POOLE HARBOUR SPECIAL PROTECTION AREA AND RAMSAR SITE: PRINCIPLES[1] WHICH WILL BE USED BY NATURAL ENGLAND WHEN RESPONDING TO CONSULTATIONS AND PROVIDING ADVICE ON PROPOSED SMALL DEVELOPMENTS ON THE FORESHORE THAT PROVIDE PRIVATE ACCESS TO THE HARBOUR

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[1] The principles set out in this document are based on the best scientific evidence available and experience to date.

1. Aims

The purpose of this advice is to raise awareness of Natural England's views regarding the construction of small developments, such as jetties and pontoons, on the foreshore within Poole Harbour. This advice is directed primarily towards the developer in order to help during the early planning stages of a development application. The scope of the area covered by this advice is shown in Figure 5. And runs from the south east of Lytchett Bay in the west to Sandbanks in the east The advice relates to **private** jetty, slipway and pontoon applications linked to **existing** residential developments. All other types of developments on the foreshore and outside of this area will be responded to on a case by case basis. Outside of the scope of this area Natural England are likely to object to jetty, slipway and pontoon applications due to such developments resulting in an increase in access to currently undisturbed parts of the Harbour.

By presenting this advice, Natural England hopes to raise developers' awareness of the potential problems associated with proposing developments in certain parts of the harbour , but also to facilitate (and so save time and costs) the granting of relevant approvals for well-designed proposals in other parts of the harbour. The advice contained in this document seeks to promote a positive approach to protecting the natural environment and promote sustainable use by highlighting the sensitivities of parts of the harbour to further development and assisting in the design of structures that minimise adverse effects in other parts of the harbour.

2. Background

Poole Harbour is one of the largest natural harbours in the world. Its extensive mudflats, salt marshes and reed beds support over 20,000 wintering wildfowl and waders. It is home to internationally important species listed as rare, vulnerable or in danger of extinction including Avocet, Common Tern and Mediterranean Gull. Due to its importance for nature conservation, Poole Harbour is recognised as being of national and international significance with areas designated as a Special Protection Area (SPA), a Site of Special Scientific Interest (SSSI) and a Wetland of International Importance (Ramsar site).

Development in the intertidal areas of Poole Harbour (between Highest Astronomical Tide and Mean Low Water) is likely to requires four separate permissions from different statutory bodies (otherwise known as relevant authorities);

- Planning permission (Borough of Poole or Purbeck District Council)
- Poole Harbour Commissioners Licence (Poole Harbour Commissioners)
- Food and Environmental Protection Act (FEPA) Licence (Marine Management Orga nisation)
- Coast Protection Act (CPA) consent (Marine Management Organisation)

The relevant authorities are required to consult Natural England about applications which may affect any of the designated features of the Poole Harbour SPA, SSSI or Ramsar site or the integrity of the site as a whole. The relevant authority seeks the advice of Natural England as to the likely significance of any effect that a development may have and must apply strict tests when carrying out its decision making function to ensure that adverse impacts on nationally and internationally important nature conservation sites are avoided.

3. Impacts of developments on the shore

Over the last century or more there have been a number of relatively large scale developments around the shores of Poole harbour eg port developments, marina developments and land reclamation works. In addition, in the past 50 years the number of small private developments within Poole Harbour has increased dramatically (see *Figures 1-4*). Thus, there has been a gradual encroachment of developments of one kind or another around the fringes of the natural environment of the harbour. In many places around the harbour, this fringing habitat consists of upper shore mudflat and saltmarsh. These habitats are important feeding and roosting habitats for many birds. One potential threat to the waterfowl in the Harbour is thus the cumulative effect of the gradual encroachment onto the foreshore of many small developments such as jetties and slipways.

Small foreshore developments result in direct loss of intertidal habitat within their "footprint". However, there are other less obvious effects that need to be considered. Evidence that the presence of structures such as jetties and groynes on the foreshore impedes waterfowl usage of the nearby intertidal habitat has been produced through a number of surveys (Morrison, 2003; Morrison, 2005, Donnelly et al, 2003). The habitat close to these structures is likely to be of less value to the birds for foraging and roosting because their sightlines and flight lines are restricted. Sightlines and flightlines are considered to be important for birds to protect themselves from predators and survey their feeding ground (English Nature, 2000; Milsom et al 1998; ENRR 359, 2000) Furthermore, the structures may create shade and increased abrasion from wave action resulting in habitat deterioration in localised areas along the shoreline and therefore decrease foraging potential. Although foreshore structures may be used by some common species as roosting sites over high water, human activity associated with the construction, use and maintenance of jetties, slipways etc also poses a risk of

increased disturbance to birds feeding or roosting near the upper shore. English Nature, 2000).

Without careful control further small developments on the foreshore could result in a significant loss of potential bird roosting and feeding habitat within the Poole Harbour SSSI , SPA and Ramsar site. There has been a significant loss of natural saltmarsh roosting habitats over the last century as a result of saltmarsh dieback while sea level rise is predicted to result in further losses of mudflat and saltmarsh (Underhill-Day, 2006). It is therefore imperative that further significant human induced loss of upper shore habitat usable by birds for feeding and roosting is avoided.

Through this advice Natural England wants to ensure that the remaining undeveloped important sites for waterfowl are maintained. It is, however, Natural England's opinion that, in certain other parts of the Harbour, structures can be built that minimise potential effects on the waterfowl provided that certain safeguards and mitigation measures are incorporated at the design and planning stage.

Figure 1: Blue Lagoon in 1952

Figure 2: Blue Lagoon in 2002

Figure 3: Sandbanks in 1952

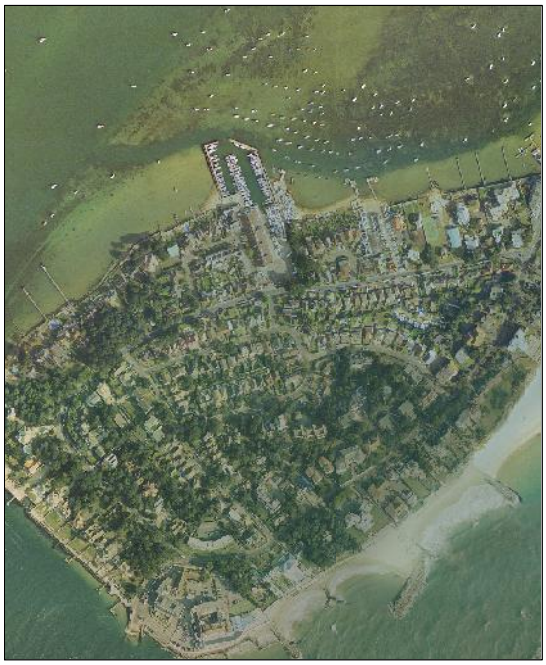

Figure 4: Sandbanks in 2002

4. Your location in the Harbour

The north shore of the Harbour is subject to considerable development pressure in the residential, recreational, commercial and industrial areas. The impacts of foreshore structures on waterfowl will vary throughout the harbour. A number of reports have highlighted that the northern shore is important to the wintering bird population of the SPA (EPR, 2004; NECR017, 2009, Donnelly et al 2003)). These reports have also shown that there are definite areas of the northern shore which attract key species (eg Blue Lagoon, Baiter) both during the day and the night. Some developments will have only a minor effect, for example an additional structure in a developed area with many existing slipways and jetties, extensive human activity and little bird activity is likely to create little additional impact. However, the same structure in a less developed location is likely to have much more pronounced direct and indirect effects on the birds.

In 2003, Natural England commissioned a research project to assess bird usage within areas of the north shore of Poole Harbour between Rockley Point and Sandbanks where jetty and slipway developments are most common. The report (Donnelly et al. 2003) highlighted certain areas along the northern shore that support relatively high numbers of key species (eg Blue Lagoon and Baiter). It also suggested a strategic approach when assessing the impact of jetties/slipways etc depending on the relative usage of the shore by birds and existing disturbance levels.

Building on this report, and other surveys of bird usage of the northern shore of the Harbour, (eg EPR, 2004; NECR017, 2009) Natural England looked more closely at the stretches of the foreshore between east of Lytchett Bay and Sandbanks in order to classify: i) their potential importance to waders and wildfowl and ii) the present density of jetties'slipways etc. Natural England also considered how present regulations can be used to enforce restrictions on small development design. As a result, Natural England has split the north shore of the harbour into a number of discrete sections and classified each of these as being either a "Blue Zone" or a "Red Zone".

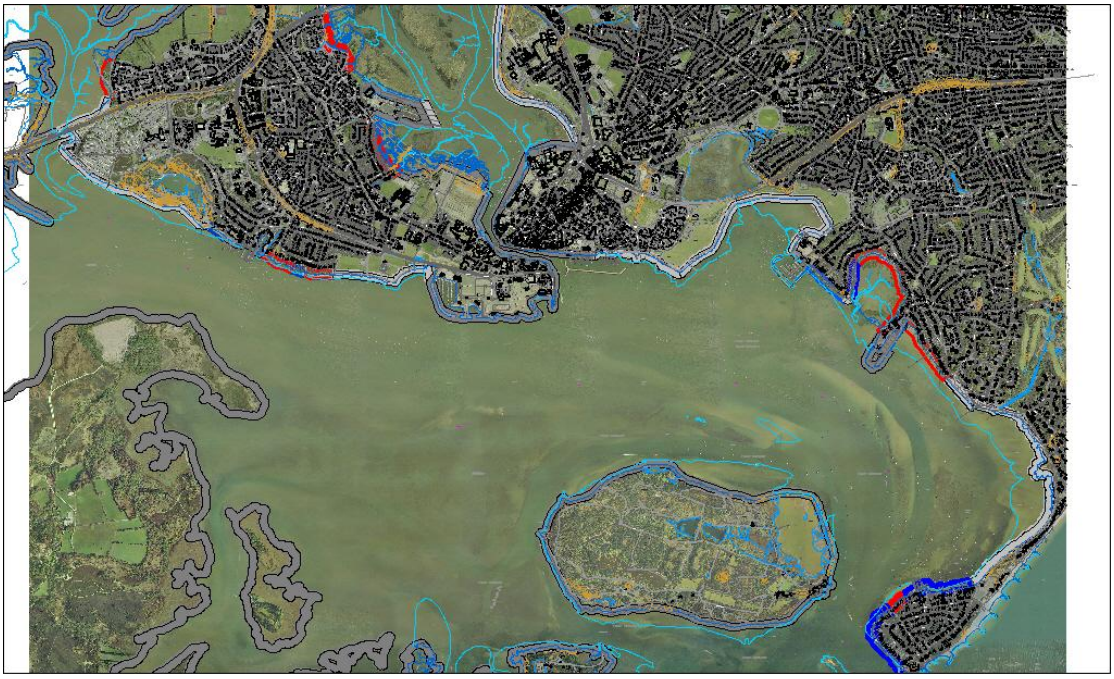

Figure 5: Policy areas for the north shore of Poole Harbour

5. Blue Zones are :

- areas of the foreshore which have existing foreshore development and have a higher density of jetties and slipways than other parts of the shoreline

- areas where existing potentially disturbing activities (e.g. boat movements, walking on the foreshore etc) are also likely to be high

Principles relating to Blue Zones

Although these areas have some value for feeding and roosting birds, Natural England considers that a new **small development** in such an area, if it is designed carefully and of a similar length to existing structures, is unlikely to have a significant effect on Poole Harbour SPA, SSSI and Ramsar site. Natural England will, therefore, generally have no objection to proposals in the Blue Zone that meet the principles set out below.

1. The proposed works should not lead to unnecessary proliferation of small developments within the SPA. An applicant should therefore be able to demonstrate that the purpose of the jetty or slipway could not be served by sharing existing facilities, or in any other way.

2. Where new facilities are justified Natural England are more likely to agree with the consenting of structures where the applicant has considered how the structure can be designed so as to minimise its impact on the foreshore. The following table lists designs which will be considered.

Type of Design	Way by which the design minimises impact on the environment
A structure that has little or no impact on over-wintering birds	• Structure that can be removed during the winter periods eg floating pontoons • Slipways set back away from the shore eg into residential gardens so as to encroach only a little way on to the shore
Applications where the applicant seeks to find ways of making more of the foreshore available for foraging and roosting birds	• Derelict structures removed from adjacent foreshore especially within direct location of the new proposed development or at neighbouring properties • setting back of existing retaining walls to create additional intertidal habitat.
A structure whose dimensions are no longer or wider than required for their purpose	• Structures of the minimum proportions necessary to perform the required function (no longer or wider than necessary and close to existing nearby structures) • Structures appropriate to the shore gradient (a bathymetric survey will be required to help determine the additional boat access time that will be gained from the proposed structure)
Applications where the remaining bird feeding area maximised	• Structure positioned so as to maximise undeveloped open areas and maintain bird sightlines
The structure is designed to be environmentally sensitive	• Perforated mesh design for slipways; benefit of allowing sunlight through, resulting in less shading effects on the inter-tidal habitat • Incorporation of some timber; e.g. in the piling would provide an additional type of substrate for colonising species such as seaweeds and sponge • Use of open piling benefit of allowing movement of tidal waters, maximum retention of shore area and minimum displacement of tidal water • Materials from a sustainable source wherever possible

3. The construction of the development should avoid disturbing overwintering birds and take place between 1st April and 31st October.

6. Red Zones are:

- areas that have relatively little existing foreshore development

- likely to have relatively low disturbance levels at present
- of particular importance to feeding or roosting birds

Principles relating to Red Zones

Because of the relatively underdeveloped nature of these areas and their relative importance to birds, Natural England considers that new structures that **encroach on to the foreshore** in these zones are likely to have a significant detrimental effect on the birdlife of Poole Harbour SPA through direct loss of habitat and through displacement of birds due to interference with their sightlines and flightlines. Natural England will, therefore, generally object to proposals in Red Zones because, on the objective evidence available, it cannot be ruled out that further jetties and slipways in these zones would be likely to have a significant effect on the SPA and Ramsar site. An appropriate assessment (Annex A) will therefore need to be undertaken by a competent authority before a decision can be made regarding the granting of any necessary consent. It is unlikely that a competent authority could ascertain that proposals in the Red Zone would not adversely affect the integrity of the SPA and Ramsar site.

Figure 10: this slipway has been constructed as a solid mass of concrete which results in a complete loss of natural, intertidal habitat under the concrete and the total displacement of tidal water. There has been no mitigation for the structure's adverse effects such as meshing, open piling, or seasonal removal.

Further information regarding the assessment of the importance of specific areas of the foreshore and their classification as either a blue or red zone can be found in the supporting information (Annex A) that accompanies this document.

7. Summary

- In some parts of the northern shore of Poole Harbour (Red zones) where there is currently little development and bird usage is relatively high Natural England will object to further small developments eg jetties and slipwaysIn Natural England's opinion, developments here are likely to have a significant detrimental effect on the birdlife of Poole Harbour SPA..

- In other parts of the northern shore of Poole Harbour (Blue Zones), where the shore is already relatively well developed and bird usage is relatively low, Natural England is unlikely to object to further **small developments** (eg slipways and jetties) provided that the proposal meets the principles set out above. These principles aim to ensure that unnecessary proliferation of small developments within the SPA is avoided and that where new structures prove necessary, they are of an environmentally sensitive design.

- Applicants should ensure they have consulted Natural England and other consenting agencies for their views on any proposed development at an early stage and ascertained whether the proposed structure is in a red or blue zone.

- Where the structure is in a blue zone the applicant should provide clear and detailed plans of the development with a supporting statement as to why it is required and how they have followed the principles set out above.

- If you have any concerns please do not hesitate to contact Natural England.

8. Consenting Agencies

Natural England *Room H7* *Government Buiding* *Prince of Wales Road* *Dorchester* *Dorset* *DT1 1PY* *Dorset@naturalengland.org.uk*	**Poole Harbour Commissioners** *Harbour Engineer* *20 New Quay Road* *Poole* *Dorset* *BH15 4AF* *01202 440200 Extension 234* *heng@phc.co.uk*
Borough of Poole *Civic centre* *Poole* *BH15 2RU* *01202 633633* *planning@poole.gov.uk*	**Marine Management Organisation** **(for CPA approval and FEPA licensing)** *Marine Environment Team* *PO Box 1275* *Newcastle Upon Tyne* *NE99 5BN* *0300 123 1032* *Marine.consents@marinemanagement.or.uk*
Purbeck District Council *Purbeck District Council*	

Westport House *Worgret Road* *Wareham* *Dorset* *BH20 4PP* *01929 556561* *www.purbeck-dc.gov.uk*	

9. References

Donnelly J, Kirby J, Arnold J and McMinn S, 2003. The Development of Strategic Guidance for Jetties and Slipways within the Poole Harbour SPA. Just Ecology 56pp.

Underhill-Day., J.C. (2006) A condition assessment of Poole Harbour European Marine Site. Unpublished report, Footprint Ecology/Natural England.Dorset.England.

English Nature (2000) English Nature's advice given under regulation 33 (2) of the conservation (Natural Habitats &c.) Regulations 1994

Milsom et al 1998. Design of grassland areas for waders during winter: the relative importance of sward, landscape factors and human disturbance. Biological Conservation 84:119-129

ENRR 359 (2000) Key habitat attributes for birds and bird assemblages in England.

NECR017 (2009