Habitats Regulations Assessment

Puddletown Neighbourhood Plan

February 2020

CONTENTS

1.	Introduction	1
	Legislative background to Habitats Regulations Assessment	1
2.	HRA Screening	3
	European Sites	3
	Potential Effects of the Puddletown Neighbourhood Plan	4
3.	Appropriate Assessment	10
	Potential Effects upon the Poole Harbour European Site	10
	Potential effects upon the Dorset Heaths/Dorset Heathlands European Site	12
4.	Conclusion	.16

1. INTRODUCTION

This document is the Habitats Regulations Assessment ('HRA') for the Puddletown Neighbourhood Plan, and includes an Appropriate Assessment.

The main purpose of the HRA is to determine whether the Puddletown Neighbourhood Plan will adversely affect the integrity of a European Site¹, which are designated areas of exceptional ecological importance.

An HRA screening report² for the Puddletown Neighbourhood Plan was published in September 2018, and concluded that the Plan would be likely to have a significant effect upon the Poole Harbour and Dorset Heathlands European Sites. As a result, further assessment is required, through an Appropriate Assessment, to determine whether the plan will affect the integrity of these European Sites.

For completeness, this report presents the findings of the HRA screening before providing the Appropriate Assessment of the implications of the plan in view of the European Site's conservation objectives.

LEGISLATIVE BACKGROUND TO HABITATS REGULATIONS ASSESSMENT

EU Directive (92/43/EEC) on the Conservation of Habitats and of Wild Fauna and Flora ('the Habitats Directive') led to the establishment of a network of 'European sites', collectively known as Natura 2000, which are areas of exceptional importance with respect to rare, endangered or vulnerable natural habitats or species. European Sites consist of the following ecological designations:

- Special Protection Areas (SPAs): Classified under the EU Directive (79/409/EEC) on the Conservation of Wild Birds ('the Birds Directive'), with the objective of protecting and managing areas which are important for rare and vulnerable birds as they are important grounds for breeding, feeding, wintering or migration; and
- Special Areas of Conservation (SACs): Classified under the Habitats Directive, these areas provide rare and vulnerable animals, plants and habitats with increased protection and management.

The National Planning Policy Framework (paragraph 176) states that the following sites should be afforded the same protection as European Sites:

¹ For the purposes of this report, a 'European Site' includes Special Areas of Conservation, Special Protection Areas and Ramsar Sites, (including possible, potential and proposed sites)

² HRA Screening Report, published by West Dorset District Council in September 2018

- Potential Special Protection Areas (pSPA): Potential Special Protection Areas, are sites on which the Government has initiated public consultation on the scientific case for designation as a Special Protection Area;
- Possible Special Areas of Conservation (pSAC): Possible Special Areas of Conservation are sites on which Government has initiated public consultation on the scientific case for designation as a candidate Special Area of Conservation;
- Ramsar sites (and proposed Ramsar sites): Wetlands of international importance designated under the 1971 Ramsar Convention, and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for a Ramsar site; and
- Sites identified, or required, as compensatory measures for adverse effects on European sites and Ramsar sites: Sites which are included as compensation in schemes to mitigate adverse impacts upon European and Ramsar sites.

The requirement to undertake an assessment of plans or projects that are likely to have an effect upon European sites is given in Article 6(3) of the Habitats Directive.

The Habitats Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). Regulation 61 of the Habitats Regulations implements Article 6(3) of the Habitats Directive by requiring the competent authority to complete an appropriate assessment of the implications of the plan or project for the European site in view of the site's conservation objectives before deciding to undertake a plan or project which is likely to have a significant effect on a European site.

2. HRA SCREENING

This Chapter presents the HRA screening of the Puddletown Neighbourhood Plan, which was published in September 2018. The purpose of the HRA screening stage is to determine whether the Puddletown Neighbourhood Plan is likely to result in significant effects upon a European Site.

The Puddletown Neighbourhood Plan has evolved since the draft published in September 2018. In terms of housing provision, the September 2018 draft planned for up to 120 new dwellings over the plan period which is up to 2031. This number has reduced in more recent drafts of the plan. The current draft, published in November 2019 and consulted upon between November 2019 and January 2020 to meet the requirements of Regulation 14 of the neighbourhood planning regulations, allocates land for 34 new dwellings. However, in addition, those locations subject to extant planning consents are included within the development boundary which is redrawn in the neighbourhood plan. This is likely to provide land for approximately 60 dwellings, in addition to the land for 34 dwellings allocated in the plan.

EUROPEAN SITES

The first stage of the HRA screening stage, undertaken in September 2018, was to determine which European Sites should be included in the assessment before considering the potential effects of the plan.

This HRA screening considered the potential impacts of the September 2018 draft of the neighbourhood plan upon the European Sites within 20km of the plan area (Figure 2.1).

European site	Designation	Approx distance from Puddletown NP area
Dorset Heathlands	SPA, Ramsar	3km to the south
Dorset Heaths	SAC	3km to the south
Cerne and Sydling Downs	SAC	5km to the northwest
Isle of Portland to Studland Cliffs	SAC	8km to the south
Rooksmoor	SAC	13km to the north
Holnest	SAC	13km to the north
West Dorset Alder Woods	SAC	14km to the west

Figure 2.1: European sites within 20km of the Puddletown Neighbourhood Plan area

Crookhill Brick Pit	SAC	14km to the southwest
Chesil and the Fleet	SAC, SPA, Ramsar	14km to the southwest
Poole Harbour	SPA, Ramsar	15km to the east
Lyme Bay and Torbay	SAC	17km to the southwest

POTENTIAL EFFECTS OF THE PUDDLETOWN NEIGHBOURHOOD PLAN

The majority of the European sites considered during the HRA screening (Figure 2.1) were discounted following consideration of the relationship between the key conditions required to support the integrity of the European Site and the possible impacts arising from the neighbourhood plan.

The likelihood for significant effects were excluded for these sites as there are no pathways that could lead to such effects, largely due to the distance between the European sites and neighbourhood plan area and the scale of the proposals. However, it was necessary to give further consideration to the potential impacts upon the following European Sites:

- Dorset Heathlands SPA and Ramsar/ Dorset Heaths SAC;
- Cerne and Sydling Downs SAC; and
- Poole Harbour SPA and Ramsar.

The potential impacts of the Puddletown Neighbourhood Plan upon the integrity of these protected sites, in light of its qualifying features, conservation objectives and the key environmental conditions required to support site integrity, are considered in Figure 2.2.

Figure 3.2: A table showing the potential effects of the Puddletown Neighbourhood Plan

Protected Site	Qualifying features (in bold)	Key environmental conditions to support site integrity	Possible impacts arising from the plan	Is there a risk of significant impacts?	Is there a risk of significant in- combination effects?
Dorset Heathlands/ Heaths SAC, SPA and Ramsar	The site transitions between 4030 European dry heaths and wet lowland heathland and mires, as well as other habitats such as woodland, grassland, pools, saltmarsh and reedswamp. The common characteristics of the M16 Erica tetralix – Sphagnum compactum wet heaths are the dominance of cross-leaved heath Erica tetralix, heather Calluna vulgaris and purple moor-grass Molinia caerulea, and the presence of a diverse group of rare species. Typical mosses of the wet heath include Sphagnum compactum, S. pulchrum and S. tenellum. These sites are a stronghold for invertebrates, particularly dragonflies, damselflies, butterflies and spiders, including the 1044 Southern damselfly Coenagrion mercuriale . 4030 European dry heaths This site transitions between 4010 Northern Atlantic wet heaths with Erica tetralix , dry heaths and other habitats. The area of heathland has been reduced and fragmented, with about 86% lost since the mid-18th century. However, the Dorset heaths represent some of the biggest and finest remaining areas of lowland heathland in the UK. The dry heath occurs on very infertile soils and is not very diverse botanically, but occasionally some nationally scarce plants occur. In places, where heather Calluna vulgaris occurs in mature stands, lichens of the genus Cladonia are very abundant. Uncommon features of the south-eastern heathlands are the localised presence of bilberry <i>Vaccinium myrtillus</i> and the co-existence in some areas of western gorse <i>Ulex gallii</i> and dwarf gorse <i>U. minor</i> . The dry heaths support populations of European importance of several species, including rare butterflies, grasshoppers and spiders. Among birds, the dry heath is very	The Dorset heathlands have become a fragmented heathland area through extensive losses to agriculture, forestry and urban development. In recent years these land-use changes have been almost halted through changes in national and local policy. However, the scale of previous fragmentation and development has left a number of adverse pressures and many heaths in or near urban areas suffer recreational pressure and a high incidence of wildfires, and are sometimes also disturbed by infrastructure works.	The proposed development may result in additional recreational pressure due to the increase in population from the 120 new dwellings from the Puddletown Neighbourhood Plan within 5km of the Dorset Heathlands European Site.	Yes	Yes
		The heaths are affected by several old mineral extraction permissions, some still active. These will require review under the Habitats Regulations to ensure no adverse effect on integrity and agreement has already been reached on drawing back the possible working of some permissions.	The sites identified under the Puddletown Neighbourhood Plan are not subject to an existing mineral extraction permission. The Puddletown Neighbourhood Plan is not a mineral development plan, and therefore does not identify further land for mineral extraction.	No	No

					I
	Circus cyaneus and Eurasian hobby Falco subbuteo. All six species of native British	The decline in use for traditional	The neighbourhood plan is	No	No
	reptiles, including the Annex IV species sand lizard <i>Lacerta agilis</i> and smooth snake	agriculture has resulted in a	unlikely to influence the		
	Coronella austriaca, occur within the Dorset Heaths.	successional trend to scrub and	agricultural practices at the		
		woodland together with invasion	Dorset Heaths European		
	7150 Depressions on peat substrates of the Rhynchosporion	by conifer and introduced scrub	Site, which is outside the		
		species, especially	neighbourhood plan area.		
	The two Dorset Heaths cSACs, together with the New Forest, support a large	Rhododendron.			
	proportion of the resource of Depressions on peat substrates of the				
	Rhynchosporion within England. The habitat is widespread on the Dorset Heaths,				
	both in bog pools of valley mires and in flushes. There are numerous valley mires				
	within the Dorset Heaths, and the habitat type is most extensively represented				
	here as part of a habitat mosaic. This location shows extensive representation of				
	brown-beak sedge Rhynchospora fusca and is also important for great sundew				
	Drosera anglica and bog orchid Hammarbya paludosa.				
	6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion				
	<u>caeruleae)</u>				
	7240 Colores of the clother manipulation of the Conjution				
	7210 Calcareous fens with Cladium mariscus and species of the Caricion				
	davallianae				
	7230 Alkaline fens				
	9190 Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains				
	1044 Southern damselfly (Coenagrion mercuriale)				
	This site in south-west England, along with Dorset Heaths (Purbeck and Wareham)				
	and Studiand Dunes, represents the Dorset stronghold of southern damselfly				
	<i>Coenagrion mercuriale</i> . The large size of the two cSACs, and a long history of				
	records indicating well-established populations, should ensure the future viability				
	of the small populations that occur here.				
Poole	The site supports the following populations of European Importance for the	Poole Harbour has been	The neighbourhood plan	No	No
Harbour	following species:	impacted by the growth of an	area is 17km from Poole	NO	INU
			Harbour and is not within		
SDA and	During the breeding season Common Terrs Steven binunde and Maditerran	urban conurbation along its north			
SPA and	During the breeding season, Common Tern <i>Sterna hirundo</i> and Mediterranean	shore, together with associated	the urban conurbation. The		
Ramsar	Gull Larus melanocephalus.	infrastructure, and by	proposed development is		

On passage, Aquatic Warbler <i>Acrocephalus paludicola</i> and Little Egret <i>Egretta garzetta</i> . Over winter, Avocet <i>Recurvirostra avosetta</i> and Little Egret <i>Egretta garzetta</i> .	development of a commercial port, marinas and moorings. Therefore, recreation pressures are considered a significant threat to the integrity of the site	therefore unlikely to result in a significant increase in recreational pressure.		
This site also supports populations of European importance of the following migratory species over winter: Black-tailed Godwit <i>Limosa limosa islandica</i> and Shelduck <i>Tadorna tadorna</i> . The area also regularly supporting at least 20,000 waterfowl including: Redshank <i>Tringa totanus</i> , Curlew <i>Numenius arquata</i> , Dunlin <i>Calidris</i> <i>alpina alpina</i> , Lapwing <i>Vanellus</i> vanellus, Red-breasted Merganser <i>Mergus</i> <i>serrator</i> , Goldeneye <i>Bucephala clangula</i> , Pochard <i>Aythya ferina</i> , Shoveler <i>Anas</i> <i>clypeata</i> , Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> , Cormorant <i>Phalacrocorax carbo</i> , Black-tailed Godwit <i>Limosa limosa islandica</i> , Shelduck <i>Tadorna tadorna</i> , Avocet <i>Recurvirostra avosetta</i> , Little Egret <i>Egretta garzetta</i>	Dredging to provide navigation may impact on intertidal habitat.	The neighbourhood plan will not influence dredging operations.	No	No
	Several sewage treatment plants discharge into the Harbour which effects water quality.	The neighbourhood plan intends to bring forward approximately 120 new dwellings. Development within the hydrological catchment of Poole Harbour may result in an increase in the discharge of nitrogen into the harbour as a result of increased sewage emissions.	Yes	Yes
	Whilst Wytch Farm oilfield operates in accordance with agreed method statements to minimise the risk from oil spills, in addition to having in place oil spill contingency plans, the possible threat from an oil spill incident remains.	The neighbourhood plan is unlikely to influence practices at the Wytch Farm oilfield or affect the likelihood of an oil spill.	No	No
	Recent studies have addressed the effects of bait digging in the Harbour which has local impacts.	The neighbourhood plan is unlikely to result in a significant increase in the incidence of bait digging given the distance from the site.	No	No
	The impact of drainage on grazing marshes is a threat to the Poole Harbour protected area.	The neighbourhood plan is unlikely to influence drainage on the grazing	No	No

			marshes in the Poole Harbour area due to the characteristics of the proposed development and distance from the marshes.		
Cerne and Sydling Downs SAC	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates [Festuco-Brometalia] (* important orchid sites) This site consists of a large area of semi-natural dry grassland on the west Dorset chalk. Dry valley slopes with a variety of aspects support extensive examples of CG2 Festuca ovina – Avenula pratensis grassland in the south-west of its UK range. A particular feature of this site is the presence of the Succisa pratensis – Leucanthemum vulgare sub-community, especially on south- and west-facing slopes. This type of calcareous grassland is almost entirely restricted to parts of Wiltshire and Dorset. On south-west-facing slopes, the nationally scarce dwarf sedge Carex humilis can be abundant in this sub-community. 1065 Marsh fritillary butterfly Euphydryas (Eurodryas, Hypodryas) aurinia This site supports a large marsh fritillary Euphydryas aurinia metapopulation composed of two large and one smaller sub-populations which regularly expand into other nearby areas in favourable years. These colonies occupy calcareous downland situations and complement the wet grassland habitats of the other Dorset strongholds	The site is vulnerable to the impacts from the passage of walkers or cyclists. The chalk downlands are open to public access and there are footpaths and bridleways, some linking back to access points, and some with small-scale car parking available. Those parts of the site that are steep and with thin soils, especially near access points where pressures are more concentrated, are particularly vulnerable. Plant communities are under environmental stress from factors such as summer drought, thin soils and natural sub-aerial erosion. Such stresses from natural causes can be exacerbated by these human pressures.	The main focus for car parking and access to the site is in the villages of Cerne Abbas and Sydling St Nicholas. From these places, the more vulnerable steep downland slopes are relatively distant (approx. 250-500m along roads and pathways) and access from here is to the foot of the downs. There are limited parking opportunities to access other parts of the SAC, each accommodating only a few cars which are distant from the main downland slopes. The main viewpoint for the chief feature of the site, the Cerne Giant chalk figure, is separated from the downland slopes by agricultural land and is alongside the A352 road. The site therefore has relatively low access provision. Considering also the extent of the proposed development which is likely to come forward through	No	No

3. APPROPRIATE ASSESSMENT

The HRA screening (Chapter 3) concluded that the Puddletown Neighbourhood Plan is likely to result in significant in-combination effects upon the Poole Harbour European site as a result of affects upon water quality and Dorset Heathlands European site due to recreational pressure.

As a result, an Appropriate Assessment is required to determine whether the plan will affect the integrity of a European site. Measures to prevent or avoid adverse significant effects may be taken into account or recommended at the Appropriate Assessment stage, where necessary.

The Appropriate Assessment explores the two pathways in which the likely significant incombination effect was identified.

POTENTIAL EFFECTS UPON THE POOLE HARBOUR EUROPEAN SITE

The Poole Harbour catchment occupies an area of approximately 820km² and comprises the rivers and streams which drain into Poole Harbour (Figure 3.1).



Figure 3.1: A map showing the extent of Poole Harbour catchment

Scientific evidence suggests that high concentrations of nitrogen in Poole Harbour is encouraging the growth of wide spread algal mats through the process of eutrophication. The extent of the algal

mats has increased since the 1960s, expanding from Holes Bay to become widespread across the harbour.

These algal mats restrict the availability of invertebrates, which provide food to wading birds, and smother estuarine habitats, affecting other important features and processes within Poole Harbour.

The majority (~85%) of nitrogen entering Poole Harbour from land sources is generated by agriculture. However, a proportion of the nitrogen (~15%) entering Poole Harbour is from human sewage, as Sewage Treatment Works remove only part of the nitrogen from human waste.

Therefore, increases in human population within the Poole Harbour catchment due to new residential development is likely to result in additional nitrogen entering Poole Harbour and further effects upon the integrity of the Poole Harbour European Site, in combination with other development across the Poole Harbour Catchment.

The Puddletown Neighbourhood Plan area is within the hydrological catchment of Poole Harbour, and the River Piddle passes through the plan area and drains into Poole Harbour approximately 17km to the east.

The increase in population as a result of the development which comes forward through the Puddletown Neighbourhood Plan will result in an increase in nitrogen inputs into Poole Harbour.

The Nutrient Reduction in Poole Harbour Supplementary Planning Document (SPD), which is adopted Dorset Council policy, provides a means of ensuring that new development within the Poole Harbour is 'nitrogen neutral'. This means that there is no net increase in nitrogen entering Poole Harbour as a result of the additional housing.

The Nutrient Reduction in Poole Harbour SPD explains that it is not possible to avoid the impact in this case, as population will continue to grow and the amount of sewage entering Poole Harbour will increase. Therefore, the mitigation will be achieved through:

- 'direct' mitigation: including upgrading sewage treatment works and implementing alternative technologies such as wetlands or reedbeds; or
- 'indirect' mitigation: offsetting the nitrogen generated from new development by taking land out of a nitrogen intensive uses, for example where fertiliser is applied to crops.

Mitigation measures will need to be secured over the duration over which the development is causing the effects, which is generally 80-125 years.

The mitigation will be provided by collecting contributions through CIL, or through section 106 in those instances where CIL doesn't apply. Dorset Council will then be responsible for ensuring that the money collected is spent on projects to provide nitrogen neutrality.

The Nutrient Reduction in Poole Harbour SPD assumes a household occupancy rate of 2.42 new residents per dwelling. The proposed Puddletown Neighbourhood Plan would introduce an additional 34 dwellings, resulting in an additional 82 new residents.

The SPD states that each person, on average, produces sewage containing 3.5kg nitrogen per year. Wessex Water are required to remove at least 75% of nitrogen from waste water in their sewage treatment works in order to comply with the Urban Waste Water Directive. Assuming Wessex Water meet this minimum requirement, the remaining 25% of the nitrogen, which represents 0.875kg of nitrogen per person per year, may enter Poole Harbour.

Therefore, the additional 82 new residents as a result of the Puddletown Neighbourhood Plan would result in an additional 72kg of nitrogen per year entering Poole Harbour, which will need to be addressed by providing mitigation in accordance with the Nutrient Reduction in Poole Harbour SPD.

In order to address the potential impacts upon the Poole Harbour European site, the Puddletown Neighbourhood Plan will include the following policy wording:

Policy 7: European and internationally protected sites

"Development must avoid having an adverse effect on the integrity of European and internationally important wildlife sites. This can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD..."

Policy 12: Housing and Community Uses site allocation: Chapel Brook

"Any net new residential development will need to avoid giving rise to any adverse impacts on the integrity of Poole Harbour (a European site), which can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD."

Policy 13: Reserve site allocation: Northbrook Farm

"Any net new residential development will need to avoid giving rise to any adverse impacts on the integrity of Poole Harbour (a European site), which can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD."

POTENTIAL EFFECTS UPON THE DORSET HEATHS/DORSET HEATHLANDS EUROPEAN SITE

The fragments of Dorset heathland which remain following extensive losses from land use change over the past century are highly vulnerable to recreational pressure. Various studies have found that public access to lowland heathland from nearby development has led to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors have an adverse effect on the heathland ecology. The intensification of residential development in Dorset and the resultant pressures placed upon the Dorset Heaths by new occupants of these developments living in close proximity to the protected areas has resulted in adverse impacts upon the Dorset Heaths.

The adopted Dorset Heathlands Planning Framework 2015 - 2020 SPD considers the impact of residential development on the Dorset Heathlands European site and the appropriate mitigation measures.

These impacts are most marked for developments within 400m of heathland sites, where it is considered that a direct adverse effect upon the Dorset Heathlands European site would result. Residential development in these areas is therefore not permitted.

In the area between 400m and up to 5km from a heathland site ("400m to 5km buffer zone"), the effect of residential development is less marked but still likely to be significant, and is considered to be an in-combination effect with the existing development across the southwest. However, mitigation in these areas is possible, through the Dorset Heathlands Planning Framework 2015 - 2020 SPD, and in these instances residential development may be permitted.

The Dorset Heaths European site is located to the south and east of the Puddletown Neighbourhood Plan area, represented by a series of fragmented areas (Figure 3.2). At its nearest point, the Dorset Heathlands European site is located approximately 3km to the south of the Puddletown Neighbourhood Plan area.

Figure 3.2: A map showing the location of the Dorset Heaths European Site (in Maroon) and the Puddletown Neighbourhood Plan area (in black outline)



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The Puddletown Neighbourhood Plan is therefore within the 400m to 5km buffer zone around the Dorset Heaths (Figure 3.3). However, only the southern and eastern portion of the neighbourhood plan area, outside the development boundary, is within the 400m to 5km buffer zone. Therefore, potential in-combination impacts upon the Dorset Heaths and the need for mitigation are only required in this area.



Figure 3.3: A map showing the 5km buffer zone around the Dorset Heaths European Site (in red) and the Puddletown Neighbourhood Plan area (in black outline).

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In order to address the potential impacts upon the Dorset Heaths European site, the Puddletown Neighbourhood Plan will include the following policy wording:

Policy 7: European and internationally protected sites

"Development must avoid having an adverse effect on the integrity of European and internationally important wildlife sites. This can be achieved by adhering to...and, within the 5km heathland zone, adhering to the Dorset Heathlands Planning Framework SPD"

The allocations at Chapel Brook and Northbrook Farm are not within the 5km buffer zone around the Dorset Heathlands and therefore mitigation is not required for these developments.

4. CONCLUSION

The HRA screening exercise, completed in September 2018, concluded that the Puddletown Neighbourhood Plan would result in a likely significant effect upon the Dorset Heaths SPA, SAC, and Ramsar site and Poole Harbour SAC as a result of additional recreational pressure and water quality impacts, respectively.

An Appropriate Assessment was undertaken accordingly, and concluded that the Puddletown Neighbourhood Plan will not have an adverse effect on the integrity of the Dorset Heaths and Poole Harbour European sites providing the following policy wording is added:

Policy 7: European and internationally protected sites

"Development must avoid having an adverse effect on the integrity of European and internationally important wildlife sites. This can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD and, within 5km of the heathland zone, adhering to the Dorset Heathlands Planning Framework SPD"

Policy 12: Housing and Community Uses site allocation: Chapel Brook

"Any net new residential development will need to avoid giving rise to any adverse impacts on the integrity of Poole Harbour (a European site), which can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD."

Policy 13: Reserve site allocation: Northbrook Farm

"Any net new residential development will need to avoid giving rise to any adverse impacts on the integrity of Poole Harbour (a European site), which can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD."