

Habitats Regulations Information Note for Proposed Residential Development within close proximity to the Wealden Heaths Phase I and II Special Protection Area (SPA)

1. Aim

The aim of this note is to help guide applicants in the preparation of planning applications for new residential development within 400 metres of the Wealden Heaths Phase I and II SPA. The specific requirements that need to be met for the Wealden Heaths Phase II SPA are set out in the Internationally Designated Site Policy in the East Hampshire District Local Plan: Joint Core Strategy and the UK Habitats Regulations. Within Waverley, specific requirements are set out in the Hindhead Avoidance Strategy (adopted July 2011) which applies to development within 400 metres of a small part of the Wealden Heaths Phase II SPA in Hindhead. Elsewhere in Waverley, specific requirement will be set out in the emerging Waverley Borough Local Plan. Until this is adopted, requirements are set out in the UK Habitats Regulations.

2. Objectives

The overriding objective is to ensure that any new residential development will not have any significant adverse impact on the Wealden Heaths Phase I and II SPA.

3. Background

The Wealden Heaths Phase I SPA was designated in January 1996, the Wealden Heaths Phase II SPA in March 1998, and is protected from adverse impact under European and UK law. The Wealden Heaths Phase I and II SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler.

The Wealden Heaths Phase I SPA falls within Waverley Borough Council and the Wealden Heaths Phase II SPA falls within Waverley Borough and East Hampshire District. The relevant planning authorities are Waverley Borough Council (WBC), East Hampshire District Council (EHDC) and the South Downs National Park Authority (SDNPA). You can view whether your proposal falls within 400 metres of the SPA by searching on the EHDC's 'Interacting mapping' held on their website or WBC's website or by viewing the location of SPAs on Natural England's website (www.natureonthemap.org.uk).

3.1 New residential development within 400 metres

Applications for new residential development for full or outline permissions will be subject to a project-specific Habitats Regulations Assessment (HRA) to ascertain whether they are likely to have a significant effect (individually, indirectly (caused by someone or something else) or in combination with other plans or projects); and where necessary a full Appropriate Assessment (AA) will need to be undertaken by the local planning authority, with evidence provided by the applicant. The AA will form a part of the planning application process.

3.2 Areas outside 400 metres

A housing proposal outside the 400 metres which is capable of affecting the SPA no matter how distant from the site will need to be considered on a case-by-case basis as to whether a project-specific HRA is required. This assessment is made at the HRA Screening Assessment stage. The requirement is also likely to vary depending on the size of the site, the 'in combination' effects and its distance from the SPA. Advice on this will need to be sought from Natural England at the earliest opportunity.

4. The Process

EHDC has produced 'A Quick guide to the HRA' which can be found on their Planning Policy website. This can also be used for proposals falling within WBC. This guidance provides an easy step-by-step guide for applicants on when and how to carry out an HRA and should be used in the first instance.

To help further, both WBC and EHDC have also produced Habitats Regulation Assessments for their Local Plans, which are held on their websites:

East Hampshire DC HRA

- Habitats Regulations Assessment – Appropriate Assessment Report, February 2012
- East Hampshire Joint Core Strategy (Revised Housing Numbers) Habitats Regulations Assessment - Appropriate Assessment Report , July 2013
- The East Hampshire District Local Plan Part 2 – Housing & Employment Allocations HRA

Waverley BC HRA

- Habitats Regulation Assessment for the Core Strategy, June 2012

Whitehill & Bordon HRA

- Whitehill Bordon Habitats Regulations Assessment Report, November 2009
- Whitehill Bordon Habitats Regulations Assessment Report, November 2011
- Whitehill & Bordon Eco-Town Habitats Regulations Assessment Refresh – Final Draft Report, October 2012
- Plus associated documents.

All these documents refer to a suite of evidence which may help when carrying out an assessment.

5. Possible Avoidance and Mitigation Measures

If probable likely significant effect is identified, following the HRA Screening Assessment, appropriate avoidance and/or mitigation, including monitoring, will need to be sought.

Each solution will be evaluated on its own merits in consultation with Natural England and the local authority(ies). Possible examples of avoidance and mitigation measures can include the following categories in relation to generic impacts:

Recreational impacts

- Suitable Alternative Natural Greenspace (SANGS Style Greenspace) – their role is to provide alternative greenspace to divert visitors from visiting the SPA. This form of mitigation is best considered for large new developments. The effectiveness of the SANG style greenspace will depend upon its location and design. For further advice Natural England's draft 2008 guidelines for the creation of SANGS checklist should be considered¹ and the SANG design criteria carried out for the Whitehill & Bordon project².
- Design measures to encourage dog walking away from the heathland areas of the SPA. This could include looking for alternative areas of existing greenspace, supported by interpretation boards and advertising by leaflet drops. An example is the Hindhead Avoidance Strategy in Waverley.³

¹ <http://www.bracknell-forest.gov.uk/sangs-guidelines-and-checklist-12-06-08.pdf>

² 'Suitable Alternative Natural Greenspace Design and Delivery Whitehill & Bordon Eco-town' (pages 17/18), Halcrow, October 2012

³ Hindhead Avoidance Strategy:

http://www.waverley.gov.uk/info/1004/planning_policy/361/special_protection_areas_spa/2

- The promotion of biodiversity enhancement, access management and green infrastructure⁴. Habitat management could include improved grazing and habitat management within the SPA over and above that already carried out.

Air Quality impacts

- Incorporation of green roofs into the design of schemes within development sites. Other benefits of green roofs relate to drainage and biodiversity.
- Extensive tree planting or bunding, acting as a buffer against potential polluting activities such as transport corridors. However, choosing the right species is important.

Urbanisation impacts

- Addressing garden waste tipping on development adjoining the SPA boundary. Sufficient space for facilities for storing green waste and/or sufficient space for composting facilities should be provided on site.

The list of mitigation measures is not exhaustive; again further advice should be sought from Natural England or by visiting their website, www.naturalengland.org.uk.

For information, Natural England has a Discretionary Advice Service which offers initial advice to developers and consultants on identifying significant potential impacts, this may include some advice on how concerns may be addressed. Further guidance can be found on the Natural England website⁵.

6. Management, Maintenance and Funding

The proposed SPA avoidance and mitigation measures must be supported by detailed information submitted by the applicant which will need to be agreed by the local planning authority(ies) in liaison with Natural England. The local planning authority will enforce any non-compliance of the necessary conditions applied to any planning permission.

However, it will be the responsibility of the applicant to ensure and demonstrate any long term management, maintenance and funding of any solution. This must be managed appropriately over a period of no less than 80 years, and which will not put

⁴ For further guidance see EHDC Green Infrastructure Study 2011, EHDC Green Infrastructure Strategy 2013 and Whitehill & Bordon Green Infrastructure Strategy 2011 – all found on the EHDC website.

⁵ <http://www.naturalengland.org.uk/ourwork/planningdevelopment/das/default.aspx>

site users or ecological value at risk. A costed management plan may need to be provided as part of the planning application submission.

We appreciate that the HRA process is complex but if you require further advice please contact Natural England and the Planning Policy and/or Development Management teams at Waverley Borough Council, East Hampshire District Council or South Downs National Park Authority.



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Glossary

Access Management: Measures to help restrict access at particular locations and times on designated sites.

Appropriate Assessment: Part of the Habitats Regulations Assessment, it must be detailed and robust to answer the question – can it be ascertained that the proposal will not affect an Internationally Designated Site.

Biodiversity: the range and diversity of life (including plants, animals and micro-organisms), ecosystems and ecological processes.

Green Infrastructure: includes a network of multi functional natural and semi-natural areas that enhance quality of life, personal health and community well-being and help facilitate travel, green tourism and adaptation to climate change.

Green roofs: a roof of a building that is partially or completely covered with vegetation. Green roofs provide a number of benefits, such as absorbing rainwater, providing insulation and filtering pollutants.

Habitat: is an ecological or environmental area that is inhabited by a particular species of animal, plant, or other type of organism.

Habitats Regulations Assessment (HRA): European Habitats Directive that requires ‘appropriate assessment’ of plans and project that are, either alone or in combination with other plans and project, likely to have a significant impact on national and international designated sites.

‘In combination’: assessing the overall affects with other projects or proposals.

European and Internationally Designated Sites: some sites of international importance are protected through European Union law, others have been given special status through international conventions and organisations.

Non-compliance: failure or refusal to comply, as with a law, regulation or contract.

SANGS (Suitable Alternative Natural Greenspace): is the name given to greenspace that is a quality and type suitable to be used as mitigation. Its role is to provide alternative greenspace to divert visitors from visiting the SPA.

HRA Screening Assessment: identifies where further consideration will be required in relation to specific nature conservation sites. Through this process specific nature conservation sites may be screened out if appropriate.