

HAWKHURST NEIGHBOURHOOD PLAN

Submission Draft Version

**An Interim Report to Tonbridge Wells District Council
into the examination of the
Hawkhurst Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP MRTPI
NPIERS Independent Examiner
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Interim Report on Procedural Matters

The Neighbourhood Planning Examination is required to determine whether the basic conditions have been met, among other things these include

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

These matters should be addressed through screening assessments for Strategic Environmental Assessment and Habitats Regulations Assessments and where necessary through full SEA and/or HRA assessments. It is understood that Screening Assessments have not been undertaken for the Hawkhurst Neighbourhood Plan for either SEA or HRA.

I note that Tonbridge Wells Council is taking an approach to only undertaking SEA screening of Neighbourhood Plans that are allocating land for any purpose.

Notwithstanding the Council's view on the matter, I am required to consider the guidance in the Planning Practice Guidance which states that:

“How do you know if a draft neighbourhood plan might have significant environmental effects?”

“To decide whether a draft neighbourhood plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan’s preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. These include a requirement to consult the environmental assessment consultation bodies.”

Reference ID: 11-028-20150209

The guidance was revised in February 2015 to make the SEA screening a requirement. The word "should" in line 2 of this paragraph was changed to "must". Paragraph 33 was also revised to include Stage A screening.

This guidance makes it clear that **all Neighbourhood Plans** must be screened and the formal screening statement must be consulted on with the consultation bodies.

There is a similar requirement for formal screening to be undertaken of all Neighbourhood Plans for HRA in order to demonstrate that the plan will not have a significant effect on a European Habitat site in order to satisfy Regulation 32 and Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 as amended.

I have read the Council's practice note on HRA for planning applications and I consider that it is not a formal screening report for the neighbourhood plan.

I am not satisfied that the evidence submitted has demonstrated that these basic conditions have been met. I have two options: either to recommend that the Neighbourhood Plan has failed to meet the Basic Conditions or to hold the examination in abeyance until the formal screenings of the Plan for SEA and HRA have been undertaken and consulted upon.

In the circumstances I am proposing to give the Qualifying Body the opportunity to undertake the screening assessments and associated consultation and propose to hold the examination in abeyance until they have been completed satisfactorily.

Rosemary Kidd

Independent Examiner

21 November 2016