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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**  
20<sup>th</sup> meeting

Strasbourg, 27 November – 1 December 2000

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**File for information**

**Continuing threats to the Dorset Heaths  
and their Appendix II Reptiles  
Progress since the adoption of Recommendation 67.(1998)  
(United Kingdom)**

Report by  
Societas Europaea Herpetologica.

## **Continuing threats to the Dorset Heaths and their Appendix II Reptiles Progress since the Adoption of Recommendation 67 (1998)**

This report has been compiled in order to present the Standing Committee with the facts of a situation which has improved very little since the summer 1998 On-the-spot appraisal. This is perhaps not surprising when, and despite many meetings and fine words, no real resourcing has been input by the UK government.

### **A. Fires**

The Dorset Fire Brigade previously listed heathland related fire attendances as:

598 during May-August 1995;  
247 during 1996 (except September);  
331 during January-September 1997.

Since the UK focussed their attention on resolving the urban pressure problems, and heathland fires in particular, in line with the requirements of Recommendation No 67, we have seen:

438 during 1999;  
482 during January to 7th September 2000.

Since the Fire Brigade began recording the probable causes of such fire incidents, analysis of site related heathland data from 1999 & 2000 (respectively 330 & 372) is even more disturbing as 77% and 86% were classified as "malicious".

The consequent and continuing losses of protected reptiles and their habitats is worsened by the frequency of such events on the smaller urban SSSI heaths. Over the past two seasons (so far) for sites visited during the On-the-spot appraisal:

Turbary Common has had	138 fire incidents;
Kinson Common	117
Bourne Valley	106.

Of the larger sites visited, Upton Heath has seen 38 fires; some of these have been extensive and/or damaging to sensitive rare reptile locations, and as was also the case last year on Canford Heath.

While the Fire-Brigade have continually tried to improve their methodology for dealing with heathland fires, there is no current source of finance to allow the necessary purchase of 4 wheel-drive vehicle mounted water & air spray equipment, or yet to progress any GIS mapping facility.

### **B. Legal/Enforcement**

Whilst 1999 saw some teething troubles, Dorset Police and Fire Brigade working is now more coordinated. Police attendance and follow-up of incidents is dictated by limited resources and an understandable prioritisation covering their many other urban problems.

Credit must be given to the stirring efforts of their small group of Wildlife Liaison Officers for their heathland input. Combined experience is now pooled via regular meetings of the Dorset Heathland Initiative, mainly involving the two bodies above, three Local Authorities, and two NGOs.

However, with respect to the large numbers of deliberate fires, success in dealing with the culprits has been regrettably minimal. No criminal charges have been brought to court, principally since the legal definition of arson<sup>1</sup> is still not accepted as applying to Dorset heathland and its fauna, and even though one successful comparable case has been reported from the county of Cornwall.

On this point, the Environment Ministry(DETR) remains unsuccessful in achieving progress from their colleagues in the relevant Home Office Ministry. A modest fine of £200 did result from one sole prosecution made via a local site by-law. Unfortunately, very few such by-laws exist, and have proved impossible or impractical to declare for many other sites.

If, and when, the current Countryside and Rights of Way Bill progresses through parliament to become an Act, one proposed aspect would make 'third party damage'<sup>1</sup> to SSSIs an offence which might eventually aid the prosecution of such fire raisers. Providing of course that sufficient resources can be applied to catch them!

### **C. Planning.**

After a promising start whereby in April 1999 the Ministry sent to all East Dorset's Council Planning Departments a copy of Rec.67 with advice that due account should be taken within their planning functions, it has since been roundly ignored.

Not one Council even disseminated this within their own planning department staff, let alone to other departments or to their planning committee elected members. There have been a number of occasions whereby an NGO has had to send Rec.67 to individual planning case officers and/or to elected members in usually unsuccessful attempts to get its implications considered.

This situation has not been helped by the Ministry's statutory advisors on nature conservation, English Nature (Dorset), failing to advise these planners about Recommendation No. 67, a situation which of course undermines NGO lobbying. Indeed, for one urban development proposal adjacent to a Poole heathland SSSI, the EN officer stated at a meeting with Planners, developer and NGOs, that *"Recommendation 67 had no status, and that the only matter of material substance was the UK government's response to the On-the-spot appraisal report"*.

Whilst we hoped that the government view would be less negative, their minuted comments at the Dorset Heathland Working Group in response to concerns about the lack of implementation by Local Authorities was:

*"it might not be seen as proper for the Government office to be seen as monitoring the local authorities... and The recommendation itself did not have any formal status in the planning framework, however, DETR would regard that the policies it advocates are for the most part enshrined in existing policy guidance. The PPG is more than a material consideration according to the courts..."*

If the UK's existing guidance already dealt in the most part with the Dorset heaths' increasing urban pressures, then we would not be facing such problems. Indeed, one wonders why the UK agreed to adopt Rec.67 in this aspect if it was intended just to sit back and not intervene ?

In terms of PPGs., the present nature conservation PPG(9) is outdated and scarcely addresses the matters within Rec.67. Furthermore, the UK government told the Standing Committee in 1997 and 1998 that its imminent revision of PPG9 should address relevant aspects of the concerns over the Dorset heathlands. No such revised PPG9 has even been issued for consultation and it is accepted that further delays must await the outcome of the Countryside and Rights of Way Act.

It also seems that such revision will necessarily deal with national policy and not specific regional or therefore Dorset situations.

Meanwhile, the end product of this apathy is that three major Local Plans, which run upto 2011 and form the statutory basis .for urban development, failed in their Deposit stage to make any reference to Recommendation 67 or to the urban pressure problems on heathland. NGOs again lodged objections on this point but were not joined or supported by EN(Dorset).

The Poole and the East Dorset District Plans have already had their Public Inquiries; that for Purbeck is now imminent. DETR could still intervene to rectify these official planning situations.

#### **D. Site Management**

The past two seasons have seen no financial input to any increased wardening, either from DETR., EN., or Local Authorities. Equally, applications to EN.and their prior permissions, and the funding for SSSI. fire-breaking provisions remain minimal. Such related aspects are now reliant on funding via a much delayed LIFE application.

A welcome National Lottery funded project will allow habitat management in Dorset ('Tomorrows Heathland Heritage') over the next 5 years and is due to start in October 2000. While this will not deal with urban pressure aspects, it should result in major progress with scrub and tree encroachment, as well as for grazing mainly in the more rural western sites. Even before this officially commences, unresolved conflicts are arising because of Local Authority and Forestry Commission emphasis toward tree retention cf. open heath, and in relation to the prior legal need for felling licences.

#### **E. Summary of Implementation of Recommendation No. 67., as at autumn 2000**

##### **Elements :**

1. This may in part be progressed by the Lottery funded management.
2. Loss and degradation continues by fire and other urban pressure causes.
3. No specific measures have been applied.
4. This may now apply to candidate Natura 2000 heaths.

5. The potentially increased urban pressures from adjacent housing is not being adequately recognised by the authorities, eg. Verwood, Bourne Valley, Holton.
6. The arguments continue; guidance is needed; Verwood remains problematic.
7. Far from resolved, and any such facilities also need to be away from the heaths. 'Informal' recreation is still proposed for some heaths, eg. Lions Hill, Canford.
8. Local Planning authorities are still pushing for the Christchurch Outer by-pass, the Wallisdown and Branksome relief roads; while Purbeck's Holton by-pass remains as a firm planning proposal and has recently been complemented by a major road improvement route across Gore Heath. The A31/Ferndown relief road route remains reserved in the current Dorset County Structure Plan. None of these need necessarily to arrive at fruition; prior DETR intervention would be helpful.
9. May have been resolved by Natura 2000 submissions for the Dorset Heaths.
10. Stopped in terms of any new applications for proposed Natura 2000 heaths.
11. Far from resolved in terms of the many existing old permissions, in fact their necessary review process (ROMPs) has been minimal (1 only of 81 heathland sites) partly because of a lack of requested resource input to the process.
12. No progress.
13. " "
14. " ", and so far no funding input.
15. Heightened awareness, but limited by in-house resourcing.
16. Some positive examples, " " " " "
17. Minimal progress.
18. Curtailed by lack of resource input.
19. No additional schemes to the prior existing 'Heath Watches' are known.
20. This is a good but medium-long term project. The Police and Fire Brigade are trying hard, with additional help from one local authority and occasional NGOs. But, from a trial schools catchment area, few of those approached even replied and of 41 less than a quarter have since agreed to be involved.
21. No resourcing.
22. Initial attempts in data base sharing are now underway, and the Lottery project partnership could prove to be the necessary catalyst, given resource assistance.
23. No such initiative.

24. “ “ “

25. Potential heathland re-creation schemes have rarely been progressed and it is difficult to see how, where, or when the County Structure plan biodiversity target of a nominal 500 ha will be achieved.

26. Forestry Commission is a partner in the Lottery project and more progress should thus be made to build on their earlier 'Forest and Heathland' project. Unfortunately, the more urban related Ringwood and Hum Forest blocks in the east (cf. element 25 which deals with the west) are where such initiatives are at least equally needed but where intentions are noticeably limited.

#### **F. Conclusions.**

- Two years have elapsed since your 18th meeting and the adoption of Recommendation No. 67.
- Inadequate progress has so far been made on the implementation of many of its elements.
- Governmental intervention and resource input has been minimal, if not absent.
- The problems clearly continue, eg. fires and the lack of adequate resources to deal with either their cause or their effects.

**The Standing Committee and Bureau are asked to consider urging the UK to make appropriate interventions and financial contingency to ensure increased implementation, preferably via a timetabled programme of targets against deadlines.**