



26<sup>th</sup> June, 2024

Dear Mr Ball,

**APP/23/00541/R**

I am writing to ask you for clarification concerning the commencement of the construction of the footpath which will run along the river bank of the River Stour through areas 1, 2 and 5 of the proposed SANG for the development. I believe that this work is in contravention of a planning condition.

**1. Conditions of Outline Planning Approval for APP/19/00955/P**

Amongst the 50 conditions attached to the approval of the outline planning application (granted in April 2022) were Condition 44, which requires that:

Prior to the commencement of any construction works above the ground floor slab level of any dwelling/building in any phase of development... a Landscape and Ecological Management Plan (LEMP) for that phase of development shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP will include:

- the provision and management of an 8 metre wide buffer zone taken from the top of the bank alongside the River Stour

and Condition 46, which requires that

as part of the first Reserved Matters submission a SANG Landscape and Ecological Management Plan (SANG LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The SANG LEMP will include:

- the provision and management of an 8 metre wide buffer zone taken from the top of the bank alongside the River Stour.

**2. The LEMPs**

The SANG LEMP was published on planning portal on 6<sup>th</sup> June 2023 and the Ecology LEMP on 9<sup>th</sup> June 2023.

The Ecology LEMP states the following in *Table 4.1: Capital Works for SANG Instatement:*

SANG Feature: Provision of an 8 Meter Buffer Zone

Description: Provision of an 8 meter buffer zone alongside the River Stour.

Location of actions to be undertaken: 8 meters from the top of the river bank, within SANG Areas 1, 2 and 5.

**3. Planning Approval for APP/23/00541/R (Reserved Matters for APP/19/00955P)**

Your case officer report was published on the planning portal on 2<sup>nd</sup> October, 2023, with approval appearing on the portal on the same day.

I wish to draw attention to two conditions contained in the approval:

Condition 1: Outline Permission:

This Reserved Matters approval must be read in conjunction with outline planning permission ref APP/19/00955/P and the conditions attached thereto.

Reason: For the avoidance of doubt and in the interests of proper planning.

Presumably this will include conditions 44 and 46 in the approval of the outline planning application of April 2022, as referred to above.

Condition 15: Riverbank Protection Scheme

Prior to the commencement of any above ground development (not including demolition or site clearance), a riverbank protection scheme (to prevent damage and erosion by dogs/people) including 'doggy dip' areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and maintained in accordance with the approved details.

Reason: To protect the integrity of the riverbank and its habitats by preventing erosion by visitors in accordance with Policies PP24, PP25 and PP38 of the Poole Local Plan (2018) and the requirements within Appendix E of the Dorset Heathlands Planning Framework SPD (2020-2025).

This is as per Case Officer's Report of 2<sup>nd</sup> October, 2023:

15. Riverbank Protection Scheme

Prior to the commencement of any above ground development (not including demolition or site clearance), a riverbank protection scheme (to prevent damage and erosion by dogs/people) including 'doggy dip' areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and maintained in accordance with the approved details.

#### **4. Environment Agency Submission**

On 20<sup>th</sup> February, 2024, a letter to you from Environment Agency included the following

Dear Mr. Ball

**DISCHARGE OF CONDITION 15 (RIVERBANK PROTECTION) OF APP/23/00541/R**

**UE1 LAND NORTH OF OAKLEY LANE, POOLE**

Thank you for consulting the Environment Agency on the above application.

**Condition 15 – Do not recommend discharge**

We are pleased that the covering letter "Riverbank Protection Scheme, ref. 14103\_R16" and "SANG LEMP, ref. 14103" includes measures such as an 8 metre buffer, new planting, interpretation boards and signage, fenced dog exercise areas and pond management. However, these measures do not include specific riverbank doggie dip areas as outlined in condition 15. Therefore we are not in a position to recommend condition 15 is discharged until a formalised doggie dip (where appropriate) is added to the documentation.

So far as I can see, there has been no application for approval of this particular Reserved Condition. Presumably, then, it remains a Reserved Matter.

## 6. Commencement of Work on Footpath

These two recently taken photographs (22<sup>nd</sup> June) show that the construction so far undertaken is not in accordance with the conditions applied when the outline application was approved in April 2022.



As you will see from these photographs the buffer zone beside the new footpath is little more than 1 metre rather than the required 8 metres.

## 7. Conclusion

Given the apparent discrepancy between conditions set by the LPA and the work in progress being conducted by CALA Homes along the river bank, I ask that you request CALA to make good the work already done in contravention of the condition, and continue in their construction of the footpath in accordance with what was agreed and is contained in the LEMPs.

Kind regards,  
Frank Ahern