



Benenden Neighbourhood Plan



Strategic Environmental Assessment Screening Report

Final Report

March 2019

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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 Benenden Neighbourhood Development Plan (NDP) 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 vision of the Benenden NDP is as follows:

“The Parish of Benenden in 2035 will be a thriving, peaceful and rural place to live, work and rest. Its village feel and historic beauty will have been preserved through sympathetic and managed growth. We will have retained our existing major employers. Farming and other small businesses will be encouraged. Everyone will be offered the chance to be part of an inclusive and vibrant community”.

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.

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.

2.1.3 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 NDP

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

Stage	Y/N	Justification
1	Y	NDPs 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	Y	It is not a requirement for a parish to produce a NDP. 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	Y	The NDP is being prepared for town and country planning and land use. The NDP supports planning applications for relatively small-scale housing developments on specific sites. It also 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	NOT APPLICABLE	
5	Y	The NDP does allocate land for a specific purpose and does show preference for the type and form of development at local level. GO TO STAGE 8

Stage	Y/N	Justification
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 NDP 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	Y	It is the intention of the NDP to allocate green field and brownfield land for housing development including sites of approximately 25 dwellings in locations with very few existing homes.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	N	If the NDP 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	Y	Integration of environmental considerations is very relevant for this plan. Allocations have potential for climate, heritage, landscape, pollution and transport issues.
d) Environmental problems relevant to the plan or programme	Y	The parish is located in a sensitive environment which could be compromised by new development.

SEA Directive Criteria	LSE Y/N	Justification
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 NDP 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	Y	The parish has several sensitive landscape, biodiversity and heritage features. Flood zones are also present. Precautionary principle should be adopted.
b) The cumulative nature of the effects	Y	Sites are to be located in close proximity to one another and to sites that the Borough Council may be allocating. Cumulative effects are possible. Precautionary principle should be adopted.
c) The transboundary nature of the effects	Y	Allocation of new dwellings could impact upon neighbouring parishes especially for allocations at the hospital in East End which are adjacent to the boundary with Ashford Borough. Precautionary principle should be adopted.
d) The risks to human health or the environment (e.g. due to accidents)	N	It is unlikely that the NDP would knowingly facilitate any significant risks to human health or the environment. Impacts from developments intended for business or employment use are unlikely to include potentially hazardous industrial practices or polluting activities.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The NDP covers the Parish of Benenden which contains the rural settlements of Benenden, East End and Iden Green. Each of these settlements is relatively small compared with the rest of the borough and thus the proposed allocations for new dwellings will represent a significant increase for the locality. Neighbouring parishes are also likely to notice these effects. Precautionary principle should be followed.

SEA Directive Criteria	LSE Y/N	Justification
<p>f) The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use, 	Y	<ul style="list-style-type: none"> (i) The High Weald AONB washes over 98% of the total parish land area, with only a small area in the north east of the parish being outside of the AONB boundary. Benenden and Iden Green contain Conservation Areas and the entire parish has numerous listed buildings as potential for non-designated heritage assets such as historic farm buildings. The area is also very rural in nature and has a wealth of biodiversity and natural habitats. Allocations at East End in particular will be out of keeping with the size of the existing residential settlement. (ii) The NDP is not predicted to exceed standards or environmental limits. (iii) The NDP seeks to make efficient use of land by directing some development to brownfield land.
<p>g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	Y	<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 NDP 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 most of the parish and the NDP has policy designed to help protect this important landscape. This approach complements the 'great weight' afforded to the AONB at national policy level.</p> <p>There is one SSSI in the parish (Parsonage Wood). This is located 0.7km west of Benenden village. At Benenden village, the Impact Risk Zone suggests housing developments of 50 units or more would create potential risk to the SSSI when outside existing settlements. The NDP is proposing to allocate land within the</p>

SEA Directive Criteria	LSE Y/N	Justification
		<p>settlement so risks to the SSSI are deemed minimal. Policies G7, G8 and G9 aim to address issues relating to biodiversity protection.</p> <p>There are two locations in the parish designated as flood zones 2 and 3: along the southern boundary and in the east approximately 500m from Benenden village. Policy G11 aims to address water and drainage issues.</p>
Part 2 Overall Conclusion	The Benenden NDP is likely to have a significant effect on the environment.	

2.4 Screening Outcome

- 2.4.1 As a result of the assessment in section 3, it is **likely** there will be any significant environmental effects arising from the draft NDP. As such, it does require a full SEA to be undertaken. This conclusion was sent to the Environment Agency, Natural England and Historic England for consideration. Their responses are found in Appendix A and are in agreement.

Appendix A – Response from Statutory Consultees

Date: 07 May 2019
Our ref: 278423
Your ref: Benenden SEA and HRA Screening



Katie McFloyd
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent, TN1 1RS

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY
katie.mcfloyd@tunbridgewells.gov.uk

T 0300 060 3900

Dear Ms McFloyd,

SEA and HRA Screening of Benenden Parish's Neighbourhood Development Plan

Thank you for your consultation on the above dated 29th March 2019 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Strategic Environmental Assessment Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that 'it is likely there will be significant environmental effects arising from the draft NDP. As such, it does require a full SEA to be undertaken.'

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [National Planning Practice Guidance](#).

Habitats Regulations Assessment Screening

Natural England notes the screening process applied to this Neighbourhood plan. We agree with the conclusion of the report of no likely significant effect upon the named European designated site:

- Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) / Ramsar – located approximately 11.5 km away.
- Ashdown Forest Special Protection Area (SPA) / Special Area of Conservation (SAC) - located approximately 29km away.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham
Consultations Team

Katie McFloyd

From: Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org.uk>
Sent: 11 April 2019 18:10
To: Katie McFloyd
Subject: Fw: SEA Screening Opinion - Benenden Parish

Dear Ms. McFloyd

Thank you for consulting Historic England on the draft screening opinion for SEA of the Benenden Neighbourhood Plan. I am very happy to confirm that we agree with the Borough Council's conclusion and indeed are pleased to see a very straightforward and thorough consideration of the issues for the possible likely significant effects for the historic environment that might be considered within later stages of the SEA process. We would like to highlight at Table 2.2.f that development of sites allocated through the neighbourhood plan could also have impacts for archaeological remains. We note that you identified buildings as potential non-designated heritage assets but it may help the Neighbourhood Plan Steering Group to consider the possibility of impacts to sites of archaeological interest at an early stage of plan making. It may also be helpful to highlight at Table 2.2f. that development may have significant effects through its to the settings of designated heritage assets. Nevertheless we found this to be a good example of SEA Screening and thank you for the time and consideration shown in it's preparation.

Yours sincerely

Robert Lloyd-Sweet

Rob Lloyd-Sweet | Historic Places Adviser | South East England | Historic England
Eastgate Court | 195 – 205 High Street | Guildford | Surrey | GU1 3EH

From: Katie McFloyd [mailto:Katie.McFloyd@TunbridgeWells.gov.uk]
Sent: 29 March 2019 17:39
To: 'KSLPlanning'; 'consultations@naturalengland.org.uk'; 'e-seast@historicengland.org.uk'
Subject: SEA Screening Opinion - Benenden Parish

Dear Sir/Madam,

Please find attached a SEA screening opinion report for your consideration. The report is for a draft Neighbourhood Plan being prepared within our Borough for Benenden Parish which is attached for your reference.

The draft plan is too large to send via email so the parish have provided me with a file transfer link here: <https://wettransfer.com/downloads/5f9c6a3862c6a12b7796b8f2e4653c3f20190226203458/9ddc85a0e981b81a52fe8e690b87f35920190226203458/932e4c>

Let me know if you have any troubles accessing the files.

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 (Friday 19th April).

Many thanks,

Katie



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

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Town Hall, Royal Tunbridge Wells, Kent, TN1 1RS

www.tunbridgewells.gov.uk

Katie McFloyd

From: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>
Sent: 10 April 2019 15:19
To: Katie McFloyd
Subject: RE: SEA Screening Opinion - Benenden Parish

Hi Kate,

Thank you for your email.

We've taken the view nationally not to provide responses on screening opinions due to limited resources, so I'm afraid you will need to rely on other consulted parties for a response.

Kind regards,

Karolina
Planning Advisor, Kent, South London and East Sussex Area
Environment Agency | Orchard House, Endeavour Park, London Road, Addington, Kent ME19 5SH

020 8474 6841
kslplanning@environment-agency.gov.uk



Does Your Proposal Have Environmental Issues or Opportunities? Speak To Us Early!

If you're planning a new development, we want to work with you to make the process as smooth as possible. We offer a bespoke advice service where you will be assigned a project manager who be a single point of contact for you at the EA. This early engagement can significantly reduce uncertainty and delays to your project. More information can be found on our website [here](#).

Please note – Our hourly charge is now £100 per hour plus VAT from 1st April 2018.

From: Katie McFloyd [mailto:Katie.McFloyd@TunbridgeWells.gov.uk]
Sent: 05 April 2019 09:12
To: KSLPlanning
Subject: RE: SEA Screening Opinion - Benenden Parish

Hi Karolina,

Thank you for your email. Just to clarify, do you agree that an SEA will be required as per the conclusion of the report?

Kind regards,

Katie

From: KSLPlanning [mailto:KSLPLANNING@environment-agency.gov.uk]
Sent: 04 April 2019 10:21

To: Katie McFloyd
Subject: RE: SEA Screening Opinion - Benenden Parish

Thank you for consulting us on the above neighbourhood plan. We do not have any comments to add at this stage of the documentation.

Kind regards,

Karolina

Planning Advisor, Kent, South London and East Sussex Area
Environment Agency | Orchard House, Endeavour Park, London Road, Addington, Kent ME19 5SH

020 8474 6841
kslplanning@environment-agency.gov.uk



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