

**Agenda Item 11**  
**Report PC75/17**

Report to	<b>Planning Committee</b>
Date	<b>9 November 2017</b>
By	<b>Director of Planning</b>
Title of Report	<b>Draft Joint Wealden Heaths Phase II Special Protection Area Supplementary Planning Document</b>
Purpose of Report	<b>The purpose of this report is to present to Members the draft Joint Wealden Heaths Phase II Special Protection Area Supplementary Planning Document (SPD) for approval for public consultation.</b>

**Recommendation: The Committee is recommended to:**

- 1) Approve the draft Joint Wealden Heaths Phase II Special Protection Area Supplementary Planning Document (Appendix I of this report) for public consultation.**
- 2) Note that a further report will be brought to committee following the public consultation.**

**1. Summary**

- 1.1 The Wealden Heath Phase II Special Protection Area (SPA) is partly located within the National Park in East Hampshire District. The site is subject to international nature conservation designation for its breeding bird species including nightjar, woodlark and Dartford warbler. Habitats Regulations Assessment (HRA) work undertaken for the East Hampshire Joint Core Strategy (JCS) and the Pre-Submission South Downs Local Plan has identified that 43 dwellings can be expected to come forward within 400m of the SPA through the East Hampshire JCS and the South Downs Local Plan would be unlikely to have an impact on the SPA. It should be noted that the emerging South Downs Local Plan carries forward much of the evidence and many of the policies set out in the East Hampshire Joint Core Strategy.
- 1.2 The Joint Supplementary Planning Document (SPD) forming **Appendix I** to this report sets out the approach the SDNPA and East Hampshire District Council (EHDC) will take to help meet the needs for residential uses where the need cannot be met solely outside of the 400 metre SPA buffer zone (specifically Gypsy, Traveller and Travelling Showpeople accommodation and rural affordable housing exception sites). The SPD relates to the whole of East Hampshire District including those parts within the South Downs National Park Authority area.
- 1.3 The Joint SPD sets out the evidence base supporting the need to safeguard SPA capacity. It also sets out the circumstances when planning permission is likely to be refused for development within 400 metres of the Wealden Heaths Phase II SPA.

**2. About the Wealden Heath Phase II SPA SPD**

- 2.1 As part of plan making and to meet the requirements of the Habitats Regulations, the Local Plan: Joint Core Strategy HRA included an analysis of the number of dwellings that were

likely to be delivered in East Hampshire (including the part covering the South Downs National Park) over the plan period until 2028 to assess if there was likely to be a significant adverse effect on a Natura 2000 site. This was based on a statistical analysis and considered that approximately 33 windfall dwellings (cumulatively and on schemes of 5 or less dwellings) could be expected to come forward during the plan period and would be unlikely to have an impact on the SPA. Windfall dwellings are those that come forward unexpectedly on sites that are not allocated in a local plan.

- 2.2 However, monitoring of the early years of the plan period has demonstrated that a significant number of windfall schemes for dwellings have been granted planning permission within the 400 metre SPA buffer zone. Therefore, in 2015 with the support from Natural England, East Hampshire District Council commissioned work to reassess the windfall allowance within 400 metres of the Wealden Heaths Phase II SPA using an updated methodology. The results of this work demonstrated that the windfall allowance could be increased to 43 dwellings. However, a significant proportion of this windfall allowance (26 dwellings) has already been used through the grant of planning permission.
- 2.3 Evidence indicates that both planning authorities need to provide additional accommodation for Gypsies, Travellers and Travelling Showpeople and to meet local affordable housing needs. The evidence also indicates that in order to meet this need development within the 400 metre buffer zone is going to be required.
- 2.4 A Joint SPD between East Hampshire District Council and the South Downs National Park Authority is therefore proposed. The purpose of the SPD is to safeguard the Special Protection Area (protected under the EC Habitats Directive) windfall allowance within 400 metres of the Wealden Heaths Phase II Special Protection Area for Gypsy, Traveller and Travelling Showpeople accommodation and rural exception affordable housing as the need for these uses, unlike others, cannot be solely met outside of the 400 metre buffer zone.
- 2.5 This is particularly important for the draft Gypsy and Traveller allocation for four permanent pitches under emerging policy SD74: Land at Fern Farm, Greatham in the Pre-Submission South Downs Local Plan. The approach set out in the draft SPD will ensure that capacity in the SPA is safeguarded and that this allocation is therefore deliverable without damaging the integrity of the SPA.
- 2.6 The joint SPD, upon adoption, will be a material planning consideration, elaborating upon East Hampshire Joint Core Strategy Policies CPI4: Affordable Housing in Rural Communities, CPI5: Gypsies, Travellers and Travelling Showpeople and CP22: Internationally Designated Sites. Once the South Downs Local Plan is adopted the SPD will elaborate upon policies SD10: International Sites, SD29: Rural Exception Sites and SD33: Gypsies, Travellers and Travelling Showpeople.
- 2.7 The Joint SPD will be available for public consultation for a period of 8 weeks in line with the South Downs National Park Authority Statement of Community Involvement (SCI). It will be advertised on the East Hampshire District Council and South Downs National Park Authority websites. Consultation will be managed by the East Hampshire District Council Planning Policy Team. We have also consulted Natural England on the screening for the Strategic Environment Assessment (SEA).
- 2.8 The SPD was taken to East Hampshire District Council's Development Plans and Affordable Housing Panel on 25/10/2017 and was approved for public consultation.

### 3. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes. A further report will be brought to Planning Committee following the consultation.
Does the proposal raise any Resource implications?	The consultation process will be managed by the East Hampshire District Council Planning Policy Team. Any costs will be covered by the Local Plan budget.
Has due regard been taken of the	An Equalities Impact Assessment has been undertaken –

South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	see <b>Appendix 2</b> .
Are there any Human Rights implications arising from the proposal?	These draft policies have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	It is considered that the proposal does not raise any crime and disorder implications.
Are there any Health & Safety implications arising from the proposal?	No
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	The SPD seeks to protect the integrity of the Wealden Heaths Phase II SPA by ensuring that appropriate levels of growth to meet important affordable housing and Gypsy, Traveller and Travelling Showpeople needs are met. Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening has been undertaken – see <b>Appendix 3</b> . Natural England have been consulted on the SEA/HRA Screening and we are awaiting any feedback.

#### 4. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Risk without the SPD: There is a risk that if both authorities continue to grant planning permission for residential applications within the 400 metre buffer, when it comes to allocate sites or grant planning permission for the above mentioned uses there may be a restriction of no further residential development within the 400 metre buffer in order to comply with the Habitats Regulations.	Almost Certain	Major	Proceed with the SPD.
Risk with the SPD: Legal challenge, as SPDs must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012	Possible	Moderate	All steps have been taken to ensure that the SPD has been prepared following due process and has duly considered other relevant policy and guidance.

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Appendices	<ol style="list-style-type: none"><li>1. Draft Joint Wealden Heaths Phase II SPA Supplementary Planning Document</li><li>2. Draft Equalities Impact Assessment</li><li>3. SEA and HRA Screening</li></ol>
SDNPA Consultees	Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning
External Consultees	Natural England have been consulted on the SEA/HRA Screening. Comments yet to be received.
Background Documents	<a href="#">Pre-Submission South Downs Local Plan</a> <a href="#">Habitats Regulations Assessment of the Pre-Submission South Downs Local Plan</a> <a href="#">Gypsy, Traveller and Travelling Showpeople Background Paper</a>