

Hawkhurst Neighbourhood Plan



Strategic Environmental Assessment Screening Report

Final Report

November 2016

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1 Introduction

1.1 SEA Background

- 1.1.1 This screening report is designed to determine whether or not the contents of the draft Hawkhurst Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.1.2 The purpose of the Hawkhurst Neighbourhood Plan is to guide the principles for allocation of land for development, helping to plan positively and to influence policy on housing delivery, and protection of local environmental and heritage assets.
- 1.1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 3 provides a screening assessment of the likely significant environmental effects of the draft plan and the need for a full SEA. The neighbourhood plan guides the principles for the allocation of land for housing (HD1), helping to “plan positively” to support local development. The neighbourhood plan also contains HD, AM and CM policies (infrastructure), HD3 (sustainable energy) and CM4 (employment) to address economic development across the parish.

1.2 Legislative Background

- 1.2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
- 1.2.2 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

2 Assessment

2.1.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

2.1.2 The ODPM publication “A Practical Guide to the Strategic Environmental Assessment Directive” (2005) sets out the approach to be taken in order to determine whether SEA is required.

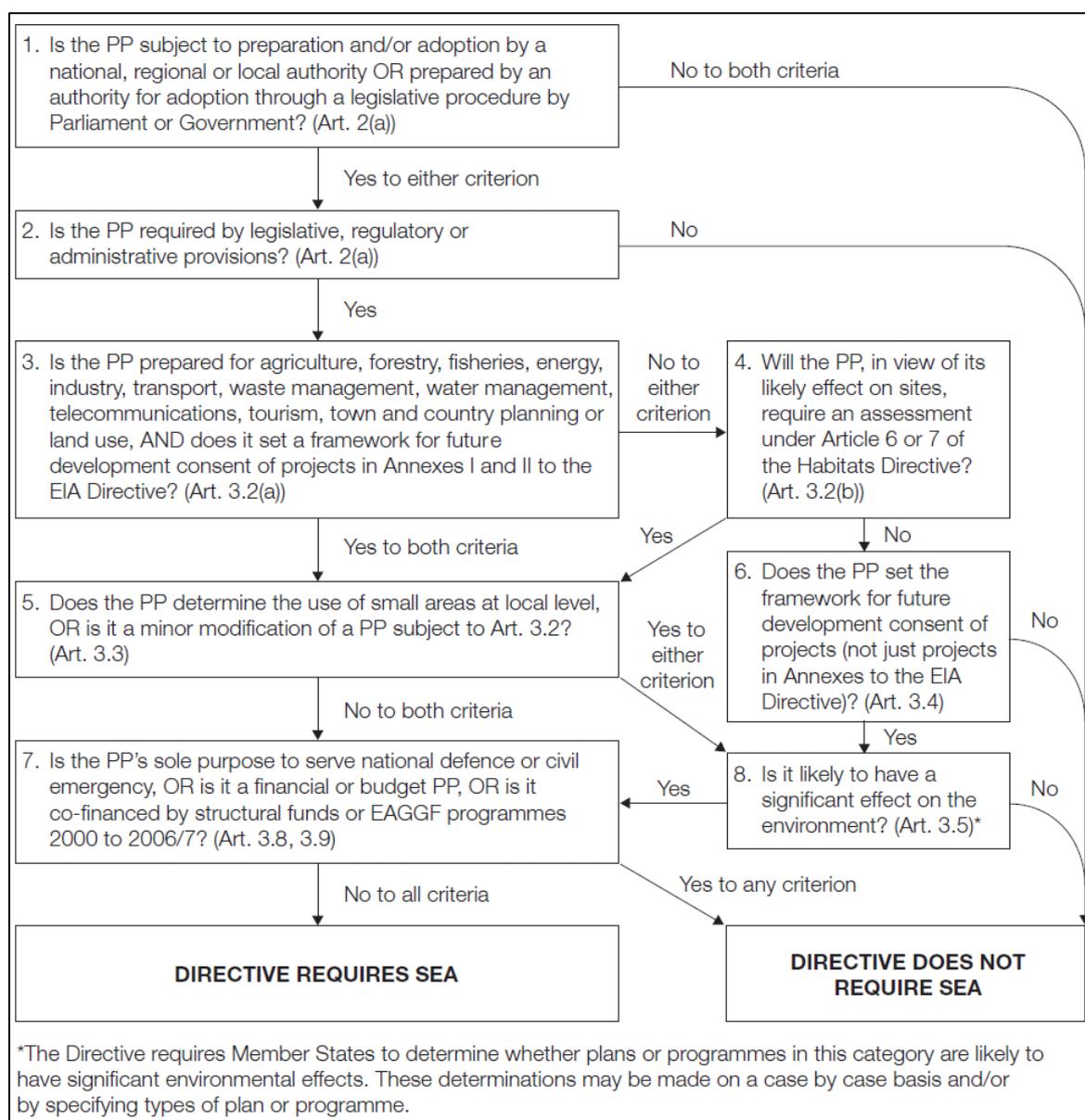


Figure 1: Application of the SEA Directive to plans and programmes (from “A Practical Guide to the Strategic Environmental Assessment Directive”)

- 2.1.3 This assessment is therefore split into two parts. Part 1 runs the draft plan through the questions outlined in the diagram above and includes commentary of whether the need for SEA is triggered. Part 2 further assesses stage 8, on whether there is a likely significant impact. The screening opinion takes a 'precautionary approach' and when it is unclear as to how the Directive may be applied it is assumed that there are possible likely significant effects.

2.2 Part 1 – Application of the Directive to the draft NP

Table 1. Establishing the need for SEA by following the flowchart in Figure 1.

Stage		Y/N	Justification
1	Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood Plans are prepared by parish councils under the provision of the Town and Country Planning Act 1990 as amended by the Localism act 2011. GO TO STAGE 2
2	Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	It is not a requirement for a parish to produce a Neighbourhood Plan. However, once "made" the plan forms part of the statutory Development Plan and will be used when making decision on planning applications. GO TO STAGE 3
3	Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	The Neighbourhood Plan is being prepared for town and country planning and land use. Although the NP supports planning applications for small-scale housing developments, it does contains a general framework for all future development consent and thus projects which could be listed in Annex II of the EIA Directive. GO TO STAGE 5
4	Will the PP, in view of its likely effects on sites require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	NOT APPLICABLE	
5	Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Neighbourhood Plan does not allocate land for a specific purpose but does show preference for the type and form of development at local level.

Stage	Y/N	Justification
		GO TO STAGE 8
6		NOT APPLICABLE
7		NOT APPLICABLE
8	N	SEE TABLE 2

2.3 Part 2 – Likely significant effects on the environment

2.3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below, together with a commentary on whether the draft NP would trigger the need for a full assessment.

Table 2 Assessing Likely Significant Effects (LSE)

SEA Directive Criteria	LSE Y/N	Justification
1. The Characteristics of Plans and Programmes, having regard, in particular, to:		
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	N	The NP does not allocate specific land for development but does direct development to general locations such as in-fill plots and previously developed land within the three main settlements.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	N	If the NP is not delivered, the Borough's emerging and existing Local Plan is not affected. The Local Plan is subject to SEA.
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	The NP is accompanied by a Sustainability Appraisal which documents how environmental considerations have been integrated and sustainable development has been promoted.
d) Environmental problems relevant to the plan or programme	N	There are no specific environmental problems relevant to this NP. Impacts upon environmental aspects such as flood risk,

SEA Directive Criteria	LSE Y/N	Justification
		ecology and landscape, are considered by the Sustainability Appraisal and no negative outcomes are predicted.
e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	N	The NP will not affect implementation of European Community environmental legislation. The Water Framework Directive will need to be taken into account.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
a) The probability, duration, frequency and reversibility of the effects	N	The NP does not allocate land for development, but instead only directs the type, scale and form of any future development. Some effects such as pollution are recorded in the SA as 'unknown' because they are highly dependent on where development takes place. However, significant effects are considered to be unlikely.
b) The cumulative nature of the effects	N	Significant effects are considered unlikely thus negative cumulative effects from the NP are not predicted.
c) The transboundary nature of the effects	N	Hawkhurst lies close to the boundary with East Sussex and other districts. However, no significant trans boundary effects from the NP are expected.
d) The risks to human health or the environment (e.g. due to accidents)	N	The NP does not create any significant risks to human health or the environment.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The NP covers the Parish of Hawkhurst which contains three settlements. Significant effects are not predicted across or outside of this geographical area.
f) The value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use,	N	(i) The area covered by the NP is within the AONB and contains 4 Conservation Areas and over 200 listed buildings. The area is also rural in nature and has a wealth of biodiversity and natural habitats. Directing development to general locations such as in-fill plots and previously developed land within the three main settlements is likely to prevent impact upon the wider landscape but could affect Conservation Area or the setting of listed buildings. However, the NP seeks to prevent these impacts and uphold other policy at Borough and National level to ensure no significant environmental issues are created.

SEA Directive Criteria	LSE Y/N	Justification
		<p>Environmental protection is one of the Objectives of the NP.</p> <p>(ii) The NP is not predicted to exceed standards or environmental limits.</p> <p>(iii) The NP seeks to make efficient use of land by directing development to in-fill plots and previously developed land.</p>
<p>g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>N</p>	<p>Whilst there are no areas within Tunbridge Wells borough that are EC or internationally protected, the Ashdown Forest SPA/SAC European designation is sited in an adjacent authority area (Wealden) which affects the south-west of the Borough. Proposals in this NP are unlikely to impact upon this designated site as development is directed to the three main settlements which are outside of the 7km zone of influence (as determined by the Habitats Regulations Assessment for the Borough-Level DPD).</p> <p>At national level, the High Weald AONB washes over the parish and the character components of the AONB are recognised and mapped by the NP with the intention that they be used to inform the nature, scale and location of future development. This approach complements the 'great weight' afforded to the AONB at national policy level.</p> <p>There is one SSSI on the northern border of Hawkhurst parish (Robins Wood). This is located 1.8km north east of the nearest main settlement at Gills Green. At Gills Green, the Impact Risk Zone suggests housing developments of 100 units or more would create potential risk to the SSSI. The Neighbourhood Plan would support small scale housing only (up to 10 units) so risks to the SSSI are deemed minimal.</p>
<p>Part 2 Overall Conclusion</p>		<p>The Hawkhurst Neighbourhood Plan is unlikely to have a significant effect on the environment.</p>

2.4 Screening Outcome

- 2.4.1 As a result of the assessment in section 3, it is unlikely there will be any significant environmental effects arising from the draft NP. As such, it does not require a full SEA to be undertaken. This conclusion has been sent to the Environment Agency, Natural England and Historic England for consideration and their responses are included in Appendix A.

Appendix A

Responses from Statutory Consultees

Katie McFloyd

From: KSLPlanning <KSLPlanning@environment-agency.gov.uk>
Sent: 08 November 2016 11:23
To: Katie McFloyd
Subject: RE: SEA Screening Request - Hawkhurst NP

Dear Katie,

Thank you for consulting us on the above. We have no concerns and no comments to make.

Kind regards

Samantha Watts

Planning Advisor
Kent Sustainable Places
kslplanning@environment-agency.gov.uk
Tel. 0208 474 8022

Environment Agency
Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent ME19 5SH

From: Katie McFloyd [<mailto:Katie.McFloyd@TunbridgeWells.gov.uk>]
Sent: 07 November 2016 11:28
To: 'consultations@naturalengland.org.uk'; 'e-seast@historicengland.org.uk'; 'kslplanning@environment-agency.gov.uk'
Subject: SEA Screening Request - Hawkhurst NP
Importance: High

Dear Sir/Madam,

Please find attached a SEA screening opinion report for your consideration. The report is for a Neighbourhood Plan being prepared within our Borough which can be viewed at the link below:

http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0015/130812/01_Hawkhurst-Neighbourhood-Plan-Submission-Version.compressed.pdf

The accompanying Sustainability Appraisal is also attached to this email.

I understand that the legislation does not specify the timescales required for a response to an SEA Screening Request (only scoping) so I presume that we should follow the same timescales for an EIA screening request i.e. 3 weeks (Monday 28th November). The council is working to very tight deadlines at the moment, so if at all possible, we would be extremely grateful for an earlier response e.g. Monday 21st November.

Any questions, do ask.

Many thanks,

Katie



Katie McFloyd MSc BSc (hons) MIEMA
Planning Environmental Officer
(Part-time Mon, Tues, Thurs)

Katie McFloyd

From: Plan Cons Area Team (Sussex and Kent) (NE) <PlanConsAreaTeamSussexandKent@defra.gsi.gov.uk>
Sent: 22 November 2016 17:55
To: Katie McFloyd
Subject: (NE ref - 200743) SEA Screening Request - Draft Hawkhurst NP
Attachments: Hawkhurst Neighbourhood Plan; (NE ref - 184538) HAWKHURST NEIGHBOURHOOD DEVELOPMENT PLAN PRE-SUBMISSION; Hawkhurst NP SEA Screening Request - Consultation Feedback Form.pdf

Importance: High

Katie.McFloyd@TunbridgeWells.gov.uk

200743 – SEA Screening Request for Draft Hawkhurst Neighbourhood Plan

Dear Katie McFloyd,

Thank you for consulting Natural England on your Neighbourhood Plan Sustainability Appraisal and Strategic Environment Assessment Screening Report 2016. I apologise for just missing your preferred deadline but hope that there will still be time to consider my comments below.

In terms of national and international habitats, we accept your conclusion that there are not likely to be significant effects, based on the current understanding of the possible location of proposed development in the context of the location and sensitivities of designated habitats (and landscapes).

However, there is an omission in the SEA Screening Report (page 7, section 2 g) of the table). It states that there are:

“...no areas within Tunbridge Wells borough that are national, EC or internationally protected...”

There are in fact a number of Sites of Special Scientific Interest (nationally designated sites) within the Tunbridge Wells Borough; one of which lies partly *within* the Hawkhurst Parish boundary. Although this section of the report does include reference to potential impact on this site, the initial omission needs to be amended.

This detail is also omitted from the Draft Neighbourhood Plan and this was highlighted in our previous responses to the Parish Council. I attach copies of those responses for your convenience.

If you wish to comment on the service provided by Natural England, please use the appended form,

Yours sincerely,

Rebecca Bishop MRTPI
Adviser
Sustainable Development
Sussex & Kent Team

Natural England
Mail Hub Natural England,
County Hall,
Spetchley Road,
Worcester
WR5 2NP

02080 266009
07823 667 549

www.naturalengland.org.uk

Katie McFloyd

From: Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org.uk>
Sent: 28 November 2016 09:36
To: Katie McFloyd
Subject: FW: SEA Screening Request - Hawkhurst NP

Dear Katie

Thank you for consulting Historic England on the SEA Screening opinion for the Hawkhurst Neighbourhood Plan. I'm sorry we have not been able to respond earlier but this appears to be the first occasion on which we have been consulted on the Hawkhurst Plan, or indeed, on any Neighbourhood Plan in Tunbridge Wells District. Given the rich heritage of the District it might be helpful to notify Historic England of future consultations on Neighbourhood Area designations where our input can help to inform communities.

With respect to the draft screening opinion, we would ordinarily suggest that the presence of heritage assets as noted and apparent increased pressure that plan policies would generate by concentrating new development on infill sites and previously developed land, would be likely to result in significant environmental effects, thus triggering the need for SEA. Where this is the case the screening opinion should not prejudge how successful the plan writers have been in meeting the objectives of identifying and mitigating negative or harmful impacts or inconsistency in the plan as this is the purpose of the SEA itself. However, we note that the plan has been subject to Sustainability Appraisal, which provides an approach to assessing the plan that fulfils the requirement of SEA in any case and, as such we do not consider that the plan would now benefit from preparation of an additional SEA.

We have not reviewed the findings of the Sustainability Appraisal but do note that the assessment matrix includes only a combined sustainability objective for the built and natural environment and no separate objective for the historic environment. We recommend separating these areas out as conflating these quite different areas of consideration can mask harmful impacts that are lost in the overview, which, as such, have not been adequately considered in assessing the plan and identifying any mitigation that might be required.

I hope these comments are of assistance but please do not hesitate to contact me if you require further information

Yours sincerely

Robert Lloyd-Sweet

Rob Lloyd-Sweet | Historic Places Adviser | Historic Places | South East
Direct Line: 01483 252028

Historic England | Eastgate Court | 195 – 205 High Street
Guildford | GU1 3EH



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