

Date of Meeting: 10th December 2019

Portfolio Holder: Cllr D Walsh, Planning

Local Member(s): Cllrs Alex Brenton, Bill Pipe, Andrew Starr, Cherry Brooks, Gary Suttle, Bill Trite, Beryl Ezzard and Ryan Holloway.

Executive Director: John Sellgren, Executive Director of Place

Executive Summary:

The purpose of the report is to seek approval to adopt Poole Harbour Recreation Supplementary Planning Document (SPD) 2019 - 2024.

Borough of Poole Council and Purbeck District Council have previously worked on preparing a joint SPD for Poole Harbour. Poole Harbour is designated as a Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). The Habitats Regulation Assessments (HRA) for the Purbeck Local Plan Part 1, and the submission draft Purbeck Local Plan, indicate that leisure activities in Poole Harbour are having a significant effect on the protected species of birds, invertebrates and plants which live in/visit the harbour. Visitor surveys suggest that some of the people participating in the leisure activities live in Poole and Purbeck. It is likely that further residential/tourist development around the harbour will increase leisure activities and cause disturbance (the evidence paper around these issues is published online: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck/joint-working-with-other-councils/joint-working-with-other-councils.aspx>).

Working with Bournemouth Christchurch and Poole Council, an SPD has been prepared to provide more detail around the planning policies relating to Poole Harbour in the Poole Local Plan, Purbeck Local Plan Part 1 and the emerging Purbeck Local Plan. The SPD will support the process of assessing whether proposed development in planning applications is likely to have significant effects on Poole Harbour, and (where proposed development is likely to have significant effects on the harbour) in completing an appropriate assessment for the purposes of the Conservation of Habitats and Species Regulations 2017.

The councils arranged consultation on a draft Poole Harbour Recreation SPD to take place between Monday 4th February and Monday 4th March 2019. In total the councils received 57 responses on the SPD. A consultation report has been prepared which summarises responses to the draft SPD and officer comment/action (**Appendix 1**). The councils updated the draft SPD taking account of the responses to the consultation. The final draft of the SPD is attached in **Appendix 2**.

Equalities Impact Assessment:

Officers have completed an Equalities Impact Assessment for the draft SPD (**Appendix 3**).

Budget:

Copies of the adoption statement for the SPD will need to be sent to any person who has asked to be notified. This can be accommodated within existing budgets.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: MEDIUM

Residual Risk LOW

Climate implications:

No direct implications arising from the SPD as it provides further detail and guidance around local planning policies relating to protected habitats. Taken as a whole the adopted and emerging local plans relating to the Purbeck area include strategies, and other policies, which seek to secure development/land uses that contribute toward the mitigation of, and adaptation to, climate change.

Other Implications:

The council will not be able to grant planning permission for new homes in the Poole Harbour recreation zone (as identified in Figure 1 of the SPD) unless it can demonstrate that there will not be any adverse effects on Poole Harbour Special Protection Area (SPA). Not delivering new homes around the harbour in Purbeck (which includes the towns and villages of: Upton, Lytchett Minster, Lytchett Matravers, Wareham and Swanage) would jeopardise the spatial strategy for addressing its housing needs presented in the emerging Purbeck Local Plan and potentially future strategies in the Dorset Council Local Plan.

Recommendation:

That the updated draft of the Poole Harbour Recreation Supplementary Planning Document 2019-2024 is adopted.

Reason for Recommendation:

The SPD will add further detail to adopted and emerging policies in local plans and outline a process for securing contributions to fund mitigation measures required to avoid adverse effects on European sites in accordance with The Conservation of Habitats and Species Regulations 2017.

Appendices:

1. Consultation report;
2. draft Poole Harbour Recreation Supplementary Planning Document 2019-2024; and
3. Equalities Impact Assessment.

Background Papers:

Please see the following webpage for background papers that were submitted as evidence in support of the SPD: <https://www.poole.gov.uk/planning-and-building-control/planning-policy-and-guidance/supplementary-planning-documents-and-guidance-notes/poole-harbour-recreation-spd/>

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Main report

- 1.1 Poole Harbour is a natural harbour that is designated as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site for its nature conservation importance. The protected species of birds living or visiting the harbour include:
- Little Egret;
 - Eurasian Spoonbill;
 - Common Shelduck;
 - Avocet;
 - Black-Tailed Godwit;
 - Mediterranean Gull;
 - Sandwich Tern; and
 - Common Tern.
- 1.2 Research indicates that human activity can disturb the harbour's animals and plants. Disturbance can arise from commercial and leisure activities which take place in the harbour and around its edges. As an example birds which are subject to disturbance from human activity may: spend less time feeding, expend unnecessary energy, use poorer quality feeding and roosting sites and become stressed (stress may adversely affect breeding rates). Some of the human activities that can cause disturbance include: walking (with and without dogs), fishing, horse riding, cycling, bait digging, canoeing, kite surfing and commercial/leisure boat traffic.
- 1.3 The Poole Harbour Aquatic Management Plan (2011) provides a framework for managing commercial/leisure activity within the Harbour. A steering group that includes local councils, Natural England, Environment Agency, Southern Sea Fisheries District Committee, Wessex Water and Poole Harbour Commissioners has the responsibilities for implementing its objectives. These objectives include: 'to fulfil the requirements of a Management Scheme for the European Marine Site' and 'to protect and maintain the special natural features of the Harbour.' As an example of implementing these objectives there are designated zones for water sports within the harbour to limit disturbance.
- 1.4 Visitor surveys at locations around the Harbour's edges in Purbeck and Poole (including Arne and Studland Peninsulas and sites around the harbours northern edges) indicate that a significant proportion of the people who participate in leisure activities (including dog walking and cycling) around the edges of the harbour live in Poole and Purbeck. This evidence indicates that further residential development around the harbour is likely to lead to further use of the harbour for recreation by the occupiers of the new homes and disturbance to the protected plants and animals.
- 1.5 A map (Figure 1: Poole Harbour Recreation Zone) in the draft SPD identifies the area where further development is likely to have significant effects in each of the former council areas (the zone was based on the previous administrative boundaries for Borough of Poole and Purbeck District Council). The councils recognise that the scope of the SPD will need to be reviewed as part of work on new local plan policies relating to Poole Harbour. This review will need to take particular account of the effects of new homes in areas that extend beyond the former administrative boundaries of Poole and Purbeck. In the interim the effects of development in Corfe Mullen and Sleight will need to be assessed on a case by case basis as planning applications are determined.
- 1.6 The mitigation strategy for avoiding adverse effects from development in the recreation zone has two elements: (i) Strategic Access, Management and Monitoring (SAMMs) and (ii) Poole Harbour Infrastructure Projects (PHIPs). Officers from the

councils have worked together to draw up a list of potential measures to mitigate the effects of planned development on Poole Harbour. These measures include: improving visitor awareness of the effects of disturbance, wardening, providing alternative recreational facilities and managing access to the shoreline. The mitigation will need to be overseen by a Warden/Ranger and co-ordinator. Further monitoring and surveys are also needed to evaluate the effectiveness of mitigation measures and guide any changes in the approach.

- 1.7 Dorset Council will take the contributions needed to fund the mitigation from the money collected through the Community Infrastructure Levy (CIL). Habitats Regulations projects, including those addressing the 'recreational impact on Poole Harbour Special Protection Area for all development', are included in the Council's list of infrastructure priorities in the CIL charging schedule for the Purbeck area.
- 1.8 Based on allocations in local plans, and taking account of those sites with planning permission and windfall development, the councils estimate that a total of 3,945 new homes are likely to be completed in the Poole Harbour Recreation Zone between 2019 and 2024. (These totals relate to the total number of homes in the Recreation Zone which overlaps both council areas, but do not make an allowance for homes in the Corfe Mullen area). The councils will seek contributions of £465,000 to fund SAMMs mitigation to mitigate the effects of disturbance arising from this development.
- 1.9 The council estimates that 745 new homes will be delivered within the Poole Harbour Recreation Zone (identified in Figure 1 of the SPD) in the Dorset Council area between 2019 and 2024. A total contribution of £65,000 is needed to fund the SAMMs mitigation (comprising: managing access around the edges of the harbour / monitoring the effectiveness of the strategy) for these homes. CIL contributions from this development will also fund Poole Harbour infrastructure projects (PHIPs). (Possible PHIPs are presented in a Table in Appendix A, Part 2 of the SPD).
- 1.10 For development which is not CIL liable (e.g. affordable housing), but is likely to have an adverse effect on Poole Harbour SPA, the councils will seek contributions through planning obligations or use CIL monies collected elsewhere to secure mitigation on a case by case basis.
- 1.11 A project, implementation and monitoring plan will be published to support this SPD. This plan will set out the amount of development coming forward, identify mitigation projects and monitoring (both of mitigation projects and the condition of protected habitats). It will be prepared in consultation with organisations with a shared ambition to mitigate the effects of recreation in and around Poole Harbour.
- 1.12 Officers from councils are discussing proposals to establish a Dorset Heathlands and Poole Harbour advisory group. The group could be formed from Councillors (comprising representatives from each council), officers and Natural England. The group could have responsibilities around identifying and agreeing mitigation projects for both Dorset Heathlands and Poole Harbour, and supervising preparation of the project, implementation and monitoring plan. Officers intend to prepare a report/recommendations for a future meeting of Dorset Council Cabinet which sets out further details of the role and functioning of the advisory group, including recommendations for governance arrangements.