



Horsmonden Neighbourhood Plan Habitats Regulation Assessment Screening Report Final Report June 2021

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1. Introduction

1.1 Background

1.1.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Tunbridge Wells Borough Council. It concerns the Horsmonden Neighbourhood Plan which has been produced by Horsmonden Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012.

1.1.2 The vision of the Horsmonden Neighbourhood Plan is that:

“In 15 years’ time, Horsmonden will be a village that has retained its character, community spirit and rurality but that has embraced new technologies and social and economic opportunities. It will have diversified to allow improvements in transport, housing, and leisure, to cater for all members of the community.”

1.1.3 In addition, the parish has developed objectives pertaining to the following key topics:

- Access and movement
- Business and employment
- Community, health and leisure
- Design and style
- Housing and development
- Landscape and recreation

1.1.4 The aim of this HRA screening report is to assess whether this Neighbourhood Plan would cause any likely significant effects on European sites.

1.1.5 Previous studies have determined that there are two European Sites that could potentially be impacted upon by development activities with Tunbridge Wells Borough. These are the Ashdown Forest Special Protection Area (SPA) and the Ashdown Forest Special Area of Conservation (SAC) and Natura 2000 site. The potential impacts from development on these two sites have been determined by HRA work by Tunbridge Wells Borough and other Local Authorities and relate to recreational disturbance and atmospheric pollution.

1.1.6 The boundary of the Ashdown Forest SAC/SPA lies outside the borough in Wealden District and is approximately 18km south west of the boundary of Horsmonden (Appendix A).

1.2 Legislation and Guidance

1.2.1 The Natura 2000 network consists of sites across Europe designated for their nature conservation importance. The Network is formed of Special Areas of Conservation for species, plants and habitats and Special Protection Areas for bird species.

1.2.2 Special Areas of Conservation (SACs) are designated under the European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'). Special Protection Areas (SPAs) are classified under the European Council Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive').

1.2.3 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the Habitats Directive states:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

1.2.4 The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the UK's transposition of the Habitats Directive and Regulation 102, provides:

'(1) Where a land use plan –

(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 the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.'

- 1.2.5 This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area) must first undergo an assessment to look at its potential impacts applying the precautionary principle. The assessment determines if the plan will adversely affect the integrity of the European site(s) concerned. This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). Following the 2018 *People over Wind* ruling, mitigation measures cannot be applied at the screening stage in order to rule out likely significant effects and thus prevent the plan progressing to the second stage (appropriate assessment).
- 1.2.6 Where likely significant effects are identified at the screening stage, the second stage of the HRA process is triggered. The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Furthermore, mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as competent authority must ascertain that it would not adversely affect the integrity of the European site(s).
- 1.2.7 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990³. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and needs to demonstrate that it is not likely to have a significant effect on a European site.

2. Current Approach

2.1 Protection Zone

- 2.1.1 Data analysis of visitor access patterns found that the majority of regular visitors to the Ashdown Forest originated from within a 7km of the Ashdown Forest. Within this 7km 'zone of influence', measures to reduce recreational pressure would be most effective; therefore, it was determined that residential development leading to a net increase in dwellings in this zone would need to contribute to an appropriate level of mitigation.
- 2.1.2 An assessment of reasonable alternatives to the 7km zone of influence and options for mitigation was made in the Site Allocations DPD Sustainability Appraisal (incorporating Strategic Environmental Assessment). It is considered that this assessment can be applied to the HRAs for neighbourhood plans.

2.2 Partnership Working

- 2.2.1 The Ashdown Forest lies within Wealden District and adjacent to the north-east boundary of Mid Sussex. Parts of Tunbridge Wells, Lewes, Tandridge and Sevenoaks Districts are also within or close to the zone of influence.
- 2.2.2 Tunbridge Wells has worked closely with both Natural England and other Local Authorities affected by the SPA/SAC to mitigate, where necessary, the two impacts that have been determined to significantly affect the Ashdown Forest: air quality and visitor pressure. For example, dependent on the extent of impact, mitigation funded by developers for visitor pressure to date has involved a combination of:
- (1) Providing a Suitable Alternative Natural Greenspace (SANG) on appropriate development sites
 - (2) Formation of a Strategic Access Management and Monitoring (SAMM) strategy.

2.3 Practice Note

- 2.3.1 At present, Tunbridge Wells implements a practice note (Appendix B) which details the approach the authority is taking with regard to protection of the Ashdown Forest.

- 2.3.2 The practice note is particularly relevant for planning applications and describes how the HRA process should be undertaken for development falling within or close to the 7km protection zone.
- 2.3.3 The Council's HRA has shown that mitigation for development outside of the protection zone is not justified.

2.4 Site Allocations DPD

- 2.4.1 The potential effects of development on Ashdown Forest were assessed during the HRA process for the Site Allocations DPD. The screening exercise took place between Feb 2013 – Nov 2014 and found that there would be no likely significant effects on the Ashdown Forest SPA as a result of increased recreational activity or vehicle movements arising from new residential development and related population growth.
- 2.4.2 The in combination effect was also deemed to be trivial and therefore not likely to lead to significant effects.
- 2.4.3 The HRA was tested and accepted at Examination and the DPD was formally adopted in July 2016.

3. Screening Assessment

3.1 Key Questions

- 3.1.1 This screening assessment has regard to the conservation objectives of the Ashdown Forest SPA and SAC. It also makes reference to other plans and projects; namely, the Site Allocations DPD, the emerging new Local Plan (2013-2033) and other neighbourhood plans in Tunbridge Wells Borough.
- 3.1.2 Key questions relating to the neighbourhood plan are included in Table 1 below and, along with the screening assessment, help to establish if an appropriate assessment is required.

Table 1. Key questions relating to the Neighbourhood Plan

	Key Questions	Y/N	Comments
1	Is the plan connected with or necessary to the management of the Ashdown Forest?	N	The plan has no direct connection to the way in which the Ashdown Forest is managed.
2	Does the plan propose new development or allocation sites for development?	N	The Neighbourhood Plan shows preference for the type and form of development at local level but does not allocate land for a specific purpose.
3	Are there any other projects or plans that together with the Horsmonden Neighbourhood Plan, could impact upon the integrity of a European site (a.k.a. the 'in combination effect')?	N	Plans with the potential to create in combination effects include the numerous Neighbourhood Plans in the Borough of Tunbridge Wells that are currently under development, the Site Allocations DPD and the new Local Plan which is also currently under development. Windfall sites could also have an influence. However, because Horsmonden Parish is well outside the protection zone and only guiding the type and form of development, it is highly unlikely that in combination effects of this sort will be observed.

3.2 Assessment of Policies

3.2.1 For it to be concluded that a policy would have no likely significant effect on a European site, one of the reasons listed in Figure 1 usually applies.

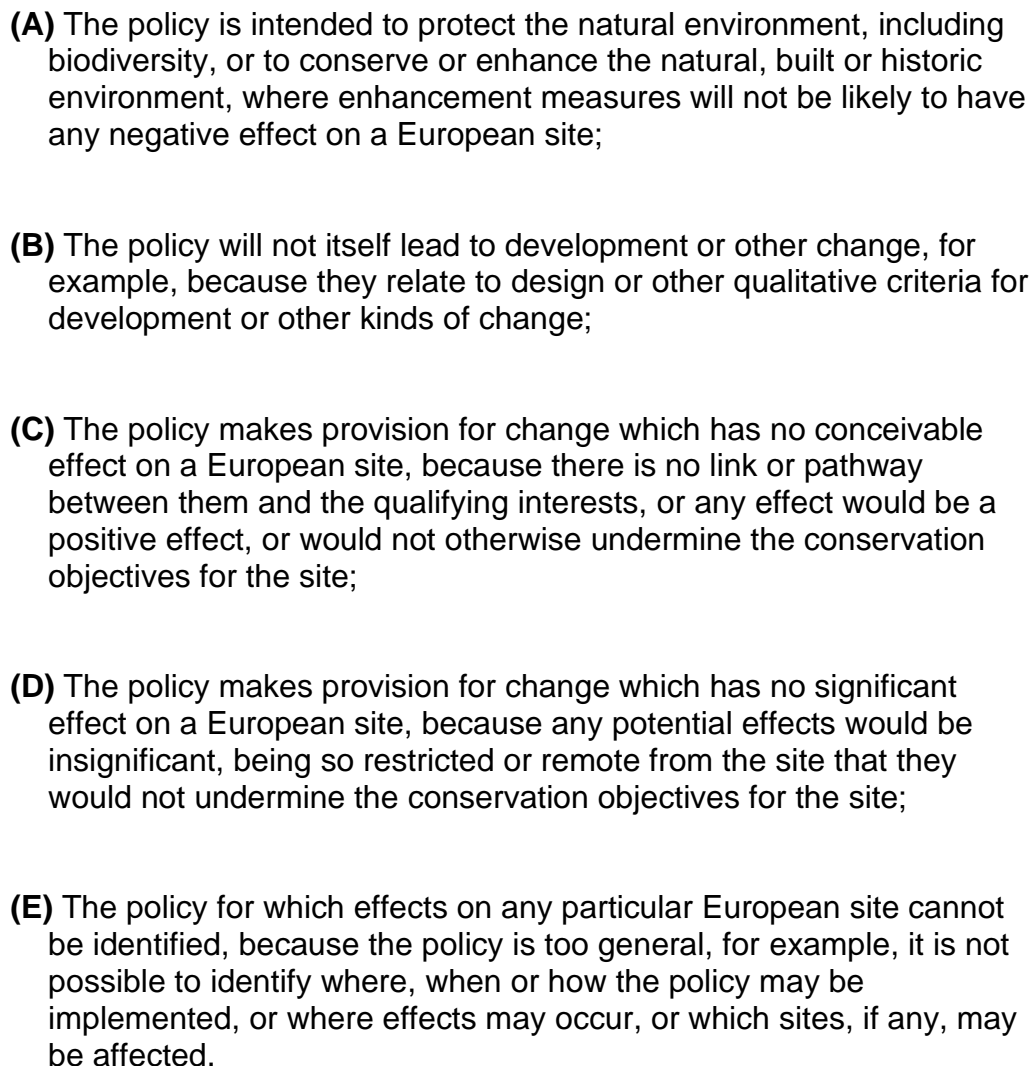
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- (A)** The policy is intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site;
 - (B)** The policy will not itself lead to development or other change, for example, because they relate to design or other qualitative criteria for development or other kinds of change;
 - (C)** The policy makes provision for change which has no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
 - (D)** The policy makes provision for change which has no significant effect on a European site, because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site;
 - (E)** The policy for which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.

Figure 1. Common reasons why likely significant effects are not expected.

3.2.2 Table 2 below illustrates the findings of the screening assessment for each of the policies within the Horsmonden Neighbourhood Plan with reference to each of the 5 reasons above where applicable. This assessment determines whether there is a likely significant effect from these policies on the Ashdown Forest SPA and SAC.

Ref	Theme	Policy Description	LSEY/ N	Explanation
2	Access and Movement	Ten policies covering the topics of proximity of development to village centre (to encourage active travel), speed limiting, HGV restrictions, access to footways, school access safety, contributions to bus services, parking capacity and electric vehicles charge points.	N	<p>Most visitors to the Ashdown Forest travel by private car. However, surveys show an extremely low number of visitors to the Ashdown Forest live in Horsmonden area. Thus, even with increased provision for private cars, it seems unlikely that an associated increase in visitor pressure would follow.</p> <p>In addition, the parish is considered too distant from the Ashdown Forest for generating significant effects.</p> <p>Reason D</p>
3	Business and Employment	Six policies covering the topics of retention and conversion of land for employment purposes, broadband and mobile phone network provision, support for vineyards, housing for local workers.	N	<p>This policy aims to support existing and new business. Where existing business is concerned, implementing this policy is likely to have a neutral impact upon the Ashdown Forest.</p> <p>Any new business proposals are expected to be small scale thus any additional freight movements created through the Ashdown Forest would likely have insignificant effects.</p> <p>Reasons C and D</p>

Ref	Theme	Policy Description	LSEY/ N	Explanation
4	Community, Health and Leisure	Four policies covering the topics of new local medical facilities, allotments and community orchards, play and recreation facilities and a new village hall.	N	Improving or adding to the existing facilities and amenities will have no significant impact upon the Ashdown Forest. Reason D
5	Design and Style	Three policies covering the topics of heritage and character, sustainability standards and development quality.	N	This policy is designed to protect the natural and historic environment and relates to design only. Reasons A and B
6	Housing and Development	Eleven policies covering the topics of local housing need, preferred location/scale/design of windfalls, development phasing and design, low carbon design, prioritisation of existing land types for development, sheltered housing, housing type, affordable housing, keyworker/local employee housing, replacement dwellings and self-build properties.	N	These policies will either not lead to change, or make provision for change that has no significant effect on the Ashdown Forest, or is designed to protect the environment. Reasons A, B and D
7	Landscape and Recreation	Twelve policies covering the topics of Local Green Spaces, protection of views, biodiversity net gain, protection of trees and hedgerows, new green spaces, conservation and enhancement of the historic environment, conservation of soils, avoiding light pollution, the AONB, ancient woodland, and flooding.		This policy is designed to protect the natural and historic environment. Reason A

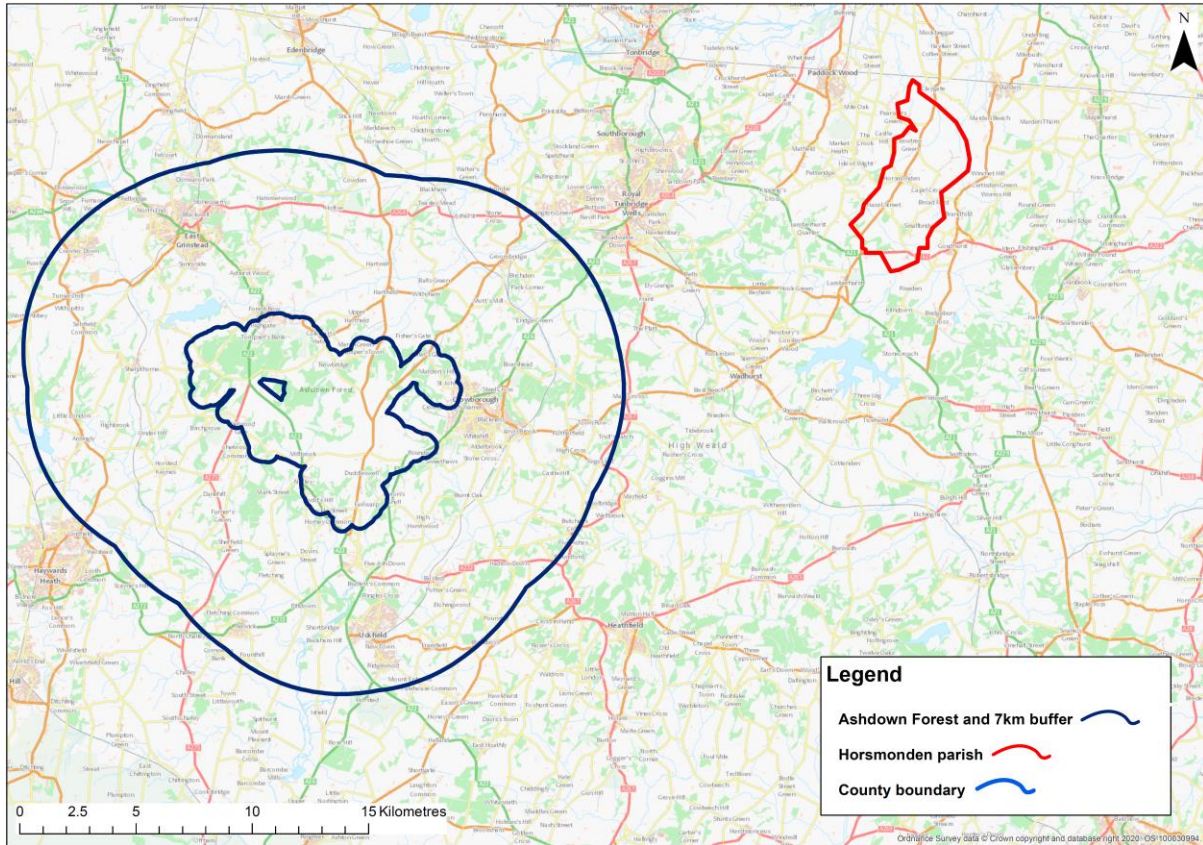
Table 2. Assessment of Policies within the Neighbourhood Plan

3.2.3 As can be seen in Table 2, no policies in the Horsmonden Neighbourhood Plan were found to have a likely significant effect alone on the Ashdown Forest SPA and SAC.

4. Conclusion

4.1.1 As a result of the assessment in Section 4, it is unlikely there will be any significant environmental effects arising from the Horsmonden Neighbourhood Plan. As such, the 'appropriate assessment' stage of the HRA process that ascertains the effect on integrity of the European Site) does not need to be undertaken. This conclusion was sent to Natural England for consideration and their response is included in Appendix C. In summary, Natural England agrees with the conclusions of this report.

Appendix A: Ashdown Forest Protection Zone Map



Appendix B: HRA Practice Note

[HRA Practice Note \(2018\)](#)

Appendix C: Consultation Response from Natural England

Date: 15 June 2021
Our ref: 355688



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BY EMAIL ONLY

Dear Katie McFloyd,

HRA Screening - Horsmonden Parish NDP

Thank you for your email of the 7th May 2021, consulting Natural England on the following document:

- **Horsmonden Neighbourhood Plan (NP) - Habitats Regulation Assessment Screening Report Draft for Consultation April 2021.**

Natural England welcomes the opportunity to provide comments on the above document and our general and then more detailed advice, is set out below. Our comments in relation to the SEA Screening request will follow in a separate response.

Habitats Regulations Assessment (HRA) – screening and appropriate assessment requirements.

Where a neighbourhood plan could potentially affect a 'habitats site', it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations'). Where likely significant effects are identified, it will be necessary to undertake an appropriate assessment of the neighbourhood plan and, if needed, identify and secure appropriate mitigation measures to ensure the plan does not result in an adverse effect on the integrity of the habitats site.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 (as amended), a neighbourhood plan cannot be made if it breaches the requirements of Chapter 8 of Part 8 of the Conservation of Habitats and Species Regulations 2017 (as amended).

A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on the habitats site(s). This will be particularly important if a neighbourhood plan is to progress before a local plan and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan. Where mitigation is necessary to ensure no effects then this will need to be properly assessed via an appropriate assessment.

It is noted that the Horsmonden NP 'does not allocate land for a specific purpose.' (Table 1, key question 2, in the above consultation document). We, therefore, agree with your conclusion in section 4.1.1., that, based on the information contained within the above consultation document, '...it is unlikely there will be any significant environmental effects arising from the Horsmonden Neighbourhood Plan.' However, if the plan details are amended in the future, for example if sites are to be allocated for development, the HRA screening process will need to be revisited.

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 Rebecca Bishop on 02087 200070 or email Rebecca.Bishop@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,

Rebecca Bishop

Sustainable Development Adviser – Sussex & Kent Team