



The East Hampshire District Local Plan

‘Joint Wealden Heaths Phase II Special Protection Area’ Supplementary Planning Document

July 2018

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1.0 INTRODUCTION

What is a Supplementary Planning Document (SPD)?

- 1.1 A Supplementary Planning Document (SPD) elaborates upon policies in the Development Plan, in this instance the East Hampshire District Local Plan: Joint Core Strategy (JCS) 2011-2028 (adopted in June 2015). SPDs are one of the material considerations that can be taken into account when determining a planning application.
- 1.2 This SPD elaborates upon the following East Hampshire District Joint Core Strategy Policies:
- CP14: Affordable Housing in Rural Communities
 - CP15: Gypsies, Travellers and Travelling Showpeople
 - CP22: Internationally Designated Sites
- 1.3 This SPD relates to the whole of East Hampshire District including those parts within the South Downs National Park Authority area.

What is the purpose of this SPD?

- 1.4 The purpose of this Joint Supplementary Planning Document is to provide guidance for applicants where development proposals will result in a net increase in residential development (including Traveller Accommodation) within 400 metres of the Wealden Heaths Phase II Special Protection Area (SPA).
- 1.5 It sets out the approach that the Council and the South Downs National Park Authority (SDNPA) will take to help meet the needs for residential uses where the need cannot be met solely outside of the 400 metre buffer zone (specifically Gypsy, Traveller and Travelling Showpeople accommodation and rural affordable housing exception sites).
- 1.6 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.
- 1.7 Appendix A displays a map showing the location of the Wealden Heaths Phase II SPA and the 400 metre buffer zone. If you are unsure whether land that you have an interest in is located within the 400 metre buffer zone you can check using our [online mapping system](#) by selecting the Planning Policy Layers and selecting CP22 Internationally Designated Sites.

National Policy Context

National Planning Policy Framework

- 1.8 The National Planning Policy Framework (NPPF) sets out government planning policies that must be taken into account in the preparation of Local Plans and is a material consideration in planning decisions. This SPD should be prepared in accordance with the policy context set out in the NPPF.

- 1.9 Paragraph 54 of the NPPF requires “...*local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate...*”.
- 1.10 Paragraph 119 of the NPPF states that “*The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned or determined.*”

Planning Policy for Traveller Sites (August 2015)

- 1.11 The Planning Policy for Traveller Sites (PPTS) sets out guidance for traveller sites and should be read in conjunction with the NPPF.
- 1.12 The PPTS states that “*local planning authorities should, in producing Local Plans, identify and update annually, a supply of specific deliverable sites*” (Policy B, Paragraph 10).

Local Policy Context

- 1.13 The East Hampshire District Local Plan: Joint Core Strategy (JCS) 2011-2028 was adopted in June 2014. This was prepared in partnership with the South Downs National Park Authority. The following policies are of relevance to this SPD:

Policy CP14 Affordable Housing for Rural Communities

- 1.14 For decision making, Policy CP14 sets out specific criteria to allow affordable housing to be delivered outside of the defined settlement policy boundaries. The criteria include:
- that there is a proven local affordable housing need in the area;
 - that the development provides dwellings that will be available as affordable housing for local people in perpetuity; and
 - within the SDNP – there is no conflict with National Park purposes.
- 1.15 For plan making the supporting text to the policy states that allocated affordable housing sites will be designated through the East Hampshire District Local Plan, the South Downs National Park Authority Local Plan or Neighbourhood Plans.

Policy CP15 Gypsies, Travellers and Travelling Showpeople

- 1.16 Policy CP15 identifies the number of pitches and plots required to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople during the plan period.
- 1.17 For decision making Policy CP15 sets out criteria that need to be satisfied for planning permission for permanent and transit sites for Gypsies, Travellers and Travelling Showpeople to be granted. The criteria includes that the site:
- will meet a need as identified by the accommodation assessment;
 - is located conveniently for access to schools, medical services and other community facilities; and
 - is capable of accommodating the number of caravans/mobile homes proposed.

- 1.18 For plan making the policy states that provision will be made for permanent and transit pitches for Gypsy and Travellers and plots for Travelling Showpeople through the Local Plan: Allocations and the South Downs National Park Local Plan.
- 1.19 The Policy states that in allocating sites within the parts of the district outside of the South Downs National Park, the Council will seek to provide additional accommodation capacity as recommended by the Travellers Accommodation Assessment for Hampshire 2013:
- 22 permanent pitches for Gypsies and Travellers within the Plan period, located within that part of the district north of the National Park;
 - 2 pitches on sites providing temporary short-term accommodation for Travellers in transit, within or outside East Hampshire and as early as possible within the Plan period;
 - at least 6 plots for Travelling Showpeople on sites within or outside East Hampshire and as early as possible in the Plan period.
- 1.20 However, in light of recent changes to National Policy, notably the PPTS, the Council and the SDNPA commissioned an updated Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2017. The findings of the updated GTAA are discussed further in paragraphs 2.7 to 2.11.

Policy CP22 Internationally Designated Sites

- 1.21 JCS Policy CP22 Internationally Designated Sites states that any new housing that is proposed within 400 metres of the Wealden Heaths Phase II SPA will be required to undertake a project-specific Habitats Regulations Assessment (HRA). This is reiterated in its supporting paragraph 7.24.
- 1.22 The evidence base that supported JCS Policy CP22 is the [JCS Habitats Regulations Assessment – Appropriate Assessment Report \(July 2013\)](#)¹, with Chapter 6 specifically relating to the Wealden Heaths Phase II SPA.
- 1.23 The SDNPA are currently preparing a new Local Plan, and in future any review of the EHDC documents will mean that the SPD will need to be updated accordingly.

2.0 WHY SAFEGUARD THE REMAINING CAPACITY?

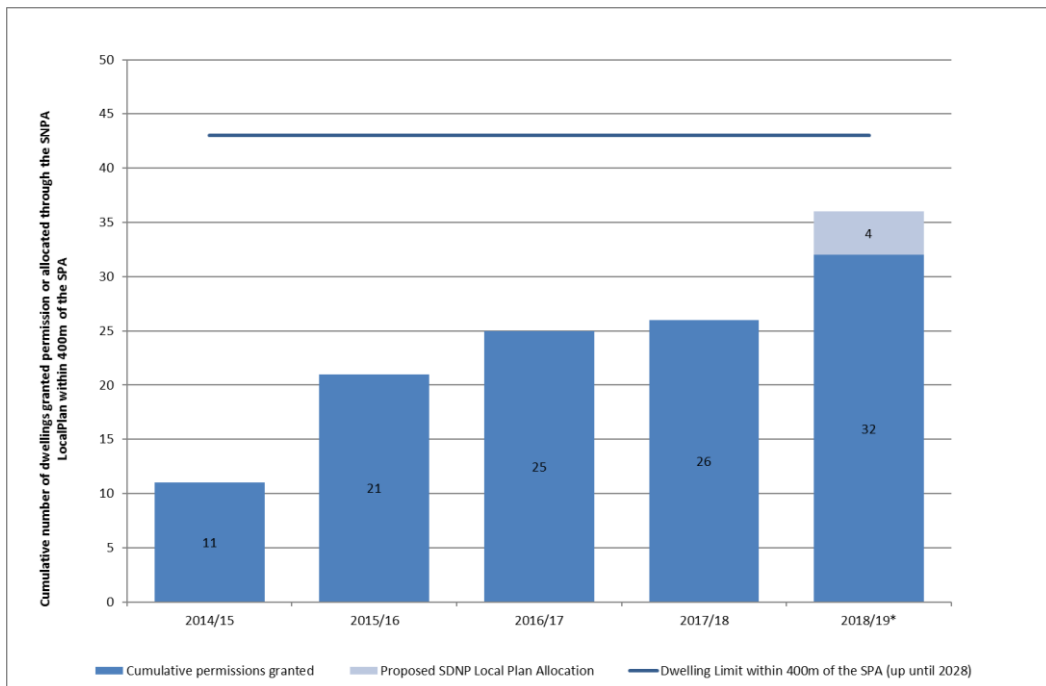
- 2.1 The Wealden Heaths Phase II is made up of four separate Sites of Special Scientific Interest (SSSIs) and qualified as a Special Protection Area for its breeding bird species. In 1998 the area was classified as a Natura 2000 site. It is protected from adverse impact under the EC Habitats Directive which is interpreted into British law by the Conservation of Habitats and Species Regulations.
- 2.2 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

¹ <http://www.easthants.gov.uk/sites/default/files/documents/CoreStrategyAAJuly2013.pdf>

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.

- 2.3 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 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. Appendix B of this document sets out the methodology and findings of this further work. The findings have been agreed by Natural England.
- 2.4 However, it is important to note that a significant proportion of this windfall allowance (32 dwellings) has already been used. In addition, the Submission South Downs National Park Local Plan (April 2018) 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 SDNPA Local Plan allocations within 400 metres of the SPA since May 2014



*partial years monitoring data for 2018/19. Six pitches for gypsy and travellers received planning consent between 1st April 2018 and 24 May 2018.

- 2.5 Figure 1 demonstrates that as of the 24 May 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.

Need for Gypsy, Traveller and Travelling Showpeople accommodation

- 2.6 Within East Hampshire District there are currently 26 known Gypsy and Traveller pitches and 32 known Travelling Showpeople plots and a significant proportion of this accommodation is located within the 400 metre SPA buffer zone as reflected by Table 1 overleaf.

Site requirements	Number of existing pitches/plots in East Hampshire District	Number of existing pitches/plots within 400 metres of the SPA	Proportion of pitches/plots in the district within 400 metres of the SPA
Gypsy and Traveller Pitches	26	15	58%
Travelling Showpeople Plots	32	30	94%

- 2.7 The recently published Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2017) identifies that the need for accommodation for Gypsies, Travellers and Travelling Showpeople has increased since the production of the previous GTAA (2013) that informed the Joint Core Strategy.
- 2.8 The recent findings show that the overall level of additional need for those households who meet the planning definition of a Gypsy or Traveller is for 25 pitches in East Hampshire District Council area, and a further 2 pitches in the area of the district falling within South Downs National Park, over the GTAA period (2017 – 2036). This overall need is made up of households living within other households, who are unable to set up separate family units (known as concealed households), where there are more than the permitted number of caravans on a pitch (doubling-up), those wishing to move from bricks and mortar, from teenage children in need of a pitch of their own in the next five years, from in-migration and from new household formation.
- 2.9 The GTAA (2017) findings also show that the overall level of additional need for those households who meet the planning definition of a Travelling Showperson is for 31 additional plots in East Hampshire District Council area, and a further 9 plots in the area of the district falling within South Downs National Park, over the GTAA period (2017 – 2036). This overall need is made up of concealed families or adults, older teenage children who are in need of a plot of their own in the next five years and new household formation.
- 2.10 A number of known existing pitches and plots already lie within the 400 metre SPA buffer which fall in the Parishes of Greatham, Grayshott and Bramshott & Liphook. Table 2 overleaf sets out the number of gypsy and traveller sites and travelling showpeople yards² in each of these Parishes; the future need for pitches/plots generated from these known existing sites; and identifies if there is any scope for intensifying or expanding these existing sites:

² Yards is a name often used by Travelling Showpeople to refer to a site

Table 2: Summary of known existing Gypsy, Traveller and Travelling Showpeople accommodation, future need, and scope for intensifying/expanding existing sites or yards within 400 metres of the Wealden Heaths Phase II SPA buffer			
Parish	Existing number of sites/yards in the 400 metre SPA buffer	Future need for pitches / plots generated from existing sites within the 400 metres SPA buffer (source: GTAA 2017)	Scope for intensification / expansion of existing sites within the 400 metre SPA buffer
Greatham	1 gypsy and traveller site	Approximately 4 permanent pitches required.	The SDNP Local Plan proposes to allocate 2 temporary pitches to permanent and provide a further 2 new permanent pitches on a site in Greatham ³
Grayshott	4 travelling showpeople yards	Approximately 19 permanent plots required.	2 yards may have the potential to intensify/expand (this includes vacancies).
Bramshott & Liphook	6 gypsy and traveller sites	Approximately 6 permanent pitches required for gypsy and travellers.	4 sites may have the potential to intensify/expand (this includes vacancies).
	1 travelling showpeople yard	n/a	n/a

- 2.11 The table above demonstrates that there is a need for approximately 10 additional gypsy and traveller pitches and 19 travelling showpeople plots generated from families located on established sites and yards located within the 400 metre buffer zone and that there is the potential to expand 5 of the existing sites and 2 of the existing yards to help meet the need in these locations.
- 2.12 It is important to note, that within the district it has historically been very difficult to find sites to allocate for Gypsy, Traveller and Travelling Showpeople accommodation.
- 2.13 The above evidence demonstrates that without safeguarding some of the remaining windfall allowance within 400 metres of the Wealden Heaths Phase II SPA for Gypsy, Traveller and Travelling Showpeople accommodation, the ability of both planning authorities to meet the districts identified needs for such accommodation will be constrained.

³ The South Downs National Park Local Plan proposes to allocate 4 permanent pitches at Fern Farm, Greatham (currently the site has permission for 2 temporary pitches).

Affordable Housing Need

- 2.14 East Hampshire District has high property prices and therefore affordability of homes is an issue in the district with the SHMA (2013) identifying that the house prices in the district were at 9.99 times median earnings at the time of publication. In addition, the high level of affordable housing need is documented in the Inspectors Report into the Joint Core Strategy (paragraph 24).
- 2.15 Whilst Joint Core Strategy Policy CP14 requires residential developments to provide affordable housing provision at either 35% or 40% dependant upon location, there are some locations within the district where this policy will not meet local affordable housing needs.
- 2.16 There are a number of parishes in the district where there is insufficient existing or planned provision of affordable housing to meet the needs of those people on the affordable housing register (Hampshire Home Choice) that have a local connection to a particular parish. Therefore, Policy CP14 of the Joint Core Strategy provides the mechanism for delivering rural exception sites in these locations to deliver affordable housing.
- 2.17 Within the district the parishes of Headley and Liss are two parishes that are located partially within the 400 metre SPA buffer zone that currently have a local connection affordable housing need that exceeds the future supply of affordable housing (allocations and planning permissions) as demonstrated by Table 3 overleaf.

Settlement (Parish)	Local Connection Need (Dec 2016)	Allocations / permissions for affordable housing	Shortfall
Headley	62	Up to 5 ⁴ .	57
Liss	98	Up to 66 ⁵	37

- 2.18 The above evidence demonstrates that without safeguarding some of the remaining capacity within 400 metres of the Wealden Heaths Phase II SPA for rural exception affordable housing, the ability of both planning authorities to meet the locally identified needs for such accommodation will be constrained.

⁴ Policy VL3 of the East Hampshire District Local Plan: Housing and Employment Allocations allocates a site for 12 dwellings. Assuming that the development delivers 40% affordable housing, up to 5 affordable dwellings could be delivered at this site.

⁵ Policy Liss 8 of the Liss Neighbourhood Plan allocates six sites to provide approximately 165 dwellings. Assuming that all of these sites are delivered and provide 40% affordable housing would generate 66 affordable dwellings.

Summary of evidence

- 2.19 It is clear that from the above evidence that the capacity for additional dwellings within 400 metres of the Wealden Heaths Phase II Special Protection Area has been used up considerably faster than anticipated at the time the Joint Core Strategy was prepared. The 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 some of this need, development within the 400 metre buffer zone is going to be required.

Policy Approach

- 2.20 The purpose of this SPD is to safeguard the Special Protection Area (protected under the EC Habitats Directive) 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).
- 2.21 This 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.

Plan making

- 2.22 East Hampshire District Council is currently working on its Local Plan Review which will include residential allocations for Gypsy, Traveller and Travelling Showpeople accommodation and rural affordable housing exception sites for those parts of the district outside of the SDNPA. As detailed above, to meet identified needs, the planning authorities will be seeking to allocate sites for such uses through their emerging Local Plans.
- 2.23 The South Downs National Park Authority has recently submitted their Local Plan (2014 – 2033) for Examination. The plan includes an allocation for 4 permanent gypsy pitches at Fern Farm, Greatham which is located within the 400 metre buffer zone of the Wealden Heaths Phase II SPA.
- 2.24 There are a number of Neighbourhood Plans in preparation across the district where the community may decide to allocate land for Gypsy, Traveller and Travelling Showpeople accommodation and rural affordable housing exception sites.

Decision Taking

Gypsy, Traveller and Travelling Showpeople Accommodation

- 2.25 Planning applications that have been tested through a Habitats Regulations Assessment (HRA) and meet relevant material planning considerations for Gypsy, Traveller and Travelling Showpeople accommodation that result in a net increase in residential dwellings within 400 metres of the Wealden Heaths Phase II SPA in East Hampshire District (including the area within South Downs National Park) will be approved until such a time that the 43 dwelling total windfall allowance is reached.

Once the windfall allowance has been reached, schemes will only be permitted when supported by a Habitats Regulations Assessment and, where necessary, an Appropriate Assessment which demonstrates that the development would not result in harm to the SPA, and that has been agreed by the Competent Authority (the Council or the SDNPA) in consultation with Natural England.

Rural affordable housing exception sites

- 2.26 Planning applications that have been tested through a Habitats Regulations Assessment (HRA) and meet relevant material planning considerations for rural affordable housing exception sites that result in a net increase in residential dwellings within 400 metres of the Wealden Heaths Phase II SPA in East Hampshire District (including the area within South Downs National Park) will be approved until such a time that the 43 dwelling total windfall allowance is reached. Once the windfall allowance has been reached, schemes will only be permitted when supported by a Habitats Regulations Assessment and, where necessary, an Appropriate Assessment that demonstrates that the development would not result in harm to the SPA, and that has been agreed by the Competent Authority (the Council or the SDNPA) in consultation with Natural England.

Other forms of residential development

- 2.27 Planning applications for other forms of residential development that result in a net increase in residential dwellings within 400 metres of the Wealden Heaths Phase II SPA in East Hampshire District (including the area within South Downs National Park) will be refused, unless meeting relevant material planning considerations and supported by a Habitats Regulations Assessment and, where necessary, an Appropriate Assessment that demonstrates that the development would not result in harm to the SPA, and that has been agreed by the Competent Authority (the Council or the SDNPA) in consultation with Natural England. If applications are permitted through this process, the net increase in dwellings would not count towards the total windfall allowance.

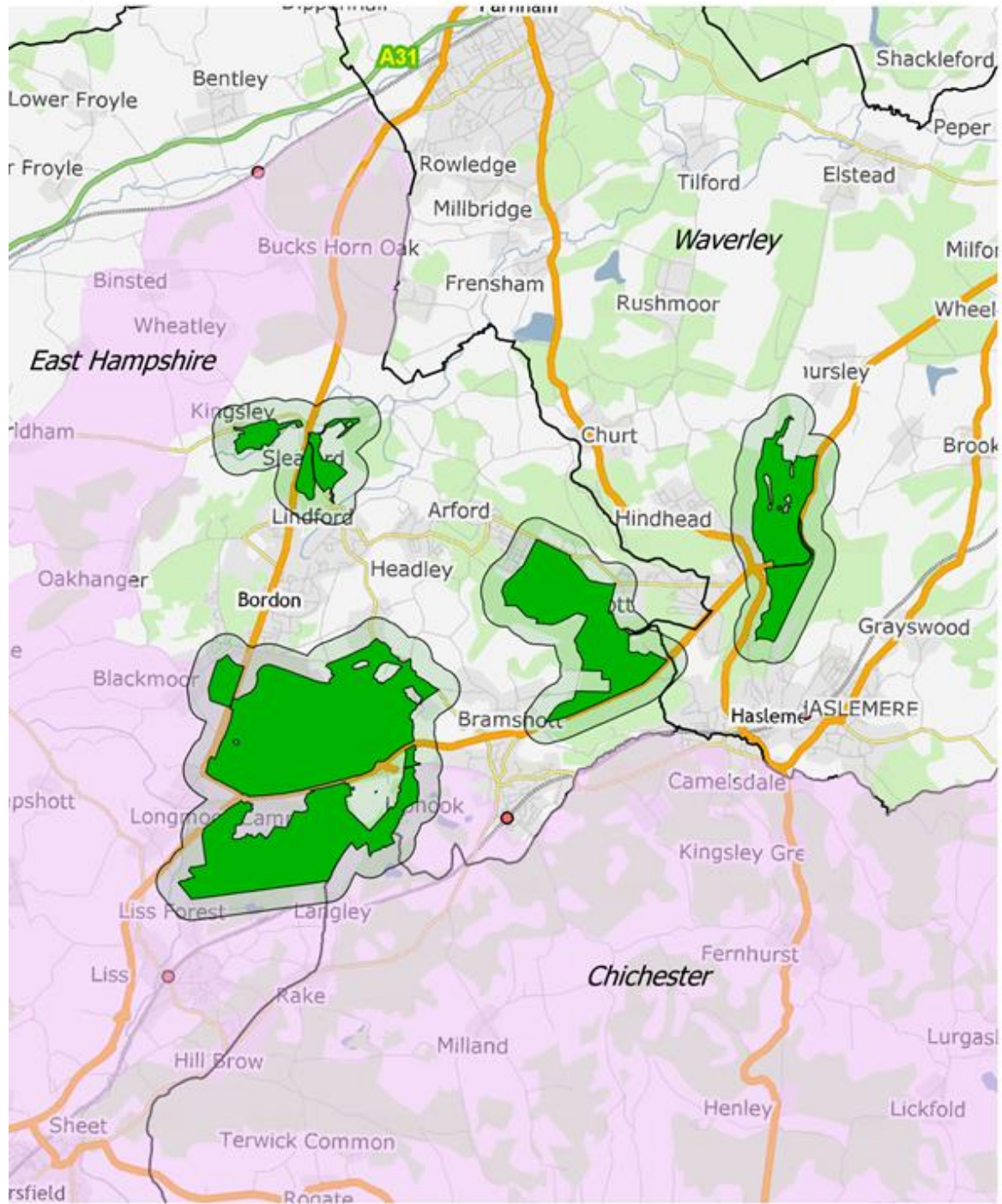
3.0 GLOSSARY

Acronym	Word	Definition
	Adoption	The final stage of implementing the Supplementary Planning Document, this requires the local planning authorities to agree the content of Supplementary Planning Document for decision taking and make it publicly available.
AA	Appropriate Assessment	See Habitats Regulations Assessment
	Concealed households	Households, living within other households, who are unable to set up separate family units.
	Consultation	An opportunity for the public and stakeholders to make comments on any policies and content within the Supplementary Planning Document. All comments will then be taken into account when preparing the final version of the Supplementary Planning Document.
	Consultation Portal	The Councils consultation portal not only enables you to register for notifications and updates, it also puts you in charge of ensuring that we have your most up to date contact details and allows you to submit your comments online during active consultations, or to opt out of future notifications.
	Consultation Statement	A statement prepared by East Hampshire District Council and South Downs National Park Authority to show the consultation that has been undertaken during the preparation of the Supplementary Planning Document.
	Doubling-up	Where there are more than the permitted number of caravans on a pitch or plot.
EqIA	Equalities Impact Assessment	To analyse the potential and actual effects of a policy on vulnerable groups and make suitable modifications to reduce or avoid any negative impact.
	Gypsies and Travellers	Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. (Planning Policy for Traveller Sites, 2015)
GTAA	Gypsy, Traveller and Travelling Showpeople Accommodation Assessment	An independent assessment of the need for gypsy, traveller, and travelling showpeople accommodation.

HRA	Habitats Regulations Assessment	Used to assess the impacts of proposals and land-use plans against the conservation objectives of a European Protected site and to ascertain whether it would adversely affect the integrity of that site.
	In-migration	Movement into or come to live in a region or community.
JCS	Joint Core Strategy	A document that sets out the key planning policies for the District.
NPPF	National Planning Policy Framework	A document that sets out the Government's planning policies for England and how these are expected to be applied. The Framework was published in March 2012.
PPTS	Planning Policy for Traveller Sites	National planning policy for travellers sites which should be read in conjunction with the NPPF.
	Pitch/Plot	Area of land on a site/development generally home to one household. Can be varying sizes and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and Plots to Travelling Showpeople yards.
	Rural Exception Affordable Housing Sites	Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.
SDNP	South Downs National Park Authority	The Planning Authority for the South Downs National Park.
	Site	An area of land on which Gypsies, Travellers and Travelling Showpeople are accommodated in caravans/chalets/vehicles. Can contain one or multiple pitches/plots (see also Yard in the glossary).
SPA	Special Protection Area	Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.
SHLAA	Strategic Housing Land Availability Assessment	The SHLAA is a technical study which is used to assist in the monitoring of whether there is an adequate supply of deliverable housing land. It informs planning process in terms of identifying land that is suitable, available and achievable for housing uses over the plan period. It identifies sites with potential for development, assesses

		their development potential and assesses their suitability, availability and deliverability.
	Yard	A name often used by Travelling Showpeople to refer to a site

4.0 APPENDIX A – Map showing the location of the Wealden Heaths Phase II SPA and its 400 metre buffer zone



Key

- Local authority boundary
- South Downs National Park
- Wealden Heaths Phase II SPA
- Wealden Heaths Phase II SPA 400m buffer

5.0 APPENDIX B – Potential for altering the number of new dwellings allowed within 400m of the Wealden Heaths Phase 2 SPA (November 2015).



Submitted to
East Hampshire District
Council

Submitted by
AECOM

Potential for altering the number of new dwellings allowed within 400m of the Wealden Heaths Phase 2 SPA

I

Report

Revision schedule					
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1 Scope

In order to ensure that the numbers of net new dwellings delivered within 400m of the Wealden Heaths Phase 2 SPA are controlled, Natural England has requested that the number of dwellings that were identified in the Local Plan Joint Core Strategy HRA as being expected within 400m of the SPA (approximately 30 dwellings) is used as an effective cap on net new dwellings and that net new gypsy and traveller pitches should be included as part of that allowance.

East Hampshire District Council has asked AECOM to consider whether there is scope for changing this cap to an alternative figure. In our proposal we identified several issues that would be investigated to ascertain whether there was a basis for such a change. These were:

- Testing to what extent it is accurate to include gypsy & traveller pitches within the allowance;
- Examining any precedents around other SPAs designated for nightjar and woodlark;
- Considering the basis for the ‘approximately 30 dwelling’ figure and whether an alternative threshold would be more appropriate.

2 Background

In the February 2012 Pre-Submission HRA where this issue was first discussed, an analysis was undertaken of the number of dwellings that were likely to be delivered in East Hampshire (including the National Park)⁶ over the period until 2028.

Based purely on a statistical analysis, it was considered that applications for approximately 30 windfall dwellings could be expected to come forward during the plan period. The details of how the estimate was calculated were provided in Appendix 2 of the February 2012 HRA.

Gypsy and traveller plots were specifically excluded from this calculation (paragraph 6.4.17 of the February 2012 HRA, or para. 6.4.18 of the 2013 HRA), as at the time it was concluded that proposals for new plots within 400m were unlikely to come forward.

It was ultimately concluded that *‘a further 30 dwellings would be an increase of approximately 1% [actually 1.04%]. It is considered unlikely that such a small increase would result in a material increase in urbanisation impacts. There is therefore no basis to conclude that the Joint Core Strategy will lead to likely significant effects as a result of ‘urbanisation’ of the [Wealden Heaths Phase 2] SPA’.*

In the 2013 HRA report the expected number of net new dwellings over the plan period within 400m of the SPA in East Hampshire (including the National Park) was increased to 33. However, the conclusion regarding impacts on the SPA remained unchanged since the scale of development remained *‘approximately 1% [actually 1.15%].*

⁶ Any net new increase in dwellings within the Waverley part of the 400m zone was discounted from the calculations on the basis that: a) although there was an expectation of approximately 50 windfall dwellings in the Hindhead area over the plan period, the Council confirmed that these were likely to be covered by the spare capacity of the Hindhead Concept Statement which already included an accepted SPA Avoidance Strategy and b) There were two SHLAA sites within 400m of the SPA at Hindhead (HIND001 – Highways, Tilford Rd, Hindhead, with capacity for up to 10 dwellings and HIND007 – Oakdale, Portsmouth Rd, Hindhead, with capacity for up to 41 dwellings) and which would not be covered by the Concept Statement but the HRA of the Wealden Core Strategy concluded that these were unlikely to be deliverable due to a combination of their combined size and proximity to the SPA (c. 200m) and existing objections from Natural England, so they were excluded from the calculation. Waverley Council has confirmed that they believe these considerations still stand and that Waverley can therefore continue to be excluded from the calculations.

3 Clarifying the total current housing stock within 400m of the SPA

For this exercise in 2015, the number of existing dwellings within 400m of the SPA was recalculated using a more refined methodology. This involved:

- Plotting on GIS a 400 metre buffer around all five SPA parcels across both local authorities;
- Plotting on GIS the postcode points appearing within those buffer zones and turning them into a dataset;
- Cross-referencing this postcode dataset to a separate national postcode dataset giving number of households per postcode;
- Calculating the number of households in the 400m buffer zone;
- Determining the ratio of households to dwellings in East Hampshire and Waverley, using data from Census 2011; and
- Dividing the number of households by this ratio to determine the baseline number of actual dwellings in the 400m buffer zone.

This analysis confirmed that there are 473 households within 400m of the SPA in Waverley district and 2,290 households within 400m of the SPA in East Hampshire; 2,763 in total. In the 2011 Census, East Hampshire had 49,099 dwellings and 47,258 households, giving a household to dwelling ratio of 0.963. In the same Census, Waverley had 51,545 dwellings and 49,280 households, giving a household to dwelling ratio of 0.956.

There are therefore 495 dwellings⁷ within 400m of the SPA in Waverley district (0.96% of all dwellings in the district) and 2,378 dwellings⁸ (4.84% of all dwellings in the district) within 400m of the SPA in East Hampshire. In total, therefore, across both authorities, these revised calculations estimate there are approximately 2,873 dwellings within the 400 metre buffer zone of the SPA.

Therefore, the number of dwellings within 400m of the SPA as estimated for the Joint Core Strategy HRA appears to have been broadly accurate (actually approximately 10% higher than those from the current calculations). The 10% difference does not materially alter the analysis that was undertaken in 2013, in that 33 net new dwellings is an approximately 1% increase whether the 2013 or 2015 numbers are used.

It can therefore be confirmed that the assessment in 2013 did not underestimate the number of existing dwellings within 400m of the SPA.

4 Validity of including gypsy and traveller sites

In general, there is a discussion to be had as to whether the provision of gypsy and traveller sites is actually associated with a net increase in the gypsy and traveller population or whether it is more a matter of providing legal and properly serviced facilities to replace unofficial sites. In addition, unlike permanent conventional dwellings, there is a question as to whether gypsies and travellers utilise the pitches provided on a sufficiently regular and frequent basis to meaningfully increase in traveller population of a given area. For example, if past experience indicates that the majority of new pitches are likely to remain unoccupied most of the time (and particularly bearing in mind that woodlark and nightjar are most affected by disturbance during the spring and summer rather than the autumn and winter) then there may be a basis for excluding them from the considerations that would apply to other residential development.

⁷ 473/0.956 = 495

⁸ 2,290/0.963 = 2,378

Based on data supplied by East Hampshire District Council, there are currently 42 gypsy and traveller plots within 400m of the SPA. Of these, 13 have been granted permission since April 2014 (i.e. after the Joint Core Strategy HRA baseline was established). The vast majority of these plots appear to be legal and permanently occupied (although not necessarily by the same family all-year-round).

It therefore appears that any new gypsy & traveller pitches within 400m of the Wealden Heaths Phase 2 would likely involve a net increase in the gypsy and traveller population within that zone (if not in the district as a whole), rather than replacement of an existing legal site for an unofficial site. Based on existing patterns of use it also seems very likely that, while individual families may come and go through the year, any new pitches have a good chance of being in effectively permanent use. On this basis, there seems to be no reason to exclude gypsy and traveller sites from other forms of residential accommodation that would lead to a net increase in the population of the 400m zone.

5 Examining precedents around other SPAs

Table 1 below contains all English SPAs that are (at least in part) designated for nightjar and woodlark. It includes a) those SPAs for which a total prohibition on net new dwellings within 400m exists (coloured orange), b) those SPAs for which housing is permitted within 400m but restrictions are imposed (coloured blue) and c) those SPAs for which, to the best of our knowledge, there is no restriction on housing delivery within 400m (coloured green). The colouring is arbitrary and purely to separate SPAs into groups.

Table 1. English SPAs designated for nightjar and woodlark

	Site Area (ha)	Number of existing dwellings within 400m	Weighted dwelling density (dwellings within 400m/ha of designated site)
Dorset Heathlands SPA	8,164.82	33,431	4.09
Thames Basin Heaths SPA	8,286.92	30,253	3.65
Ashdown Forest SPA	3,196.92	2,846	0.80
East Devon Heaths SPA	1,119.94	301	0.27
Wealden Heaths Phase 2 SPA	2,050.69	2,873	1.40
Thursley, Hankley & Frensham Commons SPA	1,874.90	1,777	0.95
Minsmere-Walberswick SPA ⁹	2,018.92	908	0.45
Sandlings SPA	3,391.19	1,147	0.34
Breckland SPA ¹⁰	39,283.96	9,165	0.23
Thorne & Hatfield Moors SPA	2,449.20	6	0.02

It can be seen that all those sites that have no controls at all on net new housing development within 400m clearly have a lower number of existing dwellings relative to the size of the European site than is the case for Wealden Heaths Phase 2 SPA. This indicates that existing pressure from development within 400m is likely to be commensurately lower and also suggests that the quantum of new

⁹ The numbers for Breckland SPA and Minsmere-Walberswick SPA are more difficult to compare with the other SPAs because large parts of both sites are designated for other birds and are unsuitable for nightjar and woodlark

¹⁰ Although the actual number of dwellings within 400m of the Breckland SPA is much greater than around Wealden Heaths Phase 2, when adjusted for the much larger area of Breckland SPA the relative density is much smaller

development that might be expected within 400m is low¹¹. The decision not to impose any restrictions appears to be based on an expectation that no housing proposals would be likely to come forward within this zone anyway. The same cannot be said for the Wealden Heaths Phase 2 although clearly the pressure and risk are several times less than for the Dorset Heathlands or Thames Basin Heaths SPA. Therefore, there does not appear to be any useful precedent for Wealden Heaths Phase 2 from those SPAs for which there are no controls on new development within 400m.

East Devon Heaths SPA appears to be something of an anomaly in that a strategic 400m exclusion zone exists despite the fact that existing patterns of development suggest there would be little risk to the site without one. The decision appears to have been made purely in order to align the SPA with the Dorset Heathlands and Thames Basin Heaths rather than because there was any particular concern that an adverse effect on the SPA would otherwise arise.

6 Justification for using 'approximately 30 dwellings' as a cap on new housing

The figure of 'approximately 30 dwellings', is currently being applied as a cap on net new development within 400m of the Wealden Heaths Phase 2 SPA, but was never intended to be used in this way by the authors of the Joint Core Strategy HRA reports.

It is important to understand that the figure of thirty-three dwellings was always intended as a broad estimate of the number of dwellings likely to be delivered within 400m of the SPA over the plan period, rather than an absolute number; this is unavoidable since it involves estimating the number and location of windfall dwellings. This is made clear in Appendix 2 of the February 2012 Pre Submission HRA through the use of broad language: '*... out of the 163 windfall dwellings that are anticipated within parishes that abut the SPA in East Hampshire, it seems possible that approximately 30 could come forward within 400m of the Wealden Heaths Phase 2 SPA.*'

The conclusion as to whether there would likely to be a significant effect from an increase in dwellings of this scale was based on an estimate of the broad change in the number of existing dwellings, the fact that this would reflect an approximately 1% increase in housing stock, and the professional judgment that such a small degree of change on a site which is not considered to be under particular threat or pressure from urbanisation could be considered negligible.

Since the conclusion regarding no adverse effect on integrity was not based on the raw number of dwellings so much as on the proportional increase in dwellings, we consider that a more appropriate threshold to be used would be that of an 'approximately 1%' increase in net new dwellings compared to the baseline as per March 2014. The use of the 'approximately 1% increase' threshold would better relate to the degree of acceptable change relative to the baseline scale of development located within 400m, rather than the effectively arbitrary number of 33 dwellings.

The current threshold of 33 dwellings equates to a 1.14% increase in net housing stock. Increasing the permissible number of net new dwellings to **43** (i.e. a further 10 dwellings including gypsy & traveller pitches), would equate to a 1.48% increase in the total housing stock. Based on the balance of households to dwellings, an increase of 43 dwellings could be expected to be an increase of 43 households if all dwellings were occupied by people who did not already live within 400m of the SPA. This would enable a further 10 dwellings to be delivered (an increase of 30% on the current allowance) but would remain a numerically small increase and would remain a sufficiently small increase in total housing stock that the 'approximately 1%' definition of a *de minimis* scale of net development used in the Joint Core Strategy HRA would still apply.

The use of such a threshold would still be precautionary, would still only permit a small total number of net new dwellings and would still enable housing density within 400m of the Wealden Heaths Phase 2 SPA to be kept low. For example, Table 2 illustrates that there are approximately 30,000 dwellings within 400m of each of the Thames Basin Heaths and Dorset Heathlands SPAs; more dwellings than lie within the entire core 5km catchment of Wealden Heaths Phase 2 SPA. In some parts of the Dorset Heathlands in particular (such as Purbeck District), over 50% of all existing dwellings within the district lie within 400m of the SPA, compared to less than 5% in East Hampshire and less than 1% in Waverley.

Of course, the Wealden Heaths Phase 2 SPA is a considerably smaller site than the Thames Basin Heaths or Dorset Heathlands, but even adjusting for that by conversion to a ratio of housing density per hectare of site the relative housing density within 400m of the Wealden Heaths Phase 2 is still much less than that around the two other SPAs (the relative density at Thames Basin Heaths and Dorset Heathlands is approximately three times that at Wealden Heaths Phase 2).

Table 2. Comparison of the demographic setting for Wealden Heaths Phase 2 SPA with that for Thames Basin Heaths SPA and Dorset Heathlands SPA

	Site Area (ha)	Number of existing dwellings within 400m	Weighted dwelling density, allowing for the size of the designated site (expressed as dwellings within 400m per hectare of SPA)
Dorset Heathlands SPA	8,164.82	33,431	4.09
Thames Basin Heaths SPA	8,286.92	30,253	3.65
↓			
Wealden Heaths Phase 2 SPA	2,050.69	2,873	1.40

7 Conclusion

Based on the discussion in Section 6, it is considered that there is a rational basis for a small increase in the permissible number of net new dwellings within 400m of the Wealden Heaths Phase 2 SPA, by using a more appropriate and less subjective measure than the number of net new dwellings that were anticipated at the time the 2013 Joint Core Strategy HRA was written. Increasing the permissible number of net new dwellings to 43 (i.e. a further 10 dwellings including gypsy & traveller pitches), would equate to a 1.48% increase in the total housing stock. Based on the balance of households to dwellings, an increase of 43 dwellings could be expected to be an increase of 41 households if all dwellings were occupied by people who did not already live within 400m of the SPA. This would enable a further 10 dwellings to be delivered (an increase of 30% on the current allowance) but would remain a numerically small increase and would remain a sufficiently small increase in total housing stock that the 'approximately 1%' definition of a de minimis scale of net development used in the Joint Core Strategy HRA would still apply.

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