6/2003 (ODPM) 2/2005 (DEFRA))⁸ accompanying Planning Policy Statement 9, *Biodiversity and Geological Conservation*⁹ explains how the Regulations should be applied.
- 2.3. The Government has recently consulted on amendment Regulations that will apply the decision-making tests of the Habitats Directive to regional and local development plans¹⁰. These are likely to come into force before the end of 2006.
- 2.4. Regulation 48 of the Habitats Regulations restricts the granting of planning permission for development which is likely to significantly affect a European site by requiring that

⁶ de Molenaar, Hans J.G. 1998. On-the-spot appraisal of the Dorset heathland (United Kingdom). Report and Recommendations. Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats. T-PVS (98)

⁷ *The Conservation (Natural Habitats &c) Regulations 1994*

⁸ ODPM Circular 06/2005. *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*.

⁹ Office of the Deputy Prime Minister, 2005. *Planning Policy Statement 9 Biodiversity and Geological Conservation*.

¹⁰ DEFRA, 2006. *The Conservation (Natural Habitats &c)(Amendment)(England and Wales) Regulations 2006*. Consultation Document.

an appropriate assessment is carried out of the implications of the development for the site's conservation objectives. The planning authority must ascertain that the plan or project will not have an adverse effect on the integrity of the site, alone or in combination with other plans or projects, either directly or indirectly, taking account of any conditions or restrictions that would help ensure no adverse effect, before granting permission or adopting plan or policy. The Regulation thus enshrines the precautionary principle in law, preventing consent, other than in specified circumstances, unless the authority is certain of no adverse effect.

3. Natural England's advice on the impact of housing development on the SPA/SAC and impact on planning control

- 3.1. Under the Habitats Regulations, Natural England considers that where development would result in an increase in residential units within 5km of the SPA / SAC, it would have a likely significant effect (upon the designated area, either alone or in combination with other developments, as a result of the potential impact of additional recreational use of the heathland or other urban effects. Their advice is set out at Annex 1 to this Interim Planning Framework Background Paper.
- 3.2. Within 400m of the designated site boundary Natural England considers that it is not possible for the planning authority, in undertaking its appropriate assessment under the Habitats Regulations, to be certain that any adverse effects could be avoided or alleviated, and that development resulting in increased numbers of residential units or residential occupancy should be prevented within this zone, save in exceptional circumstances.
- 3.3. Beyond the 400m zone and up to 5km, Natural England considers that such development would be permissible subject to the implementation of a comprehensive package to mitigate urban pressures. The package of measures will encompass the following:
 - Continuing the positive benefits accrued from the work of the Urban Heaths Partnership since 2001
 - Measures that would divert recreational pressure away from the heaths, including the provision of new or better managed existing greenspace to attract people to alternative locations
 - Access management measures which would limit the increased level of damage likely to result from increased visitor pressure on the designated heathlands
- 3.4. Natural England's advice on the impact of housing development within 400m of a designated heathland is not new and where development has been resisted by local planning authorities on this basis, appeals have been dismissed by Planning Inspectors, and the policy appears robust and defensible¹¹.
- 3.5. Without the ability to implement a comprehensive package of mitigation measures, the implications for planning control of advice of there being a likely significant effect of increased urban pressures that would result from development between inner and outer zones are considerable. The planning authority is obliged to undertake an appropriate assessment for each individual development, and, on a precautionary basis, currently could not conclude that, in combination with other developments, there would not be an adverse effect on the integrity. Without mitigation, applications must be

¹¹ Tyldesley, D. 2005. *Urban impacts on Dorset Heaths. A review of authoritative planning and related decisions.* English Nature Research Report 622. English Nature, Peterborough.

refused, effectively placing an embargo on most residential development within South East Dorset.

4. The work of the Urban Heaths Partnership

- 4.1. In South East Dorset from 2001 to the present time methods have been piloted for mitigating current urban pressures on the designated heathlands alone through a community education approach. The work has been undertaken by the Urban Heaths Partnership (the UHP) of organisations including all relevant local authorities and conservation organisations, and the Dorset Police and the Dorset Fire & Rescue Service. Originally funded through pump-priming by the European Commission LIFE-Nature programme, the work has more recently been supported by the former Countryside Agency's Access Management Programme¹².
- 4.2. The work of the UHP aims to reduce the effects of four key threats arising from the level of public access to the heaths, and the lack of understanding and appreciation of their importance for wildlife. It is essentially an education-led approach, targeting all ages of the population, and is designed to alter people's attitudes to the heaths and what they do on them. The four key threats are fire, disturbance, trampling, and unfavourable public perception.
- 4.3. Extra wardening is funded on the heaths, above the background level supplied by partner organisations, to discourage unwanted and illegal activities and to engage with visitors to help them understand the importance of the heaths for nature conservation and the need for management. The wardens patrol the heaths particularly at high risk times of the day and year, and are able to be demand-responsive to local spates of incidents. The wardens work closely with local police officers within the Dorset Police under the long-standing operational order 'Operation Heathland', co-ordinated by the Force Wildlife and Heathland Protection Officer. They also work with the Dorset Fire & Rescue Service when there is a fire to co-ordinate access and the public.
- 4.4. Over the six years certain infrastructure and equipment, such as fire hydrants and dedicated fire-fighting equipment to tackle heath fires, has been provided limit the effects of damaging activities. All Dorset fire tenders have a standardised atlas on board giving a fire access plan for each urban heath, and the project has also funded a single communication network between emergency services and conservation managers of the heaths.
- 4.5. An extensive life long education strategy was devised and continues to be implemented to improve knowledge, understanding and appreciation of the heaths and their management. Education resources devised by the partnership's teaching staff have been provided, free of charge, to every school. These resources tie directly into the National Curriculum, a number based on the Citizenship strand. Visits to whole school assemblies by police and other partnership staff following a serious local incident such as a major fire have proved to provide an important and direct approach to educating a key part of the local community. Other resources, such as a mobile classroom, provide a focus for education at community events.
- 4.6. The work of the UHP also encompasses survey and monitoring of incidents such as fires and motor cycling, talking to users of the heaths, and undertaking site-user questionnaire surveys.

¹² www.dorsetforyou.com (enter 'urban heaths' into search engine and navigate to all reports)

- 4.7. The project has developed a successful framework for combating the urban pressures on the heaths, although it is unlikely to be successful in the short term, or without additional greenspace to divert users. The partnership itself is one of the project's biggest successes with partners now working together in other areas related to the actions of the project.
- 4.8. The education and awareness-raising work on the urban heaths is beginning to show positive results. For example, the number, and especially severity, of fires has reduced, with an improved perception of public values towards the heaths. Assessment by the former English Nature showed that the urban heaths are no longer declining in wildlife value as they were in the 1990s. This is essential work that needs to continue in order to avoid deterioration of the habitats and disturbance to the species for which the Natura 2000 sites have been designated.

5. A long term planning solution

- 5.1. Natural England is working with planning authorities at regional and local level to develop policies that will deal with the need for mitigation to address urban pressures that would result from housing and other development over the next two decades.
- 5.2. The mechanism for policy development to provide mitigation is through the Regional Spatial Strategy and Local Development Frameworks. However, it is likely that this process would take up to three years to bear fruit, most probably at the time of adoption of local policy through the LDF and any Supplementary Planning Documents that may deal with the housing and heathland issue.
- 5.3. In preparation for the appropriate assessments of policies the RSS and LDFs, the regional and local authorities, supported by Natural England, are currently gathering evidence necessary for each authority to undertake that assessment in dealing with the urban pressures.
- 5.4. This evidence is likely to be available by early December 2006 in advance of the Examination in Public of the RSS due spring 2007.
- 5.5. Once policy is adopted this would give Natural England and the planning authorities the confidence that the package of mitigation measures could be implemented through the development planning process, enabling the proper protection of the heathlands as required under the Habitats Regulations. It is intended that the implementation of the mitigation measures would be paid for through planning contributions, or planning gain supplement, as appropriate.
- 5.6. However, given that South East Dorset faces an almost immediate planning embargo unless a comprehensive mitigation package can be secured, the planning authorities cannot wait for the development plan process to unfold, and must come forward with an interim solution in the short term.

6. The Thames Basin Heaths SPA

- 6.1. The issue of urban pressures is not confined to the South East Dorset heathlands. A parallel situation involving long term and interim solutions is emerging in the 15 local authorities centred on Berkshire, Hampshire and Surrey and around the Thames Basin Heaths SPA. There, Natural England is proposing an area-based approach to mitigating recreational impacts in a three year trial known as the Thames Basin Heaths Delivery Plan. In this new approach to spatial planning housing applications would not need to

be assessed under the Habitats Regulations individually, and mitigation in the form of alternative natural green space, could be provided strategically¹³.

- 6.2. There are material differences between the situations in the Thames Basin Heaths and Dorset, in terms of habitat designation, severity of urban pressures, settlement pattern and fragmentation of the heathlands. The local situation here has determined the practical approach that the Dorset local authorities and the former English Nature and Countryside Agency have taken to tackle the urban pressures, in particular the establishment and development of the Urban Heaths Partnership over the past five years.
- 6.3. The Government has commissioned a peer review of the Thames Basin Heaths Delivery Plan, and recommendations from that review when it reports later in 2006 will be considered in taking forward this Interim Framework and in the longer term.

7. Scope of the Interim Planning Framework

- 7.1. The Interim Planning Framework proposes a package of measures to mitigate impacts of urban pressures from residential development on the Dorset Heathlands SPA and Dorset Heaths SAC. The methods of mitigation proposed to tackle each urban pressure are outlined in Table 1 below.
- 7.2. The plan is designed to have a shelf-life of about three years, from end 2006 to end 2009 and is designed to cover all the local authority areas in South East Dorset and is thus a joint, area-wide plan. The list of sites and programme of works that are currently considered to be able to provide adequate mitigation are categorised in Annexes 2, 3 & 4, following the approach advised by Natural England outlined in Section 3.3 above. It provides for the establishment of baseline conditions of urban effects, where these are not already known, and for monitoring of plan implementation to demonstrate the effectiveness of proposed mitigations.
- 7.3. The list of sites and programme of works, together with the estimated costs of implementation, has been assembled by The Urban Heaths Partnership Manager in consultation with officers in all forward planning, development control, and countryside departments in the local authorities, staff of the existing Urban Heaths Partnership, and staff of relevant conservation organisations including Natural England.
- 7.4. The Interim Framework is aimed at the immediate facilitation of planning control beyond the 400m zone for the many infill or windfall residential developments that come forward constantly. It provides a mechanism to enable developers to make financial contributions towards the implementation of the Interim Planning Framework, to obviate the need for Natural England's involvement in every application, and the need for individual appropriate assessments of every application by the planning authorities. However, individual circumstances may dictate that the Interim Planning Framework does not provide an adequate mechanism for providing mitigation for development beyond 400m, either owing to its scale or location, in combination with other developments. Such developments would continue to be dealt with by the planning authorities in consultation with Natural England on a case-by-case basis.
- 7.5. Additionally, it may be that larger developments come forward between now and end 2009 which are able to supply and justify appropriate mitigation of their urban effects.

¹³ English Nature. 2005. *Thames Basin Heaths Delivery Plan. Thames Basin Heaths Special Protection Area: Mitigation standards for residential development*. Working Draft. English Nature, Peterborough.

Such developments would be considered on a case-by-case basis in consultation with Natural England and may fall outside the scope of this Interim Framework.

8. Principles underpinning the Interim Planning Framework

- 8.1. Certain principles have been established through application of the Habitats Regulations tests to the issues of urban pressures and these have been reinforced by previous planning decisions by the Inspectorate or the Secretary of State. In effect, where a planning authority cannot ascertain that a development would not have an adverse effect on the integrity of a European wildlife site, either alone or in combination with other developments, planning permission should not be granted. For most individual residential developments it would be difficult to impose conditions or restrictions on a consent that would remove adverse effects of additional urban pressures without a strategic approach to mitigation provision across the area supporting the European heathlands. It is only at the strategic level that it is possible to make sense of the effects of a single development in combination with others and to plan for the implementation of adequate mitigation.
- 8.2. There are existing requirements under Articles 3(1) and 6(2) of the Habitats Directive¹⁴ (i) maintain or restore habitats and species at favourable conservation status; and (ii) avoid the deterioration of natural habitats and disturbance of the species for which they have been designated. The mitigation proposed in this Interim Framework is designed to address the issues arising from new development rather than those caused by existing development. Thus projects specified in this Plan should be assessed in terms of the contribution that they will make to the avoidance of harm to European sites.
- 8.3. The following are the main considerations that apply in making such assessments and are based largely on recent visitor and ecological survey and research on both the Dorset Heaths and the Thames Basin Heaths^{15,16,17,18,19,20}.
- There should be a spatial relationship between the proposed open space and the likely location of new housing, to ensure that it is genuinely likely to divert the recreational demands of new residents from the European sites (in practice because new development is dispersed across the conurbation this will not be a constraint in the conurbation itself, but it may be if new open space were proposed in more rural areas).
 - If new open space, or improved existing open space, is to function to divert pressure from existing heathlands, it should aim to provide a similar facility to existing heathlands. The size and character of alternative areas would be critical in determining whether they would be likely to be effective and therefore count as mitigation. For example, the length of a typical dog walk taken on heathland (c.2.5

¹⁴ Council Directive of 21/5/92 on the conservation of natural habitats and of wild fauna and flora (92/43/EEC)

¹⁵ Liley, D. & Clarke, R.T. (2003) The impact of urban development and human disturbance on the numbers of nightjar *Caprimulgus europaeus* on heathlands in Dorset, England. *Biological Conservation*, **114**, 219 - 230.

¹⁶ Clarke, R.T., Liley, D., Underhill-Day, J.C., & Rose, R.J. 2006. *Visitor access patterns on the Dorset Heaths*. English Nature Research Report No. 683. English Nature, Peterborough.

¹⁷ Liley, D., Jackson, D., & Underhill-Day, J.C. 2006. *Visitor access patterns on the Thames Basin Heaths*. English Nature Research Report. English Nature, Peterborough.

¹⁸ Liley, D. & Underhill-Day, J.C. (2006). Dog walkers on the Dorset Heaths, Analysis of questionnaire data collected by wardens on Dorset's Urban Heaths. Footprint Ecology / Urban Heaths Partnership / English Nature.

¹⁹ Underhill-Day, J C 2005. A literature review of urban effects on lowland heaths and their wildlife. English Nature Research Report No. 623. English Nature, 2005

²⁰ Murison, G. (2002). The impact of human disturbance on the breeding success of nightjar *Caprimulgus europaeus* on heathlands in south Dorset, England, Rep. No. 483. English Nature, Peterborough.

km) would need to be replicated; small alternative sites not able to offer this opportunity would not normally be considered.

- It is not considered possible to divert all recreational pressure on heathlands that would arise from new development onto new/improved open space. Thus, the purpose of the Interim Framework is to avoid a net increase in adverse impacts on the heathlands and this can be achieved either by diverting potential new users or by diverting existing users away from the heaths to new same areas.
- Similarly, part of the Interim Strategy involves access management measures on existing heathlands and here it is clearly not possible to distinguish between pressure from existing and new users.
- Delivery of mitigation should be phased, so that it is either in place and operational in advance of residents occupying the new houses, or is part of an ongoing programme to cater for new residents as they arrive.
- The number of additional residential units that the measures aims to mitigate (if it is a new open space, for example), or the number of additional people to be part of an education programme, should be robustly calculated
- There are both physical and permanent mitigation measures in place together with an ongoing community education and awareness programme that recognises the degree of population turnover that is in part facilitated by development of new residential units
- The current visitor usage of the open space is established as a baseline against which changes in visitor use can be measured to assess the effectiveness of mitigation. Visitor use surveys would also need to be undertaken on the European sites to measure changes in visitor use within the sites and, ultimately, the effectiveness of the mitigation measures.

8.4. Proposed mitigation measures should not have the effect of delivering additional visitor pressure to European sites as this would be counter to the purpose of the Plan. In encouraging visitor to alternative sites the Plan needs to fully consider the potential impacts of such a strategy on nature conservation or other interests. For example these sites may support significant populations of the three Annex I bird species or have potential for habitat re-creation.

8.5. Comprehensive monitoring needs to ensure that the effectiveness of the mitigation measures is determined, in order that further changes can be implemented if they do not achieve the predicted results.

8.6. The methodology for drawing up this Interim Framework has been agreed with Natural England. However, the contents of Annexes 2 - 4 have not been subject to detailed assessment of appropriateness in the context of measures to secure avoidance of harm. The projects and activities will be rationalised according to the principles established in this Section of the Plan and more detailed work will be required to identify the precise costs, mechanism and benefits of each proposal to mitigating harm to the European sites.

8.7. Activities and projects will be selected for implementation according to geographical priority determined by either:

- origin of additional urban pressures so that a link between such pressures and the mitigation elements can be demonstrated (although it may yet prove unrealistic to define geographical location of mitigation for a housing strategy based on windfall development)
- need for specific response to spate of incidents (e.g. arson on a particular heathland)

- 8.8. The scale of activities and projects will be related to, where realistically definable, the number of additional residential units, or to the additional number of people to be covered by education and awareness work.
- 8.9. Local authorities currently spend considerable resources in managing public open space including heathland nature reserves and planning contributions to this Interim Framework will not be a substitute for this continued investment in wider public benefit.
- 8.10. The work of the Urban Heaths Partnership from 2001 to date has not been funded directly by the local authorities, although in managing the partnership the County Council has absorbed some administrative costs, and the Dorset Police has part funded the costs of the Force Heathland and Wildlife Protection Officer. This work has, in part, been successful in beginning to alter public attitudes towards the heaths, in managing public access and providing a mechanism for dealing with criminal behavior on the heaths. However, without the availability of suitable alternative green space to which people can be directed through the work of the UHP, their effectiveness has been limited.
- 8.11. It is proposed to provide funds raised from the Interim Framework towards costs of the UHP to cover those elements of community education and awareness that are necessary to mitigate the impacts of additional urban effects on the heaths from increased numbers of residential units. However, it is not the effects of new additional development/new additional people, *per se*, that needs to be mitigated, rather that there is no net increase in urban pressures on the heaths as a result of the additional development.
- 8.12. The work of the UHP would fit well with this reasoning. Their work has been shown to alter people's attitudes favourably towards the heaths, albeit the changes are small. The work does not distinguish residents of new additional residential units from existing; rather it provides a mechanism for the continual renewal of education efforts throughout the population, especially in schools, via community groups, and out on the heaths. It will thus provide for education of all people in South East Dorset, and encompass those users that arise as a result of additional development.
- 8.13. The mitigating benefits of providing alternative green space combined with education work by the UHP are likely to be more successful than the work of UHP alone. For example, people wishing to undertake recreation in the countryside will increasingly be faced with a choice of sites to visit. Access management on heathlands should deter the less desirable activities, and community education will inform those choices, leading to appropriate use of the different recreational facilities on offer.
- 8.14. A further benefit of contributing to UHP through this Plan is that it provides certainty that elements of mitigation plan are being implemented at all times and across the whole of South East Dorset heathlands so that it is clear that mitigation is being provided in advance of the occupancy of new residential units. Whilst provision of alternative green space may be planned, its delivery and implementation in a 3-year programme, yet to be defined, is more difficult to guarantee.

TABLE 1. Mitigating urban pressures

Urban pressure	Mitigation methods
1. Increased incidence of arson	Effective partnership working between land owners/managers and police and fire services.
	Common fire incident recording and database
	Fire risk planning and management
	Appropriate fire equipment
	High profile wardening and policing
	Education and awareness raising
2. Disturbance from increased use by people including dog walkers, off road cyclists and motor vehicles,	Provide alternative sites and encourage people to go there.
	High profile wardening and policing to limit damaging and illegal activities
	Common incident recording and database
	On site access management measures to exclude illegal users and guide legitimate users into more robust areas.
	Education and awareness raising
3. Damage to habitats and erosion of substrate because of increased use and misuse	Provide alternative sites and encourage people to go there
	High profile wardening and policing
	Common incident recording and database
	On site access management measures to exclude illegal users and guide legitimate users into more robust areas.
	Education and awareness raising
4. Increased number of predatory species adapted to urban conditions e.g. foxes, crows, rats	Remove features likely to encourage these on site and if possible in the surrounding area e.g. food waste in accessible bins
	Education and awareness raising
5. Predation by cats	400m no development zone
	Education and awareness raising may limit cat ownership
6. Disruption to heathland hydrology and enrichment from urban run off	Surveying and monitoring of heathland hydrology
	Interception of polluted water sources e.g. SUDS schemes

7. Increase in resistance to heathland management e.g. tree felling, introduction of grazing	Education and awareness raising
	Encouraging volunteering
8. Littering and dumping	High profile wardening and policing
	Common incident recording and database
	Provision of bins
	Education and awareness raising
9. Deposition of dog faeces	High profile wardening and policing
	Provision of bins
	Education and awareness raising
10. Loss or degradation of adjacent habitats needed to support heathland species e.g. foraging areas for nightjar	Securing use of adjacent land to support integrity of heathland interest features.

Annex 1

Natural England Advice Note

Residential development in the zone between about 400m and 5km from Dorset heathland SSSIs containing internationally important sites.

The application site lies in the vicinity of heathlands that are notified as SSSIs for the special interest of their heathland habitats and associated plant and animal species. These SSSIs are part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable heathland bird species and are also part of a Ramsar site on account of rare or vulnerable heathland wetlands and associated rare wetland species. They are additionally part of the Dorset Heaths (or Dorset Heaths [Purbeck and Wareham] and Studland Dunes) Special Area of Conservation (SAC) on account of rare or vulnerable heathland and associated habitats and some individual species.

The proximity of the European sites (SPA and SACs) raises considerations on the requirements of the Habitats Directive 1992 for these sites to be maintained or, where necessary, restored at a favourable conservation status (Article 3 (1)). Determination of the application should be undertaken with regard to the Habitats Regulations 1994 and in particular Regulations 48 and 49, the requirements of the Habitats Directive by virtue of Regulation 3(4); and other legislative and policy considerations on the protection, conservation and enhancement of the heathland special interest features of the SSSIs.

In recent years research has demonstrated that there is a connection between adverse impacts on Dorset heathland and the proximity of developed land and also the amount of development on adjacent land. A study commissioned by the then Department of the Environment Transport and the Regions has shown that fires on heathland sites tend to increase in frequency with the proportion of adjacent land that is developed. Also fires are most frequent between April and August when they are likely to cause most damage to heathland vegetation and wildlife.

Other research has shown that urban development near heathland is associated with an adverse effect on three of the SPA interest features: nightjar, woodlark and Dartford warbler. The density of nightjars on heathland sites has been found to decline with the amount of development on adjacent land. Furthermore the research indicates that the breeding success of those nightjars present also declines with the amount of development. This appears, at least in part, to be related to human disturbance from visitor pressure, especially disturbance by dogs. Research on woodlarks and disturbance has reached similar conclusions. For Dartford warblers, emerging research shows that cats are a predator of young Dartford warblers and were recorded to take over 10% of all young raised on an urban part of the Dorset Heathlands SPA.

These urban pressures have been recognised as a significant issue on the Dorset heathlands by the Standing Committee of the Berne Convention. On urban development, the Committee has formally recommended to the UK Government (No. 67 1998) among various matters 'to avoid any more development close to existing heathland; for new housing to provide areas for playgrounds, sport or leisure in areas other than heathlands, to avoid unwanted pressure on heathlands'.

It is Natural England's view, based on recent research into access onto heathlands and other factors, that the area within about 400m of European sites is where additional small scale residential development is likely to have the most substantial further adverse effect on these sites; and where these effects cannot be mitigated.

Nevertheless residential developments beyond this area are also likely to contribute to increasing the urban pressures on the European sites. The development proposed by this application is situated in this wider area beyond the nearest part of the European sites. Natural England is concerned about the cumulative effects of this type of development. However, we are awaiting results of reviews and further research being undertaken both here and in the Thames Basin Heaths before finalising our advice in relation to this type of development.

In general terms, we believe that the most appropriate way of avoiding further adverse urban pressures on the European sites, due to additional small scale development in a zone generally between 400m and 5km from the sites, would be through the implementation of a comprehensive package of measures by the local authorities and other bodies to mitigate such pressures. These measures should include enhancements to existing open space and other publicly owned land; the provision of alternative open space that would pull recreational use away from the European sites; local community actions similar in scope to those previously funded by the Urban Heaths LIFE Project; and also measures to increase the ecological robustness of the European sites through the sympathetic use of adjacent open land. Further considerations can apply to some proposals, for example those that are large in scale, raise hydrological effects or are on undeveloped land that may compromise biodiversity or the provision of alternative open space.

Natural England is working with planning authorities at regional and local level on the development of policy and measures for dealing with small scale urban intensification through increased residential units in the vicinity of European heathland sites. The aim of this work is to ensure that the integrity of these sites is not further incrementally eroded or diminished by a steady increase in urban pressures due to additional development.

Where mitigation would be appropriate to remove a likely addition to urban pressures on the European sites, we are not generally seeking to provide specific advice on the individual circumstances of each small scale development proposal, such as the currently proposed development. Rather this development is likely to have significant effects only in combination with other such developments and that

this requires a sound package of mitigation measures that must account for their cumulative impact.

It will be some time before such policy and measures can be delivered formally through the Regional Spatial Strategy and Local Development Frameworks. However, in the interim there is a rapidly developing understanding between you and other local authorities in South East Dorset to have in place as a soon as possible, and no later than the end of November 2006, an interim strategy to provide for effective mitigation of the effects of further development on the interest features of the designated heathland sites. These measures will include Suitable Alternative Natural Greenspace and access and visitor management, and it is a matter of weeks before the details are finally agreed. These measures will need to be financed by contributions. On the basis of the commitment to both interim and longer term mitigation strategies and with measures funded by developer contributions, Natural England believes that an appropriate assessment of this application may reasonably conclude that there would not be an adverse cumulative impact on the integrity of the European sites. It follows that in this respect Natural England has no objection to permission being granted for the proposed development.

The implementation of appropriate mechanisms to collect developer contributions is a matter for the planning authorities involved.

ANNEX 2. Costings for Urban Heaths Partnership core team

<u>Core staff salaries</u>	<u>£</u>
Partnership manager	33315
Operations manager	23952
Community education officer	20235
Community education assistant	15825
Community heathlands officer	17352
Senior warden	18832
Assistant senior warden	17803
Heath wardens (10)	163380
Access projects officer	17352
Project support officer	12372
	<hr/>
	340418
On costs (NI, superannuation)	82722
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Total salary costs	423140
 <u>Other costs</u>	
Office costs	4000
Vehicle/travel costs	16000
Training	4000
Equipment and materials	6000
Business support	6000
Database management	12000
Website management	3000
Recruitment	2500
	<hr/>
	53500
TOTAL	476640

All of these costings are based on 2006 costs and salary rates. If 5% is allowed for inflation each year the projected costs for the three years April 2007 to March 2010 are **£1,577,270**

Core capital expenditure 2007/10

Additional vehicles	40000
Trailer	2000
Information leaflets/publications	10000
Education packs	30000
Tools	2000
Fire access identification signs	2000
	<hr/>
	86000
 UHP total core expenditure 2007/10	 £1,663,270

ANNEX 3. Projects to divert users from heaths

Location	Project	Cost	Commuted sum	Owner/manager
STRATEGIC PROJECTS				
Castleman railway and linking sites	Improvements to railway access points to welcome legitimate users whilst restricting access by motor vehicles, vegetation management along route to provide views and increase feeling of security.	47000		DCC
	New links to West Moors and Stapehill	100000	10000	EDDC
	Promotion of new opportunities.	4000		DCC BoP EDDC
	Ashley Heath Create/improve four car park gateways to forest and five gateways/links to the railway to encourage visitors to explore the forest rather than adjacent heathlands.	80000	10000	FC
	Uddens Plantation Improve car park gateway to be more welcoming to visitors, directing visitors to woodland trails and improving links to railway	46000	5000	FC
	Watchmoor Development of off road cycling skills area with obstacles and varied topography	35000	5000	FC
	West Moors Plantation 3 entrances improved for pedestrian/cycle access, improve gateways from railway, provision of cycle trails linking to railway, picnic site next to railway, development of off road cycling area for families, with higher skills area. New play trail and natural play provision.	270000	60,000	FC

Stour Valley	Improvements to Stour Valley LNR, Iford Meadows, Stour Valley Way to attract visitors to existing recreational opportunities. Planning, design and consultation on new access areas at Hicks Farm, Throop. Creation of paths at Hicks Farm and links to Stour Valley Way. Planning, design and consultation of Stour Crossing (Pig Shoe Bridge). Phase 1 of creation of strategic alternate greenspace network	200000	40000	BBC
LOCAL PROJECTS				
Border Road OS, Upton	Improvements to under used open space as interceptor site for Upton Heath	20000	4000	Upton and Lychett Parish Council
Bracken Road Ferndown	Purchase 15ha zoned for open space in Local Plan (Policy FWP11) and develop for informal recreation. Improve path network to include all weather circular dog walk	500000	100,000	EDDC
Broadstone Heath LNR		20000		BoP
Bytheway	Provision of alternate greenspace linking to Leigh Common with car park, access routes, play facilities, fencing, landscaping, Phase 1	400000	100000	EDDC
Cannon Hill Plantation	Improve pedestrian gateways and trail network. Provide rest benches/perches	23000		FC
Chewton Bunny	999 year lease of 1+ha woodland and improvements to access and attractiveness as alternate open space	10000	2000	CBC
Chewton Common	Purchase of 17ha of alternate greenspace and develop for informal recreation	300000	50000	CBC
Corfe Mullen	Development of multi user trailway on former Somerset and Dorset railway. Planning, consultation, implementation and promotion.	150000		EDDC + BoP

Delph Woods	Improvements to car park, access points and paths network to provide alternate to adjacent Dunyeats Hill and other nearby heaths.	67500		BoP
Dewlands Common	Purchase of paddocks between northern and southern parts of the SSSI and create access with footpath and cycle links to old town centre	120000	30000	EDDC
Druitt Gardens, Christchurch	Make site safe. Public consultation process for development plan and phase 1 implementation of agreed plan. Wooded alternate greenspace	80000	20000	CBC
Ford Lane Recreation Ground	Planning for and consultation on improvements to recreation area close to Parley Common,	15000		EDDC
Gore Heath	Improvements to car parks at Lawson's clump and off B3075 to deflect visitors from Great Ovens.	23000		FC
Grove Copse OS	Improvements to access and attractiveness as interceptor site for St Catherines Hill	8000	1000	CBC
Ham Common	Buy out lease on land adjacent to heath and create access routes as alternate to heath	50000	5000	BoP
Haymoor Bottom	Improvements to access and attractiveness as interceptor site for Canford Heath	50000		BoP
Hurn Forest	Improvements to car parks, access and attractiveness to direct visitors into more robust forest areas rather than adjacent heaths. All ability access trail.	46000	8000	FC
Longfleet Drive OS	Improvements to access and attractiveness as interceptor site for Canford Heath	25000		BoP
Lower Common, Three Legged Cross	Acquisition of land adjacent to Lower Common	50000	10000	EDDC
Millhams Mead	Improve access, attractiveness and promotion as alternate greenspace	10000		BBC

Nea Meadows	Improvements to often overcrowded car park to include increased provision for disabled drivers. Improvements to access points and path network, including all ability trail. Improve promotion of site as alternate greenspace.	25000	3000	CBC
Poor Common	Open up area of dense rhododendron and improve path network to include circular dog walking route. Provide additional dog bins.	20000	5000	EDDC
Potterne Park	Creation of circular routes linking Potterne Park, Moors Valley Country Park and Ringwood Forest as alternate destinations to Verwood Heaths	75000	20000	EDDC
Purewell Meadows LNR	Improvements to path networks and landscaping including area of run down land next to LNR to encourage more visitors to use the site which is under used due to current condition.	14000		CBC
Ringwood Forest	Improvements to car parks and gateway features at Ebblake North (B3081), Forest Lodge and Chase to encourage use of forest as alternate greenspace.close to Verwood Heaths	28500		FC
Sherbourne Crescent Open Space	Improvements to bmx area to divert bmx bikes from Canford Heath	80000		BoP
Stanpit Marsh LNR/Stanpit Golf Course/Stanpit Recreation Ground/Monkswell Green	Integrated improvements to access and links between closely related sites to create new, longer walks and improve attractiveness of area particularly the recreation ground which is currently very under used.	70000	17000	CBC
Stony Lane arena	Development of bmx facilities to intercept such unwanted activities on St Catherines Hill	20000		CBC
Three Legged Cross	Upgrade 3cross to Moors Valley bridle way to multi-user greenway.	75000	20000	EDDC
Upton Country Park	Open new access to adjacent Upton Farm linking to Castleman Trailway and study and consultation on further use of the farm as alternate greenspace to relieve pressure on Upton Heath	90000		.BoP

Wareham Forest	Create new access points off Bere Regis road, improve Sika Trail, develop new off track sections linking with existing tracks to encourage mountain bikers to use these rather than slopes of adjacent Great Ovens	40000	5000	FC
West Moors	New 4ha open space on land NE of Oakhurst Rd with car park and access network linking to West Moors plantation to create alternate greenspace	70000	20000	EDDC
Woodlands, Sandford	Provision of heathland nature themed play area in woodland adjacent to Sandford Heath	160000	50000	Wareham St Martin Parish Council
Other	Visitor monitoring to survey and evaluate participation in woodland access following changes described above.	23000		FC
Other	Studies of under used recreation grounds near heaths which could be improved to attract users from heaths and consultation on recommendations.	30000		BoP
Other	Phase 1 implementation of findings of above to include play areas, climbing boulders, bmx berms, landscaping etc	400000		BoP
Other	Study of parks and open spaces which could be improved to attract users from heaths and consultation on recommendations	30000		BBC
Other	Phase 1 implementation of findings of above	175000		BBC
Other	Study of parks and open spaces which could be improved to attract users from heaths and consultation on recommendations	20000		CBC
	TOTAL	4,195,000	600,000	
	TOTAL including commuted sums	£4,795,000		

ANNEX 4. Access Management Projects			
Location	Project	Cost	Land owner /manager
All sites	4WD vehicle for Force Wildlife and Heathland Protection Officer	20000	DP
All sites	User/public perception surveying and monitoring to show effect of mitigation	25000	All
All sites	Monitoring the extent of habitat degradation caused by urban effects, including digitisation	40000	All plus DERC
All sites	Establishment of baseline data on urban effects, including understanding of dog walking habits in SE Dorset.	150000	All
Avon Heath	Improvements to fire access and purchase of water bowser and pump and back pack fire fighting equipment, vehicle barriers to restrict access to sensitive areas, classroom equipment to improve education on responsible behaviour on the heath.	35500	DCC RSPB
Bourne Valley	Improvements to fire access and gates to reduce damage from fires and restrict access by unauthorised vehicles/users. Provision of dog bins to encourage dog walkers to pick up dog waste.	42400	BoP
Canford Heath	Improvements to paths and path diversions to combat erosion on 4 barrows, Hill 60 and Strawberry Hill and direct visitors into more robust areas. Remove tarmac area near Belben Rd and restore to heath to provide additional habitat area. Water level management measures and road run off SUD to improve water quality. Improvements to fire access and gates and provision of additional mains supplied fire hydrants to reduce amount of damage from fires. Additional bins to encourage dog owners to pick up and discourage littering	154000	BoP
Corfe Hills	Improvements to fire access tracks and gates. Provide dog/litter bins. Water level management	17000	BoP
Dunyeats Hill	Provision of dog bins	3000	HCT
Ferndown Common	Provision of dog bins	3000	HCT
Ham Common	Improvements to path network to direct access into more robust areas. Improvements to fire access and gates to reduce damage from fires. Provision of dog/litter bins	44000	BoP

Hartland Moor	Temporary barriers for permissive bridle routes to restrict access at sensitive times of year	250	NT
Hengistbury Head	Board walk to direct access on sensitive relict dunes. Path works on HH and adjacent Wick fields to divert visitors to more robust areas. Archaeological survey and monitoring needed as Scheduled Ancient Monument.	65000	BBC
Kinson Common	Improvements to path network to direct visitors away from the SSSI and into more robust areas	15000	BBC
Parley Common	Improvements to access points to restrict unauthorised access, new fire access point and fire hydrant. Dog bins. Community education campaign on firesetting problem (to include Ferndown Common as well)	11000	DCC HCT EDDC DRFS DP
Ramsdown Forest	Redesign car park to make a more welcoming gateway. Redesign trail network to direct access away from more sensitive heath area.	52000	FC
St Catherines Hill	Fire beaters and stand, establishment of community support/Friends group, education equipment	5600	CBC
Slop Bog	Improvements to path network to direct more visitors into wooded area.	8000	DCC
Stephens Castle	Improvements to path network to direct visitors into more robust areas, erosion control on slopes, restoration of large area of bare sand to heath.	48000	EDDC
Studland Heath	Boardwalks to direct access, temporary barriers for permissive bridle routes to restrict access at certain times of year, dog bins and education equipment. Fire bowser and pump.	34100	NT
Upton Esso	Remove fly tipping and litter. Signs and litter/dog bins	2500	HCT
Upton Heath (including Pinesprings and Roman Road)	Improvements to path networks to direct visitors into more robust areas, boardwalks to counter erosion, improvements to access points to exclude unauthorised vehicles whilst allowing access for legitimate users. Education equipment. Fire access bridge.	84500	DWT BoP
Whitesheet Plantation, Holt	Redesign carpark to make a more welcoming gateway to divert visitors from Holt Heath	29000	FC
Other	Good neighbour/volunteering leaflet	2000	BoP
Other	Improved promotion and interpretation of greenspace access opportunities to encourage people to visit areas other than heaths	3000 3000	BoP BBC
Other	Additional fire pagers	3000	Various
Other	Hand held GPS units to monitor fires and other incidents	3000	Various

Other	Fire ground radios for L4Ts	3600	DFRS
Other	Education pack for Poole heaths	2000	BoP
Other	Extend PlanWeb incident recording system to all heaths, PlanWeb training	5500	DCC DERC
Other	Fire incident training for wardens and volunteers	3000	DFRS
Other	Property risk profiles for urban heaths	2500	DFRS
Other	GPS devices for fire engines to help record locations of heath fires	7200	DFRS
Other	Community education equipment	2500	DP
Other	Digital cameras for fire stations to help record heath fires	4000	DFRS
Other	Remote video surveillance package	30000	DP
Other	Laptop with Mapinfo package and digital camera for monitoring	6000	DCC
Other	Strategic information on dog walking opportunities and restrictions	20000	UHP/all
Other	Sets of childrens gloves and tools	16000	UHP/all
Other	Hydrological surveys/water level monitoring, Slop Bog, St Catherine's Hill, Parley Common, Kinson Common, Turbary Common	40000	DCC CBC HCT BBC
Other	New residents leaflet for each local authority area showing open space opportunities for informal recreation	15000	Each LA area
Other	Contributions database	10000	DCC
	TOTAL	1,070,150	

TOTAL COSTS	
Annex 1	1,663,270
Annex 2	4,795,000
Annex 3	1,070,150
GRAND TOTAL	7,528,420

Appendix 6

Plans which contain buffer policies protecting nature conservation interests

Breckland SPA

Breckland Core Strategy and Development Controls DPD: Policy CP10 – Natural Environment

Forest Heath Core Strategy: Policy CS2 – Natural Environment

Kings Lynn and West Norfolk Core Strategy: Policy CS12 – Environmental Assets

St Edmundsbury Core Strategy: Policy CS2 – Sustainable Development

Dorset Heathlands SPA

Poole Core Strategy: Policy PCS28 – Dorset Heaths International Designations

Thames Basin Heaths SPA

The South East Plan: Policy NRM6 – Thames Basin Heaths Special Protection Area

Bracknell Forest Core Strategy: Policy CS14 – Thames Basin Heaths Special Protection Area

Elmbridge Core Strategy: Policy CS13 – Thames Basin Heaths Special Protection Area

Rushmoor Core Strategy: Policy CP13 – Thames Basin Heaths Special Protection Area

Surrey Heath Core Strategy and Development Management Policies: Policy CP14B – European Sites

Wokingham Core Strategy: Policy CP8 – Thames Basin Heaths Special Protection Area

Appendix 7

List of planning appeal decisions within 400m of heathlands in Dorset from 2004 to 2010 (supplied by Natural England for the Talbot Heath Public Inquiry (APP/Q1255/V/10/2138124))

The following appeals considered the effects and potential mitigation of residential development within the (c. 400m) SSSI Consultation Areas of heathland SSSIs in south east Dorset containing internationally designated sites:

Stonecrop, Corfe Lodge Road, Broadstone, BH18 9NQ. APP/U1240/A/03/1127107 (5 Jan 2004). Appeal dismissed.

50 Dewlands Way, Verwood, BH31 6JN. APP/U1240/A/04/1108797. (9 Jan 2004). Appeal allowed subject to conditions.

Land at 16 Redmans View, Verwood, BH31 6JN. APP/U1240/A/03/1118351 (12 March 2004). Appeal dismissed.

The Barn, Three Legged Cross, Wimborne, BH21 6RY, APP/U1240/A/03/1122256 (13 April 2004). Appeal dismissed.

158 Springdale Road, Corfe Mullen, Wimborne, BH21 3QN. APP/U1240/A/04/1140319 (6 August 2004). Appeal dismissed.

Harkwood Acres, Three Legged Cross, Wimborne, BH21 6RP. APP/U1240/C/04/1145349 (11 January 2005). Appeal dismissed.

Church Hill, Verwood, BH31 6HT. APP/U1240/A/04/1167418 (14 April 2005). Appeal dismissed.

2 Petwyn Close, Tricketts Cross, Ferndown, BH22 8BG. APP/U1240/A/04/1166659 (19 April 2005). Appeal dismissed.

46 Daws Avenue and rear of 115/119 Kinson Road, Bournemouth, BH11 8SD. APP/G1250/A/05/1173484 (29 June 2005) Appeal dismissed.

3 and 4 Highland Crescent, Kinson Bournemouth, BH10 5ET. APP/G1250/A/05/1177934 (18 July 2005). Appeal dismissed.

43 Hilltop Road, Ferndown, BH22 9QT. APP/U1240/A/06/201278. (28 July 2006). Appeal dismissed.

369-371 Ringwood Road, Ferndown, BH22 9AE. APP/U1240/A/06/2014196. (30 August 2006). Appeal dismissed.

86 Golf Links Road, Ferndown, BH22 8BZ. APP/U1240/A/06/2016042 (19 Sept 2006). Appeal dismissed.

40 Dewlands Way, Verwood, BH31 6JN. APP/U1240/A/05/1179690 (10 October 2006). Appeal dismissed.

190 New Road and 235 Christchurch Road, West Parley, BH22 8SG. APP/U1240/A/06/2009637 (15 November 2006). Appeal dismissed.

232 Ringwood Road, Ferndown, BH22 9AR. APP/U1240/A/05/1194787 (17 November 2006). Appeal dismissed.

38 Wimborne Road West, Wimborne, BH21 2DP. APP/U1240/A/06/2018666. (22 November 2006). Appeal dismissed.

61 Albert Road, Corfe Mullen, BH21 3QE. APP/U1240/A05/1185366 & 1185364 (2 January 2007). Appeals dismissed.

25 Llewellyn Close, Upton, BH16 5QY. APP/B1225/A/06/2024776 (8 January 2007). Appeal dismissed.

7 Avon Castle Drive, Ringwood, BH24 2BA. APP/U1240/A/05/1187424 (25 January 2007). Appeal dismissed.

21 Pinewood Road, St Ives, Ringwood BH24 2PA. APP/U1240/A/06/2023871 (29 January 2007). Appeal dismissed.

32 Wren Crescent, Poole, BH12 1LD. APP/Q1255/A/06/2028510/NWF (29 March 2007). Appeal dismissed.

31 Dunyeats Road, Broadstone, Dorset, BH18 8AB. APP/Q1255/A/06/2027914 (2 May 2007). Appeal dismissed.

55/57 Oaks Drive, Ashley Heath, Ringwood, BH24 2QR. APP/U1240/A/06/2015733 (4 June 2007). Appeal dismissed.

189A Leeson Drive, Ferndown, BH22 9TL. APP/U1240/A/07/2039083 (15 June 2007). Appeal dismissed.

101, Belben Road, Alderney, Poole BH12 4PJ. APP/Q1255/A/07/203765/WF (22 June 2007). Appeal dismissed.

92-96 Sandy Lane, St Ives, Ringwood, BH24 2LG. APP/U1240/A/07/2038905 (7 September 2007). Appeal dismissed.

21 Barnsfield Road, St Leonards, Ringwood, BH24 2BX. APP/U1240/C/07/2042691 (5 December 2007). Enforcement notice on residential use. Appeal dismissed.

3 Tricketts Lane, Ferndown BH22 8AT. APP/U1240/A/07/2053200 (26 February 2008). Appeal dismissed.

34 Highfield Road, West Moors, Ferndown BH22 0NA. APP/U1240/A/07/2057993 (11 April 2008). Appeal dismissed.

5a_15 Pembroke Road, Rossmore, Poole BH12 2HS APP/Q1255/A/07/2051647/NWF (24 April 2008). Appeal dismissed

21 Pinewood Road, St Ives, Ringwood, Hampshire BH24 2PA. APP/U1240/A/07/2059425 (11 June 2008). Appeal dismissed.

13 Dudmoor Farm Road, Christchurch, BH23 6AQ. APP/E1210/A/08/2070232 (28 October 2008). Appeal dismissed.

Plots 5-6 Dudmoor Farm Road, Christchurch, BH23 6AQ. APP/E1210/C/08/2079995 & 2079997 (12 January 2009). Enforcement notice upheld.

21 Barnsfield Road, St Leonards, Ringwood, Hampshire BH24 2BX. APP/U1240/A/08/2081433 (15 January 2009). Appeal dismissed.

10 Blandford Road North, Upton Poole BH16 5PR. App/B1225/A/08/2086489 (18 February 2009). Appeal dismissed.

Land at Silverwood Farm, Horton Road, Three Legged Cross, Wimborne, Dorset, BH21 6S. APP/U1240/C/08/2091710 & 2091712D (19 September 2009). Appeal dismissed.

APP/E1210/A/10/2125281 (24 August 2010). Station one mobile home to house one gypsy/traveller family and one amenity block. Appeal dismissed.

163a Phelipps Road, Corfe Mullen, Wimborne, BH21 3NL APP/U1240/A/09/2119151/WF(14 September 2010). Appeal dismissed.

19 Ringwood Road, St Ives, Ringwood, Dorset BH24 2NW. APP/U1240/A/10/2128765 (11 October 2010). Appeal allowed.

Appendix 8

Maps

Map 1

LHSA, SSSI and the distribution of nightingales identified by the OPA

Map 2

LHSA, SSSI, nightingale distribution and a 400m buffer of the SSSI boundary

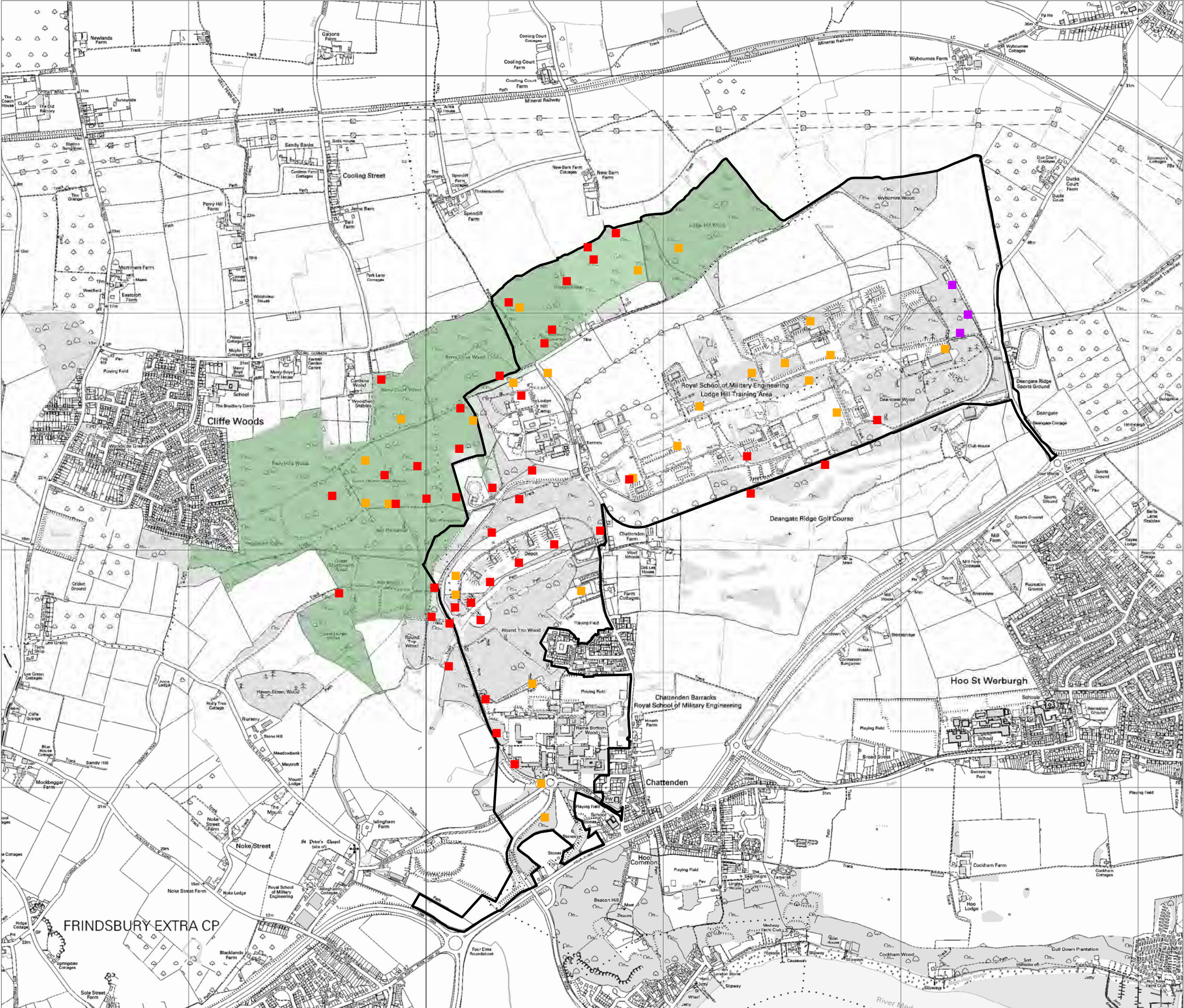
Map 3

LHSA, SSSI, nightingale distribution, a 400m buffer of the SSSI boundary and a 400m buffer of all nightingale territories within the 400m SSSI buffer

Map 4

LHSA, SSSI, nightingale distribution, a 400m buffer of the SSSI boundary and a 400m buffer of all nightingale territories within the LHSA

Map 1: LHSA, SSSI and nightingale distribution



Key:

- Nightingale 2011
- Nightingale 2010
- Nightingale 2009
- Lodge Hill Strategic Allocation
- Chattenden Woods SSSI

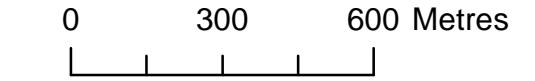
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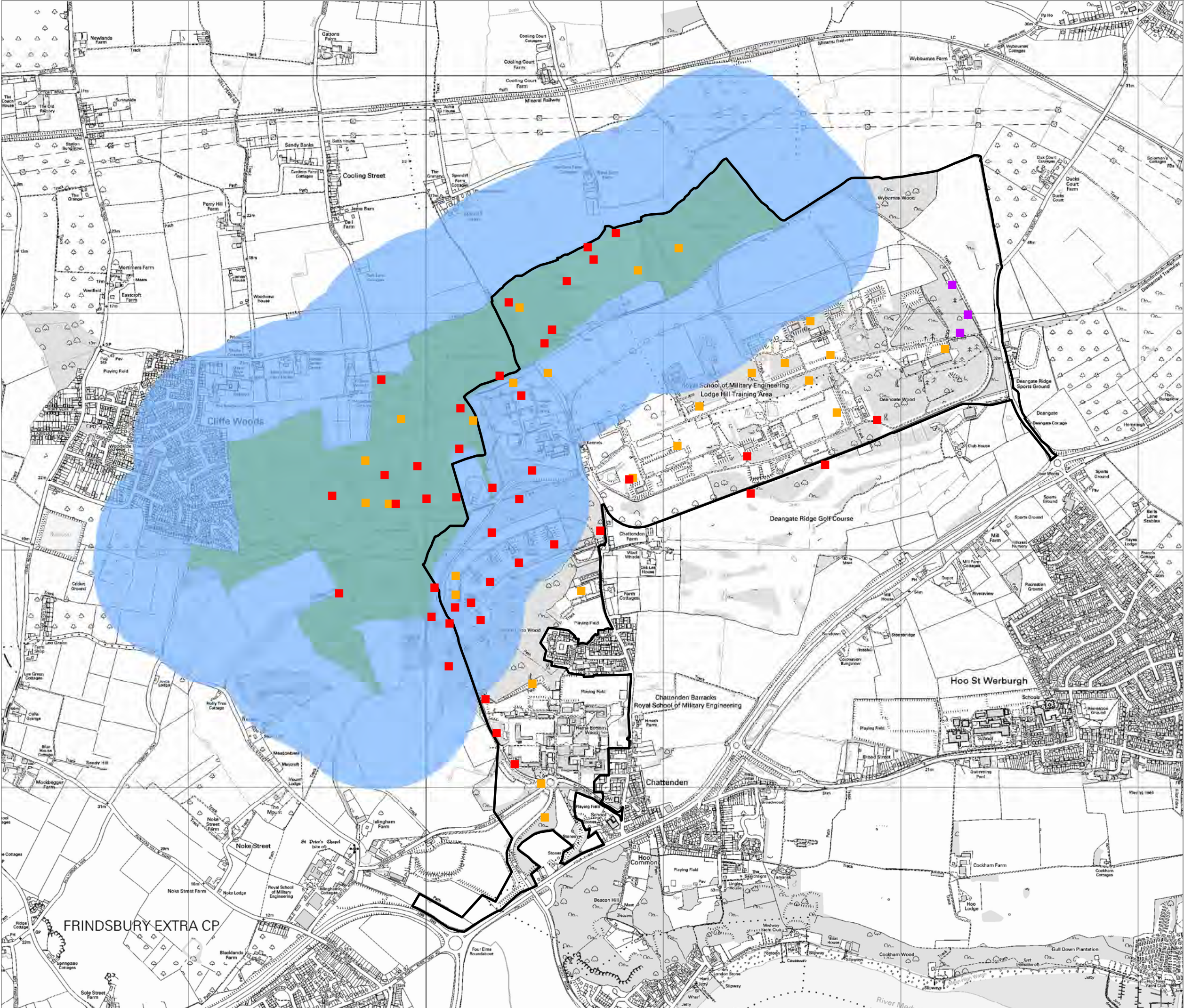
Acknowledgements:

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Map 2: LHSA, SSSI, nightingale distribution and 400m SSSI buffer



Key:

- Nightingale 2011
- Nightingale 2010
- Nightingale 2009
- Lodge Hill Strategic Allocation
- Chattenden Woods SSSI
- 400 metre SSSI buffer

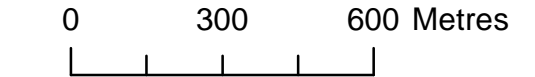
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Scale on A3 paper

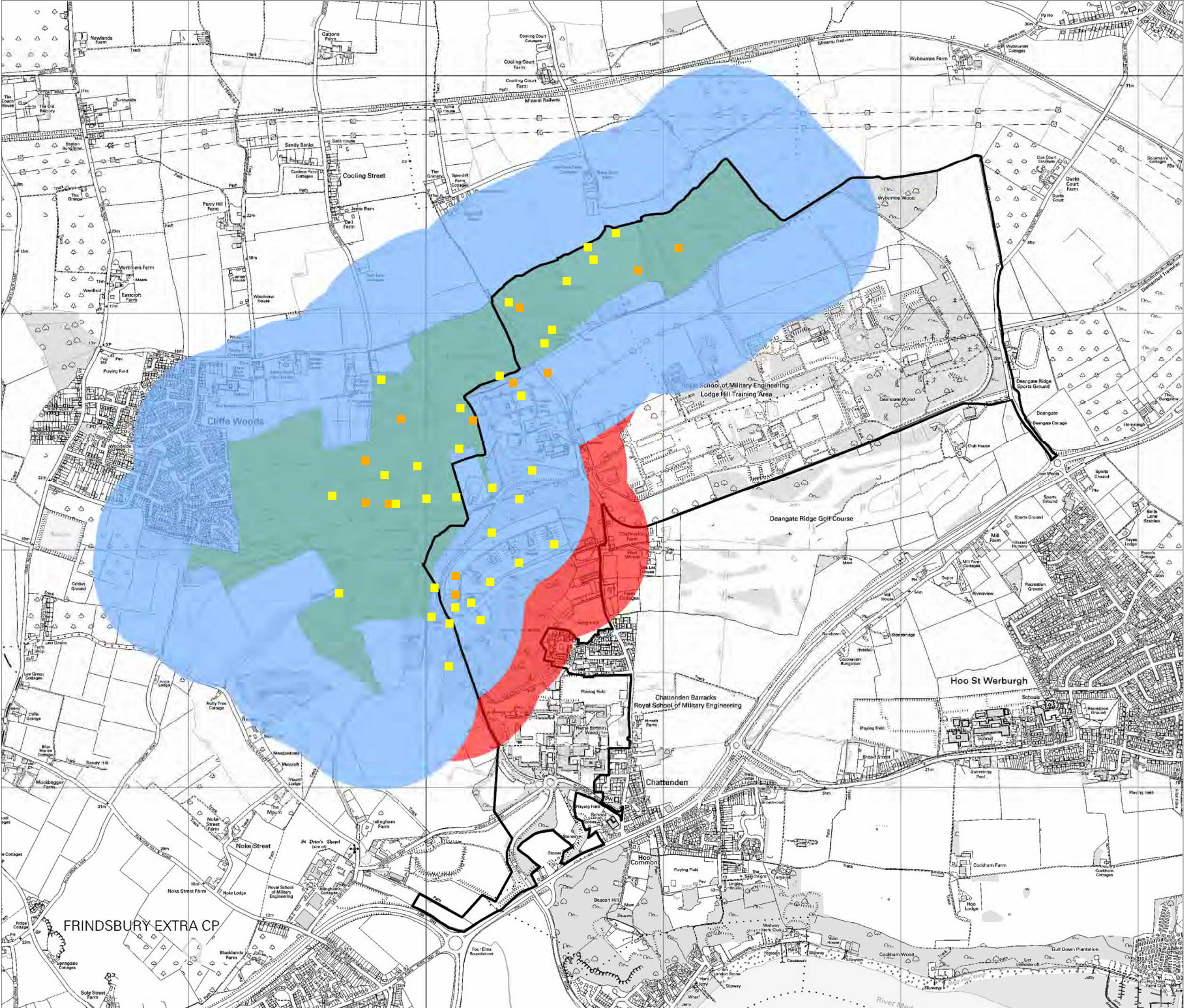
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Map 3: LHSA, SSSI, nightingale distribution, 400m SSSI buffer plus 400m buffer of nightingales in SSSI buffer



Key:

- Nightingale 2010
- Nightingale 2009
- Nightingale 400m buffer
- Lodge Hill Strategic Allocation
- Chattenden Woods SSSI
- 400 metre SSSI buffer

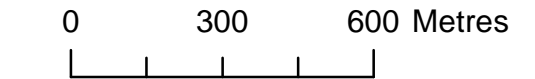
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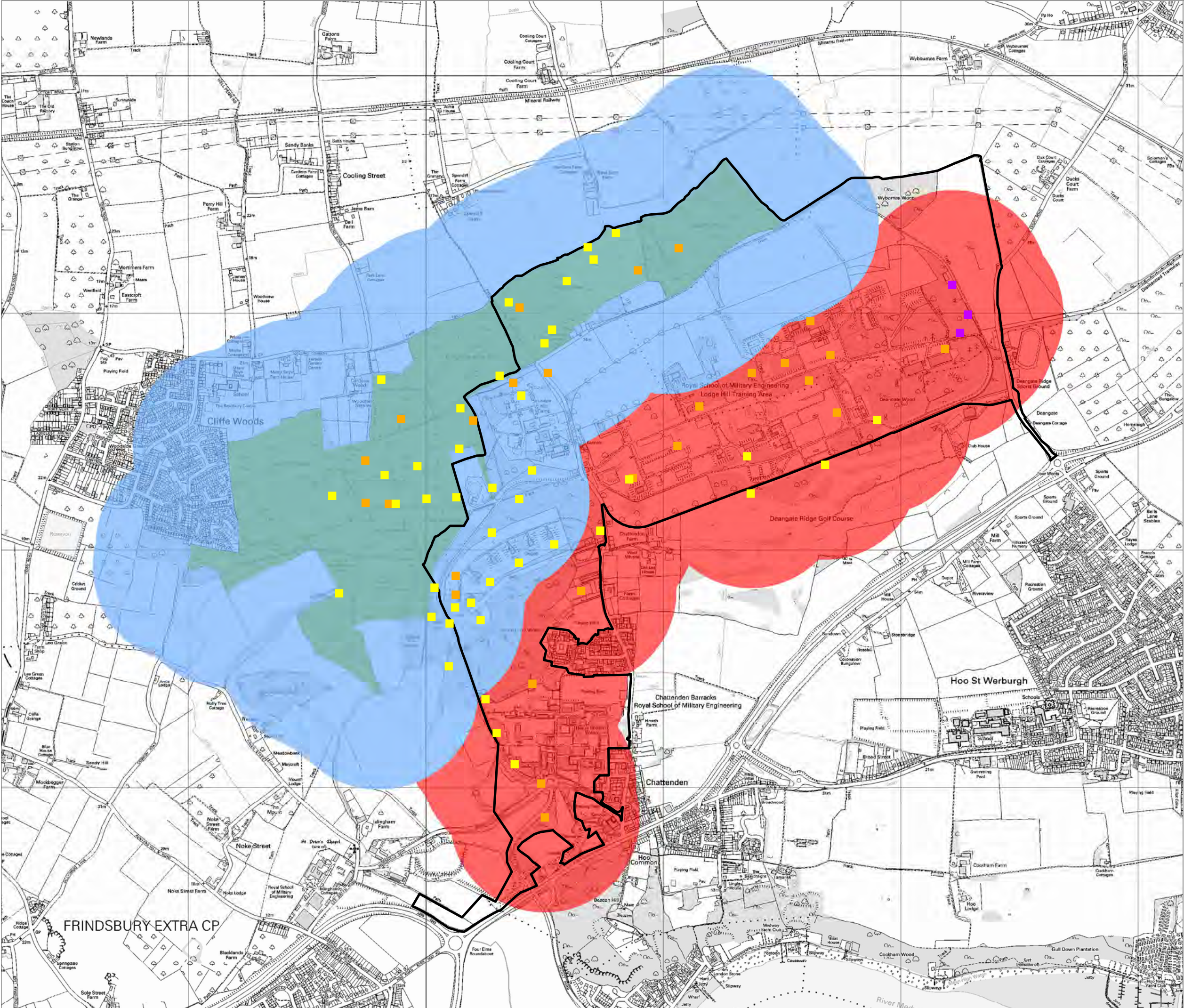
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Map 4: LHSA, SSSI, nightingale distribution, 400m SSSI buffer plus 400m buffer of all nightingales within LHSA



Key:

- Nightingale 2011
- Nightingale 2010
- Nightingale 2009
- Lodge Hill Strategic Allocation
- Nightingale 400m buffer
- Chattenden Woods SSSI
- 400 metre SSSI buffer

Notes:

1:15,000
Scale on A3 paper

Acknowledgements:

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