Using a Novel Planning Mechanism to Deliver Good Biodiversity Outcomes

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Dorset Council

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Main Office: Dorchester, Dorset

Location

- Within the Poole basin heathlands
- Part of wider heathland network
- Adjacent to river Frome

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Historic Use

- Was part of a larger nuclear research site

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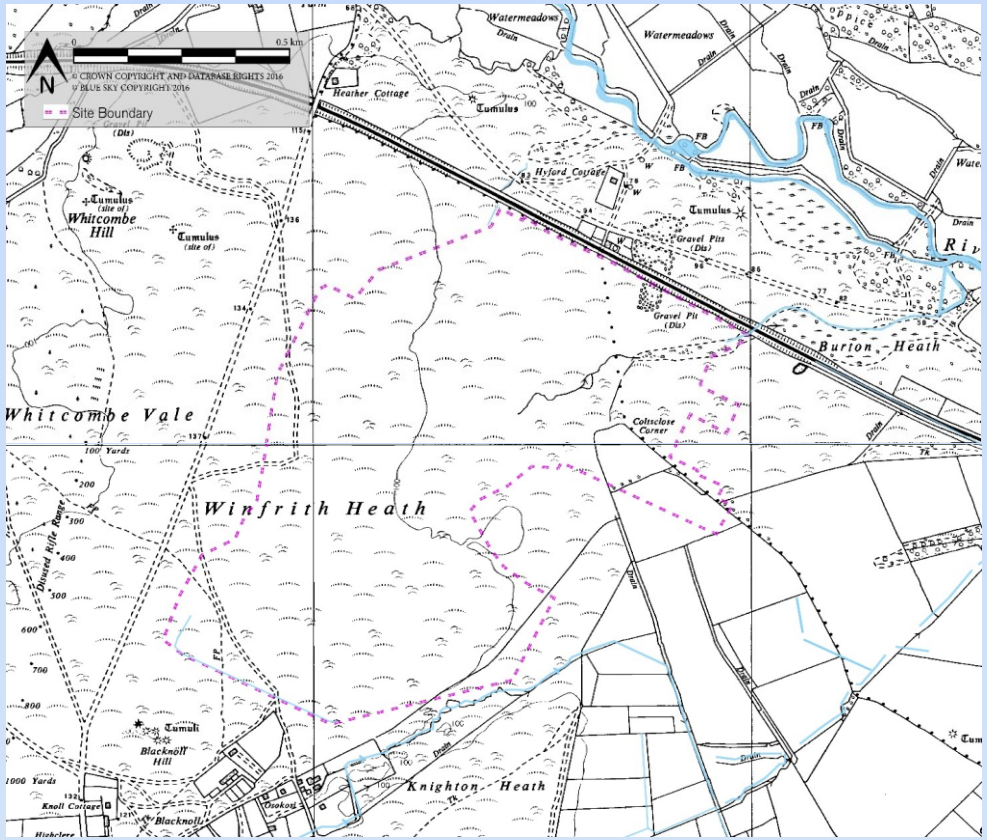
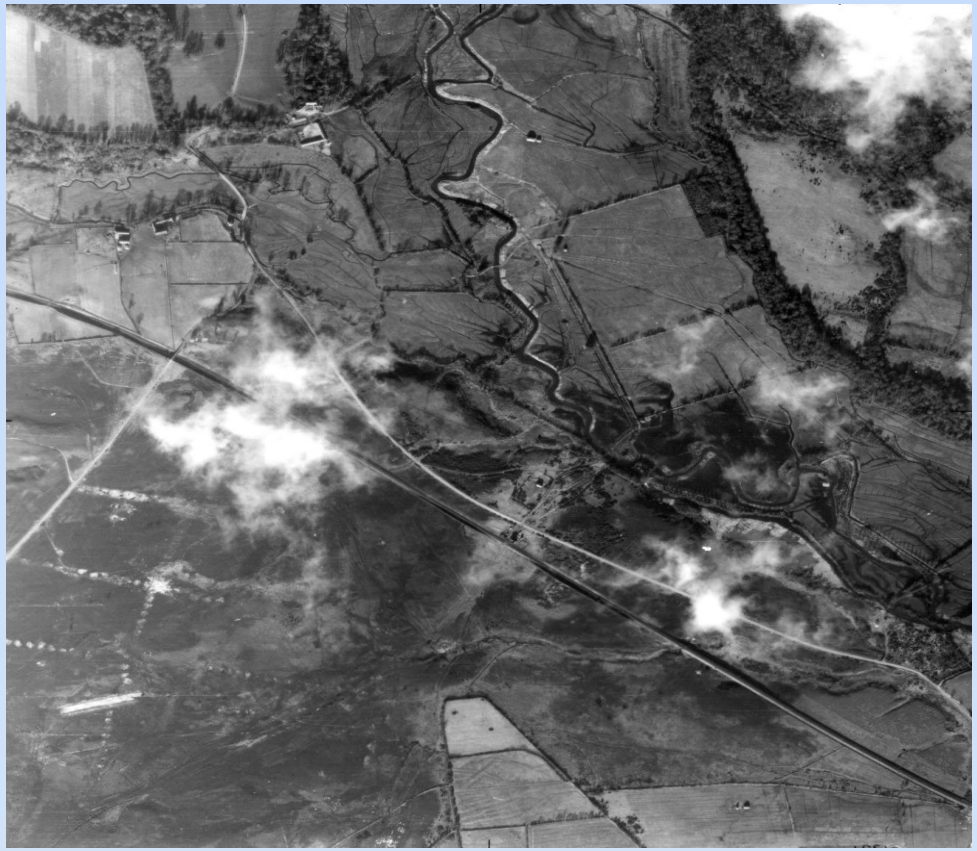
Historic Use



1930's



1947

Historic Use

1972

1997

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Ecological Resource at Innovation Park

Surveys carried out for previous planning applications and for the Local Development Order

Species include:

- Sand lizard
- Smooth snake
- Woodlark
- Bat assemblage including Barbastelle and Greater Horseshoe

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Ecological Resource

The main interest on site comprises large areas of acid grassland – priority habitat and rarer than heathland in Dorset.

- 2016 - 22 acid grassland indicator species including red list species:
  - Heath dog-violet *Viola canina*
  - Heath speedwell *Veronica officinalis*
  - Tormentil *Potentilla erecta*
  - Bearded fescue *Vulpia cilia subsp. ambigua*

- By 2018 indicator species had reduced to 17

Mowing regime changed to cut and collect

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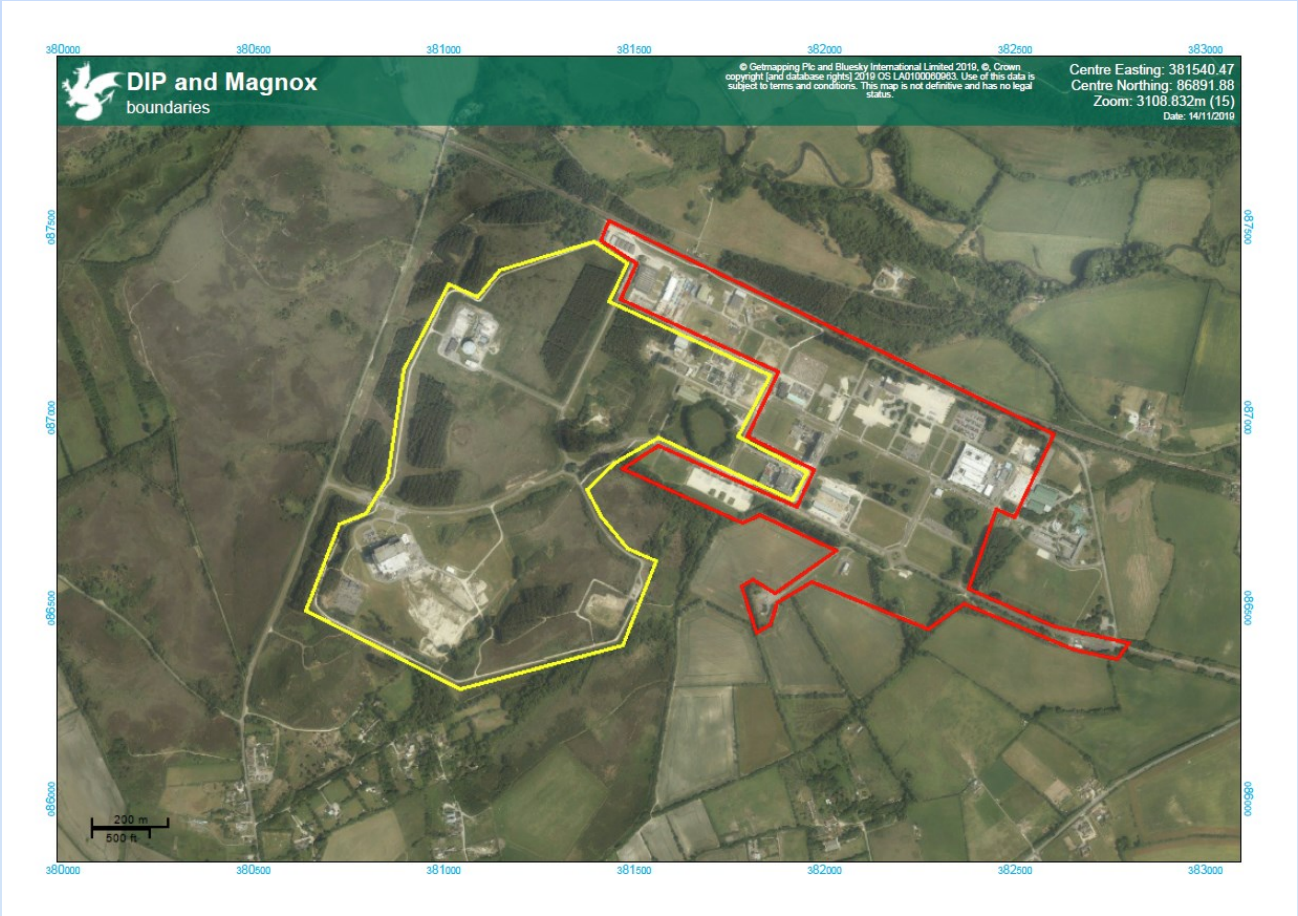
Current Use



- Whole site = 130ha
- Dorset Innovation Park = 40ha

- DIP area decommissioned in the late 1990's
- Various failed attempts at development

- 2017 designated an Enterprise Zone for 25 years.

- Attached conditions required:
  - Fibre broadband
  - **Simplified planning**

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Local Development Order

Planning Advisory Service:

- LDOs provide permitted development rights for specified types of development in defined locations.
- They are flexible tools that LPAs can use to help accelerate the delivery of appropriate development in the right places.
- They can play an important role in incentivising development by simplifying the planning process and making investment more attractive.

The Local Development Order at the Dorset Innovation Park is the first of its kind in Dorset.

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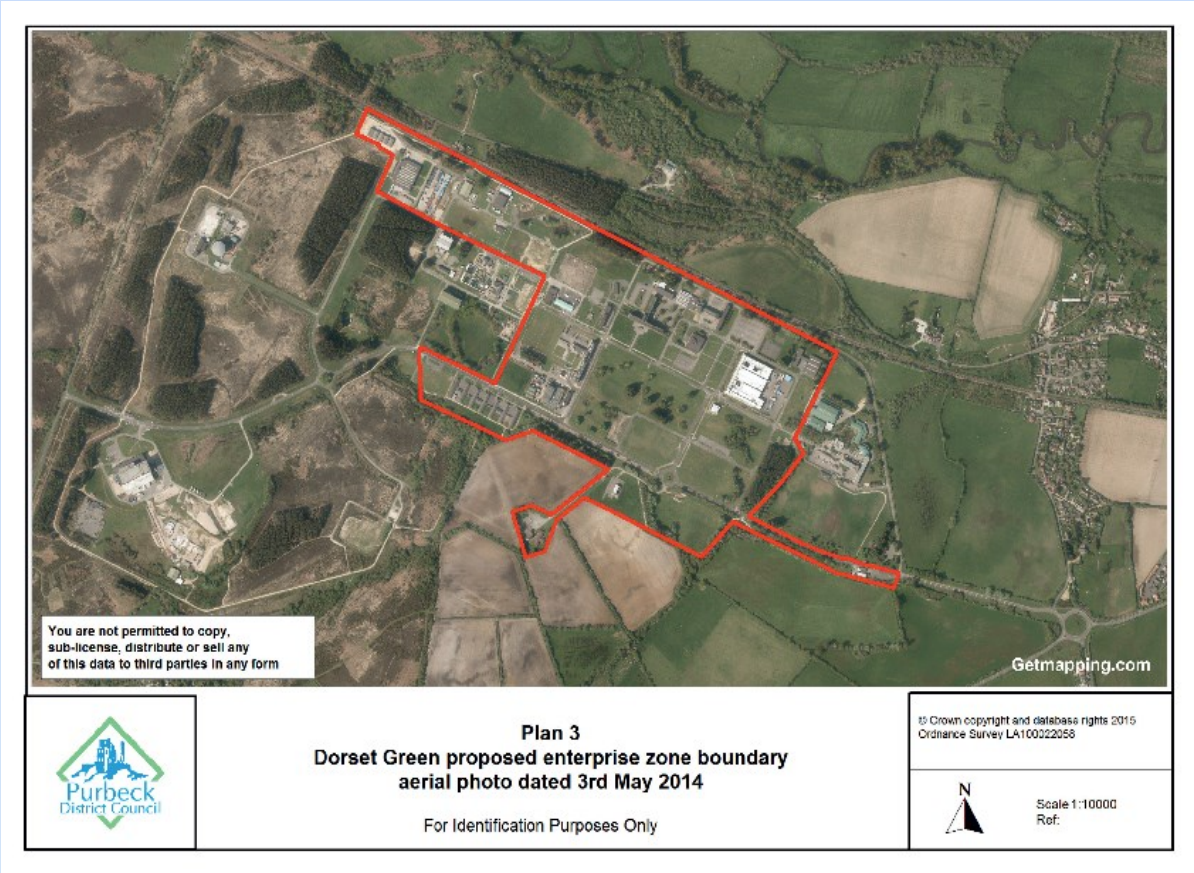
Local Development Order

- Covers time period consistent with the Local Plan.
- Deals with all constraints at start of process
- Removes the need for developers to apply for planning permission.
- Developers submit a 'pre-commencement notice' which must be processed in 25 days.
- Reduces associated costs.

Examples:

- Company 1: Used traditional planning - took 13 weeks, cost £12,000
- Company 2: Used the LDO – took 25 days and cost £500.



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How can we protect biodiversity while enabling the Local Development Order?

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Dorset Biodiversity Appraisal Protocol

- Was first used in 2007
- Is the 'preferred approach' in planning across Dorset.

https://www.dorsetcouncil.gov.uk/countryside-coast-parks/countryside-management/biodiversity/biodiversity-appraisal-in-dorset.aspx

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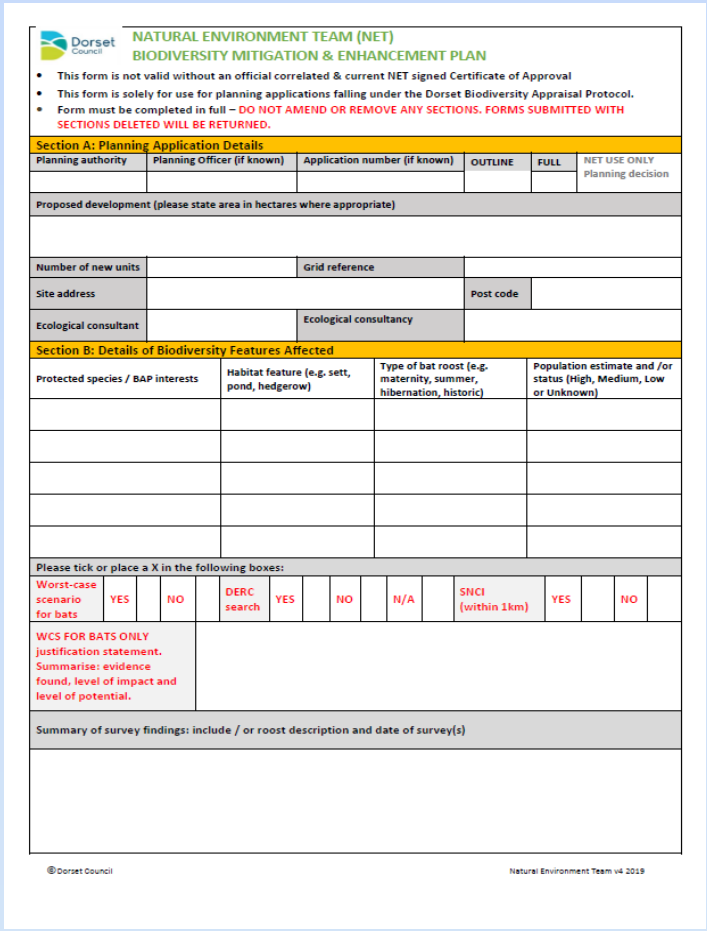
Dorset Biodiversity Appraisal Protocol

How it works:

- NET advise planning applicants if ecological surveys are needed
- Survey reports are submitted to NET with a Biodiversity Mitigation and Enhancement Plan, summarising all mitigation, enhancement and compensation.
- NET assess the information and issue a Certificate of Approval to accompany the BMEP
- The BMEP and CofA are submitted to planning and are conditioned when consent is granted



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NATURAL ENVIRONMENT TEAM (NET)
BIODIVERSITY MITIGATION & ENHANCEMENT PLAN

- This form is not valid without an official correlated & current NET signed Certificate of Approval
- This form is solely for use for planning applications falling under the Dorset Biodiversity Appraisal Protocol.
- Form must be completed in full – DO NOT AMEND OR REMOVE ANY SECTIONS. FORMS SUBMITTED WITH SECTIONS DELETED WILL BE RETURNED.

Section A: Planning Application Details

Planning authority	Planning Officer (if known)	Application number (if known)	OUTLINE	FULL	NET USE ONLY Planning decision

Proposed development (please state area in hectares where appropriate)			
Number of new units		Grid reference	
Site address		Post code	
Ecological consultant		Ecological consultancy	

Section B: Details of Biodiversity Features Affected

Protected species / BAP interests	Habitat feature (e.g. sett, pond, hedgerow)	Type of bat roost (e.g. maternity, summer, hibernation, historic)	Population estimate and /or status (High, Medium, Low or Unknown)

Please tick or place a X in the following boxes:

Worst-case scenario for bats	YES		NO		DERC search	YES		NO		N/A		SNCI (within 1km)	YES		NO	

WCS FOR BATS ONLY justification statement. Summarise: evidence found, level of impact and level of potential.	

Summary of survey findings: include / or roost description and date of survey(s)

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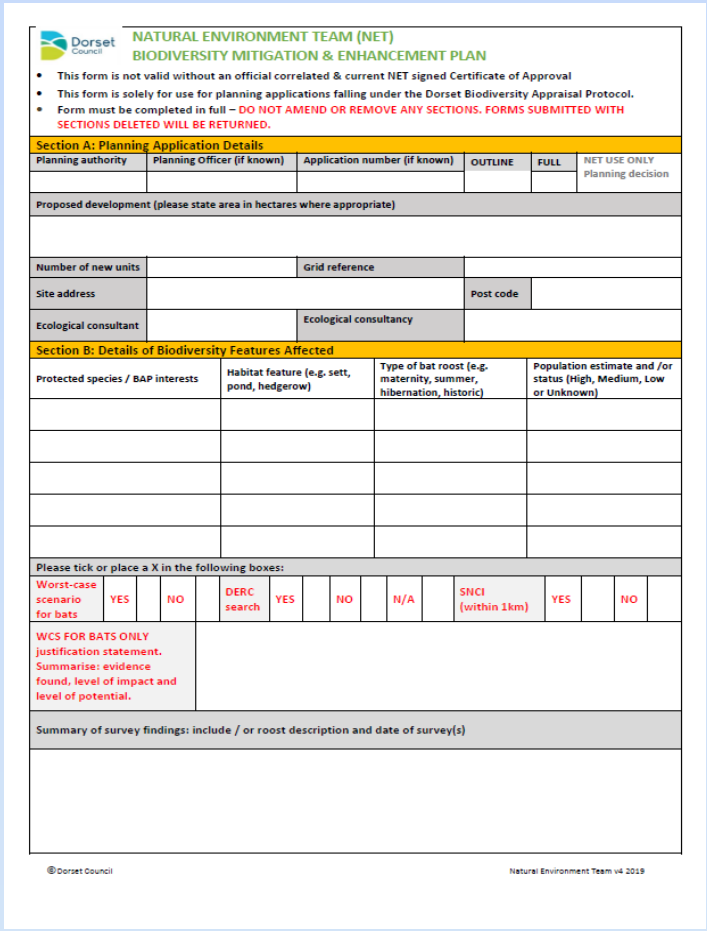
Dorset Biodiversity Appraisal Protocol

Benefits:

- The developer pays - generating income for Local Government Ecologists
- All mitigation, enhancement and compensation is summarised in the BMEP
- Financial compensation (for residual loss where mitigation is not possible) is calculated through the Dorset Biodiversity Compensation Framework, based on the DEFRA metrics.
- The BMEP is conditioned and therefore becomes enforceable
- Ecology is dealt with at the start of the planning process
- Applications are assessed by a Steering Group consisting of:
  - Natural England
  - Dorset Wildlife Trust



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The ecology strategy: how we did it…

The challenge:

- To devise an ecology strategy that enabled delivery of the quantum of development desired on the second largest employment allocation in the County

The issues:

- 41% of the site was covered in acid grassland priority habitat, 20% of which was species-rich. It could not all be retained
- Some of the best habitat was in the ‘wrong’ place, being prime development land
- Was the intended end-use compatible with the requirements of the important ecological features?
- How to control an ecological mitigation strategy over the 25 year duration of the LDO

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How we did it...

THE Acid grassland – TEAM





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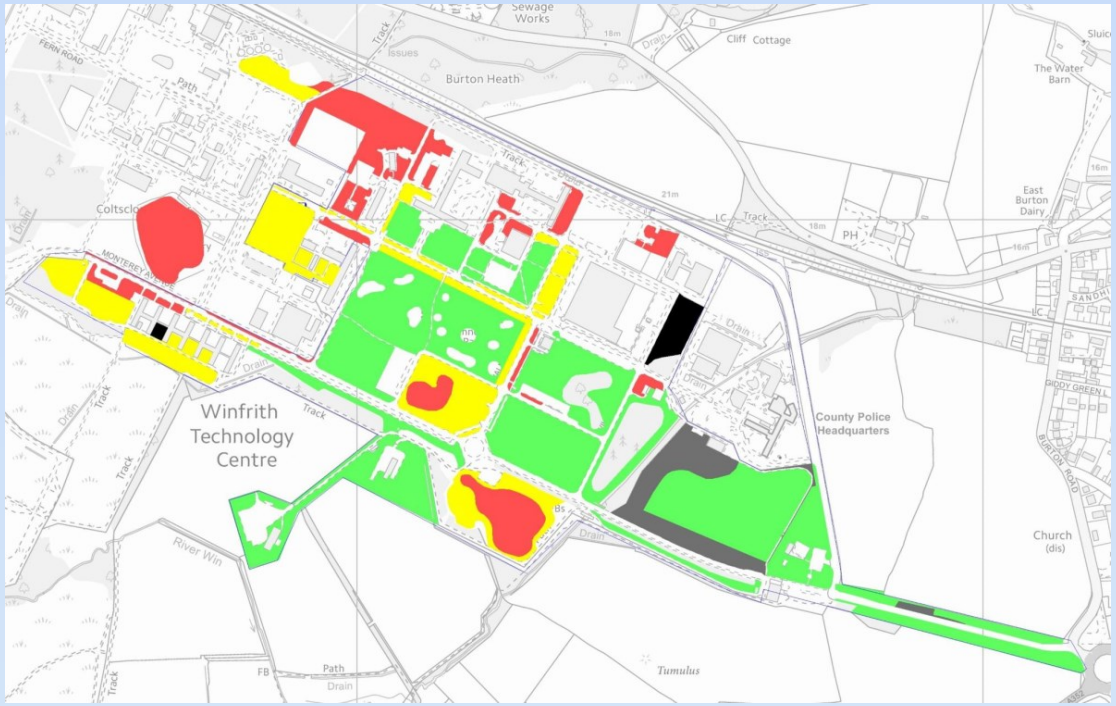
Data gathering (1)

- Re-evaluation of grassland importance; detailed mapping. Categorised into district (high), local (moderate) or site (low)



Data gathering (2)

- Determine what factors were influencing grassland importance. Edaphic conditions, management
- Investigate translocation potential and methodologies – learn from experience from nearby
- Cost estimates for mitigation measures: translocation is expensive!

The strategy (1)

Grassland Importance	Mitigation Rationale	Detail
High/district: **All to be translocated; most as soils rather than as turf**	Translocation of turfs to a suitably prepared receptor site. Only appropriate where turfs are well established and soil conditions enable turfs to hold together (e.g. **MP11**)	Receptor site to be prepared by topsoil strip and removal of arisings; preparation of soil bed. Turf cutting from donor site, transportation, laying and rolling. Timing: outside of plant growing season (ideally October to February, though can be extended) Mowing in April, June and September; remove arisings. No use of herbicides. **MP11** moved to **MP10**; **MP6** grassland moved to donor sites at **MP4** and **MP3**.
	Shredding of turfs and translocation of soils where grassland sward less structurally important or where unsuitable for turf cutting and transportation	Turfs to be translocated to be broken up and transported to receptor site, where they are to be spread, rolled and then aftercare as above.
	Skeletal soils/open habitat supporting bearded fescue and other pioneer grassland species	Collect (by machine) substrate with seed bank and relocate to receptor sites e.g. **MP3** where droughty conditions exist. Spread, rolled and cut, as above.
Moderate/local: **25% to be translocated**	Shredding or turfs as above and translocation to a suitably prepared receptor site	As above
	Optimal management of retained habitats e.g. **MP2**; other habitat creation and enhancements	Mowing in April, June and September; remove arisings Habitat creation within parkland to include planting of heathland species typical of the surrounding area
Low/site: **No translocation**	Maximise biodiversity potential of retained habitats through optimal management	Mowing in April, June and September; remove arisings. E.g. **MP8; MP9**

A design response that takes advantage of existing assets: placemaking principles.

Mitigation hierarchy embedded at the heart of the strategy. Proportionate approach and consensus between client, Dorset NET, Natural England, client:

- **No net loss of red grassland**: retain as much as possible *in situ*; translocate remainder as turfs or soils
- Translocate 25% yellow grassland
- Retain and enhance some green grassland
- Creation of conditions suitable for species such as bearded fescue, which prefers droughty, skeletal soils with little topsoil

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The strategy (2)

- Translocation of turfs or soils
- Importance of specialist knowledge and equipment
- Management of retained and newly created grassland (cut and collect) to maximise biodiversity potential and minimise adverse disturbance effects
- Interim management of areas yet to be developed to minimise risk of new issues
- Monitoring of grassland in years 1, 5 and 10 post works (fixed quadrats and photography)

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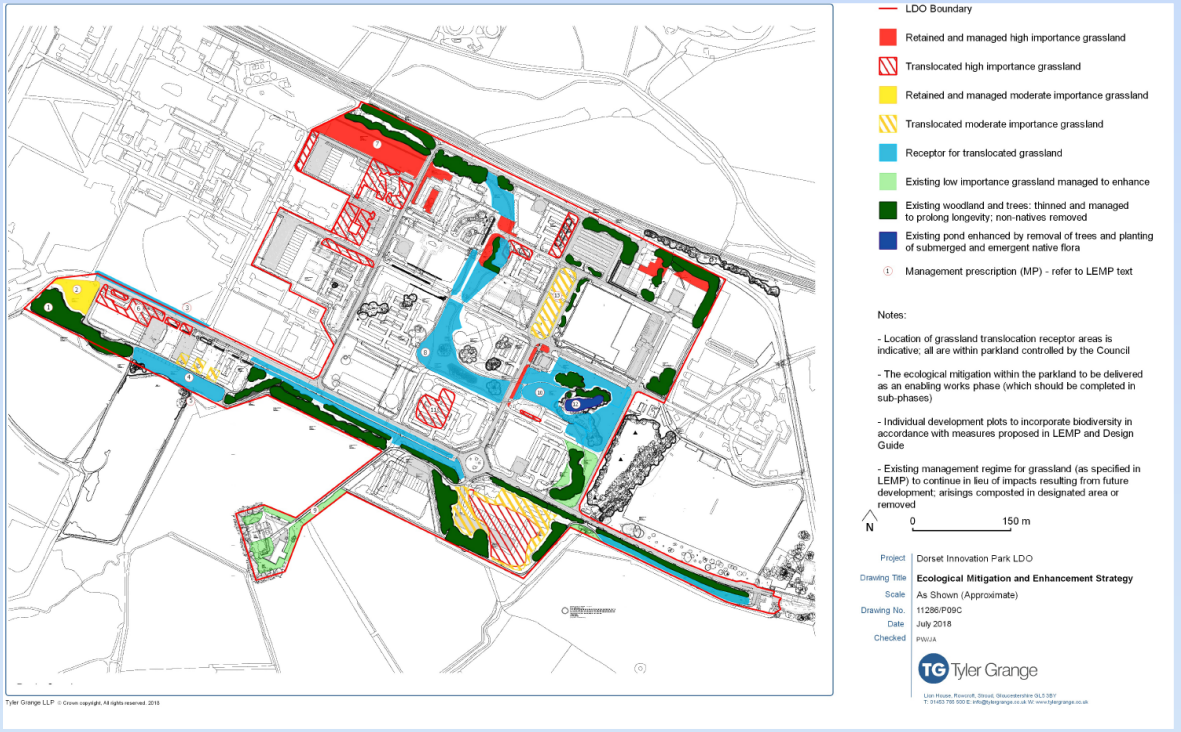
The strategy (3): green infrastructure framework



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The strategy (4): development plot habitat creation

HEATHLAND PLANTING


Pteridium aquilinum


Carex binervis


Deschampsia flexuosa


Agrostis curtisii


Erica ciliaris


Ulex minor


Vaccinium myrtillus


Native structure planting


Pinus sylvestris


Betula pendula


Self binding gravel paths


1.8m security weldmesh fence

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The strategy (5): costs

On-site Mitigation:

- Importance of costs estimated by contractor to inform viability, extent and methodology for on-site mitigation
- Translocation of soils cheapest method. Distance from receptor site important cost factor. Economies by using in-house expertise
- Costs shared ‘pro rata’ between developers; recovery of up-front outlay needed for early creation of site landscaping and usable GI

Grassland type	DBCF value	Total Area (ha)	Retained (ha)	Retained and enhanced (ha)	Translocated (ha)	Residual loss (ha)
Red	Local	3	1.05		1.95	0
Yellow	Local	4.5	0.22	0.22	1.05	3.01
Green	semi-improved poor	8.9	0.6	0.6	0	7.7
Total		16.4	1.87	0.82	3.0	10.71

Compensation:

- Residual loss requires compensation to achieve biodiversity net gain and policy compliance
- Dorset Compensation Framework used to calculate financial contribution
- Monies to finance restoration of adjacent protected heathland by Dorset Wildlife Trust; strategy to be agreed by Dorset Planning Forum

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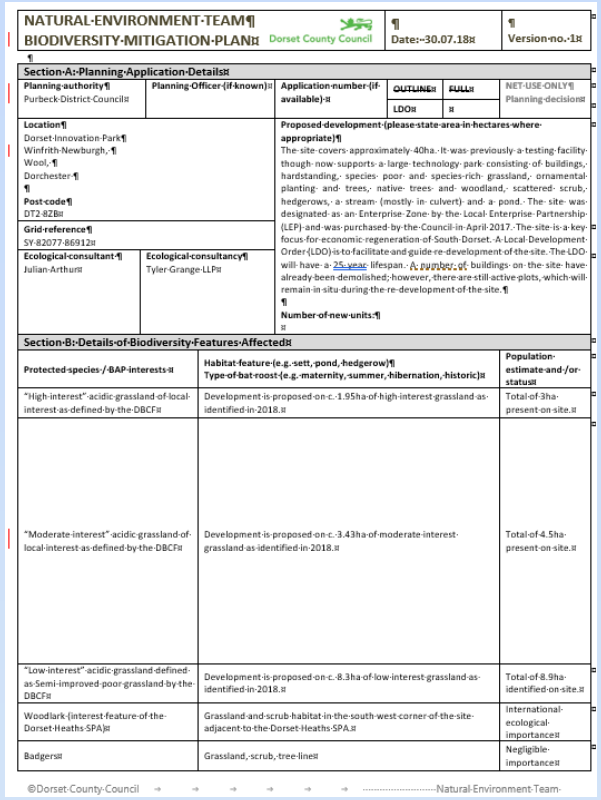
How the strategy is controlled



NATURAL ENVIRONMENT TEAM
BIODIVERSITY MITIGATION PLAN
Dorset County Council
Date: 30.07.18
Version no. 1

Section A: Planning Application Details

Planning authority: Purbeck District Council	Planning Officer (if known):	Application number (if available):	OUTLINE	FULL	NET USE ONLY: Planning decision:
		LDO			

Location: Dorset Innovation Park, Winfrith Newburgh, Wool, Dorchester, Post code: DT2 8ZB

Grid reference: SY 82077 86912

Ecological consultant: Julian Arthur

Ecological consultancy: Tyler Grange LLP

Proposed development (please state area in hectares where appropriate): The site covers approximately 40ha. It was previously a testing facility though now supports a large technology park consisting of buildings, hardstanding, species poor and species rich grassland, ornamental planting and trees, native trees and woodland, scattered scrub, hedgerows, a stream (mostly in culvert) and a pond. The site was designated as an Enterprise Zone by the Local Enterprise Partnership (LEP) and was purchased by the Council in April 2017. The site is a key focus for economic regeneration of South Dorset. A Local Development Order (LDO) is to facilitate and guide re development of the site. The LDO will have a 25 year lifespan. A number of buildings on the site have already been demolished; however, there are still active plots, which will remain in situ during the re development of the site.

Number of new units:

Section B: Details of Biodiversity Features Affected

Protected species / BAP interests	Habitat feature (e.g. sett, pond, hedgerow) Type of bat roost (e.g. maternity, summer, hibernation, historic)	Population estimate and / or status
"High interest" acidic grassland of local interest as defined by the DBCF	Development is proposed on c. 1.95ha of high interest grassland as identified in 2018.	Total of 3ha present on site.
"Moderate interest" acidic grassland of local interest as defined by the DBCF	Development is proposed on c. 3.43ha of moderate interest grassland as identified in 2018.	Total of 4.5ha present on site.
"Low interest" acidic grassland defined as Semi improved poor grassland by the DBCF	Development is proposed on c. 8.3ha of low interest grassland as identified in 2018.	Total of 8.9ha identified on site.
Woodlark (interest feature of the Dorset Heaths SPA)	Grassland and scrub habitat in the south west corner of the site adjacent to the Dorset Heaths SPA.	International ecological importance
Badgers	Grassland, scrub, tree lines	Negligible importance

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Progress on-site

- One translocation undertaken already to enable several development plots to come forward
- Significant area of GI to be created through grassland translocation in winter 2019/20
- Compensation funding secured through plot sale and already being put to use.

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What they thought:

Richard Wilson, Senior Planner, Purbeck District Council:

“A notable achievement was delivering a landscape and ecological mitigation plan which will maintain and enhance the on-site ecology in a way that will greatly enhance the environment of the site for its fauna and flora, but also for people who work and invest in the site.”

Nick Squirrell, Natural England:

“Natural England was closely involved during the inception of the Winfrith Innovation Park and the Local Development Order. The Dorset Biodiversity and Enhancement Protocol provided an excellent framework around which the Council’s Ecologist, Park Ecological Consultant and Natural England could put in place the necessary safeguards for this phased development whilst at the same time allowing flexibility for future developments. A clear package of guidance for planners and applicants has been developed for conserving a range of biodiversity from priority habitats and species to rare stress tolerant species such as Bearded Fescue across an extensive employment park.”

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Key messages

- The LDO has provided a long-term, simplified planning system for the planning authority that has been very effective on this heavily constrained site.
- The LDO requires the mitigation and enhancement strategy to be ‘front-loaded’, de-risking and providing certainty for business, and, importantly, avoiding delays.
- The Design guidance and LEMP provide a set of guiding principles that ensure there is an overarching strategy for the site.
- The compensation framework provides a mechanism to address residual impact and deliver net gains, with restoration of adjacent important habitats proposed.
- Benefits of collaborative working, made easier by the Dorset Biodiversity Appraisal Protocol and steering group ….. If you have a problem, if no-one else can help, and if you can find them, maybe you can hire your own ACID GRASSLAND – TEAM…

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Thank you to:

Richard Wilson: Senior Planner, Dorset Council
Alex Clothier: Dorset Council
Nick Squirrell: Natural England
Bryan Edwards: Dorset Environmental Records Centre
Tony Harris: Landscape Architect, Dorset Council
Rick Bossons: Alaska Environmental Contracting
Graham Stephens: Stride Treglown
Adam Anthony: Hydrock
Kay Geoghegan: Tyler Grange

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