

Habitats Directive

Nitrogen Deposition and Wealden Planning Policy

Planning for Better Air Quality

St Martins - in - the - Fields

25th September 2013

Habitats Directive

- The Conservation of Habitats and Species Regulations 2010
- **S61.**—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
 - (a) is **likely to have a significant effect** on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site,
- must make an **appropriate assessment** of the implications for that site in view of that site's conservation objectives.

Wealden District Council



Ashdown Forest:

- Special Area of Conservation and
- Special Protection Area



Ashdown Forest: Impacts of N Deposition

- Direct:
 - Reduced diversity as sensitive species are replaced by a few nitrogen-loving species;
 - Increased growth of nutrient demanding species such as grasses, at the expense of dwarf shrub species e.g. heather;
 - Increased sensitivity and risk of damage from drought, frost and pests;
 - Increased litter fall & reduced light passing for species living on the ground.
- Indirect
 - Changes in the vegetation type and structure and degradation of the habitat affects lowland heathland birds;
 - Damage to on great crested newts breeding areas.



Local Plan

- Uckfield and Crowborough
 - 1300 new homes
 - 10,700 m² of retail
 - 12,650 m² of employment
- Plan adopted 19th February 2013

Appropriate Assessment of Core Strategy

- DMRB Screening used
- <1000 AADT = no impact
- Increase in traffic up to 950 AADT (on A26)
- **Conclusion :“No adverse effects** on the ecological integrity of any European site as a result of the Wealden District Core Strategy in relation atmospheric pollution at Ashdown Forest SAC”
- No more detailed assessment undertaken

Inspector's Report

“... I am satisfied that the DMRB methodology is the correct approach to a scoping assessment of air quality and that, as concluded in the HRA, the scale and distribution of development proposed in the CS is acceptable in this regard. “

Mike Moore, Inspector, Examination of Wealden Core Strategy

Inspector's Report

“...very little headroom for development beyond that proposed without **further assessment** to determine whether there would be a likely significant effect on the Ashdown Forest SAC. **This work has not been done.** However, the best available evidence on the existing nitrogen deposition load toward the centre of the SAC is that it significantly exceeds the ability of habitats to withstand deleterious effects. Deposition is likely to be more severe close to road corridors. Furthermore, I am mindful that the traffic modelling does not take account of possible **traffic impacts of growth in neighbouring authorities.** Although heathland management may have some part to play in mitigating the effects of nitrogen deposition, in the context of these other factors there is sufficient evidence at this point on a **precautionary basis** to **restrict further development** in north Wealden beyond that in the CS... “

Mike Moore, Inspector, Examination of Wealden Core Strategy

Policy WCS12 Biodiversity

- All development <7km of Ashdown Forest that increases recreational and traffic pressures **must mitigate its own impact.**
- Large development >7 km - Permission **must be withheld** where a likely significant effect is predicted, or **can not be discounted.**
- Exclusion zone of 400 m for net increases in dwellings
- Recreational impacts can, in theory, be mitigated - Suitable Alternative Natural Green Space (SANGS) and on-site visitor management measures
- Council to undertake further investigation of the impacts of N deposition so that its effects on development in the **longer term** can be more fully understood and mitigated if appropriate.

7 km Development Restriction Zone

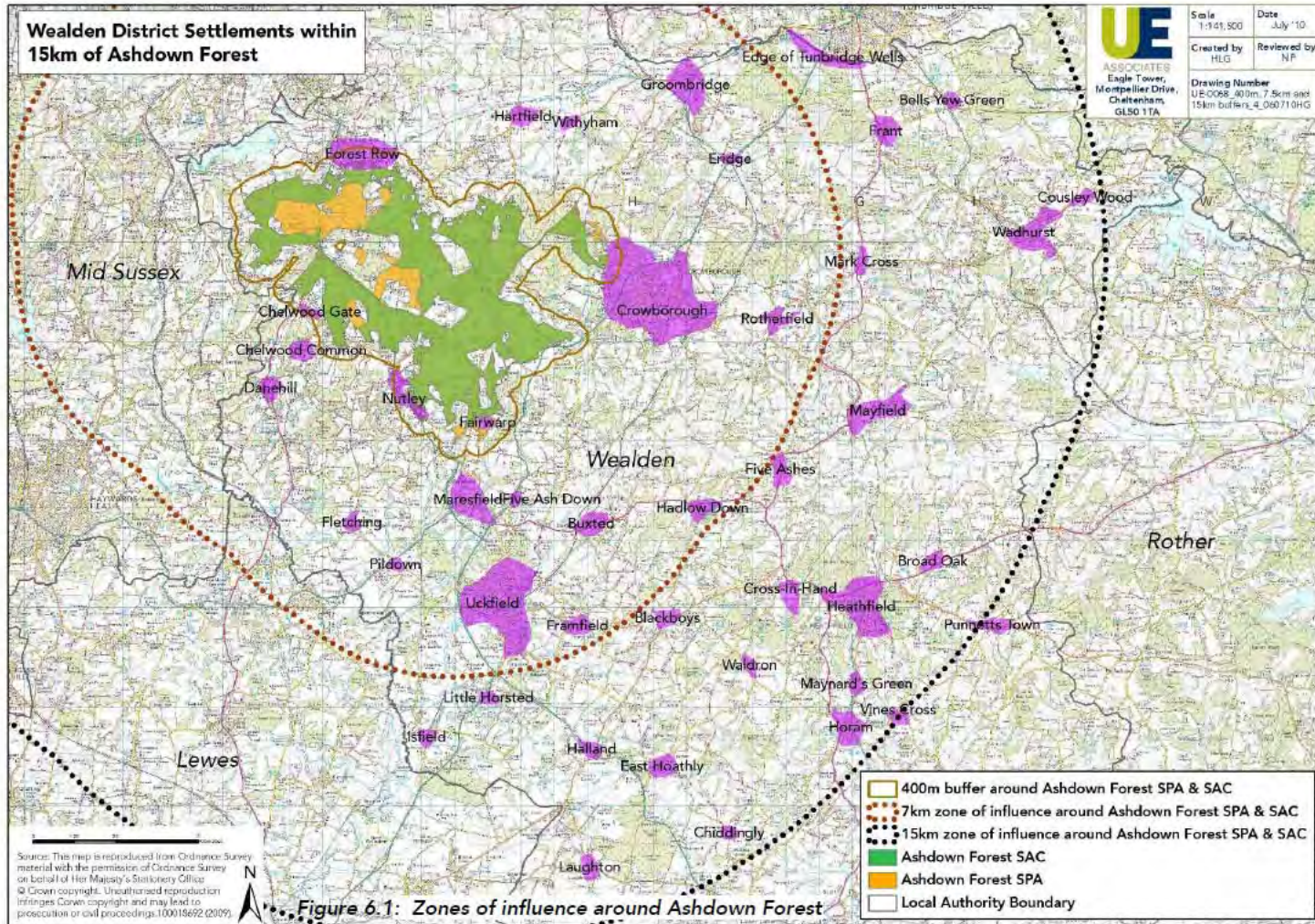


Figure 6.1: Zones of influence around Ashdown Forest

Local Plan N Impact: ADMS Model

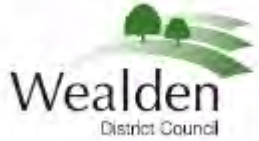
	Distance from A26 centre line	% of critical load
2010	0.0 m	1.3
	5.0 m	1.2
	7.5m	0.9
	10.0 m	0.8
2026	0.0 m	0.7
	5.0 m	0.6
	7.5 m	0.4
	10.0m	0.4

Likely Significant Effect on Integrity of Site ?

- EA screening criteria exceeded in 2010 with local plan within Ashdown Forest
- Within 10 m little evidence of conservation features
- NOx emissions have decreased over 20 years; forecast to continue to decline
- In combination effects need to be considered – Council did not consider impact of adjacent authorities' local plans

“Not a ban on development”

- Development that can be progressed
 - Domestic extensions that provide additional residential accommodation for a household.
 - Replacement development /change of use (where vehicle movements not increased)
 - Developments with **implementable mitigation measures** e.g. car free developments, green travel plans, provision of local services would reduce or not add to out commuting in larger settlement
 - Development allowed for in the local plan
 - Development that is directly connected with or necessary to the management of Ashdown Forest.



Contributions

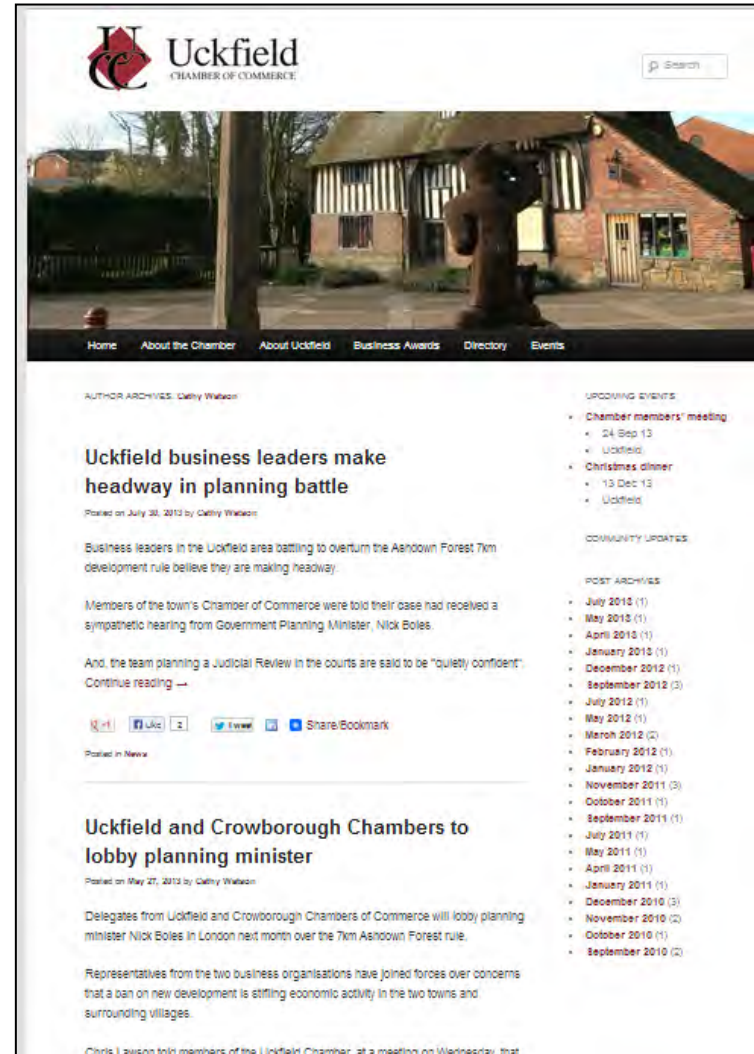
- Zone A (<400m) – no increase in residential development unless exceptional circumstances
- Zone B (400m – 7km) increase in dwellings:
 - SANGs 8ha / 1,000 population
 - Implementation of Forest Access Management Strategy
 - Programme of monitoring and Research

Is it a development ban?

- Development not in the Local Plan prevented until:
 - SANGS have been established - dependant on suitable and sustainable sites coming forward
 - Further nitrogen monitoring work undertaken over the coming years is completed/ reviewed
- Includes:
 - infill housing within development boundaries
 - Rural affordable exception housing sites
 - new non allocated business and farming operations.
- Change of use proposals:
 - look at potential mitigation re vehicle movements etc.
 - Other developments i.e. barn conversions, conversions from offices to domestic etc. will only be able to progress when suitable SANGS are in place.

Impacts on development?

- Reduction in planning applications in the north of District
- Up to 152 applications/year per annum could be affected by N issue
- A reasonable number of these applications would relate to infill developments
- Council suggest economic benefits of Ashdown Forest > new development



Planning Appeals

Danefield Farm, Boars Head, Crowborough TN6 3HD

- change of use of existing home office and garage to tourist accommodation
- two holiday let units
- “would have an adverse effect on the integrity of the SPA, SAC and SSSI”
- Recreational pressure not N deposition

Land adjacent to Ashdown Lodge, Beaconsfield Road, Chelwood Gate, Haywards Heath

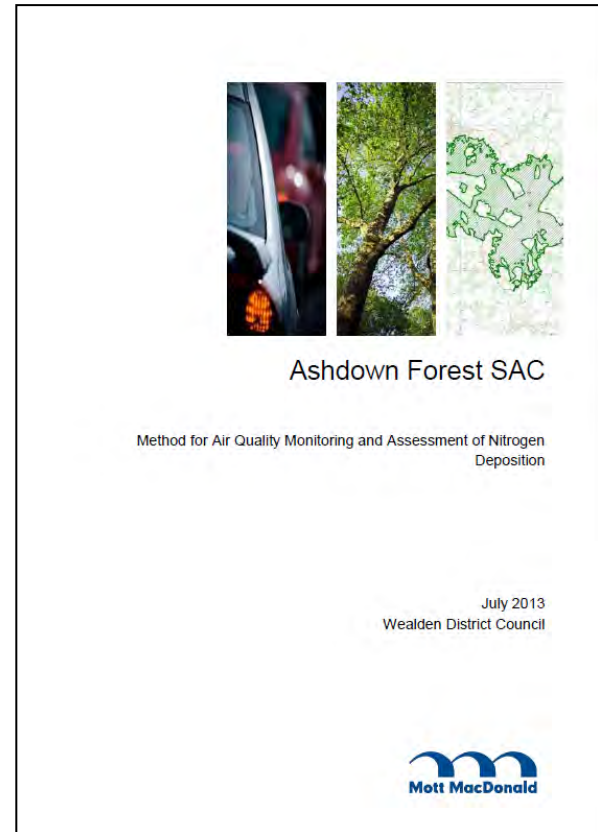
- Single dwelling and garage.
- ~ 500m from Forest
- “unacceptable effect on the integrity of the Ashdown Forest SPA and SAC”

Research Programme

Costs

- Ca. £160,000 year 1
- Ca. £120,000 subsequent years
- Includes monitoring of:
 - NO_x/NO₂
 - NH₃
 - O₃
 - Ecology

How long will it take?




Advice to Developers

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In this section:	Ashdown Forest Special Protection Area, Special Area of Protection and Site of Special Scientific Interest	Top Planning and Building Control Tasks
Information for Agents Relating to Planning Matters	<p>Following the adoption of the Core Strategy Local Plan on 19 February 2013, there continues to be a change in the Council's approach to facilitating development both in rural areas and within development boundaries. This position is supported by the policies of the National Planning Policy Framework (pdf), especially by the clear terms of advice at paragraph 119. The main reason behind this change relates to the high status of protection afforded to the Ashdown Forest's Special Area of Conservation (SAC) and Special Protection Area (SPA), which has been further embellished by the development growth strategy of the CSLP along with Policy WCS12 in particular.</p> <p>The policy position which the Council is now obliged to follow, in line with the Core Strategy Policy WCS12, is that all development within 7km of the SAC, SPA and SSSI which would, either individually or in combination with other development, increase recreational and traffic pressures upon these European significant habitats must mitigate its own impact. The main impacts are from recreational pressures, and from the deleterious effects of traffic pollution. In cases of large scale development and those which generate significant volumes of traffic outside the 7km area, the Council will also be obliged to assess the likely significant effects of development upon the SAC and SPA of the Ashdown Forest. Permission must be withheld where a likely significant effect is predicted, or can not be discounted.</p>	View latest Planning Applications (weekly lists)
Information for Parish Councils Relating to Planning Matters		Search Planning and Building Control Applications
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**GUIDANCE NOTE ON REDUCING NITROGEN DEPOSITION AT THE ASHDOWN FOREST
SPECIAL AREA OF CONSERVATION AND SPECIAL PROTECTION AREA**



Who is this Guidance Note for?

This Guidance Note has been written for those applying for planning permission for small scale developments which could generate traffic movements on roads which pass through the Ashdown Forest Special Area of Conservation (SAC)/Special Protection Area (SPA). These applications will typically not be captured by other Council planning policies and may include small businesses, small tourism proposals and community projects. The guidance presented here should not be considered formal planning guidance (such as Supplementary Planning Guidance) but is instead intended to be used voluntarily, providing applicants with the necessary information to consider the nitrogen deposition impacts of their proposed development.

What is the Purpose of this Guidance Note?

This Guidance Note aims to:

- **SECTION A** - Provide background information on the issue of nitrogen deposition at the Ashdown Forest SAC/SPA
- **SECTION B** - Present case studies of small developments that have successfully reduced their traffic impacts, and thus their impact on nitrogen deposition
- **SECTION C** - Illustrate a 'good practice' approach that could be taken by applicants to show how their proposals will manage traffic generation.

The Local Plan 2013 - 2027

Protecting the Ashdown Forest

Impacts from general development and nitrogen oxide emissions from motor vehicles are threatening the rare heathland ecosystem of the Ashdown Forest. Local communities need to remain vibrant and Wealden District Council is seeking 21st century solutions to the problems modern development is causing.



The Wealden Local Plan places a high priority on protecting the District's valuable landscape assets including the Ashdown Forest and the High Weald Area of Outstanding Natural Beauty. It has successfully argued the case against a larger increase in housing in the north of the District as too much growth would cause significant environmental harm to these areas.

New Homes

The Local Plan Core Strategy allows for 1300 new homes, 10,700 m² of retail space and 12,650 m² of work premises in the north of the District at the main settlements of Uckfield and Crowborough. A further plan, looking at the growth needs of the District's principal villages, will be produced.

Increases in traffic, caused by growth beyond that envisaged in the Local Plan, are likely to have a detrimental effect

on the Ashdown Forest's ecosystem. The continued increase in nitrogen deposition, causing eutrophication, will result in the rare lowland heathland of this internationally important site being overgrown by invasive new vegetation. Similarly unplanned-for visitor pressure could destroy some of the Forest's special flora and fauna including Marsh Gentian, and protected birds such as nightjars and the Dartford Warbler.

International Responsibilities

Limiting overall levels of housing and other growth, and setting a 7km protection zone around the Forest to manage recreational pressure, is necessary to meet the Council's responsibility under international Habitat Directives to protect this site. This covers both Uckfield and Crowborough and will affect all developments that are not already accounted for in the Wealden Local

Summary

- Precautionary approach to protection of European Sites
- Ecology better protected than human health?
- Other authorities with European Sites have not taken similar approach