



Working in Partnership



# Poole Harbour Recreation 2019-2024

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## Supplementary Planning Document

### Adoption - For Cabinet Approval

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# Executive Summary

The objective of this SPD is to set out a strategy for mitigating the impact of new housing upon Poole Harbour Special Protection Area. It is not a recreation strategy.

Poole Harbour is an outstanding natural feature on the south coast of England. It provides a resource for a variety of local businesses and port activities. The quality of the natural environment in Dorset makes it an attractive place to live, work and for leisure activity. However, increasing recreational activities around the harbour are causing disturbance to protected bird species.

Bournemouth Christchurch and Poole (BCP) Council and Dorset Council as decision makers are the competent authorities under the Habitats Regulations and are advised by Natural England in how to fulfil these duties. The Councils when granting planning permission have to be certain that the proposed development will not have an adverse effect upon important areas of nature conservation.

Natural England advises that the cumulative effect of further residential and tourism development in a defined 'Poole Harbour Recreation Zone' would have a significant effect upon the Poole Harbour Special Protection Area (SPA) and Ramsar Site. In particular, population growth will increase recreational activities in and around the harbour causing direct or indirect disturbance to protected birds. Disturbance can be defined as any human activity that influences a bird's behaviour or survival. Studies show that public access in and around the harbour, and various forms of recreational activities can cause disturbance, e.g. boats, walkers, dogs, bait digging, etc.

Based upon this evidence, the Poole Local Plan (2018) and the Draft Purbeck Local Plan (2019) include policies to mitigate any harm from new housing and tourism development. The local plans state that the mitigation strategy will be set out in a supplementary planning document. This is that strategy. It has been prepared jointly between BCP Council and Dorset Council with advice from Natural England. It covers a 5 year implementation period from 2019-2024. The mitigation strategy is two part and consists of:

- Part 1: Strategic Access Management and Monitoring (SAMM); and
- Part 2: Poole Harbour Infrastructure Projects (PHIPs).

SAMMs pay for the day to day costs of raising awareness of the issues, which includes employing a project coordinator and a warden to manage visitor pressures on the Poole Harbour SPA and provide information. SAMMs also pay for ongoing monitoring of the effects of new development and crucially whether this strategy is effective.

To enable the Councils to grant planning permission for proposals for a net increase in dwellings within the Poole Harbour Recreation Zone, the applicant is required to pay SAMMs as follows:

- BCP Council will charge a SAMMs rate of £140 per house and £96 per flat paid by planning obligation; and
- Dorset Council will collect the necessary SAMMs costs through Community Infrastructure Levy (CIL).

PHIPS are physical infrastructure works, such as the provision of better marked routes around the Harbour edge or planting to provide protection to vulnerable birds. PHIPs costs vary from project to project and are funded from CIL.

The overall objective of the SPD is to establish a framework under which applications for development likely to have a significant effect on Poole Harbour SPA and Ramsar site can be permitted (or should be refused) so that any adverse effects on the integrity of Poole Harbour are avoided. The strategy deals both with larger developments, which may affect the integrity of these sites alone, and smaller developments where cumulative effects may be the critical factor. The latter provision is necessary to meet the 'in combination' part of Regulation 63 of the Habitat Regulations.

A joint advisory group is proposed to advise on the delivery of mitigation measures outside of those delivered through planning applications. The advisory group would be responsible for confirming projects to the respective Councils as suitable for approval and endorsing a Monitoring, Projects and Implementation Plan that will set out the progress in delivery of specific projects.

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# 1. Introduction

- 1.1 Supplementary Planning Documents (SPD) provide guidance to applicants and interested parties on local planning matters by providing more detailed advice or guidance on the policies in the relevant adopted Local Plan. This SPD was prepared jointly by Bournemouth, Christchurch and Poole Council (BCP Council) and Dorset Council with the advice of Natural England. The Councils<sup>1</sup> consulted on this SPD from 4 February to the 4 March 2019. The feedback to the consultation is summarised in a consultation statement and was used to prepare the SPD for adoption by the Councils.
- 1.2 The purpose of this SPD is to set out the approach to avoid or mitigate harm arising from increased levels of leisure activities on Poole Harbour Special Protection Area (SPA) and Ramsar Site, thereby enabling the two Councils to grant permission for residential and tourism development. It is not a recreation strategy for Poole Harbour.
- 1.3 The SPD supports the Draft Purbeck Local Plan (2019) and the Poole Local Plan (2018). The SPD covers a five year period from 2019 to 2024. During this 5 year period the Councils will deliver the necessary mitigation to enable the planned housing growth set out in the local plans and other projects giving rise to relevant adverse effects.
- 1.4 This SPD accords with the principles of the NPPF and it is a result of the co-operative approach to partnership working between the Councils and statutory bodies and other organisations.
- 1.5 This SPD covers recreation issues only and does not relate to other significant effects on the Poole Harbour protected sites, such as considerations related to surface water discharge from the application sites nor matters related to species protected by law. These will require case by case consideration in consultation with Natural England.
- 1.6 There is also a Nitrogen Reduction in Poole Harbour SPD that covers the issue of nitrate loading on the harbour. In most cases development will be required to satisfy the mitigation requirements set out in both SPDs.

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<sup>1</sup> Under the former guise of Borough of Poole Council and Purbeck District Council prior to local government reorganisation

## 2. Legislative and Policy Background

### Designations

- 2.1 Poole Harbour is a natural harbour that is designated a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site for its nature conservation importance.
- 2.2 Poole Harbour was classified as a Special Protection Area (SPA) in 1999 due to the important bird species that inhabit the area. The special site was designated under the EU Birds Directive to protect rare, vulnerable and migratory birds. In particular for the internationally important populations of regularly occurring species and migratory species - Common Shelduck (Non-breeding); Pied Avocet (Non-breeding); Black-tailed Godwit (Non-breeding); Mediterranean Gull (Breeding); Common Tern (Breeding); Little Egret (Non-breeding); and Eurasian Spoonbill (Non-breeding). There is also an internationally important assemblage of waterfowl including Dunlin, Redshank and Brent Goose<sup>2</sup>. There are also supporting habitats for seagrass; shallow inshore waters including coastal lagoons; intertidal sediments; saltmarsh; and reedbeds.<sup>3</sup>
- 2.3 The SPA was extended in 2018 to incorporate the subtidal areas of the harbour and also areas of Lytchett Bay now subject to tidal inundation; at which time little egret, Eurasian Spoonbill, and Sandwich Tern were added.

### The Habitats Regulations

- 2.3 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') requires that any application for development or strategic plan or policy which is likely to significantly affect a European site is subject to an appropriate assessment of the implications of the proposal for the site's conservation objectives. The planning authority must ascertain that the plan or project will not have an adverse effect on the integrity of the site, alone or in combination with other plans or projects, either directly or indirectly, taking account of any conditions or restrictions that would help ensure no adverse effect, before granting permission or adopting a plan or policy.
- 2.4 The Councils as decision makers are the competent authorities under the Habitats Regulations and are advised by Natural England on how to fulfil these duties.

### National Planning Policy Framework

- 2.5 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) outline the procedure that should be followed in deciding whether to approve a proposal (a plan or project) that will potentially affect a protected habitats site.
- 2.6 The NPPF recognises the value of our natural environment stating that the '*planning system should contribute to and enhance the natural and local environment*'<sup>4</sup>, and importantly that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.<sup>5</sup>

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<sup>2</sup> The *Acrocephalus paludicola*; Aquatic warbler (Non-breeding) was previously listed but no longer qualifies.

<sup>3</sup> <http://www.southern-ifca.gov.uk/poole-harbour-spa>  
<http://publications.naturalengland.org.uk/publication/3152751>

<sup>4</sup> NPPF para 170

<sup>5</sup> NPPF para 177

## Development Plans

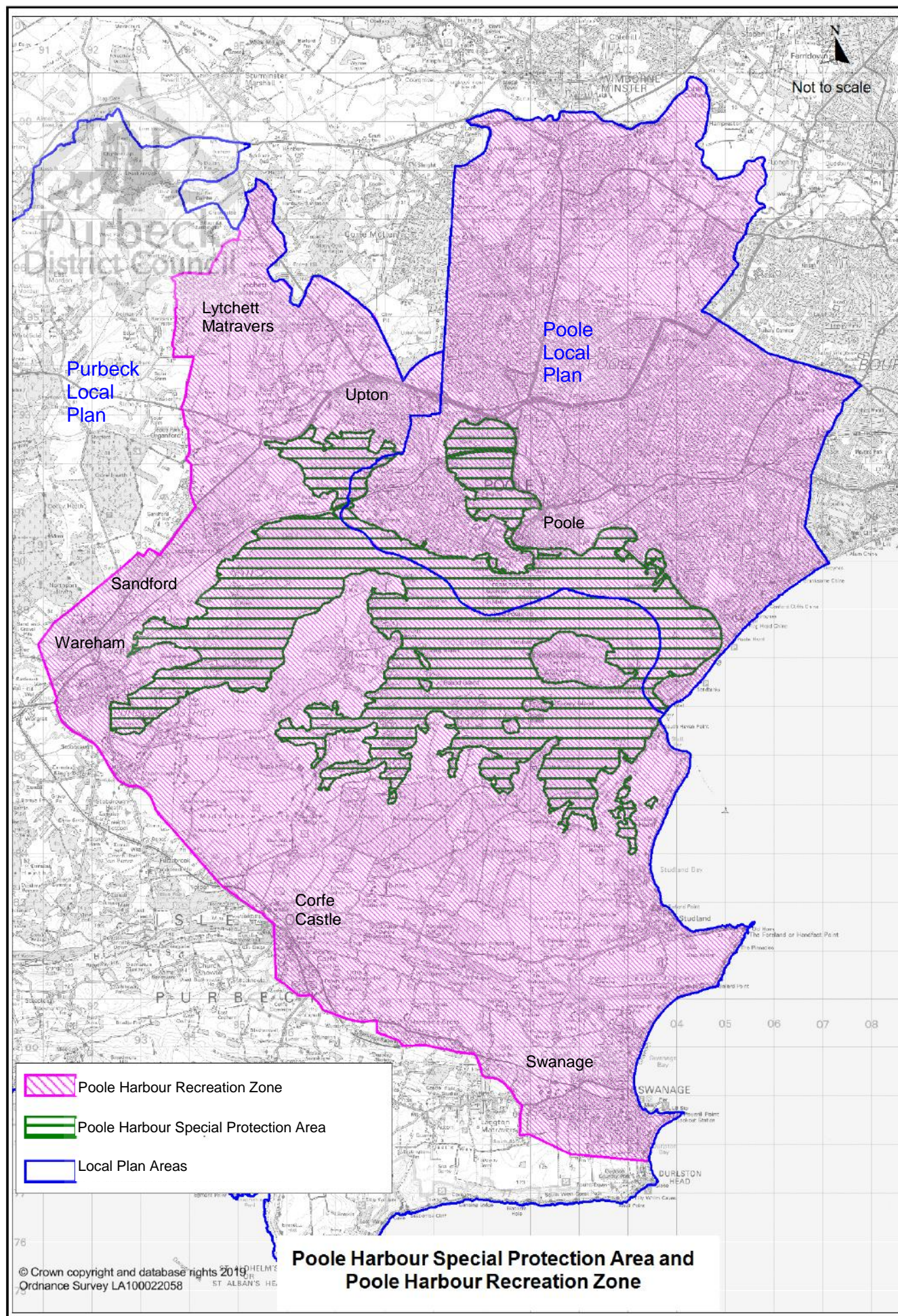
- 2.7 The local plans covering the area around Poole Harbour consist of:
- The Poole Local Plan (2018) - Part 2(b) of *Policy PP32 Poole's nationally, European and internationally important protected sites* is specifically relevant to recreational effects on Poole Harbour. It requires any net increase in homes or tourist accommodation to provide a Strategic Access Management and Monitoring (SAMM) contribution for wardening, education and monitoring, to mitigate the adverse effects of recreation related pressures within Poole Harbour.
  - The Purbeck Local Plan Part 1 (2012) and Swanage Local Plan (2017) contain similarly worded policies addressing the Poole Harbour recreation issue. The Draft Purbeck Local Plan is currently at examination and includes Policy E9 relating to Poole Harbour which requires the adverse effects of new residential development (in an identified zone around the harbours edge) to be avoided or mitigated.
- 2.8 The local plans state that the Poole Harbour recreation strategy will be set out in a supplementary planning document. This is that strategy. The SPD expands upon the local plan policies, providing more detail to guide development.
- 2.9 The local plans are accompanied by habitats regulations assessments (HRA) which set out the measures that need to be provided to enable development to be delivered. Together the HRAs provide a consistent record of the approach to avoidance and mitigation and in varying levels of detail, the type and nature of projects required.
- 2.10 In addition to the local plans, there may be relevant policies in neighbourhood plans.

### 3. Evidence

- 3.1 The two Councils and Natural England have been gathering evidence into the effects of increased recreational activities on Poole Harbour associated with additional residential and tourist development, to inform this strategy. This SPD is supported by the Poole Harbour Recreation Background Paper that draws upon evidence from various studies which have identified activities leading to adverse effects upon protected species within the harbour.
- 3.2 Studies show that public access in and around the harbour, and various forms of recreational activities can disturb the SPA birds in the harbour. These activities include sailing along with walking, dogs and bait digging along the shoreline. Disturbance can be defined as any human activity that influences a bird's behaviour and ultimately its survival. Disturbance can result in:
- a reduction in the time spent feeding due to repeated flushing/increased vigilance;
  - increased energetic costs;
  - avoidance of areas of otherwise suitable habitat, potentially using poorer quality feeding/roosting sites instead;
  - increased stress; and
  - can lead to reduced fitness and breeding success.
- 3.3 Visitor surveys highlight that people who live around the harbour visit it to participate in recreational activities. However, there are also a proportion of visitors from other parts of Dorset, as well as other parts of the UK and internationally because of the natural attractiveness of the harbour. Studies also show a link between proximity of peoples' homes to the harbour and the frequency of visits. This draw is probably due to the uniqueness of the features in the harbour close to their homes and that there is not a comparable area in south east Dorset for certain recreational activities such as watersports.
- 3.4 The surveys show that visitors come from throughout the area covered by the Poole Local Plan area. For the area covered by the Draft Purbeck Local Plan the studies show that most of the local people who visit the harbour tend to live in the towns and villages which are close to the A35 and A351, including Swanage, Corfe Castle, Stoborough, Wareham, Lytchett Matravers and Upton.
- 3.5 On the basis of the evidence, the proposed increase in residential development around the harbour will inevitably result in more visitors to Poole Harbour for recreational activities, which will result in greater disturbance to the birds and their habitat.
- 3.6 Natural England therefore advises that the cumulative effect of residential and tourism development around the harbour will have a likely significant effect on the Poole Harbour protected sites. In particular, population growth will increase leisure activities in and around the harbour causing direct or indirect disturbance to protected birds.
- 3.7 Figure 1 illustrates the Poole Harbour Recreation Zone where, based on the visitor survey information, new residential and tourist development will have a likely significant effect upon the SPA, and therefore mitigation is required. The scope of this SPD will need to be reviewed as part of work on future Local Plans. This review will need to take particular account of the effects of new homes in areas that extend beyond the former boundaries of Poole and Purbeck.



Figure 1: Poole Harbour Recreation Zone





## 4. Enabling Development: The Poole Harbour Avoidance and Mitigation Strategy

- 4.1 This section sets out the approach to enabling development through the implementation of measures to avoid likely visitor effects upon Poole Harbour. The strategy is a long term approach with the SPD setting out a five year rolling programme of measures. The mitigation strategy is two part and consists of:
- Part 1: Strategic Access, Management and Monitoring (SAMM); and
  - Part 2: Poole Harbour Infrastructure Projects (PHIPs).
- 4.2 Mitigating the effects of leisure activities is also in part addressed by joint work between organisations on the implementation of The Poole Harbour Aquatic Management Plan (amended 2011). The management plan includes objectives to maintain habitats in Poole Harbour in a favourable condition and manage leisure activity within the harbour to mitigate adverse effects. The Local Plans are supported by strategic Habitats Regulations Assessments that take these measures into consideration

### Part 1: Strategic Access Management and Monitoring (SAMM)

- 4.3 This part of the strategy focuses on wardening, raising awareness and monitoring the effectiveness of the strategy. SAMMs contributions secure the day to day costs of changing local people's behaviours through raising awareness of the issues and value of the protected sites, which includes employing a warden to manage visitor pressures around the harbour and provide information. SAMMs also pay for the ongoing monitoring and the effects of new development and crucially whether this strategy is effective.
- 4.4 The cost of SAMMs is apportioned to the planned number of homes as follows:

#### Amount of Planned Development

- 4.5 For BCP Council the entire Poole Local Plan area falls within the Poole Harbour Recreation Zone and therefore additional housing and tourist development has to provide mitigation. After taking into account existing planning permissions, a further 3,200 homes are expected to be granted planning permission over the 5 year period from 2019/20 to 2023/24.
- 4.6 For Dorset Council only part of the Purbeck Local Plan falls within Poole Harbour Recreation Zone. The Council expects around 745 homes to come forward within this zone over the five year period.
- 4.7 Combined a total of 3,945 homes are expected to come forward over the 5 year period. If these levels of growth are exceeded, the two councils will have to ensure that suitable mitigation can be provided to avoid an adverse effect upon Poole Harbour SPA/Ramsar. The NPPF's presumption in favour of sustainable development does not apply unless the Councils can demonstrate through appropriate assessment that the proposal will not have a significant effect upon Poole Harbour SPA.

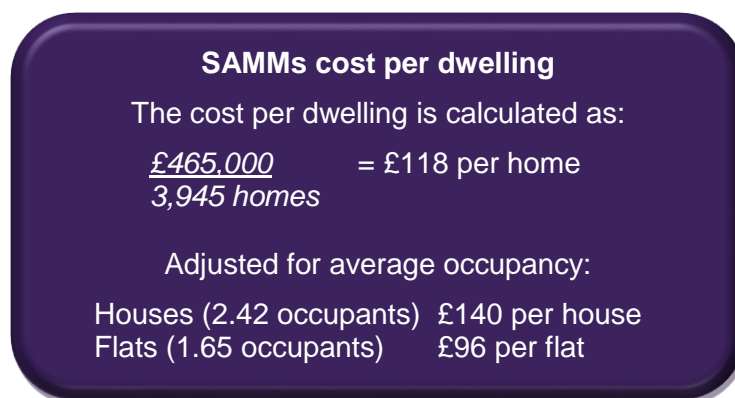
## The cost of mitigation

- 4.8 The necessary SAMMs mitigation measures for the period 2019/20-2024/25 are set out in Appendix A (Part 1). The cost of these measures over 5 years is £465,000. On the basis of the amount of planned development this roughly works out as £400,000 to BCP Council and £65,000 to Dorset Council.

## Calculating the cost of SAMMs

- 4.9 Thus the SAMMs charges are calculated as shown in Figure 2. Section 5 details how this mitigation will be collected through planning applications.

*Figure 2: The calculation of the SAMMs cost*



## Part 2: Poole Harbour Infrastructure Projects (PHIPs)

- 4.10 PHIPs are physical infrastructure projects that provide facilities to manage visitor access to Poole Harbour. Projects will vary depending upon the particular issues around different parts of the harbour. For example, (i) the creation or improvement of an alternative access around the shoreline or; (ii) rationalising multiple access points into one principle access point to an area of shoreline.
- 4.11 The Councils welcome local organisations to suggest new projects using the separately published template and evaluation matrix. Projects will be considered for funding on a case by case basis. In some cases developers of large developments may wish to deliver bespoke measures which will be considered by the Councils with advice from Natural England.
- 4.12 As with the Dorset Heathlands Strategy, Suitable Alternative Natural Greenspaces (SANGs) could play a role in attracting residents away from the harbour and thereby reducing the potential impact. However, where SANG provision would similarly be required as mitigation for the heathlands, it would not be necessary to duplicate this provision for the harbour.

## Tourism development and other types of housing

- 4.13 Tourism development and other types of housing can still have a significant effect on the Poole Harbour SPA, but some can be mitigated. Further details are set in Appendix B.

## Permitted Development

- 4.14 Some development does not require planning permission and is known as 'permitted development' and 'prior approval'. Such development which enables residential dwellings/occupation can still have a likely significant effect on the Poole Harbour SPA and will therefore need to provide mitigation measures. Further details are outlined in Appendix C.

## 5. Paying for the Mitigation Strategy

- 5.1 To provide certainty to those considering or making planning applications for residential development and to ensure transparency and accountability this SPD sets a standard contribution for new dwellings that will be used to provide the necessary mitigation. The simplicity of this approach will provide certainty thus avoiding unnecessary delay in the determination of planning applications. The standard contribution is calculated by spreading the cost of the necessary mitigation across the amount of planned development.
- 5.2 This SPD has been prepared having regard to the tests set out in the Community Infrastructure Levy Regulations 2010 and subsequent amendments, in particular Regulation 122 which sets out the three tests that the planning obligation should be necessary, directly related and fairly and reasonable related in scale and kind to the development. Where the Regulations change the authorities will continue to provide suitable mechanisms to enable applicants to contribute efficiently.
- 5.3 The Councils use different mechanisms to collect the funds needed to deliver the SAMMs mitigation. Both Councils will fund PHIPs through CIL monies, but will collect the SAMMs differently as set out below.

### Paying SAMMs

- 5.4 Dorset Council will collect SAMMs contributions through CIL, whereas BCP Council will collect the SAMMs through planning obligations.
- 5.5 To enable the Councils to grant planning permission for proposals for a net increase in dwellings within the Poole Harbour Recreation Zone, the applicant is required to pay SAMMs as follows:
- Dorset Council will collect the necessary SAMMs costs through CIL. The contributions taken from CIL will be determined by the costs of funding SAMMs needed to mitigate the effects from the numbers of homes it expects to be delivered in the Poole Harbour recreation zone between 2019 and 2024; and
  - BCP Council will charge a SAMMs rate of £140 per house and £96 per flat paid by planning obligation through a payment:
    - prior to the grant of planning permission as an upfront payment (Section 111 of the 1972 Local Government Act); or
    - prior to commencement (Section 106 Agreement or unilateral undertaking).

BCP Council has an administration charge of 5% of the total contribution payable, subject to a minimum charge of £75 and capped to a limit of £1,000 per contribution. Model clauses for Section 106, Section 111 and unilateral agreements are set out in Appendix D.

- 5.6 A credit will be applied for existing residents based on the average occupancy of flats or houses. For example, if a house is to be replaced by 10 flats then the calculation would be:
- (10 x SAMMs contribution for a flat) minus the SAMMs contribution of 1 house*
- 5.7 The charge will be index linked and adjusted annually to reflect inflation and ensure that the appropriate level of SAMM can be delivered over the plan period.

### Paying PHIPs

- 5.8 PHIPs will be delivered from contributions collected through CIL payments. Where schemes are exempt from paying CIL, there may be a requirement to provide PHIPs through Section 111, Section 106 Agreement or unilateral undertaking.
- 5.9 Some PHIPs projects may be delivered directly by developers through on site provision. The types of potential projects are set out in Appendix A. Specific projects will be set out in a Monitoring, Projects and Implementation Plan, regularly updated to ensure that there is a rolling five year programme of projects.



## Securing mitigation in perpetuity

- 5.10 The mitigation measures required to allow development will need to be in place whilst the adverse effects are arising. For residential development this means “in-perpetuity”, which in this SPD is 80 years, and hence resources are secured accordingly. However, the element of monitoring established allows for the adjustment of measures in the future based upon the evidence gathered.
- 5.11 SAMMs funding will have to be available for the lifetime of development. Where provision of PHIPs is on Council controlled sites the Council will through CIL and other contributions use these receipts to put in place and maintain projects. Where PHIPs are provided by landowners or other third parties, mechanisms will need to be secured that ensure that mitigation is available in-perpetuity and also that funding is secured to maintain it.
- 5.12 Some projects may be supported for a short duration, e.g. where the proposals are effective and innovative or as appropriate where short term concerns may arise. Future revisions to this document and the overall avoidance and mitigation strategy will investigate other means by which mitigation can be secured.

## 6. Monitoring, Implementation and Governance

- 6.1 The two Councils will use the contributions to deliver mitigation in a timely manner. Progress with mitigation measures and new projects will be set out in a Monitoring, Projects and Implementation Plan. This plan will form part of the Council's requirements to publish an Infrastructure Funding Statement.
- 6.2 An advisory group is proposed to oversee the joint partnership work on implementing projects and monitoring of the effects. Local organisations will be encouraged to complete the published template to submit projects and bid for funding.
- 6.3 The Councils will, where feasible, ensure that projects accord with corporate objectives and those of partner organisations in for example supporting healthy lives, adapting to climate change and achieving a net gain in biodiversity.

## Appendix A: Potential Mitigation Measures

The mitigation strategy consists of two parts. The tables below illustrate the type of measures the Councils could implement to mitigate the impact. An advisory group will oversee the provision of measures and projects. Some projects may require public consultation and Council sign off. Local organisations are encouraged to submit possible projects for consideration using the published template. The specific projects will be set out in the Monitoring, Projects and Implementation Plan and updated on an annual basis.

Part 1 provides an illustration of the type of measures that SAMMs contributions can be used for. The table sets out the type of pressure, the suggested action from Natural England's Site Improvement Plan (2014) (SIP) and/or Poole Harbour Aquatic Management Plan (2006 as amended) (AqMP), the type of mitigation measure and the estimated annual cost.

The AqMP provides a framework for the effective, co-ordinated management of the Harbour and the Poole Harbour SPA and serves as a Management Scheme for the European Marine Site, as set out in Regulation 38 of The Habitats Regulations. The Site Improvement Plan was developed by Natural England to provide a high level overview of the issues (both current and predicted) affecting the condition of the Natura 2000 features on the site(s) and outlines the priority measures required to improve the condition of the features.

### *Part 1 Possible Types of Strategic Access Management and Monitoring (SAMMs) Measures*

Type of disturbance	Action from SIP/AqMP	Possible Type of Measure	5 year cost
<b>Strategic Access Management</b>			
All land based disturbance types	Increase shore based wardening, working with landowners to include guided walks and talks to improve appreciation of the wildlife value of the site and raise awareness around 'bird sensitive areas' and how activities such as walking and dog walking can result in bird disturbance issues at some locations.	Employ a co-ordinator, and a warden	£300,000
	Limit access and disturbance to sensitive areas by managing visitor numbers and intensity, by screening, setting back paths and encouraging inland routes. Find alternative locations that could be made more attractive for users for activities such as dog walking, walking and cycling	Prepare a plan to identify pressure points where visitors can disturb birds and identify measures to deflect / manage access.	£15,000
	Improve users' awareness of the bird sensitive areas (refuge areas agreed in the Poole Harbour aquatic management plan) and how they can minimise disturbance. Develop and disseminate Codes of Conduct for both recreational and commercial users using leaflets and interpretation boards	Update to 'Poole Harbour SPA and bird sensitive areas' leaflets including re-design and better audience targeting, i.e. separate versions for various user groups. New leaflets/social media for canoe and other water based activities.	£25,000
Disturbance by humans	Limit entanglement in or ingestion of litter by birds	Litter needs to be cleared from sensitive areas, provided it does not disturb the birds. Could be volunteer events 6 monthly but some equipment needed.	£1,250
Disturbance by dogs	Improve awareness of dog owners of impact of bird disturbance by dogs, bird sensitive areas and alternative locations for their activity through liaison with dog	Continue and increase 'Pit Stops and Walkies' to educate dog walkers on responsible dog walking in wildlife sensitive areas	£10,000



Type of disturbance	Action from SIP/AqMP	Possible Type of Measure	5 year cost
	owners, interpretation and updating of a website	Increase locations with Dorset Dogs ' <i>Please don't chase the birds</i> ' signs or other new suitable signage.	£13,750
<b>Monitoring</b>			
All land based disturbance types	Undertake surveys to detect any change in the numbers and behaviour of shore-based recreation users to provide information on which activities and locations may need better management	Could include the use of automated counters and general counts of visitors, visitor interviews and bird disturbance surveys.	£100,000
	Monitor bird response to disturbance; this should include surveying breeding terns and Mediterranean gulls, wader and wildfowl roosts and offshore waterfowl and analysing Wetland Bird Survey (WeBS) data.		
<b>Total</b>			<b>£465,000</b>

Part 2 provides an illustration of the possible type of infrastructure projects that could be used to mitigate harm. The projects focus on making the harbour's edge more resilient to protect birds whilst also allowing free access for the public. The table sets out the type of disturbance, the suggested action from Natural England's Site Improvement Plan (2014), and the possible type of mitigation project. Project costs will be determined on a site by site basis.

#### *Part 2 Possible Types of Poole Harbour Infrastructure Projects (PHIPs)*

Type of disturbance	Action from Site Improvement Plan	Possible Type of Project
Disturbance by dogs and human disturbance	Limit disturbance to sensitive areas by managing visitor numbers and intensity, by screening, setting back paths and encouraging inland routes. Find alternative locations that could be made more attractive for users for activities such as dog walking, walking and cycling	Install information sign to raise awareness about birds of the harbour.
		Use signage and good quality alternative paths to attract users away from the harbour edge.
		Install signage buoys or markers to raise awareness to boat users during the winter when wading birds are feeding.
		Install screening including planting between paths and sensitive bird roosts.

## Appendix B: Advice for Different Uses

There may be forms of development which are not specifically mentioned in this SPD that may cause additional harm and these will be considered on a case by case basis.

The table below sets out different uses and whether they are likely to cause a significant effect alone or in combination upon the Poole Harbour SPA:

Use	Likely significant effect	Mitigation	Contribution
Use Class C2 – specialist housing, i.e. retirement homes	Yes	Contribution	1 room = 1 flat
Use Class C2 – Specialist housing, i.e. nursing home	No	No	n/a
Use Class C2 – residential institutions, i.e. boarding schools, residential colleges and training centres	Yes	Contribution	1 room = 1 flat
Use Class C2 – residential institutions, i.e. hospitals,	No	No	n/a
Use Class C3 – net additional dwelling	Yes	Contribution	Per house or flat
Use Class C3 – replacement dwelling	No	No	n/a
Use Class C3 – extension or granny annex	No	No	n/a
Use Class C4 – HMO <6 residents	Yes	Contribution	Per house or flat
Houses in Multiple Occupation (HMO) (Sui generis >6 residents )	Yes	Contribution	1 room = 1 flat
Self-catering, caravan, chalet and touring holiday accommodation	Yes	Contribution	1 unit =60% of 1 flat
Gypsies and Travellers	Yes	Contribution	1 pitch = 1 flat
Student accommodation	Yes	Contribution	1 room = 1 flat

Note: For Dorset Council where CIL doesn't apply, the preference will be for mitigation measures to be provided as part of the development package.

### Use Class C2 – Specialist housing, i.e. sheltered housing / nursing homes

Certain types of specialist purpose built nursing homes where residents are no longer active will not have a significant effect and do not need to provide mitigation, e.g. where nursing care is necessary such as for advanced dementia or physical nursing needs.

### Use Class C2 – specialist housing, i.e. retirement homes

Use Class C2 specialist retirement housing, where the occupants are still active, is comparable to residential flats. Such schemes will be expected to provide mitigation in accordance with this SPD. Mitigation will also be required for any net increase in on-site staff residential accommodation.

### Use Class C2 – residential institutions, i.e. hospitals

Generally hospitals would not be considered to have a likely significant effect with regard to recreational impacts upon the harbour.

### Gypsies and Travellers

There is no evidence to demonstrate that the occupants of permanent or transit sites for gypsies and travellers would be likely to have any level of recreational access need which is substantially different to residents in Use Class C3 dwellings. Therefore any net increase in gypsy and travellers accommodation will need to provide mitigation in accordance with this SPD with each pitch equating to one flat.

### Self-catering, caravan and touring holiday accommodation applications

Self-catering and touring proposals are likely to have broadly similar impacts upon Poole Harbour SPA to those arising from residential development. Whilst individual applicants may seek to reduce impacts e.g. by restricting pets there is considerable uncertainty about whether, over time, such agreements would be effective and therefore such proposals cannot be supported.

In calculating financial contributions the Councils will assume a 60% occupancy to take account of seasonal fluctuations and average occupancy. Therefore only 60% of the contribution will be necessary. Applicants

can challenge this assumption, but will need to provide evidence to demonstrate that the occupancy level will be different.

### Student accommodation

There is no evidence to demonstrate that the occupants of student accommodation would be likely to have any level of recreational access need which is substantially different to residents in Use Class C3 dwellings. Therefore mitigation will be needed in accordance with this SPD with each occupied room equating to one flat.

### Houses in Multiple Occupation (HMO)

Due to the permitted interchangeability of C3 dwellings and C4 HMOs, C4 HMOs are treated as a single dwelling if there is provision for up to 6 residents. However for proposals where there would be more than 6 residents (*sui generis*) mitigation will be necessary. Each additional occupied room will be required to provide mitigation in accordance with this SPD equating to one flat per additional room, i.e. a proposal for a 7 room HMO will be assumed to result in one additional room and will have to provide a financial contribution equating to a flat. This is because more than 6 unrelated people in a single dwelling exceeds the average expected occupancy of any single dwelling.

### Commercial Uses Associated with the Harbour

Some commercial uses likely to have a significant effect on Poole Harbour, where they would increase recreational pressure. Whilst a proportion of visitors to Poole Harbour will likely derive from surrounding residential areas and mitigation will have been provided for new residential development, the use may also attract a high number of visitors from outside of this area.

Commercial uses associated with harbour use and recreation may include but are not limited to:

- Yacht/sailing clubs, marinas and moorings;
- Outdoor activities place;
- Hotels; and
- Cafés/restaurants.

Such proposals will be considered on a case by case basis and where applicable, applicants will need to provide evidence to allow the Council to assess the effect of development on Poole Harbour and the suitability of providing appropriate mitigation as necessary.

Whilst those developments in close proximity to the harbour may have a more obvious impact than those further away, the degree of impact is also very dependent up the nature of the development use.



## Appendix C: Permitted Development / Prior Approvals

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) enables certain types of development to take place without the need for specific planning permission, provided certain criteria are met. For example, the change of use of an office to a dwelling.

Article 3(1) of the GPDO, by incorporating regulations 75-78 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), imposes a condition requiring prior approval under these Regulations, that the local planning authority is satisfied that there is no adverse effect on the integrity of any European site, before permitted development can go ahead. Regulation 75 states:

*General development orders*

**75.** *It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—*

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of the site,*

*must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).*

As set out in this SPD, the uncontrolled' approval of residential and other uses allowed by the amended order, without an appropriate assessment or any required mitigation or development is likely to have significant effect on the Poole Harbour SPA.

In practice the process generally involves the applicant seeking Prior Approval from the Council for the change of use. When determining the Prior Approval the Council can provide a form for the applicant to complete. This form has to be submitted and approved by the Council before work on developing the site can commence.

In most cases for BCP Council the position can be overcome by submission alongside the form of a unilateral agreement (S106 Agreement) or upfront contribution (S111) to provide mitigation in accordance with this SPD.

For Dorset Council the applicant can rely on the Council to fund the necessary mitigation from the wider CIL pot, at no extra cost to the applicant.

## Appendix D: Model Clauses for Planning Obligations

An example of a standard clause for either an agreement or unilateral undertaking:

*“the Poole Harbour Recreation contribution” means the sum of ( ) thousand ( ) hundred and ( ) Pounds increased by the percentage (if any) by the Retail Price Index shall have increased between the date of publication prior to the date of this Deed and the date of payment together with an administrative fee of £(pounds) towards measures which avoid or mitigate against any adverse effect of the Development on the Poole Harbour Special Protection Area and Ramsar Site in accordance with the Poole Harbour Recreation Supplementary Planning Document. For the avoidance of doubt such sum or any part of thereof shall not be reimbursed to the party or to any other party”.*

The obligation could then be worded:

*“The Owner hereby Covenants with the Council that he will not cause or permit the commencement of the development on the land until the Poole Harbour Recreation Contribution has been paid to the Council.”*

For strategically significant sites delivering large numbers of residential units the obligation may be worded differently to reflect payment of the contribution on a phased basis.