

Bournemouth, Dorset and Poole Mineral Site Plan Examination

Session 14: Great Plantation

Response on behalf of Hanson UK to the Inspector's Matters, Issues and Questions

Question 84

Can the Strong Negative Impacts identified in the SA (ob.2-biodiversity) and the "very significant adverse impact" (Category A) identified in the Site Assessment on biodiversity (Criteria C1- C5) be adequately mitigated, particularly for i) European/international designations, ii) National designations, (e.g. SSSI) and iii) protected species?

The 'Strong Negative Impact' identified in the SA simply reflects the relative proximity of the site to the SAC/SSSI's in the locality. There would be no direct effect on the designations, and the SA acknowledges that the potential effects of recreational displacement would probably be "small" given the relative isolation from Wool and Wareham. This is consistent with a recreational displacement study undertaken on behalf of Hanson, which further noted the limited existing recreational use of the existing site based, inter alia, upon the relative isolation from the accessible car parks and open access land entrance points off the A352 to the south.

Hanson has also indicated that at the application stage there would be opportunities to make alternative land in their ownership available for recreation on sites to the west at Hyde Pit and at Warmwell Airfield.

It is thus not accepted that recreational displacement is a substantive issue which justifies a category of 'Strong Negative impact'. Similarly, given the exclusion of the designated areas from the site boundaries, it is not accepted that the working of the area could lead to any significant risk of adverse effects to European Sites.

Potential effects on protected species has been the subject of a suite of ecological surveys and assessments undertaken by Hanson, most recently in August 2017 in support of the promoted reduced site area (now reflected in the proposed allocation area AS06). The 2017 assessment highlighted the benefits of confining a development to the less sensitive northern area of the Great Plantation site, and that *"by omitting key priority wildlife sites from the proposals, the significant ecological impacts can either be avoided or adequately mitigated"*. It is thus not accepted that the potential effects on species represents a "Strong Negative Impact", and it is further noted that the SA acknowledges that, upon restoration, the effects would be *'minor positive'*.

The Category A impacts set out in the Site Assessment section on biodiversity have not been correctly applied and give an unduly negative impression. The Category A impacts have been carried forward from earlier iterations of the Site Assessments but have not been amended from Category A notwithstanding the very substantial changes to the promoted site area. "Category A" is also a function of the methodology where less significant impacts are deemed to be not applicable to international designations.

Hanson is confident that adequate mitigation measures are available in the form of:

- (1) The reduced site area confined to the less ecologically sensitive northern area of the originally promoted site;

- (2) The creation of a substantial open heathland ecological mitigation corridor as an improved reptile habitat and a potential receptor site for sand lizards and smooth snakes;
- (3) The creation of a functional link with the open heathland and the valley feature to the west, and the SAC heathland to the east; and
- (4) A greater emphasis on heathland restoration as part of the restoration scheme, as opposed to commercial afforestation.

Question 85

Have all significant matters been properly taken into account in these assessments and, if not, what matters require further consideration?

Hanson consider that all significant matters have been taken into to account via (i) the ecological assessments undertaken by Hanson; (ii) the consultation responses from Natural England; and (iii) the preparation of the 'Assessment under the Conservation of Habitats and Species Regulations 2017' (Nov 2017), hereafter referred to as the Habitats Regulations Assessment.

Question 86

Natural England's comments within the site assessment say".....it will be extremely difficult to find an area within Great Plantation where aggregate extraction would not be in conflict with NPPF policy and Habitats Regulations tests, both for habitats and species....." What are the Councils' views on this?

The comments referred to date back to 2015, at which time an area an area of some 75 hectares at Great Planation was under consideration as a potential allocation. The promoted site was reduced in extent in November 2016, and again in 2017 to a site area of only some 15 hectares (the currently proposed allocated site). The Natural England comments referred to have thus been superseded.

Discussions were held between Hanson, Natural England and Dorset County Council in June 2017 to review the spatial extent of the proposed allocation, and the opportunities for mitigation. This culminated in the submission in August 2017 of the revised reduced area of the proposed allocated site, confirmation of additional mitigation measures inherent in the revised area (focusing on a less sensitive site in ecological terms), additional mitigation in the form of an ecological mitigation corridor, and a revised concept restoration strategy focusing on heathland restoration. It is understood that Natural England are now content in principle with the scheme referred to in the revised reduced allocation, subject to further detailed consideration at the Planning Application/EIA stage of measures to mitigate effects on designated sites, species and recreational displacement. This position is reflected in Section 7.3.1 of the Habitats Regulations Assessment November 2017.

Question 87

Dorset Wildlife Trust is concerned about the impact on European sites and protected species including smooth snake, sand lizard and night jar. Can the nearby SPA, SAC and SSSI be adequately protected?

See above comments. The designated sites and protected species can be adequately protected via the reduced site area, species mitigation measures, ecological mitigation corridor and enhanced heathland restoration land uses.

Question 88

As the site is entirely on open access land, could there be negative impact due to the displacement of recreational users of this land?

See above comments. The Councils acknowledge in the SA that the Great Plantation site makes only a “small” contribution as a recreational site within the wider open access area. Any displacement of recreational uses will be limited and is capable of being mitigated by the provision of alternative land for recreational land in land ownership control of Hanson, via a phased development scheme which would limit the extent of the operational area at any one time, and by the restoration strategy which would make provision for informal recreational use.

Question 89

Is this a case for consideration of imperative reasons of overriding public interest?

This question will only arise if

- (i) A Habitats Regulations ‘Appropriate Assessment’ concludes that the development will have an adverse effect on the integrity of a European site, and
- (ii) the Assessment concludes that there are ‘no feasible alternatives to the proposed development’.

This is a matter for consideration at the Planning Application/EIA stage, when any Appropriate Assessment can consider the mitigation measures or conditions subject to which a permission may be granted in reaching a judgement as to whether the development would adversely affect the integrity of an European site. If the Appropriate Assessment concludes that there would be an adverse effect on the integrity of a European site, then the competent Authority must then adopt a sequential approach of considering whether feasible alternatives exist, if not, whether there are ‘imperative reasons of overriding public interest’ to allow the project to proceed, and then whether adequate compensation can be guaranteed. It is thus premature to consider whether ‘imperative reasons of overriding public interest’ applies at this stage.

Question 90

“Is this allocation in conformity with the MS, which states at paragraph 7.44” “No sites will be brought forward for sand and gravel extraction which fall within and/or are likely to affect European or internationally designated nature conservation sites”?

It is important to note that the remainder of paragraph 7.44 continues by stating that:

“Detailed assessments of the ecological and hydrological implications of sand and gravel working in the resource blocks close to European or international sites will be necessary to support sites to be taken forward into the Mineral Sites Plan. Where significant doubts remain over possible effects on European sites, a precautionary approach to avoid inclusion of such sites will be taken”.

It is apparent that a ‘detailed assessment’ of the Great Plantation site which lies “close to” a European site has been undertaken, and this has been sufficient to allow the Councils to support the site as an allocation. It follows that there is no “significant doubt” regarding the possible effects on the European site or whether these can be adequately mitigated - reference Habitats Regulations Assessment: November 2017. Read as a whole, there is no conflict with paragraph 7.44 of the Minerals Strategy.

It should also be noted that Policy AS1 of the Minerals Strategy does not preclude sites being considered within or in proximity to European sites: the test is to demonstrate that possible effects would not adversely affect the integrity of the European site.

Question 91

“The Site Assessment also identifies Category “A” Very significant adverse impact” for C8 - landscape capacity, C11 – archaeology, C12 – hydrogeology/groundwater, C13 – surface waters; the SA identifies Strong Negative Impacts for historic environment (ob.6), landscape (ob.7), and access to countryside (ob.18). Are there reasonable prospects of these harms being adequately mitigated?”.

Reference to the updated Site Assessment, May 2018 for Great Plantation, confirms that the conclusions have been revised to:

- C8: Landscape capacity – Category C “less significant Impact”;
- C11: Archaeology – Category B “significant adverse impact” but with mitigation, Category C; “less significant impact” (see also response to Question 92 below);
- C12: Hydrogeology/groundwater – Category C “less significant Impact”; and
- C13: Surface waters – Category C “less significant Impact”.

This reflects, inter alia, the reduced site area, and the acknowledgment that the above issues can be addressed by conventional mitigation measures at the detailed planning application/EIA stage.

The comments in the Sustainability Appraisal (SA) of November 2017 have also been superseded by tracked changes within the updated Site Assessment of May 2018 which reaches more positive conclusions with respect to the historic environment (c11) and landscape (c8), and where the previous SA conclusions of “Strong Negative Impact” have been downgraded via the updated Site Assessment.

The SA conclusion of ‘Strong Negative Impact’ with respect to access to the countryside (ob.18) is in our view incorrect based upon the circumstances of the site (ref responses to Q4 AND Q88 above). The Site Assessment (C23 and C24) reaches a conclusion of ‘Category B’ – Significant Adverse Impact, but this is based upon a premise of a *‘significant loss of recreational land but with opportunities for replacement to a similar or improved state, after development’*. For the reasons set out above, Hanson dispute the conclusion that here would be a ‘significant loss of recreational land’. However, it is important to note that these items of the Site Assessment are based upon the originally promoted 75 ha site, and comments from Dorset CC dated 16 October 2013. This element of the Site Assessment has not been updated to reflect the now much reduced site area at Great Plantation and the consequent much reduced potential for impact on recreational land.

Question 92

“Historic England indicates that there are numerous designated assets and their settings that would be directly impacted. In particular concern is raised about permanent major adverse changes to the landform and landscape, which would impact on three Scheduled Monuments: a Bronze Age round barrow and two sections of the Battery Bank linear earthwork. The Heritage Assessment (Context One) refers to numerous heritage assets. Can the harm to the significance of these assets be adequately mitigated?”

This issue has been discussed further between Hanson, Historic England and Dorset County Council, and a Statement of Common Ground has been prepared between the parties. This acknowledges the presence of the cultural heritage features referred to above but agrees an approach to a “setting assessment” to be undertaken as part of an EIA, the recommendations from which would assist in

defining a net extraction area within the allocated site. This in turn would seek to ensure that there would be no unacceptable adverse effect on the setting on the monuments both during the operational stages of the development, and via the design of a restoration scheme. The Statement of Common Ground concludes that the *“detailed studies to be undertaken at the planning application/EIA stage are capable of defining a net extraction area within the gross allocated site which would satisfactorily mitigate the effect on the setting of the existing monuments.....”*

Question 93

“Would the Councils explain how the balance in exercise has been carried out in weighing harms against benefits and reaching a conclusion to allocate?”

Councils to respond, but from Hanson’s perspective the identified “harms” are capable of being adequately mitigated at the detailed design stage, and such harms are outweighed by the benefits of the development in terms of continuity of supply from an existing operational sand and gravel quarry, providing reserves from the “Poole formation” which are in considerable demand as a construction aggregate.

Question 94

“Should the DG’s provide more direction on the mitigation measures required for nature conservation and other identified category “A” effects or Strong Negative Impacts.”

Councils to respond, but from Hanson’s perspective, the key issues relating to biodiversity have been listed in the DG. To provide some flexibility for the detailed design of mitigation measures, it is important that the Plan should avoid becoming unduly prescriptive in terms of mitigation measures.

Question 95

“Are there any other details that should be added to the DG’s including issues raised by statutory consultees and other representors?”

The Statement of Common Ground between Hanson, Historic England and Dorset County Council makes a recommendation for the inclusion of additional text with respect to the nature of the required cultural heritage setting assessment.

29th August 2018.