

# **The Poole Harbour Recreation Planning Framework 2019-2034**

## **Supplementary Planning Document Consultation Draft**

**An implementation plan to mitigate the recreational impact of new  
housing development upon Poole Harbour**



**January 2019**



## Executive Summary

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 recreate. However, increasing recreational activities along the harbour are creating disturbance to wading birds protected under European law and adversely affecting estuarine habitats.

To conform to the requirements of the Conservation of Habitats and Species Regulations 2017 the Councils' planning for a growth in population have to be certain that development has either avoided harm to European protected sites or mitigated the impact to ensure that there is no adverse effect. Avoidance is not possible in this case as the population will continue to grow. Therefore the additional recreation from new housing in the catchment of Poole Harbour will have to be mitigated. Mitigation measures will need to be secured over the duration over which the development is causing the effects, generally 80-125 years, effectively in perpetuity.

The catchment covers two local authorities; Borough of Poole and Purbeck District Council who have worked closely with the Natural England and Poole Harbour Commissioners to put together this joint strategy.

The Councils will prepare an implementation and monitoring plan that is regularly updated to support this SPD. It will set out the amount of development coming forward and identify mitigation projects. This plan will be prepared in consultation with organisations with a shared ambition to mitigate the effects of recreation around Poole Harbour.

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## Consultation Note

The Local Authorities party to 'The Poole Harbour Recreation Planning Framework Supplementary Planning Document 2019 (SPD)' will consult on this draft version of the document in early 2019. This SPD consultation draft sets out the detailed approach to the avoidance and mitigation of adverse effects of increased recreation around Poole Harbour arising from development. The public consultation document will be made available on the Council's website and in local libraries.

The strategy SPD will be used by each of the Local Planning Authorities with responsibility for determining residential planning applications and preparing Local Plans.

The SPD together with the accompanying background paper is available to view on each of the Council's websites:

[www.poole.gov.uk](http://www.poole.gov.uk)

<https://www.dorsetforyou.gov.uk>

# 1. Introduction

- 1.1 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. It is the advice of Natural England that the cumulative effect of further residential development in Poole and in Purbeck around the edge of the harbour would have a significant effect on the nationally and internationally designated sites at Poole Harbour. Avoidance measures or mitigation will be required otherwise Local Authorities will not be able to grant permission for residential development within Poole and Purbeck.
- 1.2 European wildlife sites are protected by the EC Birds and Habitats Directives, specific provisions of which are applied in the UK by the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). They place particular responsibilities on a decision maker in relation to such sites. As competent authorities, Local Authorities must have regard to these requirements, as advised in the National Planning Policy Framework 2018 (NPPF) and Planning Practice Guidance (PPG) which outlines the procedure that should be followed in deciding whether to approve a proposal (a plan or project) that will potentially affect a European wildlife site.
- 1.3 The local authorities in Poole and Purbeck each have responsibility for the determination of residential planning applications within their respective areas. The Borough of Poole, Purbeck District Council and Natural England have been gathering evidence into the effects of recreation associated with residential development on Poole Harbour to inform the future strategy for avoiding and mitigating the adverse effects of development.
- 1.4 This Supplementary Planning Document (SPD) is a strategy which will support the councils' respective local plans. It is intended that the SPD be based on a programme for the next 5 years to enable the targeting of resources to specific projects having regard to the operational arrangements agreed between the local authorities and in agreement with Natural England.
- 1.5 The purpose of this document is to set out the approach that, together, the Local Authorities of Poole and Purbeck will follow to avoid or mitigate recreational related harm to Poole Harbour, thereby enabling development to come forward.

## 2. Relationship with Development Plans

- 2.1 Supplementary Planning Documents expand upon the policies set out in the Local Plan, providing more detail to guide development. The National Planning Policy Framework 2018 (NPPF) recognises the value of our natural environment stating that the ‘planning system should contribute to and enhance the natural and local environment’<sup>1</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>2</sup>
- 2.2 This SPD accords with the principles of the NPPF and it is a result of the co-operative approach to partnership working between the local authorities of Poole and Purbeck, and statutory and third party stakeholders as prescribed by the Localism Act 2011.
- 2.3 The new Poole Local Plan was adopted on 13<sup>th</sup> November 2018. Policy PP32 (Poole’s nationally, European and internationally important protected sites) of the Local Plan states that development will only be permitted where it would not lead to an adverse effect upon the integrity, either alone or in-combination, directly or indirectly, on nationally, European and internationally important protected nature conservation sites. The Council will determine applications adversely affecting these sites in accordance with the recommendations of relevant Habitat Regulations Assessments and Supplementary Planning Documents. 2(b) of the policy is specifically relevant to recreational effects and states that to avoid harm to Poole Harbour development proposals for any net increase in homes or tourist accommodation will 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 in accordance with the adopted SPD.
- 2.4 Purbeck District Council have an adopted Local Plan (2012) and Swanage Local Plan (2017) which contain similarly worded policy addressing the Poole Harbour recreation issue. A new Purbeck Local Plan has been drafted and is due to go to examination in 2019. Purbeck’s pre-submission draft local plan includes a policy (E9) relating to Poole Harbour which requires the adverse effects of new residential development (in an identified zone around the harbours edges) to be avoided or mitigated.
- 2.5 Both Poole’s adopted Local Plan and Purbeck’s draft Local Plan are accompanied by a Habitats Regulations Assessment (HRA) which sets 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.
- 2.6 It should be recognised that in addition to recreational impact upon the harbour, there are other impacts upon the harbour which can arise from residential development such as increased nutrient loading of nitrates for example. The focus of this strategy on recreational impacts should not be considered in any way a restriction on the scope of policy protection which is afforded European or internationally protected sites. The policy and legal frameworks are clear that harm to the designated nature conservation sites must be

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<sup>1</sup> NPPF para 170

<sup>2</sup> NPPF para 177

avoided. Furthermore, there may be forms of development which are not specifically mentioned in this SPD that may cause harm and these will be considered on a case by case basis as plans or projects under the Conservation of Habitats and Species Regulations 2017.

### 3. Context

- 3.1 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; *Tadorna tadorna*; Common shelduck (Non-breeding); *Recurvirostra avosetta*; Pied avocet (Non-breeding); *Limosa limosa islandica*; Black-tailed godwit (Non-breeding); *Larus melanocephalus*; Mediterranean gull (Breeding); *Sterna hirundo*; Common tern (Breeding); *Egretta garzetta*; Little egret (Non-breeding); and *Platalea leucorodia*; Eurasian spoonbill (Non-breeding). The *Acrocephalus paludicola*; Aquatic warbler (Non-breeding) was previously listed but no longer qualifies. There is also an internationally important assemblage of Waterfowl including Dunlin, Redshank and Brent Goose. There are also supporting habitats for seagrass; shallow inshore waters including coastal lagoons; intertidal sediments; saltmarsh; and reedbeds.<sup>3</sup>
- 3.2 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.
- 3.3 Regulations 70 (grant of planning permission) and 105 (assessment of implications for European sites and Marine sites) of the Habitats Regulations require 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.
- 3.4 Natural England is concerned at the intensification of residential development in Poole and Purbeck and the resultant pressures placed upon Poole Harbour Special Protection Area and Ramsar, in particular, though not exclusively, through recreational activities causing direct or indirect disturbance. Disturbance can be defined as any human activity that influences a bird's behaviour or survival. Evidence indicates that people who live around the harbour use the shoreline, and the harbour itself, for recreation including walking and water sports.

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



## 4. Evidence

- 4.1 This SPD is supported by the Poole Harbour Recreation Background paper (2018). This background paper draws upon evidence from various studies which have identified activities leading to adverse effects such as disturbance to wintering birds in and around the harbour (for example recreational access to the foreshore by the public and their dogs).
- 4.2 As detailed in the evidence paper, various studies have found that public access in and around the harbour and various forms of recreation from nearby residential development has led to increased pressure causing disturbance to birds in the harbour.
- 4.3 Visitor surveys conducted in the winter months (when much of the impact takes place) highlighted that the majority of visitors who visit the harbour for recreation tend to reside within Poole and Purbeck (respectively). 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.
- 4.4 Survey studies show that local people visiting the harbour tend to derive from a wide catchment of areas around Poole, both close to and furthest, from the harbour. There is however, clearly a link between proximity to the harbour and frequency of visits. It is thought that the draw is due to the uniqueness of the harbour which cannot be replaced, nor is there any comparable area in the rest of Poole for certain recreational activities such as watersports. In Purbeck which covers a much wider area, proximity to the harbour is shown to be more significant as the visitor survey 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. This includes: Swanage, Corfe Castle, Stoborough, Wareham, Lytchett Matravers and Upton. Appendix B includes maps for Borough of Poole and Purbeck areas identifying the areas where new residential development is likely to have a significant effect upon the SPA.

## 5. The Scale of the Problem

- 5.1 The Poole Local Plan (2018) sets out provision for 14,200 new homes within Poole over the plan period whilst the pre-submission Purbeck Local Plan (2018) and Wareham Neighbourhood Plan sets out provision for 2,688 new homes over the plan period with approximately 830 new homes planned around the harbour. This increase in residential development around the harbour will result in more visitors to Poole Harbour undertaking recreational activities which will result in greater disturbance to the birds and their habitat.
- 5.2 The Local Plan housing targets for Poole and Purbeck are set out in the table below. For Purbeck, the table summarises the housing targets for the areas in the District where further residential development is likely to contribute to adverse effects upon Poole Harbour through recreation.

*Table 1: Local Plan Housing Targets*

Local Authority	Plan requirement	Start/End date	Outstanding requirement from 1 April 2019
Poole	14,200	2013-2033	10,563 <sup>4</sup>
Purbeck	830 <sup>5</sup>	2018-2034	830
<b>Total</b>	<b>15,030</b>		<b>11,393</b>

- 5.3 In addition to impacts from housing, the Poole Harbour avoidance and mitigation measures will also need to cover the impacts generated from the other uses including:-
- Residential Development within Use Class C4 (houses in multiple occupation)
  - Residential Institutions within Use Class C2 where the residents are not severely restricted by illness or mobility
  - Private student accommodation of no class(sui generis) i.e. accommodation that is not managed by a university or run on their behalf by an accommodation provider
  - Self-catering, caravan and touring holiday accommodation
  - Permanent and transit Gypsy & Traveller sites
  - Hotels depending on specific circumstances

These other uses are discussed further in appendix C.

- 5.4 The mitigation measures required to allow development will need to be in place whilst the adverse effects are arising. At this time Natural England advise that for residential development this means “in-perpetuity” 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.

<sup>4</sup> Outstanding requirement is calculated by subtracting the completions and commitments to date from the overall plan requirement figure with assumption of delivery in 2018/19

<sup>5</sup> Figure is for housing planned within the affected zone whilst the overall housing target in Purbeck is 2,688 homes

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

### *Avoidance and Mitigation Measures*

6.1 The Borough of Poole and Purbeck local authorities are proposing to operate a strategy based on delivering a range of measures to mitigate the recreational impacts which will arise from further residential development. 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 strategy consists of:

- Strategic Access Management and Monitoring (SAMM); and
- Poole Harbour Infrastructure Projects (PHIPs)

### *Strategic Access Management and Monitoring (SAMM)*

6.2 SAMMs form the first strand of the strategy for avoidance and mitigation of adverse effects on Poole Harbour.

The Council, with the advice of Natural England, considers that the following SAMMs measures will provide an effective mitigation for the recreational impacts:-

1. The cost of surveys and monitoring
2. The funding of a role for a co-ordinator and warden/ranger role
3. The cost of projects aimed at raising awareness
4. Developing of an Access Management Plan

The total cost for these SAMMs mitigation measures over the 15 year period is calculated at **£1,321,850**. A breakdown of costs for SAMMs is shown in appendix E whilst a list of SAMMS projects is provided in appendix F.

All new residential development will contribute toward SAMMs and will be secured where there is a net increase in dwellings, or potentially other uses as set out in appendix C (regardless of whether PHIPs are on site or provided by the local authorities or other landowner by way of contribution). In the case of Poole, SAMMs will be secured through either upfront payment or s106, whilst in the case of Purbeck, SAMMs will be secured through the Community Infrastructure Levy (CIL) provision.

### *Poole Harbour Infrastructure Projects (PHIPs)*

6.3 PHIPs are projects that provide facilities to manage visitor access to Poole Harbour. Projects are tailored to the specific needs that have been identified through the HRAs of the local authority's local plans as being requirements for the avoidance or mitigation of adverse effects from development. Such projects are likely to be more bespoke to local areas, for example the formation or improvement of alternative access around the shoreline or rationalising multiple access points into one principle access to an area of shoreline. A list of potential projects is shown in appendix F.

- 6.4 PHIPs will be delivered from contributions collected through CIL payments and/or directly by developers through on site provision. Third parties may bring forward proposals for consideration by the local authority and Natural England with effective and innovative proposals being supported.
- 6.5 As with the Dorset Heathlands Strategy, SANGs (Suitable Alternative Natural Greenspaces) could play a key role in attracting residents away from Poole Harbour and thereby reducing the potential impact. However, where SANG provision would similarly be required to provide mitigation for the heathlands, it would not be necessary to duplicate this provision for the harbour.

## 7. Paying for the Mitigation Strategy

7.1 Both authorities are in agreement that a single jointly funded approach is key in terms of effectively addressing the adverse effect upon the harbour.

7.2 Poole and Purbeck local authorities have both introduced CIL.

In Purbeck all mitigation (SAMMs and PHIPs) will be paid for through 'top slicing' CIL income.

In Poole, monies collected through CIL will be used to provide the PHIPs element of the strategy; however the SAMMs will need to be paid through separately secured planning obligations.

7.3 Any mitigation that is provided needs to be secured in-perpetuity i.e. for the lifetime of the development. Where provision is on local authority controlled sites the Council will through CIL and other contributions use these receipts to put in place and maintain projects. For SAMM the Council has committed to ensuring that funding is made available post 2033/34 for the lifetime of development. 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 pay for it. 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 PHIPs and SAMM can be secured.

## 8. The Level of Contributions for Strategic Access Management and Monitoring

- 8.1 To provide certainty to those considering or making applications for residential development and to ensure transparency and accountability a formulae approach has been adopted that sets out a mechanism for the calculation of the contribution. A standard charge is proposed that will ensure there is sufficient funding for the mitigation and to provide clarity for authorities, developers, landowners and the general public thus avoiding unnecessary delay in the determination of planning applications.
- 8.2 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.
- 8.3 The contribution is based upon a standard charge and will cover the SAMM costs set out in chapter 6 above with adjustment for the different occupancy rate (averages) for houses and flats. It is calculated based on the forecast increase in population<sup>6</sup> over the period 2019/20 to 2033/34 and will only apply to dwellings, including houses, flats and maisonettes.

The payment will be calculated on the basis of a net increase in dwellings i.e. discounting the cost of the existing residential unit on site, for example, if a dwellinghouse is to be replaced by 10 flats then the calculation would be:

**10 x cost of a flat minus the cost of 1 house**

- 8.4 Given the formula is based on the occupancy rates found in houses and flats in situations where there is no net increase in overall dwellings but there is a net increase likely in resident population then the difference between the two rates will be payable e.g. if it is proposed to convert a flat into a house then where planning permission is required the difference payable will be the cost of a house minus the cost of a flat.
- 8.5 The standard charge will ensure that it covers the SAMM costs on a yearly basis. The full calculations for working out the SAMM rate can be found at Appendix E. 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. The monitoring of SAMMs income and housing delivery rates will inform future revisions to this charge.
- 8.6 Other accommodation types listed in chapter 5 which fall within a separate planning use class will be subject to assessment outside of the mechanism established in this document. Guidance for certain development types can be found in Appendix C.

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<sup>6</sup> ONS 2012 sub national population projections

8.7 The standard charge will be as follows:-

- **£139 per house**
- **£95 per flat**

N.B. These charges will be index linked and will be adjusted annually to reflect inflation

8.8 In the case of Poole, the contribution will need to be secured as an upfront payment (accompanied by a S111) or within a Section 106 planning obligation (whether this is through an agreement or unilateral undertaking) which is usually required upon commencement of development.

8.9 An additional administrative charge to cover the cost of collection and distribution of the obligation will be applied at a standard rate reflecting the work involved in administering the obligation payable at the following rate. The charge excludes any legal costs that are incurred in respect of the completion of the deed that secures the planning obligation.

The administration payments are subject to a minimum charge of £25 and capped to a limit of £330 per contribution type.

8.10 Contributions will be spent in a timely manner to ensure that mitigation is delivered as close as possible to occupation of new residential development.

8.11 The charging schedule will be adjusted annually to take into account inflation and the delivery costs.

## 9. Model Clauses for Planning Obligations

9.1 There is a standard clause for either an agreement or unilateral undertaking as follows:

*“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 in accordance with the Poole Harbour Recreation Supplementary Planning Document (2019). For the avoidance of doubt such sum or any part of thereof shall not be reimbursed to the party or to any other party”.*

9.2 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.”*

9.3 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.



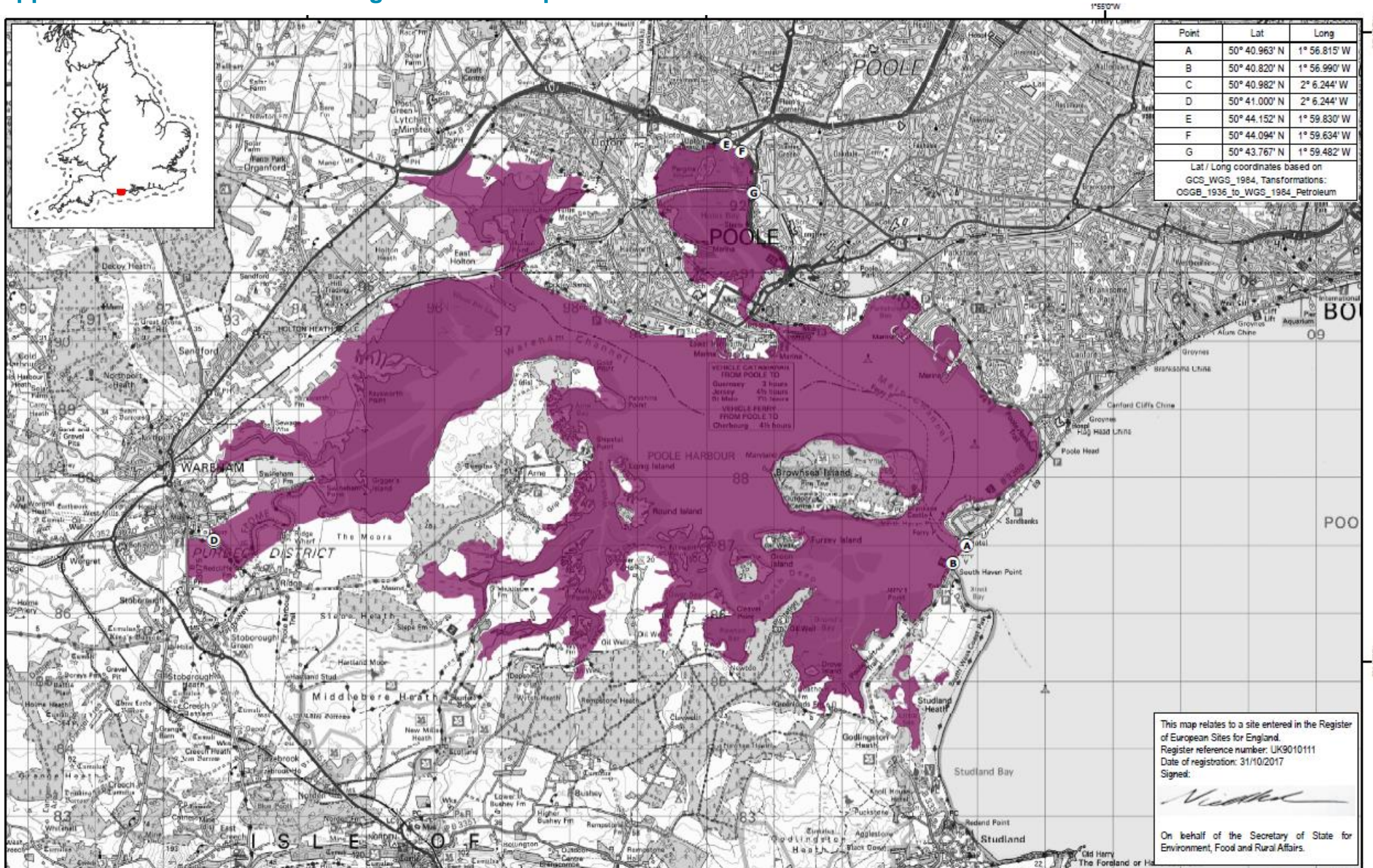
## 10. Administration and Audit Trail

- a. The SPD will be adopted by Poole and Purbeck local authorities.
- b. Each local authority will be responsible for the delivery of mitigation through provision of PHIPs and SAMMs within their own authorities.
- c. In Poole SAMMs contributions will be required from all qualifying developments unless avoidance and mitigation measures have been agreed as overcoming any significant effects of a proposed development. In Purbeck, eligible Harbour Recreation mitigation (including Strategic Access Management and Monitoring) will be funded through CIL.
- d. The proposed mitigation may be varied through the on-going review process, but crucially Natural England will need to be satisfied that the necessary overall level of mitigation is achieved.





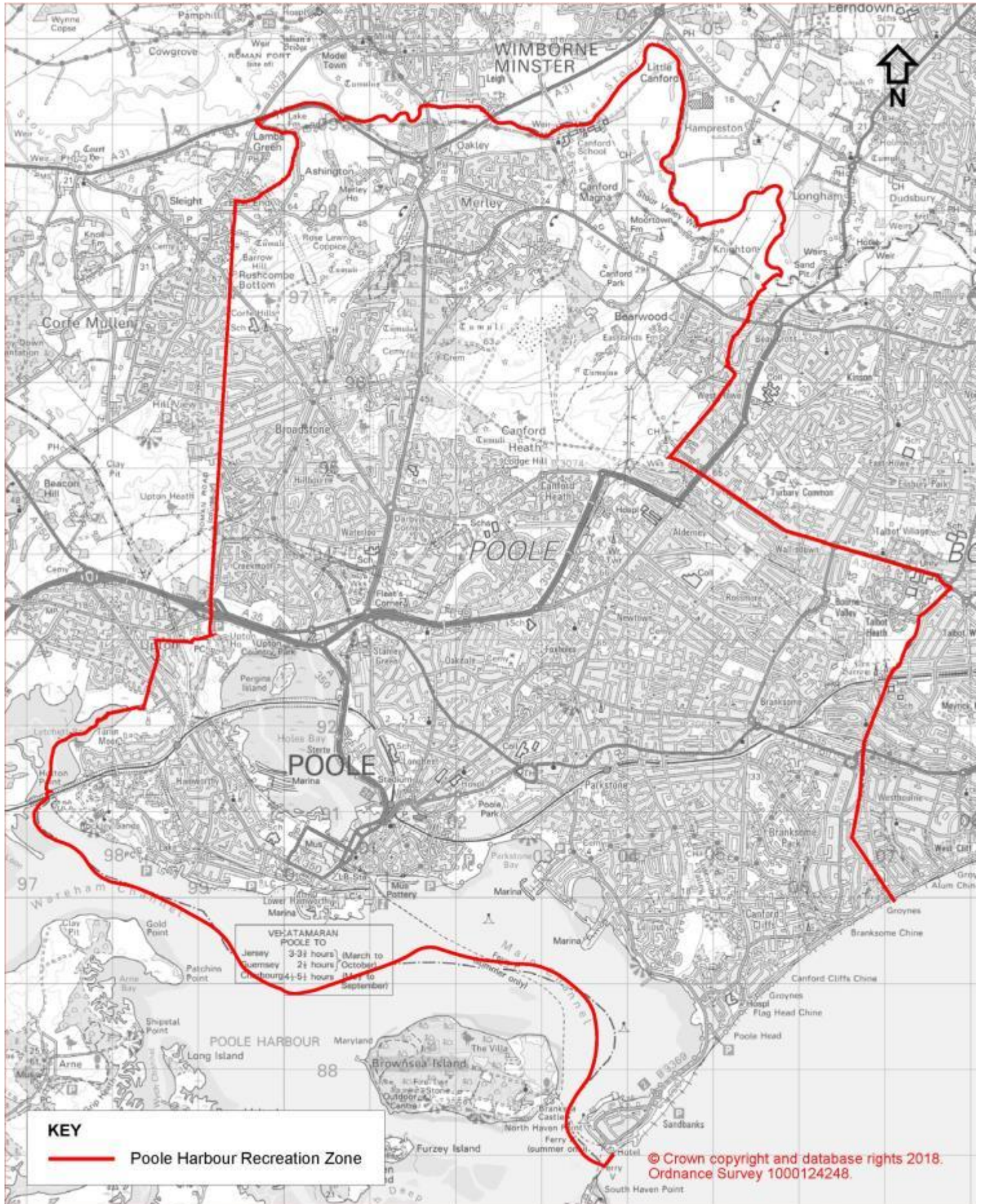
# Appendix A: Poole Harbour designated as European Wildlife Sites



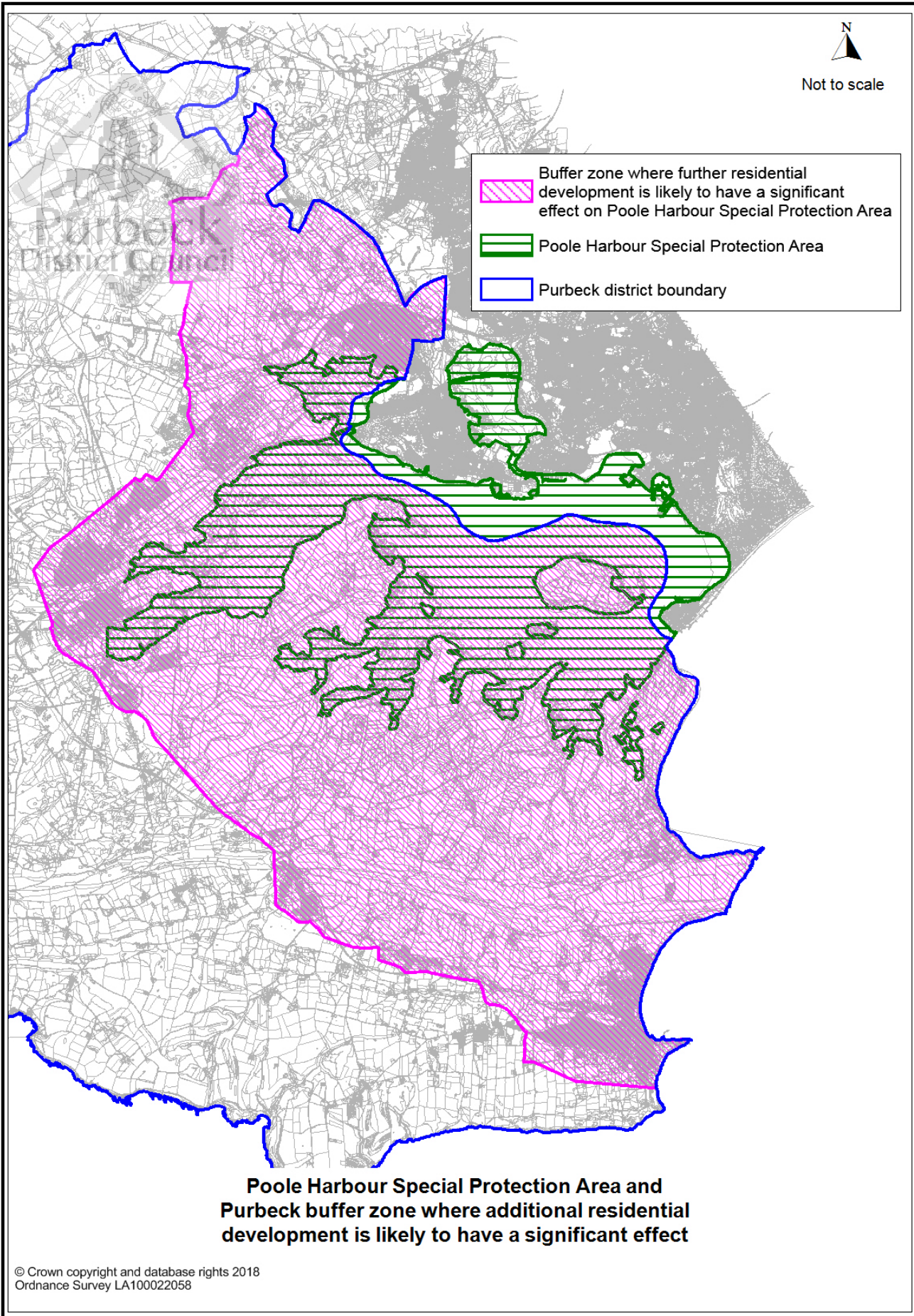


# Appendix B: Poole Harbour Recreation Zones

## Poole







## Appendix C: Advice for Different Uses

### *Use Class C2 (sheltered housing)*

Use Class C2 applications (retirement homes where the occupants are still active) will need to be assessed on a case by case basis to determine their effects on Poole Harbour. Where significant adverse effects are identified then development will be expected to demonstrate how it will avoid or mitigate such effects or alternatively may apply the financial contribution mechanism set out within the main body of this SPD. It may be reasonable for local authorities to conclude that such units of accommodation are comparable to additional residential flats. Mitigation contributions should also be secured where there is additional on-site staff residential accommodation provided.

Natural England advises the local authorities to be aware that this advice does not relate to other significant effects on the international sites such as considerations related to surface water discharge from the application sites. These will require case by case consideration in consultation with Natural England.

Natural England advises the authority to be aware that this advice does not apply to matters related to species protected by law.

### *Gypsies and Travellers*

It is the advice of Natural England that 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 it is the advice of Natural England that effects from development proposals of this type would act in combination with effects from Use Class C3 residential development and as such, provision would be required for the level of avoidance/mitigation proportionate to the likely adverse effects arising.

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

It is the advice of Natural England that self-catering and touring proposals are likely to have a significant effect on the sites. These effects are broadly similar to those arising from residential development and therefore would act in combination with these.

Whilst individual applicants may seek to reduce impacts e.g. by restricting pets Natural England consider that there is considerable uncertainty about whether, over time, such agreements would be effective. In the light of the appeal decisions and a number of applications considered by competent authorities in south east Dorset, Natural England has considered how best to enable applicants to provide mitigation:

1. In the case of very large scale applications the provision of bespoke mitigation such as Suitable Alternative Natural Greenspace can be considered as part of a package of avoidance and mitigation measures on a case by case basis (see Dorset Heathlands Strategy SPD)
2. Where applications are for small numbers of additional units Natural England advise that the authorities may use the contribution policy offered by the SPD.

Each case will be addressed on a site by site basis and it may be that authorities will take a proportionate approach and may seek to reduce the contribution level to account for the lower rate of occupancy of self-catering or touring units.

## *Commercial Uses Associated with the Harbour*

It is the view of Natural England that some commercial uses are considered to have a likely significant effect on the sites arising from effects of recreational pressure from development. 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
- Cafés/restaurants

Such proposals will be considered on an individual basis and where applicable, proposals will need to include evidence to allow the Council to assess the effect of development on the SPA and provide 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.

## *Houses in Multiple Occupation (HMO) and student accommodation*

The advice of Natural England to the local authorities is that HMOs and student accommodation are likely to give rise to significant adverse effects on European/internationally protected harbour arising from increased levels of residential occupancy and consequential recreation around the harbour. Guidance from the Ministry of Housing, Communities and Local Government (Notes and definitions for the Housing Flows Reconciliation (HFR) form) confirms the view that “*purpose built separate homes for students should be included. Each self-contained unit should be counted as a dwelling.*” Natural England is not aware of any evidence which demonstrates that these residents, students or otherwise, would not access the harbour for recreation in a significantly different manner to that of residents in C3 dwellings.

In these circumstances proposals for these types of dwellings need to provide avoidance/mitigation. The standard tariff rate that is normally applied to Use Class C3 dwellings would be required as an appropriate level of mitigation.

There may be an increased risk which is associated with private sector managed units which do not fall within a defined use class i.e. Sui Generis, arising due to changes in the type of occupants within these developments compared to facilities on a campus. The self-contained facilities available on campus and the close management of student halls may therefore provide a degree of certainty that the risk of adverse effects is low.



## Appendix D: Changes to the General Permitted Development Order (GPDO) and relevance to the Habitats Regulations

The Town and Country Planning (General Permitted Development) (England) Order 2015 allows some changes of use without the need for formal planning permission. Part 3 allows for a change of use of some commercial or agricultural buildings (and land within its curtilage) to a use falling within Class C3 (dwelling houses) subject to prior approval.

Whilst such flexibility may bring about advantages to the economy and provide much needed residential accommodation to the market, consideration must be given to the cumulative impact such development would have on the internationally protected harbour as identified in the Poole Harbour Recreation Planning Framework SPD. In the introduction to this document it is noted that:

*“It is the view of Natural England that the cumulative effect of a net increase of dwellings in Poole would have a significant effect on Poole Harbour which is covered by several international designations. Avoidance measures or mitigation will be required otherwise Local Authorities will not be able to grant permission for residential development within Poole”*

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 protected harbour. However such consideration is provided by Article 3(1) of the GPDO which imposes a ‘general condition’ governing all development allowed by Schedule 2 of the Order, subject to the regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017.

Regulation 75 of The Conservation of Habitats and Species Regulations 2017 also conditions that general development orders which *are 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 is not directly connected with or necessary to the management of the site.*

The Regulations also provide a procedure whereby a developer may apply to the appropriate nature conservation body for their opinion whether his proposed development is likely to have such an effect (Reg 76); and a procedure for assessment by the LPA in cases where the proposed development is likely to have a significant effect on a European site (Reg 77).

There are therefore two ways to establish whether the development may proceed under the Order.

Either:-

- Obtain opinion of appropriate nature conservation body; or
- Obtain approval of the LPA.

In most cases the position could be overcome by appropriate mitigation through the submission of a Unilateral Undertaking (S106) or upfront contribution (S111) submitted as part of the ‘Prior approval’ requirements set out in Part 3 of the GPDO.



## Appendix E: Calculating the cost of Strategic Access Management and Monitoring (SAMM)

The following information provides greater detail about how the SAMM contributions were calculated.

### 1. Calculating the population increase and housing numbers to 2034.

Table 2: Housing numbers by Local Authority

	Poole	Purbeck	Total
Local Plan Requirement	14,200	830	15,030
Completions (net) in plan period	2,397	0	2,397
Remaining Plan Requirement	11,803	830	12,633
Under Construction	748	0	748
With planning permission but not implemented (minus 30% for non-implemented)	1,202	0	1,202
Remaining residential consents that need to be granted 2018-3034	9,853	830	10,683
Additional 1 years supply (2034)	710	0	710
Total residential consents anticipated over period of SPD 2019-2035	10,563	830	11,393
Average annual consents anticipated	704	55	760
Annual consents required over 5 year period	3,521	277	3,798

*NB - Household occupancy is calculated from the Eastern Dorset Housing Market Area (HMA), the demographically led housing projections used the 2012-based CLG household projections, underpinned by ONS (2012-based) subnational population projections (SNPP) which are then adjusted for uplift having regard to economic growth, market signals and affordable housing.*

## 2. Costs for the SAMMs measures

The annual and total costings for the SAMMs mitigation measures are set out in table 3 below.

*Table 3: Combined Strategic Access, Management and Monitoring Costs*

	2019/20 (year 1)	2020/21 (year 2)	2021/22 (year 3)	2022/23 (year 4)	2023/24 (year 5)	2024/25 (year 6)	2025/26 (year 7)	2026/27 (year 8)	2027/28 (year 9)
<b>Surveys and Monitoring</b>	17,625	14,950	47,825	10,150	10,700	24,700	13,900	14,950	14,825
<b>Co-ordinator &amp; Warden</b>	67,000	55,000	55,000	55,000	67,000	55,000	55,000	55,000	55,000
<b>SAMMS Projects</b>	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>Access Management Plan</b>	7,500	7,500	0	0	0	0	0	0	0
<b>Total</b>	<b>102,125</b>	<b>87,450</b>	<b>112,825</b>	<b>75,150</b>	<b>87,700</b>	<b>89,700</b>	<b>78,900</b>	<b>79,950</b>	<b>79,825</b>

	2028/29 (year 10)	2029/30 (year 11)	2030/31 (year 12)	2031/32 (year 13)	2032/33 (year 14)	2033/34 (year 15 )	Total Cost (£)	Average Yearly Cost (£)
<b>Surveys and Monitoring</b>	10,150	16,325	19,075	38,900	14,950	14,825	<b>283,850</b>	<b>18,923</b>
<b>Co-ordinator &amp; Warden</b>	67,000	55,000	55,000	55,000	67,000	55,000	<b>873,000</b>	<b>58,200</b>
<b>SAMMS Projects</b>	10,000	10,000	10,000	10,000	10,000	10,000	<b>150,000</b>	<b>10,000</b>
<b>Access Management Plan</b>	0	0	0	0	0	0	<b>15,000</b>	<b>1,000</b>
<b>Total</b>	<b>87,150</b>	<b>81,325</b>	<b>84,075</b>	<b>103,900</b>	<b>91,950</b>	<b>79,825</b>	<b>1,321,850</b>	<b>87,123</b>

*N.B. These figures cover the base costs for delivering SAMM only and not infrastructure. No provision for inflation included in the above table.*

### 3. Cost for calculating the SAMMs contribution

The costs for calculating the SAMMs contribution are set out in table 4 below. The contribution will be index linked and adjusted annually to reflect inflation.

Table 4: SAMMs contribution costs and income

		Poole and Purbeck
<b>Min. cost/dw to cover all costs</b>		£117
<b>Adjusted rates based on occupancy:</b>	<b>House @ 2.42</b>	£139
	<b>Flat @ 1.65</b>	£95
<b>No. of dwellings (over 15 years)</b>		11,393
<b>No of houses<sup>7</sup> (over 15 years)</b>		5,863
<b>No. of flats (over 15 years)</b>		5,530
<b>Total income from dwellings (over 15 years)</b>		£1,340,352
<b>Average income per year (divided by 15 years)</b>		£89,357
<b>Total cost of mitigation (over 15 years)</b>		£1,321,850
<b>Average cost of mitigation (divided by 15 years)</b>		£87,123

<sup>7</sup> Calculated using an assumption in houses vs flats proportions equivalent to 50%/50% in Poole and 70%/30% in Purbeck

## Appendix F: List of Projects

### Samms Projects

Project title	Category	Project description	Location	Estimated cost	Type of disturbance being addressed
Leaflets, Website and Social media	Education	Update to 'Poole Harbour SPA and bird sensitive areas' leaflets including re-design and better audience targeting ie separate versions for various user groups. New leaflets/social media for canoe and other water based activities.	Various sites in Poole & Purbeck	£5,000	All disturbance types
Signage	Education	Increase locations with Dorset Dogs 'Please don't chase the birds' signs or other new suitable signage.	Various sites in Poole & Purbeck	£2,750	Disturbance by dogs
Dorset Dogs Pit Stops and Walkies	Education	Continue and increase Pit Stops and Walkies to educate dog walkers on responsible dog walking in wildlife sensitive areas	Various sites in Poole & Purbeck	£2,000	Disturbance by dogs
Litter Clearance	On site management	Litter needs to be cleared from sensitive areas. Although would have to be careful this does not impact upon birds. Could be volunteer events 6 monthly but some equipment needed.	Various sites in Poole & Purbeck	£250	Disturbance by humans
<b>Total</b>				<b>£10,000</b>	

## Infrastructure Projects (PHIPS): Poole

Project title	Category	Project description	Location	Type of disturbance being addressed
Holes Bay Buffer Planting	Habitat Management	Localised shrub planting between Holes Bay cycle path and Holes Bay and cycle path and Holes Bay Rd, north of railway line	Holes Bay- north	Disturbance by humans (walkers & cyclists) and dogs (off leads)
Upton Farm Wader Scrapes	Habitat Management	Scrapes for waders in remaining parts of Upton Farm, as alternative to areas of public use within harbour. Would require negotiation with farmer as land under lease. Possibility to graze in summer and have wet scrapes in winter.	Upton Farm	All disturbance types
Realignment of Holes Bay cycleway	On-site access management	Realign sections of Holes Bay cycle path north of the railway line, to give buffer to SPA	Holes Bay- north	Disturbance by dogs and human disturbance
Hamworthy Park Access	On-site access management	Manage access to eastern end of Hamworthy Park (east of old power station outlet), by fencing and install information sign re birds of the harbour.	Hamworthy Park	Disturbance by dogs and human disturbance

*Note the above infrastructure projects listed are examples of potential projects which may be appropriate subject to feasibility.*

## Infrastructure Projects (PHIPS): Purbeck

<b>Project title</b>	<b>Category</b>	<b>Project description</b>	<b>Location</b>	<b>Type of disturbance being addressed</b>
Brand's Bay Buoys	Education	Buoys across Brand's Bay with messages to deter access to the bay by canoeists, particularly during the winter when wading birds are feeding.	Brand's Bay	Disturbance by humans (watersports)
Studland Access	On-site access management	Puling access back from harbour edge through an existing path linked to the hide on the western side of the Studland peninsula. Use brash from scrub management to discourage access along some of the small unofficial routes to the shore. Low key signage to waymark route.	Studland	Disturbance by dogs and human
Hide Re-location	On-site access management	Moving hide at Coombe (on designated land) to a new location on a non-designated site, to encourage access away from the designated area.	Coombe	Disturbance by humans (bird watchers)
Lytchett Fields Access	On-site access management	Provide a viewing area and path / circular walk. People are currently walking along the bank and disturbing the birds. By having a path below the height of the wall, the disturbance will be reduced	Lytchett Fields	Disturbance by dogs and human

*Note the above infrastructure projects listed are examples of potential projects which may be appropriate subject to feasibility.*