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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
20th meeting

Strasbourg, 27 November – 1 December 2000

FILE FOR INFORMATION

**Report on the conservation of heathlands in Dorset
(United Kingdom)**

*Report by
the Department of Environment, Transport and Regions
of the United Kingdom*



**REPORT ON THE CONSERVATION OF HEATHLANDS IN DORSET
TO THE 20TH MEETING OF THE STANDING COMMITTEE
BY THE UNITED KINGDOM**

SUMMARY

Following an on the spot appraisal conducted in July 1998 and the Standing Committee's consideration of the appraisal report at its meeting later that year, the United Kingdom was asked to provide a report in advance of the 2000 Standing Committee.

The United Kingdom Government is pleased to have the opportunity to demonstrate its commitment to the effective conservation and protection of Dorset Heathland and the species which it hosts and to report on a number of important national and local initiatives which address the concerns about pressures on the heathland resource from illegal firesetting, development control and recreational activities.

This report provides a commentary on current and planned initiatives under the broad headings used in the on-the-spot appraisal report and recommendation. The main points can be summarised as follows:-

- Strong new legislation to protect nationally designated sites and species, including measures to combat neglect, regulate potentially damaging activities and prevent reckless damage and disturbance.
- Revised and strengthened land use planning policies.
- £3.7 million project funding for heathland management and habitat restoration.
- £2.7 million bid submitted for EU funding for fire monitoring, and prevention, wardening public awareness building and community education programmes.
- Reviews of 25 minerals consents and over 2,000 other permissions to negate adverse impacts on the integrity of heathland sites.
- New powers to regulate rights of way.
- Police and Fire Service initiatives to prevent firesetting and to target the most vulnerable areas for special attention.

- Targeted heathland restoration initiatives under the UK Biodiversity Action Plan aimed at reducing fragmentation of the heathland resource.

The report emphasises the long-term commitment and nature of many of the actions underscoring the United Kingdom's resolve to address the concerns which gave rise to the appraisal visit.

Introduction

1. At its 17th meeting the Standing Committee accepted the invitation of the United Kingdom to carry out an on-the-spot appraisal to look at concerns raised about the conservation of heathlands in Dorset and, in particular, those relating to the heathland areas in the eastern part of the County of Dorset. That appraisal was undertaken by Mr Hans de Molenaar in July 1998.
2. Mr Molenaar's report was submitted to the 18th meeting of the Standing Committee as T-PVS (98) 29. In welcoming Mr Molenaar's report and the adoption of Recommendation 67 by the 18th meeting of the Standing Committee, the United Kingdom undertook to present a report to the 20th meeting of the Committee in 2000.
3. This report fulfils that commitment. Publicly available documents referred to in this report can be supplied on request.

Overview

4. Recommendation 67 has been an important point of reference over the last two years for those statutory bodies in the United Kingdom exercising functions affecting the heathlands of Dorset and which involve nature conservation considerations, including central Government itself.
5. In common with many other Contracting Parties, and particularly those who are European Union members, the United Kingdom's nature conservation legislation and policies seeks to meet not only its obligations under the Convention but also those arising from the European Community Birds and Habitats Directives and other international conventions such as Ramsar and the Convention on Biological Diversity.
6. Over the past two years, there has been a great deal of activity and some promising developments. Nonetheless, many of the issues covered by the on-the-spot appraisal report can only be addressed over the long term. This report should be seen in that wider context. The United Kingdom remains committed to the effective protection of the heathlands of Dorset and the species which they host.

General policy developments in the UK

7. A number of recent nature conservation policy developments in the UK, are particularly relevant to the Dorset heathlands and will contribute to their protection and enhancement.

8. Legislation which will substantially strengthen the legal protection of the national network of protected sites (Sites of Special Scientific Interest, commonly referred to as SSSI) in England and Wales is currently before Parliament. 97% of the Dorset heathland resource is designated as SSSI. It is anticipated that these provisions, contained in the Countryside and Rights of Way Bill, will become law later this year. Amongst other things, they will:-
 - ◆ give English Nature new powers to refuse consent for damaging activities and also to combat neglect through the service of legally binding management notices on landowners ;
 - ◆ increase penalties for deliberate damage and a new court power to order restoration;
 - ◆ improve powers to act against cases of third-party damage including the creation of a new offence of intentional or reckless damage or disturbance to the interests for which Sites of Special Scientific Interest are notified; and
 - ◆ place a statutory duty on all public bodies to further the conservation and enhancement of Sites of Special Scientific Interest.
9. In addition, the new provisions will enhance the protection given to species already protected under domestic legislation by including reference to reckless damage or disturbance. Increased penalties will also allow for imprisonment for up to six months for most offences.
10. The passage of the Countryside and Rights of Way Bill into law will be accompanied by other non-statutory measures including the publication of revised and strengthened land use planning policy guidance on nature conservation to replace the current version of Planning Policy Guidance Note 9 published in 1994. Taken together, the statutory provisions in the Bill and the accompanying measures will provide a substantially enhanced nature conservation protection framework and have been widely welcomed by UK nature conservation organisations, including the major voluntary conservation bodies.
11. 96% of the Dorset heathland resource is also covered by one or more international designations under the Ramsar Convention, the EC Birds Directive and the EC Habitats Directive. Since February 2000, all English candidate Special Areas of Conservation have been given the same statutory protection as sites classified as Special Protection Areas under the Birds Directive. A policy statement covering listed Ramsar sites in England which is due to be published shortly will give those sites the same protection as is afforded to candidate Special Areas of Conservation and classified Special Protection Areas.
12. As part of its Biodiversity Action Plan process, the United Kingdom published a costed Habitat Action Plan for lowland heath which set a target for the re-establishment of 6,000 hectares of lowland heathland by 2005 i.e. an increase

of 10% above the current resource. The allocation of £14 million by the Heritage Lottery Fund to the Tomorrow's Heathland Heritage scheme co-ordinated by English Nature and which aims to reverse the loss of lowland heath will make a major contribution to the meeting of this target. Currently, around 2,000 hectares is being recreated in different parts of England. A further 57 Action Plans have been prepared for species associated with lowland heath, all of which will benefit from its improved management, reduced fragmentation and increasing range.

13. In addition, Forest Enterprise and the Ministry of Defence have agreed to prepare national action plans with specific targets for heathland restoration and management of heathland in their ownership by the end of 2000.

New heathland management initiatives in Dorset

14. In June this year, funding through the Tomorrow's Heathland Heritage was approved by the Heritage Lottery Fund for Hardy's Egdon Heath project in Dorset. The project runs for five years commencing in October 2000 and has a total value of £3.7 million. The project's targets for heathland management and habitat restoration are:

- ◆ tree and scrub clearance on over 1,000 hectares;
- ◆ bracken control on 450 hectares;
- ◆ gorse control on 80 hectares;
- ◆ introduction and extension of grazing schemes covering an area of 1,500 hectares; and
- ◆ 94 hectares of heathland recreation within forestry plantations.

The Dorset project is one of first five phases of the Tomorrow's Heathland Heritage scheme, which will together deliver 36% of the UK Biodiversity Action Plan Target for lowland heath recreation

15. A consortium of Dorset statutory and voluntary organisations have been working for some time on a bid under the EU LIFE Nature fund. Submission of the bid has, unfortunately, been substantially delayed by the failure to agree a LIFE III instrument by Europe. A bid is being submitted in Autumn 2000 in response to the first call for proposals under the new LIFE instrument. Included within the bid, which will total almost £2.7 million, are:-

- ◆ Enhancements to the ability to prevent and tackle heathland fires through, amongst other things,-
 - The preparation of site fire plans
 - Improving access to sites for fire fighting equipment

- Establishment of a comprehensive system of fire breaks
- Additional on-site wardening
- A volunteer fire warden scheme
- ◆ Education programmes to increase awareness and prevent inappropriate use of the heathlands; and
- ◆ Community action programmes to promote support for heathland conservation.

Planning Issues

16. The UK's land planning system incorporates a strategic approach, which seeks to guide development to the most appropriate areas coupled with a requirement for consent for all but the most trivial of developments. Heavily populous areas such as the Bournemouth/Poole conurbation inevitably pose dilemmas about the balance, which should be struck between development pressures and the protection of the surrounding countryside and its conservation interests.
17. The Secretary of State is currently considering recommendations arising from the Examination in Public of draft Regional Planning Guidance for the South West (i.e. the top tier in the strategic planning process). Its recommendations endorse policies aimed at:
 - ◆ Making the best use of land and buildings within existing urban areas through conversion, appropriate redevelopment and significantly increased residential and building densities;
 - ◆ Seeking sustainable locations for new development; and
 - ◆ Continued conservation and enhancement of important nationally and internationally designated areas.

Once issued in early 2001, the Regional Planning Guidance will be carried forward in the overall approach to planning and the next generation of local planning strategies for the Dorset Area.

18. Concern was expressed prior to and during the on-the-spot appraisal visit about the potential for further loss of the heathland resource to road building activities. In addition to the assurances given at the time that any transport proposals which would significantly affect a Site of Special Scientific Interest will not go ahead unless it is clear that the net benefits in terms of other objectives clearly override the environmental disbenefits and there are no better alternatives, the UK Government, as part of its Transport 10 Year Plan to deliver integrated transport systems, has said that options for any new road schemes will be assessed using the 'New Approach to Appraisal' to ensure

decisions are based on a balanced view of economic, environmental, safety, and accessibility factors.

19. The decision to delete a proposed new road (the Sandford By Pass) from the Dorset County Structure Plan and Purbeck Local Plan, which would have crossed part of the Dorset Heathlands, was influenced, in part, by the issues raised in Recommendation 67. In addition, the Secretary of State for the Environment, Transport and the Regions has intervened to require the production of environmental impact assessments for proposals at Poole for a cycling sports complex and at St Leonards for care accommodation because of their potential impacts on the heathland resource. In the latter case, specific reference was made to Recommendation 67 in the Secretary of State's direction.
20. Another area of concern at the time of the on-the spot-appraisal was the potential loss of heathland habitat to the continued working of extant minerals consents. Following the classification of the Dorset Heathland Special Protection Area and the submission of two areas as candidate Special Areas of Conservation under the Habitats Directive in 1998, local planning authorities now have obligations to review and assess all consents likely to have a significant effect on those sites. Where such a consent will have an adverse effect on the integrity of any of those sites, planning authorities are obliged to take measures to negate those effects by, say, modification or revocation of the consent.
21. Dorset County Council, as Minerals Planning Authority, is currently reviewing 25 mineral sites where extant planning permission exists for development that may significantly affect heathland within the Special Protection Area or candidate Special Areas of Conservation in Dorset. It has been established that there is now no immediate threat to these heathlands from currently permitted mineral developments. At Masters and Hyde Sand Pits, which was visited during the course of the on-the-spot appraisal, the site operator has given a commitment not to extend mineral operations further. The operator and Dorset County Council are jointly investigating the feasibility and acceptability of alternative sand resources being worked in substitution for the reserves underlying the heathland.
22. The review requirements for Special Protection Areas and candidate Special Areas of Conservation apply to consents other than those given through the planning system. For example, English Nature is currently discussing with the Environment Agency the possible review of approximately 60 waste licences, 1000 discharge consents and 1,000 abstraction licences given by the Agency or its predecessor bodies under integrated pollution controls or water legislation which might significantly affect the Special Protection Area or two candidate Special Areas of Conservation.

Recreational activities on the heathland

23. Many of the concerns about damage to the heathland centre on inappropriate recreational activities and irresponsible acts by those exercising otherwise legal rights of access. The Countryside and Rights of Way Bill, when it

becomes law, will reform and improve the statutory frameworks governing rights of way and will give local authorities an obligation to consider nature conservation in the exercise of some of their rights of way functions and new powers to divert rights of way to protect Sites of Special Scientific Interest.

24. The stronger penalties available under the Bill in relation to wildlife offences, the extension to species protection and the new offence to combat third party damage to Sites of Special Scientific Interest will all help to ensure that recreational use of the heathland is both responsible and does not compromise conservation interests.

Policing and wardening

25. The Dorset Police's Wildlife and Environmental Strategy has as one of its priorities an objective of protecting the heathlands from damage. The Police Service has been working closely with English Nature and the Dorset Fire Service to target the most vulnerable areas, to exchange intelligence and to increase public awareness.
26. The bid for funding under LIFE Nature (see paragraph 14) includes substantial investment in additional wardening for 'peak' periods at vulnerable locations and the setting up of volunteer wardening initiatives.

Fire threats

27. The inclusion of a new offence in the Countryside and Rights of Way Bill of intentional or reckless damage or disturbance to the interests for which a Site Of Special Scientific Interest has been notified was, in part, a direct response to unease expressed prior to the on-the-spot appraisal about the effectiveness of existing legislation to combat firesetting on the heathland.
28. The LIFE Nature bid includes the establishment of a comprehensive system of fire breaks as advocated in Recommendation 67 together with enhanced fire fighting facilities at Canford Heath, one of the most vulnerable sites, and improved co-ordination of responses to fire incidents. The bid also seeks to establish improved monitoring and data collection, building on the recommendations in a contract let by DETR after the on-the-spot appraisal visit '*Monitoring Heathland Fires In Dorset*'. The work commissioned under the contract included:-
 - ◆ establishing the extent of existing records of heathland fires held by local bodies;
 - ◆ collation and analysis of those existing records;
 - ◆ identification of any significant patterns or trends from existing records; and
 - ◆ recommendations for a simple, standardised but effective means of collecting information on future heathland fires;

An extension to the contract, part funded by English Nature, also examined the effectiveness of fire prediction systems.

29. The research work confirmed much of the anecdotal evidence implicating juveniles in firesetting. It was also helpful in providing a much clearer picture of the vulnerable periods and sites enabling site managers and statutory authorities to focus in on these.
30. It is too early to comment in any meaningful way on the underlying trend in heathland fires in the relatively short period following the on-the-spot appraisal visit. Whilst the raw data shows an increase in number for the last full year, this is partly accounted for by better detection and monitoring of fire incidents and takes no account of the variations in risk factors such as the weather. The Fire Service are currently piloting a new risk assessment system at Canford Heath.

Public Awareness

31. Dorset Fire Service have a formal published target of reducing heathland fires in 2000/01 by 5% over the previous 5 year average. To do this, they will be working closely with other agencies, including the Police and local authorities, to raise the profile of the risks to heathland from firesetting and to give advice to local communities in areas with vulnerable heathland sites. In addition, the Fire Service has developed an education package as part of its 'Hoax and Heath' campaign for use within the community by all fire stations which highlights heathland issues.
32. The Fire and Police Services have already identified and visited local schools in areas with high numbers of heathland fire. 'Operation Heathland', a joint initiative with the voluntary conservation organisations focuses on firesetting and targets young people through schools. 'Operation Heathland' incorporates a Junior Heathwatch scheme which encourages young people to become involved in finding solutions to the problem of juvenile firesetting.
33. The bid for funding from LIFE Nature includes proposals for community education aimed at increasing awareness of heathland issues and building support for future management initiatives. Specific programmes aimed at juveniles seek to reinforce positive attitudes. The proposals for volunteer wardening and a junior heathwatch scheme will also help by encouraging active participation of local communities in the management and protection of the heaths.

Monitoring

34. The proposals in the LIFE bid would significantly enhance co-ordinated data management on fires and the condition monitoring of damaged areas.

Restoration

35. Restoration of damaged areas remains a priority. The provisions of the Countryside and Rights of Way Bill will enable the Courts to order restoration by a person convicted of damaging or destroying the features of conservation interest on a Site Of Special Scientific Interest.

Defragmentation

36. The UK Biodiversity Action Plan target for heathland re-creation is reflected in a target for the South West Region of 3,500 hectares by 2010 of which 2,000 hectares is in Dorset and a target of 500 hectares by 2011 in the Dorset County Structure Plan. It seems likely that the Structure Plan target is likely to be met well before 2011 but it is more difficult to predict the likelihood at this stage of meeting the more ambitious South West Regional target.
37. Forest Enterprise has a national target of increasing its heathland estate by 2.5% by the end of March 2002 and by a further 6,000 hectares by 2005 as part of its commitment to the Biodiversity Action Plan. Most of the Forest Design Plans for large heathland forest blocks are due to be reviewed in the next two years which will allow a more strategic view to be taken of heathland restoration possibilities both on Forest Enterprise's own estate and on the land of neighbouring estates as part of a phased approach to restoration likely to span 20-30 years. In the short term, the current Dorset plans commit the Forest Enterprise to restore a further 100 hectares in the next 4-5 years.

Other issues

38. In response to very helpful comments made by Mr Fernandez-Galiano in the course of the on-the-spot appraisal visit, the UK Department of the Environment, Transport and the Regions and Dorset County Council have been working to bring together the work of the two co-ordinating fora, the Dorset Heathland Forum and the Dorset Heathland Working Group. A newly constituted Dorset Heathland Forum which incorporates the Working Group will meet for the first time in September 2000.
39. Dorset Wildlife Trust, Dorset County Council and English Nature have organised a conference covering planning and nature conservation which will be held in October 2000. It is primarily aimed at local planners and in particular will focus on raising awareness of issues and procedures related to the Birds and Habitats Directives and as part of this will include examination of heathland conservation and Bern Convention issues.