

Report to	<b>Planning Committee</b>
Date	<b>12 July 2018</b>
By	<b>Director of Planning</b>
Title of Report	<b>The Wealden Heaths Phase II Special Protection Area – Supplementary Planning Document</b>
Purpose of Report	<b>To present the revised Wealden Heaths Phase II Special Protection Area Supplementary Planning Document</b>

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

- 1. Note the content of the Consultation Statement (Appendix 1 of this report); and**
- 2. Adopt the revised Wealden Heaths Phase II Special Protection Area Supplementary Planning Document (Appendix 2 of this report).**

**1. Summary**

- 1.1** The Wealden Heaths Phase II Special Protection Area (SPA) is located in the Local Planning Areas of the South Downs National Park Authority, East Hampshire District Council and Waverley Borough Council. The SPA is internationally protected for its breeding birds which are vulnerable to the impacts of urbanisation. Habitats Regulations Assessment (HRA) work for the adopted East Hampshire Joint Core Strategy (JCS) and the emerging South Downs Local Plan had identified that approximately 43 dwellings were expected to come forward within 400m of the SPA through these two plans, and that these numbers were not considered to have likely significant effects on the SPA.
- 1.2** Monitoring has shown that a greater number of dwellings have come forward in the first few years of the JCS than was initially expected. The purpose of this Joint Supplementary Planning Document (SPD) is to set out the approach the SDNPA and East Hampshire District Council will take to safeguard the remaining windfall allowance within the 400 metres zone for Gypsy, Traveller and Travelling Showpeople accommodation and rural exception affordable housing only as the need for these uses cannot be solely met outside of the 400 metre buffer zone.
- 1.3** Public consultation took place, in January to March 2018, on the draft SPD. The Consultation Statement, forming **Appendix 1** of this report, summarises and responds to the representations received in the consultation. Minor changes have been made to the SPD, as set out in the response to representations received in the consultation statement. The revised SPD forms **Appendix 2** to this report.

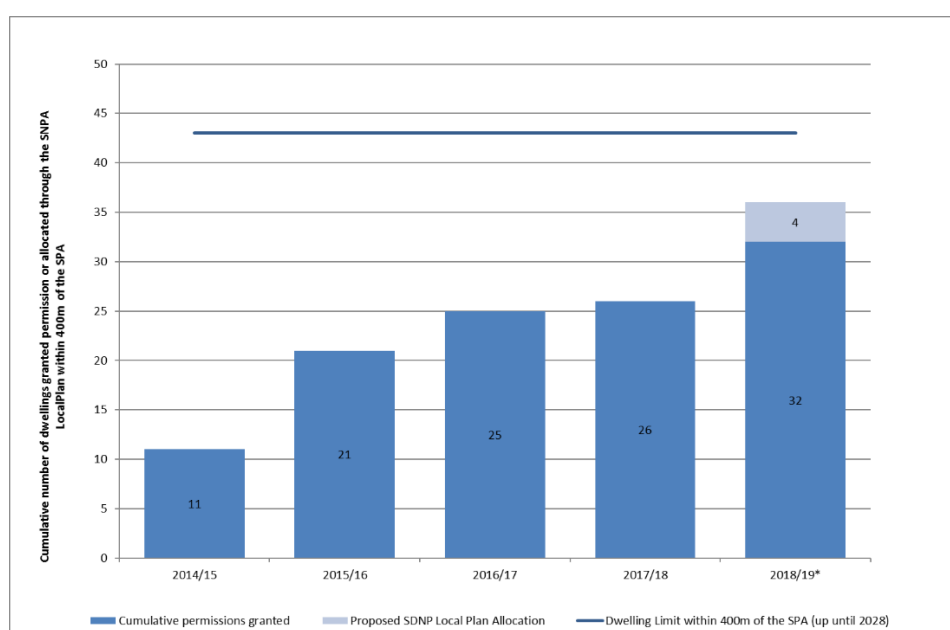
**2. Background and purpose of the Supplementary Planning Document**

- 2.1** The Wealden Heaths Phase II SPA is a 2,054 hectare site located in Hampshire and Surrey. The SPA is within the Local Planning Areas of the South Downs National Park, East Hampshire District Council and Waverley Borough Council. The SPA is internationally recognised and designated for its breeding bird species. The site contains important British breeding populations of nightjar, woodlark and Dartford warbler. These ground-nesting bird

species are vulnerable to the impacts of urbanisation and recreational pressure. Urbanisation is closely linked to recreational pressure, in that they both result from increased populations within close proximity to sensitive sites, this includes increases in cat predation, disturbance from light, fly-tipping and arson.

- 2.2 The Habitats Regulations Assessment (HRA) for the East Hampshire and South Downs National Park Joint Core Strategy (JCS) assessed the potential impact of the development proposed in the JCS on the Wealden Heaths Phase II SPA, including in combination with other plans and projects. The HRA for the JCS concluded that a strategic prohibition on development within 400m of the SPA was not required due to the small number of windfall homes expected within the zone. The analysis was based on approximately 30 windfall dwellings coming forward in the plan period (up to 2028) in the South Downs National Park and East Hampshire District areas of the 400m zone. Since this time, an increase to 43 dwellings has been agreed by Natural England, East Hampshire District Council and the South Downs National Park Authority.
- 2.3 Both the East Hampshire JCS Policy CP22 Internationally Designated Sites and the Submission South Downs Local Plan Policy SD10 require that any new housing that is proposed within 400 metres of the Wealden Heaths Phase II SPA undertake a project-specific Habitats Regulations Assessment (HRA).
- 2.4 Monitoring has shown that a greater number of dwellings have come forward in the first few years of the JCS than was initially expected. In addition, the Submission South Downs Local Plan allocates the site known as Land at Fern Farm (Allocation Policy SD74) for 4 permanent Gypsy and Traveller Pitches within 400m of the SPA. Figure 1 below demonstrates the capacity used or committed against the windfall allowance.

**Figure 1: Cumulative planning permissions granted and South Downs Local Plan allocations within 400m of the SPA since May 2014**



- 2.5 Figure 1 demonstrates that as of 27 April 2018, there is currently capacity for an additional 7 dwellings to be accommodated within the 400 metres buffer of the Wealden Heaths Phase II SPA up until 2028, taking the total number of dwellings to the 'new' 43 ceiling.
- 2.6 As outlined in the SPD, 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 some of this need, development within the 400 metre buffer zone is going to be required.
- 2.7 The purpose of the SPD is to safeguard the remaining 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 only as the need for

these uses cannot be solely met outside of the 400 metre buffer zone. Any development proposed within the 400 metre buffer zone will need to be tested through a Habitats Regulations Assessment (HRA).

### **3. Consultation and revisions to the Supplementary Planning Document**

- 3.1 The draft Wealden Heaths Phase II SPA Supplementary Planning Document (SPD) was published for consultation between 22<sup>nd</sup> January 2018 and 19<sup>th</sup> March 2018. During the public consultation period 23 responses were received. These are detailed in the Consultation Statement, which forms **Appendix I** of this report.
- 3.2 Responses were received from a number of statutory consultees, three of which provided detailed comments on the consultation document. In summary, these organisations said:
- Hampshire and Isle of Wight Wildlife Trust: Consider a more restrictive approach to residential development within 400m of the Wealden Heaths Phase II Special Protection Area should be applied.
  - Natural England: No objection to safeguarding. Consider that the safeguarded capacity should only be used if the accompanying HRA demonstrates that this need cannot be met outside the 400m zone.
  - Royal Society for the Protection of Birds (RSPB): Consider a more restrictive approach to residential development within 400m of the Wealden Heaths Phase II Special Protection Area should be applied.
- 3.3 In addition, responses were received from four Parish Council's, local groups/societies and individuals. The key response themes are summarised as follows:
- Concern that the SPD does not provide appropriate protection for the SPA
  - There should be a prohibition on net new dwellings within the 400m zone
  - Brownfield sites should be developed first rather than land within 400m of the SPA
  - Once 43 dwellings have been permitted no further residential development should be permitted
  - The windfall allowance figure is too low
  - Request for definitions of permanent plots and permanent pitches to be added to the glossary.
- 3.4 Following the public consultation, a revised SPD has been prepared, and forms **Appendix 2** of this report. Changes were made, where necessary, to address:
- Specific matters raised in representations (as set out in the Consultation Statement):
    - Paragraphs 3.26, 3.27 and 3.28 of the SPA were revised to:
      - ensure consistency in terminology with CP22 which requires applications to be supported by a Habitats Regulations Assessment; and
      - reference that all applications in the 400m zone would need to meet the requirements of the Habitats Regulations but also be considered alongside relevant material planning considerations.
    - Additions to the glossary.
  - Factual updates: the monitoring figures for permissions within the 400m zone have been updated following recent permissions since the draft SPD was consulted upon.
  - A number of minor typographical errors.
- 3.5 Natural England provided comments on the SPD which are summarised in paragraph 3.2. In response it is noted that paragraph 3.22 of the SPD states that the safeguarded remaining allowance will be used to deliver residential uses where the need cannot be met solely outside of the 400 metre buffer zone (specifically Gypsy, Traveller and Travelling Showpeople accommodation and affordable housing) through plan making and decision taking. In addition, for planning proposals to be permitted, they are required to satisfy the requirements of the Habitats Regulations and the criteria set out in the SPD. It is therefore

considered that Natural England's concerns have been addressed in the SPD.

#### 4. Next steps

- 4.1 The recommendation of this report is that Members note the content of the Consultation Statement and adopt revised Wealden Heaths Phase II SPA Supplementary Planning Document.
- 4.2 East Hampshire District Council will be undertaking equivalent steps toward adoption through their committee procedures and will be considered for adoption by the Council at its meeting on 19 July.
- 4.3 Upon adoption the SPD will form part of the planning policy framework for the whole of East Hampshire District within and outside the South Downs National Park.

#### 5. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	No. There are no direct resource implications. Costs will be met within existing resources and budgets.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	An Equalities Impact Assessment (October 2017) was carried out on the Supplementary Planning Document; no negative impacts were identified on any of the equalities groups.
Are there any Human Rights implications arising from the proposal?	No
Are there any Crime & Disorder implications arising from the proposal?	No
Are there any Health & Safety implications arising from the proposal?	No
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	The Wealden Heaths Phase II Special Protection Area Supplementary Planning Documents supports sustainable development by ensuring that there is no adverse effect on the integrity of Wealden Heaths Phase II Special Protection Area whilst seeking to meet the needs for affordable housing and gypsy and traveller accommodation.

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

- 6.1 The Habitats Regulations prevent the NPA from giving permission to development which individually or in combination are likely to have a significant effect on a SPA. A decision to not adopt and implement the SPD may impede sustainable development of new homes to meet the needs gypsy and traveller accommodation and affordable housing of communities within 400m of Wealden Heaths Phase II Special Protection Area.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
If not adopted: Risk that sustainable development of homes to meet gypsy and traveller accommodation and affordable housing of communities may be impeded	Likely	Moderate	None.
If adopted: Third party challenge to the principle of the SPD or the safeguarding of the remaining allowance for affordable housing and gypsy and traveller uses within a three month period following adoption.	Possible	Moderate	The SPD has been produced in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Habitats Regulations 2017.

## **TIM SLANEY**

### **Director of Planning**

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#### **Appendices**

1. Consultation Statement
2. Revised Wealden Heaths Phase II Supplementary Planning Document

#### **SDNPA Consultees**

Legal Services; Chief Finance Officer; Monitoring Officer;

#### **External Consultees**

None

#### **Background Documents**

- [Consultation draft Wealden Heaths Phase II SPA SPD October 2017:](#)
- [Equalities Impact Assessment October 2017:](#)
- [SEA/HRA Screening October 2017:](#)
- [Submission HRA for the Local Plan:](#)
- [HRA for the East Hampshire Joint Core Strategy:](#)

