

David Jones
Regional Strategies, Housing and Planning Directorate
Government Office for the South West
2 Rivergate
Temple Quay
Bristol BS1 6ED

30 June 2010
By email and post

Dear Mr Jones

Request for call-in under Section 77 of the Town and Country Planning Act 1990 (as amended)

Application Number: 00/008824/084/P

Proposal: Development of land to provide 450 student units with ancillary facilities and 3,500 sq m of academic floorspace (2.88ha), 378 new housing units (11.42ha) public open space including buffer strip, pedestrian and cycle links and vehicular access from Boundary Road, Gillett Road, Purchase Road and Cutler Close.

Improvement works to heathland (15.64ha) including change of use of grazing areas (10.7ha) for nature conservation purposes, creation of swales/reedbeds, installation of fire hydrants and creation of fire access to heath and erection of cat proof fence, to include associated infrastructure and landscaping.

Location: Land south of Wallisdown Road, Talbot Village, Poole

I write to you with regard to the decision of the Borough of Poole, made on 9 June 2010, to recommend granting consent for the above development.

The RSPB has objected to the proposal and our consultation response is attached for your information.

I am aware that Natural England has kept you closely informed of its concern with this case and, given the significant issues raised, has written formally requesting call-in by the Secretary of State for his own determination at a public inquiry.

The RSPB agrees with Natural England that this proposal raises important issues which demand consideration at a public inquiry, which we highlight below.

The scheme

The proposal lies immediately adjacent to Talbot Heath in Poole. Talbot Heath forms part of the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC) (jointly the 'European sites'), the Dorset Heathlands Ramsar site and the Bourne Valley Site of Special Scientific Interest (SSSI).

Conflicts with UK and EU law

We consider that the proposal would have adverse effects on the special interests of the SPA, the SAC, the Ramsar site, and the SSSI, which hold habitats and species of international, European and national importance. Our reasons are as follows:

- These effects would be primarily caused through indirect 'urban' impacts, which are detailed in our attached consultation response. These indirect impacts are well understood and documented in scientific literature.
- Given the proximity of the proposal to the European sites and the Ramsar site, the application has been considered with regard to the requirements of the Habitat and Species Regulations 2010, in particular Regulations 61 and 62.
- The RSPB considers that the appropriate assessment prepared by the Council's environmental consultants is flawed and that it cannot be concluded that there is no adverse effect on the integrity of the European sites and the Ramsar site.
- The RSPB, together with Natural England, has serious reservations about the effectiveness of the range of mitigation measures that the appropriate assessment relies upon to conclude that there will be no adverse effects on the European sites. We are concerned that the proposed mitigation measures will not be effective, meaning that an adverse effect will not be avoided. In addition, some of the mitigation measures involve works within the European sites that risk damaging those sites directly. Full details of our concerns are set out in our attached consultation response.
- The Dorset Heathlands Interim Planning Framework (IPF) advocates no residential development within a 400m zone around European sites. The IPF is a local solution that has been developed and adopted by the Borough of Poole and the other SE Dorset local authorities. The majority of this proposal lies within the 400m zone, where NE advise on the basis of likely and unavoidable ecological effects, most residential development should be restricted.
- We do not consider that the proposal is one that would meet the "exceptional circumstances" noted at paragraph 2.4 of the IPF, whereby development is permissible within the 400m zone, and we do not accept that the package of mitigation measures currently suggested are capable of avoiding the likely harm to the European sites arising from this proposal.

- We consider that the proposal is also contrary to Policy PCS 28 – Dorset Heaths International Designations of the adopted Poole Core Strategy. This states that: “i. no development involving a net increase in dwellings will be permitted within a suitable buffer area around heathlands (normally 400 metres) unless, as an exception, the *form* of residential development would not have an adverse effect upon the sites’ integrity;” (emphasis added). We do not consider this proposal comprises a form of residential development that would either by its design or type (for instance as a residential care centre) avoid adverse effects on the integrity of the European sites.

Effects beyond the immediate locality

- The proposal also raises issues which extend beyond the local European sites and the Ramsar site. A similar heathland mitigation strategy to the IPF has been developed by local authorities and successfully operates in the Thames Basin Heaths, also based on restricting residential development adjacent to European sites. This proposal, its location and proposed mitigation response, has direct implications for the conservation of protected sites elsewhere in the UK, and risks undermining the successful work achieved at for example the Thames Basin Heaths.
- We consider the Council’s resolution to grant consent, contrary to the provisions of the IPF and the adopted Poole Core Strategy, and contrary to Natural England’s formal advice regarding the likely adverse effect on integrity, brings the proposal into direct conflict with UK and EU law. Consenting the proposal in such circumstances would, due to the harm to nationally, European and internationally protected sites, also give rise to controversy in a wider (both national and European) context.

Conflict with Coalition Commitment on biodiversity

- We also consider that the proposal runs contrary to the Coalition Commitment “to protect wildlife and ... to halt the loss of habitats and restore biodiversity.” We consider that any decision to depart from that commitment should rest with the Secretary of State.

Consequently and for the reasons set out above, we request and urge that Government Office South West, on behalf of the Secretary of State, call in this application for determination at a public inquiry.

Should you require further information please do not hesitate to contact me.

Yours sincerely



Tony Richardson
South West Regional Director
Enc. RSPB consultation response