



Appeal Decision

Inquiry opened on 26 September 2017

Site visit made on 4 October 2017

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 November 2017

Appeal Ref: APP/U1240/W/17/3169111

Land North of Ringwood Road, Alderholt SP6 3HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of East Dorset District Council.
 - The application Ref 3/16/1446/OUT, dated 22 July 2016, was refused by notice dated 11 November 2016.
 - The development proposed is demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works.
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works at land north of Ringwood Road, Alderholt SP6 3HZ in accordance with the terms of the application, Ref 3/16/1446/OUT, dated 22 July 2016, subject to the conditions set out in the attached schedule 1.

Preliminary matters

2. The Inquiry sat for 6 days on 26 to 29 September and 3 to 4 October 2017. There was an accompanied site visit on 4 October 2017 and I carried out unaccompanied visits to the site and surrounding area before and during the course of the Inquiry.
3. The application was submitted in outline with only the means of access to be determined at this stage. It was supported by an illustrative development framework and an illustrative masterplan which I have taken into account.
4. At the Inquiry the appellant asked me to determine the appeal on the basis of an amended access drawing. This showed the access to Ringwood Road relocated approximately 30m from the position originally proposed. The amendment sought to avoid potential harm to an oak tree (T18). The

suggested amendment was not agreed by the Council. Nevertheless, the Council had, helpfully, consulted local residents on the suggested amendment in advance of the Inquiry. I have taken account of the written responses to that consultation and to the comments of those who spoke at the Inquiry in relation to this matter.

5. Having had regard to the tests set out in *Wheatcroft*¹, I concluded that the proposal (as amended) would be, in substance, the same as that for which permission had been sought. Moreover, I noted that the community was well aware of the suggested amendment, that interested parties had commented on it and that there was a continuing opportunity to comment during the course of the Inquiry. I made clear that accepting the amendment was not the same as determining that any impacts would be acceptable. Any impacts arising from the relocated access would be considered, together with all other material considerations, as part of my overall assessment of the merits of the appeal.
6. I did not agree with the Council's argument that there was insufficient evidence before the Inquiry to consider the suggested amendment properly. I noted that the impact on hedgerows had been assessed in the evidence and that the submitted plans showed the visibility splays in relation to T18. I also noted that any amenity issues could be addressed in evidence at the Inquiry. I also had regard to the various legal authorities drawn to my attention by the Council but these did not alter my findings in relation to the *Wheatcroft* tests. Having regard to all the above factors, I agreed to the appellant's request and have determined the appeal on the basis of the revised access plan².
7. Following the determination of the application by the Council, the appellant submitted another planning application (*the second application*) for 48 dwellings on the same site. The number of dwellings proposed was subsequently reduced to 45. This application sought to resolve the Council's concerns in relation to protected heathlands. The second application was also refused by the Council. The reports and surveys relating to the second application formed part of the evidence for this appeal.
8. The appellant's case at the Inquiry was that a development of up to 60 dwellings would be acceptable. However, the appellant invited me to impose a condition limiting the development to 45 dwellings if I found such a condition to be necessary to make the development acceptable. The Council and the appellant agreed that such a condition would be capable of meeting the usual tests for conditions³, subject to my findings on the evidence. It was common ground that no *Wheatcroft* issue would arise given that the original proposal was for 'up to 60 dwellings'. I agree.
9. For reasons explained below, I consider that it would be necessary to impose such a condition. For consistency within this decision I have assessed all the impacts of the scheme (including the planning benefits) on the basis of a scheme of up to 45 dwellings. The appellant submitted a revised development framework and a revised masterplan showing a 45 dwelling scheme with the amended access. I have taken this illustrative material into account.

¹ Bernard Wheatcroft Limited v Secretary of State for the Environment [1982] – GLD1

² P16012-001D

³ Set out in the National Planning Policy Framework and Planning Practice Guidance

10. The terms of a unilateral undertaking (UU) were discussed during the Inquiry. As the undertaking was subject to amendment at a late stage I allowed time after the close of the Inquiry for a signed version to be submitted. The signed UU was consistent with the document discussed at the Inquiry. The UU would make provision for:
- a contribution to heathland mitigation (strategic access management and monitoring)
 - approval by the Council of the specification for the open spaces together with arrangements for future management and maintenance
 - the delivery of 50% of the dwellings as affordable housing
 - education contributions
11. The Council provided evidence of compliance with Regulation 122 and (where relevant) Regulation 123 of the Community Infrastructure Levy (CIL) Regulations⁴. In general these matters were not controversial at the Inquiry and the need for the obligations was not in dispute. The Council has a CIL charging schedule in place so provision for education may well be secured by that route. However, the UU includes a clause to ensure that there is no double charging. Overall, I consider that the obligations are compliant with the CIL Regulations tests and I have taken them into account accordingly.
12. In the light of the UU, the Council did not pursue reasons for refusal 5, 6 and 7 which related to education, affordable housing and recreation facilities. The evidence before the Inquiry included a Biodiversity Mitigation Plan (BMP) which had been duly certified by Dorset County Council's Natural Environment Team. Accordingly, the Council did not pursue reason for refusal 4 which related to the absence of a BMP.
13. The illustrative masterplan showed pedestrian access points to Broomfield Drive and the Amanda Harris Recreation Ground (AHRG). The link to Broomfield Drive is referred to in the description of development. As the appeal site adjoins the highway at this point there is no obvious impediment to the delivery of such a link, which could be secured by a condition. I have therefore taken account of the Broomfield Drive access in my decision. However, the link to the AHRG could not be achieved without the agreement of the adjoining land owner, which is the Parish Council. As delivery of this link cannot be assured, I have not placed any reliance on it in my assessment of the appeal.

Main issues

14. The main issues are:
- housing land supply
 - the effect of the proposal on the character and appearance of the area
 - the effect of the proposal on biodiversity, including consideration of European protected sites
 - the nature and extent of any social, economic and environmental benefits of the proposal

⁴ LPA3

Reasons

Policy context

15. The development plan includes the saved policies of the East Dorset Local Plan 2002 (EDLP) and the Christchurch and East Dorset Core Strategy 2014 (CS). A full list of relevant policies is included in the Statement of Common Ground⁵ and individual policies are discussed further below. At this point it is convenient to note that the appeal site lies on the edge of Alderholt, which is defined as a Rural Service Centre within the settlement hierarchy set out in CS Policy KS2. It should also be noted that CS Policy KS1 sets out a presumption in favour of sustainable development which is in similar terms to paragraph 14 of the National Planning policy Framework (*the Framework*).
16. The CS did not alter the settlement boundary for Alderholt which was defined by the EDLP. Policy A1 of the EDLP states that housing development at Alderholt will be permitted within the policy envelope defined on the proposals map. When the plan is read as a whole it is clear that this policy is intended to limit housing at Alderholt to sites within the policy envelope. Most of the appeal site lies outside the policy envelope. At the Inquiry there was no dispute that the proposal would conflict with Policy A1. I share that view. The Council's first reason for refusal refers to EDLP Policy HODEV2. That is a policy which sets out design criteria for sites within village envelopes. In my view it is not relevant to the appeal proposal which is mainly outside the village envelope.

Housing Land Supply

Supply in relation to the CS requirement

17. For housing land supply purposes Christchurch and East Dorset are considered together. CS Policy KS4 states that the plan will deliver 8,490 new homes in the period 2013 to 2028. This results in an annual average of 566 dwellings per annum (dpa). There was no dispute that this figure, derived from a recently adopted development plan, should be the starting point for the calculation of housing land supply which is required by paragraphs 47 and 49 of the Framework.
18. The Council's latest published statement of its housing land supply is for the period April 2016 to March 2021. This shows that there has been undersupply in relation to the CS figure in each of the first 3 years of the plan period. That has to be taken into account when calculating the 5 year requirement. In addition, the Framework requires a buffer to be added to the requirement to ensure choice and competition in the market for land. The appellant agreed with the Council that a 5% buffer is appropriate and I see no reason to disagree. Allowing for past undersupply and the buffer, the Council arrived at a 5 year requirement of 3,540. The Council considered that the 5 year supply was 3,634 which would have exceeded the requirement.
19. The two components of the Council's supply are sites identified in the Strategic Housing Land Availability Assessment (SHLAA) and 15 new neighbourhood sites which are identified in the CS. At the time the proofs of evidence were prepared the appellant did not dispute the supply from the SHLAA sites but did dispute the supply (within 5 years) from 8 of the new neighbourhood sites. In

⁵ ID1

- most cases the dispute related to the lead-in time before the first delivery of housing.
20. The Council's rebuttal proof of evidence referred to newly available data for housing completions and planning permissions in the period April 2016 to March 2017. Although the fully updated housing land supply statement was not available, the Council sought to recast its supply position, for the purposes of the Inquiry, to a base date of April 2017. As part of that exercise, the Council reviewed the delivery trajectories for the new neighbourhood sites in the light of the progress made on implementation. For example, for some sites where first delivery had previously been anticipated during 2017/18, the revised trajectory indicated first delivery in 2018/19. The consequence of those adjustments is that the supply (as of April 2016) would fall to 3,224 which would be below the requirement. The Council did not accept that the figures should be used in this way but did not dispute the calculation⁶.
 21. By the end of the Inquiry the differences between the Council and the appellant came down to three matters. These were the supply from some of the new neighbourhood sites, the base date and the way in which the undersupply from previous years should be factored in to the calculation of the requirement.
 22. Roeshot Hill and Cuthbury Allotments are two sites with the benefit of resolutions to grant planning permission, subject to legal agreements which are being negotiated. The Council has accepted one year of slippage from its proof of evidence position for both sites. The appellant drew attention to the need to move power lines underground at Roeshot Hill and to relocate a football club at Cuthbury Allotments. It was suggested that this would increase the lead-in times on these sites. However, the Council provided evidence that these are not new issues and that they are capable of being resolved within the revised timescale set out in the rebuttal evidence.
 23. There are two new neighbourhood sites at West Parley⁷ where the Council accepted one year of slippage from its proof of evidence position. First delivery is now anticipated in 2019/20. At the Inquiry the appellant argued that no delivery should be assumed from either site due to the uncertainty over funding for road infrastructure. The Council provided evidence that contingency arrangements were in place in the event that grant funding is not forthcoming. My overall assessment is that the Council's revised trajectories for the four disputed new neighbourhood sites are reasonable.
 24. I turn to the question of the base date. The Council argued that April 2017 should be preferred because that would make use of the most recent information on completions and commitments. The difficulty with the Council's approach is that it is not transparent. The suggested 5 year supply is 3,994. It can be seen from the rebuttal proof that the new neighbourhoods are expected to contribute 1,871 to the total supply⁸, leaving a balance of 2,123 to come from the SHLAA sites⁹. However, there was no detail before the Inquiry as to which sites were assumed to make up that element of the supply and what the trajectory was expected to be. This is an important point because the SHLAA sites amount to over half of the total supply. This element of the supply could

⁶ Inspector's note – this is one of 8 scenarios set out in document ID2. In each case the calculations were agreed but the appropriateness of attaching weight to any particular scenario was not agreed

⁷ Known as East of New Road and West of New Road

⁸ See table 5 of the rebuttal proof – $50+230+551+580+460=1,871$

⁹ $3,994-1,871=2,123$

not be tested through the Inquiry process. In my view that amounts to a fundamental difficulty with the Council's suggested approach.

25. The Council pointed out that the Inspector who examined the Core Strategy commented on the robustness of the SHLAA process. Moreover, it was argued that actual delivery in relation to the estimated yield from SHLAA sites has been good, thus enabling the decision maker to have confidence in the Council's calculation. I note that the 2016 based housing land supply statement anticipated delivery of around 360dpa. Actual delivery over the first 4 years of the plan has indeed been around that level. Nevertheless, the total SHLAA site contribution in the five years from April 2016 was anticipated to be 1,794¹⁰. Thus the suggested SHLAA contribution in the 5 years from 2017 of 2,123 represents a significant uplift. I cannot say that this figure is right or wrong. However, in the absence of a transparent process of arriving at the figure I can attach only limited weight to it. I take account of the comments of the Core Strategy Inspector regarding the SHLAA but that does not fill the gap in the evidence required to underpin a 2017 based calculation.
26. I do not criticise the Council for seeking to put the most up to date information before the Inquiry. I accept that 2016/17 saw an increase in delivery. This is a material consideration which I take into account. However, evidence which can be tested carries greater weight than evidence which cannot be tested. I do not think that there was sufficient evidence before the Inquiry for me to attach significant weight to the 2017 based calculation. I attach greater weight to the 2016 based calculation.
27. In relation to the 2016 based calculation, the Council's planning witness did not accept that there would be a shortfall against the 5 year requirement. To my mind the Council's revised trajectory for the new neighbourhoods, which I have accepted, represents the best current assessment of what is actually likely to happen on those sites. That is a factual matter, albeit combined with planning judgement. I do not see that the assessment can change depending upon the base date of the exercise. I therefore conclude that, on the evidence before the Inquiry, the Council cannot currently demonstrate a 5 year supply of deliverable housing sites.
28. That conclusion is the same whichever approach is taken to factoring in past undersupply. On the Council's approach the 2016 based supply would be 4.6 years and on the appellant's approach it would be 4.3 years¹¹. That difference is not important for the purposes of this decision so it is not necessary for me to comment further on this point.

Other housing land supply considerations

29. It is not in dispute that housing delivery in the years before 2013 was in excess of the targets applicable at that time. The Council reports 423 completions in 2016/17. That is an increase compared with the previous 3 years although still well below the CS requirement. Moreover, the Council's trajectory for the new neighbourhoods indicates that delivery from this source will start to pick up rapidly in 2018/19 and 2019/20. The Council argues that the accumulated shortfall will be cleared within 5 years. I agree that there is an upward trend in delivery which is a material consideration to be weighed in the balance.

¹⁰ See CD11.2, table 2, column 1. $360+360+358+358+358=1,794$

¹¹ See ID2, scenarios 1 and 3

30. On the other hand the appellant draws attention to the undersupply of some 848 units (in relation to the CS housing requirement) that has occurred in the first 4 years of the plan period. The undersupply against the CS trajectory is higher than that, with delivery at around 57% of the trajectory. CS Policy KS4 states that there will be a partial review of the plan in the event that the delivery of housing falls significantly below the CS target. The appellant argues that the need for a partial review under Policy KS4 has been triggered. Whether or not that is the case the Council has embarked on a full Local Plan Review (LPR).
31. The Strategic Housing Market Assessment of 2015 (SHMA15) provides evidence of an objectively assessed need for housing of 626dpa. This represents an increase on the CS figure of 566dpa, which sought to meet the full objectively assessed need at that time. It does not follow that the figure of 626dpa will translate into a revised housing requirement in the LPR. Work on a further SHMA update is in hand and this may also be affected by the Government's consultation on a revised methodology for calculating housing need¹². Any new requirement will emerge from the LPR process, having taken account of needs, constraints and the duty to cooperate. Nevertheless, the SHMA15 provides relevant evidence of housing need which is a material consideration.
32. The Government consultation document includes an indicative assessment for each district. The indicative figure for Christchurch and East Dorset would be significantly higher than the SHMA15 figure. However, the suggested methodology may change in the light of consultation responses and I consider that only limited weight can be attached to the indicative figure at this stage.
33. The Council and the appellant disagreed over the deliverability of two further new neighbourhood sites known as Stone Lane and Lockyer's School. These sites are not relied on in terms of the 5 year supply position. On the Council's trajectory, they would not contribute to delivery until the latter part of the plan period. Consequently I do not think that the deliverability of these sites is a significant factor in this appeal.

Conclusions on housing land supply

34. I conclude that, on the evidence before the Inquiry, the Council cannot currently demonstrate a 5 year supply of deliverable housing sites. It follows that paragraph 49 of the Framework is engaged and that relevant policies for the supply of housing should not be considered up to date. There has been an upward trend in delivery in 2016/17 and delivery from the new neighbourhood sites is expected to pick up rapidly from 2018/19. Nevertheless, there has been a substantial shortfall in the first 4 years of the plan period. These are houses which ought to have been delivered by now to meet housing needs. A full LPR is underway and it seems likely that this will need to look beyond the new neighbourhood sites in order to meet an increased level of housing need. These are all matters to be taken into account as part of my overall consideration of the appeal.

The effect of the proposal on the character and appearance of the area

35. The appeal site is predominantly grassland. In the south eastern part of the site there is a bungalow together with structures associated with a former plant

¹² ID3 – Planning for the right homes in the right places: consultation proposals

nursery. Immediately to the north west of the site there are modern houses and bungalows forming part of the built up area of Alderholt. To the north east is part of the AHRG and to the south east there is a bungalow and paddock. The site is bounded on its south western side by Ringwood Road, beyond which there are some detached houses and riding stables.

36. The vegetation within the appeal site includes some well-established hedgerows along Ringwood Road and the boundary with the AHRG. There is a group of trees in the northern corner of the site, including some oaks subject to a Tree Preservation Order (TPO), which is an important landscape feature. A group of trees to the north of the bungalow also makes a positive contribution to the character of the area. An oak tree (T18) on the Ringwood Road frontage is a good individual specimen which contributes to the verdant character of Ringwood Road.
37. The East Dorset Landscape Character Assessment identifies landscape character areas (LCA) and landscape character types (LCT). The site is within the Ringwood-Hurn LCA, in the Forest/Heath Mosaic LCT. The key characteristics for the area include a patchwork of heath, woodland and farmland, extensive areas of pine forest and remnant heathland areas. These characteristics are evident in the landscape to the south and west of Alderholt.
38. The site and its immediate landscape setting are not covered by any landscape designations. The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty is around 2.5km to the north west of Alderholt and the New Forest National Park lies around 4km to the east. No party suggested that the appeal scheme would have a material impact on any nationally designated landscape and I share that view. Cranborne Common, which is to the south west of the appeal site, forms part of an Area of Great Landscape Value (AGLV). The nearest part of the AGLV is about 1km from the site whilst the viewpoints referred to in the evidence are about 2.5km away.
39. The Framework makes reference to '*valued landscapes*'¹³. Although the term is not defined in the Framework I have found it helpful to refer to the factors which are set out in Box 5.1 of the Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3) when considering this matter. The site comprises an area of grassland framed by hedgerows and trees. It is visually contained and subject to a degree of urban influence from the adjoining built-up area. It is not of unusual scenic quality, nor does it have any special conservation or recreational value. Whilst it is attractive, and no doubt valued by those who experience it, to my mind it does not represent a valued landscape as that term is used in the Framework.
40. In considering the landscape and visual impacts of the proposal I have had regard to the Landscape and Visual Appraisals (LVA) submitted with the applications and the masterplan. Although the masterplan is illustrative, it shows how the amount of development proposed could be accommodated on the site. All detailed matters would be controlled at reserved matters stage and the specification for the open spaces would be controlled through the UU. The masterplan shows that most of the important landscape features of the site would be retained and reinforced with new planting. The two main groups of trees would be incorporated into open spaces and there would be landscape buffers around the site boundaries.

¹³ Paragraph 109

Landscape effects

41. The LVA notes that the site shares few of the characteristics of the LCA/LCT. It concludes that the proposal would appear as a relatively small area of new housing, well-contained in the landscape and immediately adjoining existing housing. Consequently, the LVA suggests that it would have a negligible impact on the wider LCA/LCT. I agree with that assessment.
42. Looking at the site itself, together with its immediate context, there would be a permanent change of character from predominantly open fields to a residential housing development. The LVA assesses the overall effect on completion of the scheme as a moderate adverse impact, which would reduce to minor adverse as new planting becomes established. I take account of the green infrastructure shown on the masterplan which would offer some mitigation as new planting matures. Even so, the loss of the open character of much of the site would be permanent. Whilst I agree that there would be a moderate adverse effect on completion, I do not think that this would be greatly reduced with the passage of time.

Visual effects

43. The site is visually contained due to the combined effects of landform, vegetation and built development. Apart from the longer views from Cranborne Common, which I return to below, most of the viewpoints identified in the evidence are very close to the site itself. The main visual receptors would be users of Ringwood Road, residential occupiers living around the site and users of the AHRG.
44. This part of Ringwood Road is predominantly rural in character, notwithstanding the presence of some detached houses on its south west side. This is because the road is confined between mature hedgerows and the houses are set within substantial well-vegetated plots. The proposal would open up views into the site due to the removal of around 51m of hedgerow to provide visibility splays for the proposed access. In the short term this would be a significant change. However, it would mainly be experienced from within the affected section of Ringwood Road itself. Moreover, the masterplan shows that a new hedge could be planted behind the proposed visibility splay. No footway is proposed along Ringwood Road so the character of a road enclosed by hedges could be re-established within a few years.
45. The impact on residential occupiers would vary depending on the extent to which there are currently views of the appeal site. Some houses would experience a significant change to views which they currently enjoy over open fields. The LVA recognises these as major-moderate adverse visual effects. The precise location and design of the proposed houses would be controlled at reserved matters stage. The illustrative masterplan shows that there would be landscape buffers and/or areas of open space which would provide some filtering of views of new development. At this outline stage there is no reason to think that the visual impact on any existing dwelling would be so great as to result in unacceptable harm to living conditions.
46. There would be views of the proposed houses from the northern part of the AHRG. These would be partially filtered by the existing hedgerow and new planting. Given that this part of the AHRG is already closely associated with the edge of the built-up area, I consider that this would be a minor impact.

47. The appeal site lies within views from Cranborne Common. The viewpoints identified in the evidence¹⁴ are representative of views from the bridleway from Alderholt to Verwood. The existing settlement of Alderholt is not a strong feature in these views due to the effects of vegetation. That said, a cluster of houses close to the appeal site can be made out and it seems likely that parts of the appeal scheme would also be visible. However, at a distance of around 2.5km, any such glimpse of the appeal scheme would be quite hard to discern. It would represent a very small element in a broad panoramic view, appearing well below the skyline against a backdrop of trees. In my view it would have no material impact on the experience of the view. The effect on users of Cranborne Common would therefore be negligible.

Effect on trees

48. As noted above, the masterplan shows that the main tree groups within the site (including the TPO trees) could be retained and incorporated within open spaces. The access plan shows that T18 would be clear of the visibility splay. The masterplan does not indicate any built development within the root protection area of the tree. In any event, the detailed siting of roads and buildings would be controlled at reserved matters stage. There is no reason to think that T18 could not be retained as part of the appeal scheme.

Conclusions

49. The proposal would result in some harm to the predominantly rural character and appearance of the site. However, the illustrative masterplan shows how the development could be integrated into its surroundings. Whilst there would be a loss of landscape character and some adverse visual impacts, these would be confined to the area immediately around the site itself. There would be very little impact on the wider landscape.
50. CS Policy HE3 seeks to protect and enhance the landscape character of the area. However, it is not a policy which precludes any harm whatsoever to landscape resources. Instead, it states that proposals will need to demonstrate that various factors have been taken into account. For the reasons given above, I consider that the appeal proposal has taken account of the character of the landscape around Alderholt and the natural features within the site as required by Policy HE3. Matters such as visual amenity and light pollution would be addressed at reserved matters stage or by conditions. The proposal would therefore accord with Policy HE3 as far as it can at this outline stage.
51. The Council's reasons for refusal include CS Policy HE2 and EDLP Policy DES11. These are design policies which seek to ensure that development is compatible with or improves its surroundings in relation to various criteria. These policies can only be addressed at reserved matters stage. At this outline stage I see no reason to think that a suitable scheme could not be achieved which would accord with Policies HE2 and DES11.

The effect of the proposal on biodiversity

Effect on European sites – the context

52. The Dorset Heathlands (DH) cover an extensive area of south east Dorset which is fragmented by urban development and other land uses. They are

¹⁴ LVA viewpoint E and a bench close to the bridleway identified in the evidence of Natural England

- designated as a Special Protection Area (SPA), a Special Area of Conservation (SAC) and a RAMSAR site. As such the DH are protected by the EC Birds and Habitats Directives, applied in the UK by the Conservation of Habitats and Species Regulations 2010 (*the Habitats Regulations*). The DH are comprised of many component sites. The components closest to the appeal site are Cranborne Common Site of Special Scientific Interest (SSSI), Verwood Heaths SSSI and Ebblake Bog SSSI. These components are, respectively, about 1.2km, 3.8km and 4.9km from the appeal site (measured in a straight line).
53. The Habitats Regulations state that where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment (AA) of the implications for that site in view of that site's conservation objectives¹⁵. In the light of the conclusions of the AA, (subject to any consideration of overriding public interest), the competent authority may agree to the project only if it will not adversely affect the integrity of the European site. In considering the impact on the integrity of the European site the competent authority must have regard to any conditions or mitigation/avoidance measures¹⁶.
54. Case law has established that the requirement for an AA applies where there is a possibility or risk of a significant effect on the integrity of the European site. Such a risk exists if it cannot be excluded on the basis of objective information. Where a project has an effect on a European site but is not likely to undermine its conservation objectives it cannot be considered likely to have a significant effect¹⁷.
55. The conservation objectives for the DH SPA/SAC are included in full in the evidence, together with the site qualification for the RAMSAR site. For the SPA, the conservation objectives may be summarised as ensuring that the integrity of the site is maintained/restored and that the site contributes to achieving the aims of the Wild Birds Directive by maintaining/restoring the habitats and populations of the qualifying features within the site. The qualifying features include breeding populations of nightjar, woodlark and Dartford warbler.
56. For the SAC the conservation objectives may be summarised as ensuring that the integrity of the site is maintained/restored and ensuring that the site contributes to achieving the favourable conservation status of its qualifying features by maintaining/restoring habitats and populations. The qualifying features include specified types of heathland and fen habitat and the species southern damselfly and great crested newt. The RAMSAR site is qualified as such due to the presence of specified heathland habitat types, the presence of nationally rare/scarce plant and invertebrate species and high ecological diversity.
57. Policy ME2 of the CS seeks to protect the DH. It states that no residential development will be permitted within 400m of the designated area. In the zone between 400m and 5km the policy states that any residential development will provide mitigation through a range of measures set out in the CS and the Dorset Heathlands Planning Framework 2015 – 2020 Supplementary Planning Document (DHPF). These may include on-site and off-site suitable alternative

¹⁵ Regulation 61

¹⁶ Regulation 61(5) and *Dilly Lane* (CD13.8 – paragraph 55)

¹⁷ *Waddensee* (CD13.14 – paragraphs 43 to 47))

natural greenspaces (SANGs) and/or 'other appropriate avoidance/mitigation measures'.

58. Policy ME2 states that SANGs are to be secured through legal agreements and that heathland mitigation measures will be secured as set out in the Council's Regulation 123 list. This is because the Council has CIL charging arrangements in place and is able to fund heathland mitigation projects through CIL. The policy goes on to say that 'the authority will ensure that mitigation measures to avoid harm are given priority as required by this policy'. The CS states that large sites of approximately 50 dwellings and above will be expected to include SANGs as part of the infrastructure of the site, particularly where new neighbourhoods and greenfield sites are proposed.
59. The DHPF has been adopted by the Council, Dorset County Council and 4 other local authorities in Dorset¹⁸. The guiding principle of the DHPF is that there should be no net increase in urban pressures on internationally important heathland as a result of additional development. There have been a number of studies of the pressures placed on heathlands by new occupants of development and these have informed both the CS and the DHPF. The main urban effects are summarised in the DHPF and include disturbance of breeding birds, trampling of vegetation, an increased risk of fire, predation of ground nesting birds and pollution.
60. The DHPF applies to the 400m to 5km zone. It notes that local authorities in south east Dorset have been operating a strategy to mitigate the effects of development on the DH since 2007. The strategy is a long-term approach setting out a 5 year rolling programme of measures. It includes heathland infrastructure projects (HIPs) and strategic access management and monitoring (SAMM). HIPs are projects designed to attract people away from protected heathland sites. There is a list of proposed HIPs included at Appendix A to the DHPF. SAMM represents a strategic approach to access management. Each of the constituent authorities contributes to the Urban Heaths Partnership which provides the strategic co-ordinating element of SAMM.

Effect of the appeal scheme alone

61. I turn to the specific circumstances of the appeal proposal. It is convenient to start with the scenario in which development could be restricted (by condition) to 45 dwellings. I shall return later to the question of whether such a limit is necessary. The appeal site is around 1.2km from the DH and thus falls within the 400m to 5km zone. There was no suggestion from any party that, at this distance, there would be any direct impacts which would be likely to be significant. Nevertheless, the proposal would result in new residents within the zone where some effects are anticipated, for example due to additional recreational trips to the DH.
62. The appeal scheme does not include any proposals for SANGs. However, it would provide the following avoidance/mitigation measures:

¹⁸ Poole, Bournemouth, Christchurch and Purbeck

- a contribution to HIPs via CIL
- a contribution to SMM via the UU
- green infrastructure within the appeal site

63. Although I have disregarded the potential pedestrian link to AHRG, for the reasons given above, the proposed link to Broomfield Drive would offer the prospect of a circular walking route to and around the AHRG, returning via Ringwood Road. I do not regard this as an avoidance/mitigation measure as such (because the AHRG already exists) but it is nevertheless a material consideration.

64. The Council argued that the risk of a significant effect on the DH could not be ruled out, drawing attention to the following:

- the presence of breeding woodlark at Cranborne Common
- there are records of heathland fires in parts of the Cranborne Common SSSI (bearing in mind that there have also been instances of arson at AHRG)
- the bridleway leading from Alderholt to Verwood, across Cranborne Common, is an attractive route for cyclists
- dog walking, including letting dogs off the leash, is known to cause disturbance to ground nesting species (such as woodlark)
- the potential for dumping rubbish
- Cranborne Common will be attractive to new residents because it is the nearest place where they could experience the heathland environment.

65. In approaching this matter I start with the evidence of the DHPF itself, I then consider the site-specific evidence and finally I turn to the expert advice available to the Inquiry. The DHPF states that the main urban effects on lowland heaths in Dorset are most marked for development within 400m of heathland. Natural England (NE) advises that residential development in this zone is likely to have a significant adverse effect

'either alone or in combination with other developments'

The DHPF goes on to say that in the area between 400m and 5km NE considers that local authorities undertaking AA will:

*'still identify a significant adverse effect in combination with other proposals but that avoidance and mitigation measures can allow development to be approved'*¹⁹

66. When those two sentences are read together (in the context of the document as a whole) it can be inferred that the DHPF does not envisage that residential development in the 400m to 5km zone will, (generally speaking), have significant effects when considered alone. That interpretation is consistent with the rest of the DHPF which, for smaller scale development, proposes an

¹⁹ DHPF paragraphs 3.4 and 3.5

- approach of strategic mitigation based on HIPs and SAMM. (The DHPF goes on to propose site specific mitigation in the form of SANGs for larger sites).
67. This is an important point because the DHPF is a document which is based on scientific studies. There is now some 10 years of experience of operating the strategic approach which is applied across south east Dorset. It is based on objective evidence. Consequently, I attach significant weight to the general approach of the DHPF. That said, I do not think that the general approach of the DHPF is determinative. The Council has provided examples of other cases where site-specific factors have been taken into account and I agree that it is necessary to do so.
68. Additional recreational pressure, such as increased numbers of people walking with dogs, has the potential to disturb ground nesting birds. The component of the DH which is nearest to the appeal site is Cranborne Common SSSI. The walking distance from the site to the edge of the DH is about 2km. This means that a round trip from the appeal site into the heart of the Common and back would be longer than the average dog-walking trip²⁰. Around a dozen of the new households at the appeal site may be expected to be dog owners²¹. They would have various options available for exercising their pets closer to home, including the green infrastructure within the site, a circular walk around the AHRG or other footpaths in the locality. The Council suggested that there is no guarantee that the AHRG would be permanently available for dog walking. However, the AHRG is clearly used by dog walkers at present and there is no obvious reason why this should change in the future.
69. Of course, some residents may choose to drive to the edge of the DH. Moreover, I appreciate that the above options would not offer the same experience as being on the open heathland. It is to be expected that some additional visits would be made from time to time. There were no visitor surveys specific to Cranborne Common before the Inquiry. Nevertheless, the common is accessible to the existing residents of Alderholt, just as it would be to new residents of the appeal site. It is highly likely to be used for dog walking at present. Having regard to all of the above factors, I consider that the number of dog walking trips generated by the appeal scheme would represent only a very minor change to the existing situation.
70. The presence of woodlark, the risk of fires, the ability to use cycles on the bridleway and the risk of rubbish dumping are potential threats to heathland which are likely to apply to much of the DH area. From the evidence before the Inquiry, I cannot see that the scale and nature of this proposal, and its relationship to the DH, are such as to suggest a higher level of risk than that which the DHPF seeks to mitigate. Those components of the DH which are within 5km of the appeal site do not appear to have characteristics which make them unusually susceptible to the types of urban effects identified in the DHPF.
71. The condition assessments prepared by NE also provide information regarding the various management units that make up Cranborne Common. Most of the units are rated '*unfavourable recovering*'. With the possible exception of the fires referred to above, the condition reports do not indicate that the urban effects identified in the DHPF are being experienced to any significant extent. Similar points may be made in relation to the condition reports for Verwood

²⁰ The SANGs guidance appended to the DHPF suggests that the average length of a dog-walk is about 2.2km

²¹ Based on the appellant's uncontested calculation for 60 houses, scaled down to 44 houses

Heath and Ebblake Bog. The Council argued that the condition reports are made only infrequently and that not too much weight should be attached to them. I take the date of the reports into account. Even so, they still represent a source of objective evidence which can contribute to an overall assessment.

72. Turning to the expert views before the Inquiry, the appellant's ecologist considered that the 45 unit scheme alone would not be likely to give rise to an adverse effect on the DH. NE's nature conservation witness disagreed. In relation to the position of NE, it is relevant to have regard to the advice given to the appellant and the planning authority in relation to the second planning application. It may be seen from the relevant meeting note that the officers of NE did not foresee problems with a 44 unit scheme²². It seems highly unlikely that the advice would have been given in that form had the NE officers believed that there would be a significant adverse effect from a net gain of 44 units on its own.
73. The previous position of NE is reflected in the officers' report on the second application. The report noted that NE had initially objected to the scheme when it was for up to 48 units. In the light of revisions, NE withdrew this objection subject to heathland mitigation measures and appropriate on-site open space. This is consistent with the Council's second reason for refusal which referred only to the absence of a legal agreement to secure SAMM. I am unable to reconcile the position of NE and the Council in relation to the second application with their position at this Inquiry. To my mind there is an unexplained lack of consistency here which, to a degree, reduces the weight I attach to the evidence of NE.
74. The Council drew attention to case law which indicates that an adverse effect on part of a protected site can amount to an adverse effect on the integrity of the whole²³. In this case my conclusion would be the same whether I look at the whole of the DH or the Cranborne Common SSSI component.
75. As noted above, where a project has an effect on a European site but is not likely to undermine its conservation objectives it cannot be considered likely to have a significant effect. Having regard to all the above factors, I conclude that those are the circumstances that apply here. There may be an effect but it would be too small an effect to undermine the conservation objectives. My overall assessment is that a scheme of 45 dwellings (net gain 44) would not be likely to have a significant effect on the European site when considered alone.

Effect of the appeal scheme in combination with other developments

76. There was no dispute at the Inquiry that the appeal scheme could, in combination with other proposed developments, contribute to an adverse effect on the DH. That is consistent with my findings above. The Council and the appellant disagreed as to whether the proposed mitigation would be adequate. The Council argued that the appellant had not identified a specific HIP which would divert recreational pressures (or other urban effects) arising from the appeal scheme. It was pointed out that none of the HIPs identified in the Appendix to the DHPF are in the vicinity of Alderholt.
77. In my view the Council's approach seeks to impose a requirement which is not found in the DHPF itself. For smaller schemes, although the DHPF contemplates

²² A development of 45 houses would result in a net gain of 44 due to the demolition of the bungalow

²³ *Sweetman* – LPA16

the possible provision of HIPs on site, this is not a requirement. On the contrary, the DHPF makes clear that HIPs may be delivered by the local authorities funded by contributions collected through CIL. That is a process which a developer would have no control over.

78. The Council pointed out that Policy ME2 states that any residential development in the 400m to 5km zone 'will provide mitigation' and that 'avoidance or mitigation measures are to be delivered in advance of the developments being occupied'. Read in context, that wording does not suggest that every single development must contribute to an identified HIP to be compliant with the policy. The ability of a smaller project to contribute to a 5 year rolling programme of HIPs seems to me to be consistent with Policy ME2 even if no specific HIP is identified.
79. It is important to bear in mind that the effects being avoided or mitigated here are in combination effects. The other developments contributing to those effects include all of the housing development proposed in south east Dorset. The DHPF notes that (as of April 2014) this amounted to over 21,000 dwellings. Clearly, those dwellings will be spread over a wide area. In that context it makes little sense to require a small development to identify its own HIP. The DHPF does not take that approach. Instead it adopts a strategic approach whereby there is a rolling programme of HIPs across south east Dorset. The Dorset Heaths Advisory Group will make recommendations to the local authorities on appropriate measures to avoid or mitigate adverse effects on the DH arising from new residential development.
80. The Council drew my attention to some legal precedents including *Briels* and *Orleans*²⁴. *Briels* concerned a case where there was a direct impact on a protected site causing habitat deterioration. The improvement of habitat in another location was found to be compensation, rather than avoidance or mitigation. *Orleans* concerned the destruction of 20ha of tidal mudflats and the provision of compensatory habitat. The current appeal is not concerned with the provision of compensatory habitat. The measures in prospect here, HIPs and SAMM, are clearly measures for avoiding and/or mitigating impacts on the DH. The facts of this case differ from those of the precedents quoted.
81. Some previous appeal decisions have been referred to in the evidence. Prospect Farm was a proposal of up to 35 dwellings. However, in that case the appellant accepted that the possibility of a significant effect on the DH from the scheme alone could not be excluded²⁵. Eastworth Road was a proposal for up to 40 dwellings, forming part of a larger new neighbourhood allocation. In that case the appellant appears to have accepted the need for SANGs and the appeal turned on the certainty of SANGs being delivered. These cases are not comparable with this appeal where the Council is not seeking SANGs for a 45 dwelling scheme and I have found that the scheme alone would not have a significant effect on the DH.
82. The appeal scheme would contribute to HIPs through the Council's CIL charging scheme. It would contribute to SAMM through the UU. There would also be on-site green infrastructure, the specification for which would be controlled through the UU. I consider that these measures would be consistent with the

²⁴ LPA14 and LPA15

²⁵ CD22.2 – paragraph 20

DHPF and that the scheme would provide appropriate avoidance and mitigation measures in relation to the potential for in combination effects on the DH.

Whether a condition limiting the amount of development is justified

83. The appellant suggested that there is no evidential basis for the threshold of 'approximately 50' dwellings which is referred to in the CS and in the DHPF. Attention was drawn to potential inconsistencies, for example if two schemes just below the threshold come forward in the same place at the same time.
84. In principle I see no difficulty with an approach whereby smaller developments contribute to strategic mitigation (which is not necessarily site-specific) and larger developments are required to provide some bespoke mitigation on or near the site in question. The generality of that approach fits logically with all the evidence before the Inquiry on the effects of urban development on heathlands. Any such approach is likely to require a policy threshold to distinguish between smaller and larger developments if it is to be implemented effectively.
85. The evidence before the Inquiry does not enable me to reach an independent view as to whether 50 is the right number. However, it is not necessary for me to reach a view on that point. The Council has adopted a Supplementary Planning Document (the DHPF) which has an extensive evidence base. There is no reason to think that the document as a whole is flawed or out of date. I attach full weight to it in my decision.
86. The appellant's case was heavily dependent on the DHPF and the evidence base which underpins it. The appellant did not carry out any detailed studies of its own in relation to the DH. Having relied on the evidence base of the DHPF to this extent it seems to me wholly inconsistent to seek to ignore one of its key provisions.
87. Furthermore, the DHPF is an important document of wide application. It seeks to reconcile two very important planning objectives, the delivery of housing to meet the needs of south east Dorset and the protection of internationally important heathlands. The threshold is a key plank of the overall policy approach. If I were to allow this appeal without limiting the amount of development that would significantly undermine the DHPF. The likely consequence is that it would become harder to resist similar proposals. That could have a cumulative harmful effect on the DH.
88. I appreciate that policies containing thresholds can throw up inconsistencies from time to time. That is a practical problem for the planning authorities to deal with in their development management decisions. It does not undermine the approach of having a threshold in the first place. I consider that the condition is necessary to ensure that the proposal is in accordance with the DHPF.

Conclusion on European sites

89. Having taken account of the mitigation described above, I conclude that a proposal for 45 dwellings (net gain 44) would be unlikely to have a significant adverse effect on the DH SPA/SAC/RAMSAR site either alone or in combination with other plans and projects. If limited to 45 dwellings, the proposal would accord with CS Policy ME2 and the DHPF.

Sites of Special Scientific Interest

90. At the Inquiry no party identified any further impacts in relation to effects on the 3 SSSIs identified above. I conclude that the proposal would not result in harm to the SSSIs and, in this respect, would accord with CS Policy ME1.

Other effects on biodiversity

91. The site is not subject to any nature conservation designations. The application was supported by ecological surveys and further surveys have been carried out in response to matters raised by NE. By the time of the Inquiry the Council and NE were satisfied that sufficient survey information had been provided. Much of the site comprises species-poor grassland. The surveys identified the presence of various bat species, including low numbers of greater horseshoe and barbastelle, commuting and/or foraging over the site. No bat roosts were identified. The surveys also identified a low population of grass snake and several species of breeding birds.

92. The masterplan shows how those features of the site which are of greatest ecological value, including woodland and hedgerows, would be retained within the proposed green infrastructure. A biodiversity mitigation plan has been submitted and certified by the County Council's Natural Environment Team. This sets out a range of mitigation and enhancement measures, including retention and enhancement of linear habitat features, submission of a lighting scheme, measures to protect reptiles and the provision of bird and bat boxes. The landscape enhancements proposed include provision of meadow grassland, new wetland and new tree and hedgerow planting. The Council was satisfied with these measures and I see no reason to take a different view.

Conclusions on biodiversity

93. I conclude that the proposal is not likely to have a significant effect on the DH, either alone or in combination with other plans and projects, nor would it cause harm to any SSSIs. The impacts of the scheme on the biodiversity of the site itself have been fully assessed and appropriate mitigation measures have been identified within a Biodiversity Mitigation Plan. The proposal would therefore accord with CS Policies ME1 and ME2 which seek to safeguard biodiversity and to protect the DH.

Social, economic and environmental benefits

94. The proposal would contribute up to 44 dwellings (net) to the supply of housing in the district. There has been a recent increase in housing delivery and delivery from the new neighbourhood sites is expected to pick up rapidly from 2018/19. Nevertheless, there has been a substantial shortfall in the first 4 years of the plan period and the Council cannot demonstrate a 5 year supply of housing sites. A full LPR is underway and it seems likely that this will need to look beyond the new neighbourhood sites in order to meet an increased level of housing need. Having regard to all of these factors, I conclude that the delivery of housing is a social benefit to which substantial weight should be attached.

95. Affordability is a significant factor, with house prices being very high in relation to earnings. At the same time, there has been only limited delivery of affordable housing in the last 4 years. The appeal scheme would include 50% affordable housing. This would be a further social benefit to which I attach substantial weight.

96. The proposals would bring some economic benefits in terms of employment and investment during the construction phase and through increased spending by new residents in the local economy. The Council argued that there is only limited scope to increase spending within Alderholt because there are not many services and facilities in the village. However, whilst it seems likely that some of the increased spending would be in other settlements in the locality it does not follow that the associated economic benefits should be discounted.
97. I have concluded above that there would be some harm to the predominantly rural character and appearance of the site. There would also be some adverse visual impacts, although these would be confined to the area immediately around the site. Bearing in mind that the proposal would accord with CS Policy HE3, I attach only limited weight to these impacts. The proposals for enhancing landscape features and habitats within the site represent an environmental benefit to which some weight can be attached.

Other matters

98. Local residents expressed concern that this is an unsuitable location for the scale of growth proposed due to a lack of services and facilities. The facilities in the village include a convenience store/post office, a first school, a nursery, a public house and a sports and social club. There is a GP surgery although this has limited opening hours. I note that bus services are limited and that children travel outside the village to middle schools and secondary schools elsewhere.
99. CS Policy KS2 sets out a settlement hierarchy which defines Alderholt as a rural service centre. These are settlements where residential development will be allowed of a scale which reinforces their role as providers of facilities to support the village and adjacent communities. The Council raises no objection in terms of Policy KS2, the scale of development or the capacity of local facilities. Whilst I recognise that there are some limitations on the facilities available in the village, my overall assessment is that the scale of the appeal scheme is consistent with the settlement hierarchy of the CS.
100. Concerns have been raised in relation to the safety of the proposed access onto Ringwood Road, having regard to the absence of footways. Pedestrian access to the site would be from Broomfield Drive and there is no proposal to create a footway along the Ringwood Road frontage. The traffic assessment (TA) notes that this split between pedestrian and vehicular access was agreed with the highway authority. The vehicular access would have visibility splays commensurate with traffic speeds on Ringwood Road.
101. The TA includes an analysis of traffic generation and distribution and an assessment of the impact on road junctions within Alderholt. This shows that there would only be a small increase in traffic using the junctions as compared with the current situation. Some residents are concerned about impacts on the wider highway network. However, impacts outside the village were not within the scope of the TA. I have no doubt that the highway authority would have asked for impacts outside the village to be included if it thought they might have been significant.
102. Ringwood Road is not particularly wide and concerns were expressed regarding use of the road by pedestrians and by the nearby riding stables. The TA included an analysis of the traffic accidents recorded in Alderholt. It concluded that the accidents were not attributable to highway layout or design.

The findings of the TA were reviewed by the highway authority which had no objections in relation to highway safety or capacity.

103. Residents of Broomfield Drive are concerned that the proposed pedestrian link would result in noise and a loss of privacy. Broomfield Drive is a typical residential road with footways on either side. I see no reason to think that the additional footfall resulting from the appeal scheme would have a material impact on local residents.
104. The occupier of Cromwell Cottage objects to the location of the proposed access which would be on the opposite side of Ringwood Road. The noise screening letter submitted with the application notes that the dominant source of noise across the appeal site is likely to be traffic on Ringwood Road. The same is likely to be true for Cromwell Cottage. The screening letter comments that additional traffic from the appeal scheme may result in a small increase in noise but this is unlikely to have a significant impact. Cromwell Cottage is set well back from Ringwood Road behind trees and other vegetation. I do not think that car headlights are likely to have such a significant effect as to be harmful to living conditions.
105. I conclude that none of the matters referred to in this section add weight to the case against the appeal.

Conclusions

106. The appeal site lies outside the settlement boundary of Alderholt and the proposal is therefore in conflict with EDLP Policy A1. I have concluded that the proposal would accord with CS Policy KS2 (settlement hierarchy), HE3 (landscape character), ME1 (biodiversity) and ME2 (Dorset Heathlands).
107. In view of my finding in relation to housing land supply, relevant policies should be considered out of date and the approach set out in CS Policy KS1 is engaged. There are no specific policies in the Framework which indicate that development should be restricted. Consequently, Policy KS1 indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
108. I have concluded that there would be adverse impacts in terms of harm to the predominantly rural character and appearance of the site. There would also be some adverse visual impacts, although these would be confined to the area immediately around the site. Given that I have concluded that the proposal would accord with CS Policy HE3, I attach only limited weight to these impacts.
109. On the other hand I attach substantial weight to the benefits of housing delivery, including the delivery of social housing. I also attach some weight to the economic benefits of the scheme and to the environmental benefits which would result from enhancing landscape features and habitats within the site.
110. My overall assessment is that the adverse impacts would not significantly and demonstrably outweigh the benefits. In these circumstances Policy KS1 indicates that permission should be granted. There are no material considerations which indicate otherwise. Accordingly, the appeal should be allowed.

Conditions

111. The Council and the appellant have suggested conditions which I have considered in the light of Planning Practice Guidance (PPG). In some cases I have combined suggested conditions or adjusted detailed wording in the interests of clarity or avoiding duplication.
112. Conditions 1 to 3 are standard for outline planning permissions. I have adjusted the time periods to reflect the fact that I have taken account of the potential for delivery within 5 years in my decision. Condition 4 requires development to be in accordance with the plans, reflecting advice in PPG. Condition 5 requires approval of levels in the interests of the character and appearance of the area. Conditions 6 and 7 require approval of details of foul and surface water drainage in the interests of managing risks of flooding and pollution.
113. Condition 8 requires details of cycle parking to be approved in the interests of promoting sustainable transport. Condition 9 requires submission of a construction management plan in the interests of highway safety and protecting living conditions for nearby residents. Condition 10 requires details of a play area to be submitted in the interests of ensuring adequate provision of outdoor recreation. Condition 11 relates to renewable energy and is needed in the interests of sustainable development. Condition 12 secures implementation of the agreed biodiversity mitigation plan in order to protect and enhance the biodiversity of the site.
114. Condition 13 requires a lighting scheme to be approved in the interests of protecting the character and appearance of the area and to mitigate impacts on biodiversity. Condition 14 requires details of refuse and recycling storage to be approved in the interests of sustainable development. Condition 15 requires approval of a travel plan in the interests of promoting sustainable transport. Conditions 16 and 17 relate to tree protection measures and are needed in the interests of protecting the character and appearance of the area and mitigating impacts on biodiversity.
115. Condition 18 limits the number of dwellings to 45 (net gain 44) to ensure compliance with CS Policy ME2 and the DHPF. Condition 19 relates to potential contamination in the interests of managing risks of pollution. Condition 20 relates to the proposed pedestrian access to Broomfield Drive. It is needed in the interests of promoting sustainable transport. Motorised vehicles should not be permitted to use this link because that would not be consistent with the application submitted and the effects assessed.
116. Some conditions require matters to be approved before the start of development. This is necessary in the case of conditions 5, 6, 7, 8, 10, 14 and 20 because these conditions may affect the design and/or layout of the development. It is necessary in the case of conditions 9, 16, and 19 because these conditions seek to address matters arising during construction.
117. Suggested conditions relating to open spaces and landscaping are not needed because they would duplicate matters covered by reserved matters and the UU. A suggested condition relating to affordable housing is not needed because it would duplicate the UU. A suggested condition relating to SANGs and/or HIPs is not needed because the proposals already make provision for appropriate mitigation in accordance with the DHPF. A suggested condition

limiting building heights is not needed because this would be controlled at reserved matters stage. A suggested condition relating to a pedestrian link to the AHRG is not needed. For the reasons given above, there is no certainty regarding the delivery of such a link and I have not relied on it in my assessment of the merits of the appeal.

David Prentis

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sasha Blackmore	of Counsel, instructed by Legal and Democratic Services, East Dorset District Council
She called	
Anne James	Director, Planning 2change Ltd
MA MRTPI	
Neil Williamson	Neil Williamson Associates Ltd
BA(Hons) MA FLI PPLI	
FCMI	
John Stobart	Senior Advisor, Natural England
BSc MSc	
James Smith	Senior Planning Policy Officer, East Dorset District Council
BSc(Jt Hons) MSc MRTPI	
<i>Housing round table session:</i>	
Lynda King	Partnership Development Manager
George Whalley	Planning Policy Team Leader
Simon Trueick	Partnership Planning Policy Manager

FOR THE APPELLANT:

Giles Cannock	of Counsel, instructed by Peter Dutton of Gladman Developments Ltd
He called	
Philip Rech	Director, FPCR Environment and Design
BA(Hons) BPhilLD CMLI	
Timothy Goodwin	Director, Ecology Solutions
BSc(Hons) MSc MEnvSc	
MCIEEM MIALE	
Desmond Dunlop	Managing Director, D2 Planning Ltd
BA(Hons) MRTPI	
Peter Dutton	Senior Planner, Gladman Developments Ltd
BA MA MRTPI	

INTERESTED PERSONS:

Cllr Gina Logan	Member of East Dorset District Council and Chairman of Alderholt Parish Council
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Local residents
Catriona Smith
John Hocking
Richard Kemp
Kevin Smith
Angela Connal
Debbie Jacobs
Judy Wheaton

DOCUMENTS

Documents submitted by the appellant

GLD1	Bernard Wheatcroft Ltd v Secretary of State
GLD2	Opening submissions
GLD3	Biodiversity Mitigation Plan (60 dwellings)
GLD4	Biodiversity Mitigation Plan (45 dwellings)
GLD5	Planning Policy Guidance extract: 21b-014-20140306
GLD6	Planning Policy Guidance extract: 3-033-20150327
GLD7	Draft unilateral undertaking
GLD8	Surgery opening hours
GLD9	Note on No 97 bus service
GLD10	Closing submissions

Documents submitted by the Council

LPA1	Appearances
LPA2	Responses to additional consultations
LPA3	Statement of compliance with CIL Regulations
LPA4	Rebuttal statement of James Smith – supplement
LPA5	Email from James Smith of 22 September 2017
LPA6	Opening submissions
LPA7	Bernard Wheatcroft Ltd v Secretary of State
LPA8	Coronation Power v Secretary of State
LPA9	Additional documents from Natural England
LPA10	Natural England – notes for site visit
LPA11	Response to Inspector's questions (CIL compliance)
LPA12	No 97 bus timetable
LPA13	Closing submissions
LPA14	Briels v Minister van Infrastructuur
LPA15	Orleans v Vlaams Gewest
LPA16	Sweetman v An Bord Pleanala
LPA17	Castro Verde (Commission of the EC v Portugal)
LPA18	Boggis v Natural England

Agreed documents

ID1	Statement of common ground
ID2	Disputed sites and housing land supply scenarios
ID3	Planning for the right homes in the right places
ID4	Suggested conditions
ID5	Final draft unilateral undertaking
ID6	Unilateral undertaking dated 10 October 2017

Other documents

OD1	Email from Jenny Clark of 23 September 2017
OD2	Requests for site visit by J Hocking
OD3	Confirmation of receipt of unilateral undertaking by Dorset County Council and East Dorset District Council

Schedule 1 – Conditions

- 1) Details of the appearance, landscaping, layout (including internal access roads, parking and turning areas), and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (Drawing number 7235-L-04)
 - Access Plan (Drawing number P16012-001D)
- 5) The details submitted in accordance with Condition 1 shall include a plan or plans that provide full details of finished floor levels of all buildings and the relationship between the proposed site levels and the surrounding ground levels. The submitted details shall include a site-wide topographical survey, along with cross-sections and long-sections of the proposed development relative to neighbouring development. Development shall be carried out in accordance with the approved details and shall thereafter be permanently retained as such.
- 6) No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a plan for the maintenance and management of the surface water drainage scheme, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The approved surface water drainage scheme shall be implemented prior to the occupation of the first residential unit and shall thereafter be retained and operated as such for the life of the development.
- 7) No development shall take place until a foul drainage scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the first residential unit and shall be retained as such for the life of the development.
- 8) No development shall take place until a scheme showing details of bicycle storage facilities has been submitted to and approved in writing by the local planning authority. The approved bicycle storage facilities for each dwelling shall be completed prior to its occupation and shall thereafter be permanently retained, kept free from obstruction and kept available for the purpose specified.
- 9) No development shall commence until a construction method statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include:

- a) hours and days of working
- b) vehicle routing and movement plans (number, size, type and frequency of movement)
- c) on-site provision for construction worker and contractor vehicle parking
- d) details of site compounds, offices and areas to be used for the storage of materials, parking, turning, surfacing and drainage details
- e) measures for dust suppression
- f) measures to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic
- g) details of a wheel washing facility
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- j) contact details for site managers and details of management lines of reporting
- k) a scheme for inspecting the highways serving the site at agreed intervals and providing any remedial works to the carriageway or verges

The approved CMS shall be adhered to throughout the construction period.

- 10) The details submitted in accordance with Condition 1 shall include provision for a locally equipped area of play (LEAP). The LEAP shall be laid out as approved prior to the occupation of the development.
- 11) The details submitted in accordance with Condition 1 shall include a scheme which demonstrates how at least 10% of the total regulated energy used in the dwellings will be provided from renewable sources. Development shall be carried out in accordance with the approved scheme and shall thereafter be permanently retained as such.
- 12) Development shall be carried out in accordance with the biodiversity mitigation plan (BMP) certified by Dorset County Council's Natural Environment Team on 30 August 2017. Any measures relating to the construction phase shall be adhered to throughout the construction of the development. Any measures relating to the operational phase shall be implemented in accordance with the BMP and shall thereafter be retained for the life of the development.
- 13) No external lighting works shall take place until a scheme of external lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include a lighting assessment with measures to prevent light-spill into the surrounding area. Development shall be carried out in accordance with the approved scheme and shall thereafter be retained as such for the life of the development.

- 14) No development shall commence until details of the proposed means of refuse and recycling storage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of each respective unit and thereafter shall be retained as such for the life of the development.
- 15) Prior to the occupation of the first dwelling a travel plan shall have been submitted to and approved in writing by the local planning authority. The travel plan shall include:
 - a) targets for sustainable travel arrangements
 - b) measures for the on-going monitoring of the travel plan
 - c) a commitment to delivering the travel plan objectives for a period of at least five years from first occupation of the development
 - d) mechanisms to achieve the objectives of the travel plan by the occupiers of the development
 - e) a scheme of implementation
- 16) No development shall take place, including any ground works or site clearance, until details of the means of protecting trees, shrubs and hedges within and adjacent to the site have been submitted to and approved in writing by the local planning authority. The details shall include the protection of roots from injury or damage prior to or during the development works. The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site. The approved means of protection shall be installed prior to the commencement of any building or engineering works or other activities on the site and shall be adhered to throughout the construction period.
- 17) No services shall be located within the root protection areas/exclusion areas of trees, shrubs and hedges shown on the submitted Arboricultural Assessment dated February 2017 prepared by FPCR, unless written approval from the local planning authority has been gained prior to any development commencing on site.
- 18) The development hereby permitted shall comprise no more than 45 dwellings with a maximum net gain of 44 dwellings.
- 19) No development shall take place until a Phase 2 contamination study has been carried out, in accordance with the recommendations set out in the Phase 1 Preliminary Risk Assessment by LK Consult Ltd, dated July 2016. Any such contamination found to be present shall be removed or rendered harmless, in accordance with details and a timetable to be submitted to and approved in writing by the local planning authority. If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to and approved in writing by the local planning authority. If any contamination has been found to be present at any stage, either before or during construction, no dwelling shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority, showing that all such

contamination has been treated, and the site rendered safe for occupation, in accordance with the contamination study and any further measures subsequently agreed.

- 20) No development shall take place until a scheme for providing pedestrian access to the site from Broomfield Drive has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to ensure that motorised vehicles are precluded from gaining access to the site from Broomfield Drive. The scheme shall be implemented as approved prior to the occupation of the development and shall thereafter be permanently retained as such.

End of conditions

Richborough Estates