

# **Natural England - Statement of Case as Rule 6 party**

**Statement Submitted on 24 September 2024**

**Application : Redevelopment of an existing hotel at the Knoll House Hotel, Swanage  
Dorset BH19 3AH**

**Appeal reference: APP/D1265/W/24/3348224**

**Dorset Council application ref :P/FUL/2022/06840**

**Appellant : Kingfisher Resorts Studland Ltd**

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## **1. Development proposal**

The appellant has proposed the redevelopment of an existing hotel at the Knoll House Hotel, Swanage Dorset BH19 3AH. The proposal set out the following details:

- 30 hotel rooms
- 22 apartments
- 26 villas
- 79 parking spaces
- 36 cycle spaces
- Restaurant and spa complex including indoor/outdoor pool
- Associated landscaping, public realm, biodiversity enhancements, drainage, access and servicing infrastructure.

During the course of the application process the number of apartments was reduced to 18 and the parking spaces to 75.

Natural England raised an objection to the application with Dorset Council in correspondence dated 9 May 2023 and 22 December 2023.

## **2. Natural England statement of case**

The includes C3 dwellings within 400m of the following designated biodiversity sites. These are protected for their heathland habitats and species which are of importance at national and international level:

- Studland & Godlingston Heaths Site of Special Scientific Interest (SSSI)
- Dorset heathlands SPA
- Dorset Heaths SAC

In addition the area is also a component of the Dorset Heathlands Ramsar, government advice in the NPPF (paras 188, 188) is that these areas should be afforded the same level of assessment and protection as *habitats* sites (SAC, SPA)

Much of the designated land in close proximity to the appeal site is managed as a National Nature Reserve.

There are extensive areas of Open Access land established under the CRoW Act 2000 which are collocated with the designated sites enabling public access by right. There are extensive Rights of Way routes and tracks across the sites.

It is without doubt that the application location draws heavily on the outstanding natural environmental features of the surrounding countryside and more widely Poole Harbour, the Isle of Purbeck and Jurassic coast. The implication that users and staff at the site will not access these attractions will be critically considered.

## **3. Adverse effects on habitats and internationally protected sites**

### **Dorset heathlands**

Natural England will provide evidence confirming the nature of adverse effects on the above designated sites which arise from an increases in recreation related access. The relevant effects and increased risks due to increased levels of access by the visitors and staff employed at the facility enabled by the application will be detailed.

Natural England will present evidence that the increase in units classified as C3, which is contrary to the evidence led position set out in the Councils Dorset Heathlands Planning Framework (2020 – 2025) SPD, will lead directly harm to the designated sites.

The proposal will lead to an increase in visitors and employees at the appeal site. The application details have been subject to scrutiny and a lack of certainty over the current and likely future levels of occupancy/visitors and staff has led to serious concerns and a precautionary approach to consideration of visitor numbers to the protected sites and their activities. An initial survey of visitors to the surrounding designated sites is seriously flawed and unreliable. The underlying evidence that an appropriate level of certainty regarding the proposal is absent will be presented.

Mitigation measures have been proposed by the appellant which Natural England consider will not provide a sufficient level of certainty such as to ascertain that there will not be harmful effects on the designated sites.

In part the mitigation measures proposed by the appellant rely on the control of land owned by the National Trust. There is currently no legally secured agreement with the landowner and the duration of any agreement does not extend beyond a 20 year period. Delivery of mitigation measures is required to be secured for the duration of the effects arising eg the development which is considered to be in perpetuity and therefore beyond the control of the appellant and hence uncertain.

The overarching mitigation approach to recreational effects set out by the appellant will be shown to be flawed because it is reliant upon the monitoring, detection and enforcement actions of the Council.

The appellant has recently submitted proposals relating to the avoidance of harmful water quality effects on the Dorset Heathlands SAC. These proposals are not at this time fully developed such that it may be concluded that they do not in themselves lead to harm and as they will involve land owned by the National Trust and not currently subject to a legal agreement must be considered as uncertain. The appellant will need to demonstrate that the measures are both deliverable and agreed by the landowner. Natural England will present evidence to confirm the adverse effects on the SAC and Ramsar if effective measures are not secured.

#### **Poole Harbour SPA/Ramsar**

The proposal will result in additional levels of occupancy and hence recreational access to Poole Harbour SPA. These evidence for the recreational adverse effects will be provided but may be secured through contributions to an existing Strategic Mitigation strategy which may be secured in advance of the appeal.

#### **Protected species and lighting**

Natural England will present evidence that harm to night foraging species, nightjar and bat species is likely to occur in the absence of a Lighting Strategy supported by further information confirming where specific lighting will be located and that a suitable binding condition is in place to secure this measure. Displacement of SPA birds and European protected bat species from foraging habitats constitutes harmful effects.

#### **4. Development Plan**

Natural England advise that the application will have an adverse effect on a number of habitats International and nationally protected nature conservation sites and is therefore contrary to the following policies in the Purbeck Local Plan 2018-2034 (adopted 2024):

- Policy E7: Conservation of protected sites

- Policy E8: Dorset heathlands
- Policy E9: Poole Harbour

The Council has worked closely with Natural England to develop detailed and evidence led supplementary planning documents (SPD), the application is in conflict with the Dorset Heathlands Planning Framework (2020 – 2025) SPD and the Poole Harbour Recreation SPD.

The application is assessed as a major development within the Dorset National Landscape and Natural England concur with the view of the Council that it is contrary to policy E1: Landscape.

## **5. Conclusion**

The application proposes development of use C3 within 400m which will result in increased recreation related adverse effects on the habitats and Internationally protected sites. The nature and results of these effects on the Dorset heathlands will be evidenced.

The information supplied in the application will be critically reviewed, in particular the lack of clarity about the resulting visitor levels will be explored in relation to the requirement for certainty under the Habitats Regulations 2017 as amended. The veracity of key areas of the appellants evidence will be considered.

Mitigation measures proposed have not been secured for consideration, are not on land under the legal control of the appellant and have not been agreed with the landowner. Some mitigation measures rely on the intervention of the Council for enforcement which is therefore uncertain. The duration of the appellants leasehold over surrounding land will not extend to the duration over which adverse effects will continue eg in perpetuity. Therefore these measures must be considered as uncertain and therefore discounted from consideration.

The application will have adverse effects on a number of habitat and international sites which may not be demonstrated to be securely mitigated against.