

Tunbridge Wells Borough Council

Pembury Neighbourhood Development Plan

Strategic Environmental Assessment Screening

Final report

April 2022



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1 Introduction

1.1 SEA Background

This screening report is designed to determine whether or not the contents of the draft Pembury 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.

In general terms, the NDP seeks to guide the principles for the use of land for housing and business whilst safeguarding and improving valued features of the local environment. The vision statement of the Pembury NDP is as follows:

By 2038, Pembury Parish will continue to be an engaged and inclusive community, offering a range of facilities and recreational opportunities for all ages, underpinned by an active volunteer base.

It will have retained its rural feel, remaining distinct from neighbouring settlements, including Tunbridge Wells. The new housing developments that have emerged will have been sympathetically and sustainably designed and will have provided a range of housing opportunities and prices for those wishing to buy or rent in the Parish, whether newly arriving or relocating locally.

The attractive High Weald setting will be safeguarded, including the features that are typical to Pembury, such as the trees and woodland, ponds, orchards and hedgerows. Treasured green spaces and views will be retained for the future. Equally, the history of the Parish will be celebrated through the preservation of historic assets, the features of which will be perpetuated through new developments.

The Parish will continue to offer a range of work opportunities, both for those commuting out to work, but also those wishing to work locally or from home.

Pembury will be a very walkable and cyclable Parish, with additional footpath connections and improvements to the main paths. Opportunities to improve road safety for all users will have been integrated.

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

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.

This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

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 on 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) 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	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) 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 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) 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 NDP is being prepared for town and country planning and land use. The NDP supports allocations in the emerging Tunbridge Wells Local Plan and planning applications for small-scale housing development. It 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

Stage	Y/N	Justification
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 NDP does not allocate land for a specific purpose but does show preference for the type and form of development at local level. GO TO STAGE 8
6) Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)		NOT APPLICABLE
7) Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		NOT APPLICABLE
8) Is it likely to have a significant effect on the environment? (Art. 3.5)	N	SEE TABLE 2

2.3 Part 2 – Likely significant effects on the environment

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) for the characteristics of plans and programmes, with particular regard to the following criteria.

SEA Directive Criteria	LSE	SEA Directive Criteria
The degree to which the plan or programme sets a framework for projects and other activities, either with	N	The NDP does not allocate specific land for development but does direct development to general locations such as

SEA Directive Criteria	LSE	SEA Directive Criteria
regard to the location, nature, size and operating conditions or by allocating resources		within or adjoining the limits to built development.
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 emerging Local Plan is subject to SEA.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	The NDP basic conditions statement includes reference to the consideration of sustainable development as the plan was being prepared.
Environmental problems relevant to the plan or programme	N	There are no specific environmental problems relevant to this NDP. Impacts upon environmental aspects such as flood risk, ecology and landscape, are considered and no negative outcomes are predicted.
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 (or those now transcribed in UK law). The Water Framework Directive will need to be taken into account.

Table 3. Assessing Likely Significant Effects (LSE) for the characteristics of the effects and the area likely to be affected, with particular regard to the following criteria.

SEA Directive Criteria	LSE	SEA Directive Criteria
The probability, duration, frequency and reversibility of the effects	N	The NDP does not allocate specific land for development but does direct development to general locations such as within or adjoining the limits to built development. Some effects such as pollution or flood risk are unknown because they are highly dependent on where development takes place. However, any effects are expected to be managed effectively by the development control process both within this plan and at Tunbridge Wells Borough Council, and are thus considered unlikely to be significant.
The cumulative nature of the effects	N	Significant effects are considered unlikely and negative cumulative effects from the NDP are not predicted.

SEA Directive Criteria	LSE	SEA Directive Criteria
The transboundary nature of the effects	N	Pembury touches the boundary with East Sussex. However, no significant trans boundary effects from the NDP are expected.
The risks to human health or the environment (e.g. due to accidents).	N	The NDP does not create any significant risks to human health nor the environment.
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 Pembury which contains one main settlement (Pembury village). Significant effects are not predicted across or outside of this geographical area.
The value and vulnerability of the area likely to be affected due to: <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 	N	<ul style="list-style-type: none"> i. The area covered by the NDP is within the AONB and contains 1 Conservation Area and 76 listed buildings. The area is also semi rural in nature and has a wealth of biodiversity and natural habitats such as the SSSI and significant areas of ancient woodland. Directing development to general locations such as within the limits to built development is likely to prevent impact upon the wider landscape but could affect the Conservation Areas or the setting of listed buildings. However, the NDP seeks to prevent these impacts and uphold other policy at Borough and National level to ensure no significant environmental issues are created. Environmental protection is one of the main policy themes of the NDP. ii. The NDP is not predicted to exceed standards or environmental limits. iii. The NDP seeks to make efficient use of land by directing development to land within the limits to built development thus more likely to be in-fill plots and previously developed land.
The effects on areas or landscapes which have a recognised national, Community or international protection status.	N	<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 the parish is 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 protection of this unique landscape by</p>

SEA Directive Criteria	LSE	SEA Directive Criteria
		<p>various policies is recognised by the NDP and the policies seek to reinforce the objectives of the High Weald Management Plan complementing the ‘great weight’ afforded to the AONB at national policy level.</p> <p>Within the parish there is one SSSI: Pembury Cutting and Pit SSSI. In addition, Brookland Wood SSSI is located to the south east of the parish. At Pembury village, the Impact Risk Zone suggests housing developments would not create potential risk to either of these SSSIs.</p> <p>Within the parish there are no Scheduled Ancient Monuments (Castel Hill earthworks near Tonbridge is the nearest and unlikely to be impacts upon).</p> <p>The NDP would support allocations within Tunbridge Wells Borough emerging Local Plan (which is already subject to SEA) and small-scale housing only within or adjacent to the limits of built development so risks to the SSSIs and Scheduled Ancient Monuments are deemed minimal.</p> <p>There are numerous streams and ponds in the parish, small areas of flood zone 2 and 3 that follow the watercourses and sensitive groundwater source protection zones including zones of special interest, large areas of zone III and pockets of zone I and II. These areas include the majority of the parish north of the A21. There are ongoing issues relating to the capacity of the shared sewer network to cope, particularly in heavy rainfall events. This sometimes leads to overflow including of sewerage. Policy P5 has been drafted to prevent worsening of these impacts and mitigate existing problems where possible.</p>
<p>Part 2 Overall Conclusion</p>		<p>The Pembury NDP is unlikely to have a significant effect on the environment.</p>

2.4 Screening Outcome

As a result of the assessment in section 3, it is unlikely there will be any significant environmental effects arising from the draft NDP. 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 who are in agreement (see Appendix A).

Appendix A

Responses from Statutory Environmental Bodies.

Environment Agency

creating a better place



Tunbridge Wells Borough Council
Town Hall Mount Pleasant Road
Tunbridge Wells
Kent
TN1 1RS

Our ref: KT/2006/000284/SD-13/IS1-L01
Your ref: Pembury Neighbourhood Plan
Date: 21 March 2022

Dear Neighbourhood Plan team

**PEMBURY NEIGHBORHOOD DEVELOPMENT PLAN – PRE-SUBMISSION
DRAFT REGULATION 14**


Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the environment. The attached document sets out the key environmental issues, within our remit, which should be considered.

Yours faithfully

Joanna Hodgson
Sustainable Places Technical Specialist

Direct dial 0208 4746716
Direct e-mail KSLPLANNING@environment-agency.gov.uk

Environment Agency
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www.gov.uk/environment-agency



Natural England

Date: 06 April 2022
Ourref: 385781



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BY EMAIL ONLY

Dear Sir/Madam,

Planning consultation: Pembury Neighbourhood Plan Pre-Submission Draft plan Regulation 14 HRA and SEA Screening.
Location: Pembury, Kent.

Thank you for your consultation on the above dated 17 March 2022 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.

Habitats Regulations Assessment- Screening

No Objection- HRA concludes no Likely Significant Effect and Natural England concurs with this conclusion.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Strategic Environmental Assessment- Screening

Natural England notes that the submitted draft Neighbourhood Plan does not allocate sites for housing, as this has been addressed at the strategic level through your authorities emerging Local Plan. We therefore have no comment to make at this stage, as any concerns regarding impact to designated sites will have been addressed during the Local Plan process.

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 queries relating to the specific advice in this letter only please contact Sophie Moore at Sophie.Moore@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely
Sophie Moore
Sustainable Development Adviser - Sussex and Kent



Katie McFloyd MSc BSc (hons) MIEMA
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Date 20 April 2022

Dear Ms McFloyd

**Tunbridge Wells Borough Council – Pembury Neighbourhood Development Plan
Strategic Environmental Appraisal Screening Opinion**

Thank you for your email dated 17 March 2022 consulting Historic England on your intention of carrying out a SEA/SA for the above plan.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in Section 2.4 "Screening Outcome" of the Screening Statement.

Yours sincerely

Alan Byrne
Historic Environment Planning Adviser



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Correspondence or information which you send us may therefore become publicly available.

