



# Benenden Neighbourhood Plan



## Habitats Regulation Assessment Screening Report

**Final Report**

**May 2019**

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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 Benenden Neighbourhood Plan which has been produced by Benenden Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012.

1.1.2 The vision of the Benenden Neighbourhood Plan 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 aim of this HRA screening report is to assess whether this Neighbourhood Plan would, alone or in combination with other plans and policies, cause any likely significant effects on European sites.

1.1.4 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.

1.1.5 The boundary of the Ashdown Forest SAC/SPA lies outside the borough in Wealden District and is approximately 27km west of the boundary of Benenden parish (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 is likely to 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. Further more, 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 1990<sup>3</sup>. 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 Partnership Working

2.1.1 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.

2.1.2 Tunbridge Wells has worked closely with both Natural England and other Local Authorities affected by the SPA/SAC to mitigate, where necessary, the two potential risks that might significantly affect the Ashdown Forest: visitor pressure and air quality. 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 and partnership.

### 2.2 Visitor Pressure

2.2.1 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 and, in some cases, nearby would need to contribute to an appropriate level of mitigation.

2.2.2 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)<sup>1</sup> and was subsequently confirmed by a new visitor survey and assessment in 2016. It is considered that this assessment can be applied to the HRAs for neighbourhood plans.

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<sup>1</sup> [http://www.tunbridgewells.gov.uk/\\_data/assets/pdf\\_file/0003/101577/TWBC\\_PS\\_21a\\_HearingMatter-A6\\_Addendum.pdf](http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0003/101577/TWBC_PS_21a_HearingMatter-A6_Addendum.pdf)

## 2.3 Air Quality

- 2.3.1 The issue of poor air quality from vehicle emissions has been raised as having a potential significant effect on the Ashdown Forest. This effect has been considered by Tunbridge Wells Borough Council in preparation of the New Local Plan and informed the practice note in Appendix B.
- 2.3.2 Tunbridge Wells has concluded that there would be no likely impact in the Borough from this source and thus mitigation would not be required. This approach has been agreed by Natural England.

## 2.4 Practice Note

- 2.4.1 At present, Tunbridge Wells Borough Council implements a practice note (Appendix B) which details the approach the authority is taking with regard to protection of the Ashdown Forest and includes the strategy that supports this.
- 2.4.2 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.
- 2.4.3 The Council's HRA has shown that mitigation for development outside of the protection zone is not justified.

## 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 (2015-2033) 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 Ashdown Forest.
2	Does the plan propose new development or allocation sites for development?	Y	The Parish is planning to allocate land for approximately 100 new dwellings. The majority of the new dwellings would be on four sites (Hospital - south, Hospital - north), Foeffee and Uphill).
3	Are there any other projects or plans that together with the Benenden 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.  In terms of visitor pressure, Benenden parish is outside the 7km protection zone (see Appendix A). It is also worth noting that the 2016 Visitor Survey found that no visitors to the Ashdown Forest originated from Benenden Parish.  In terms of air quality, the impacts have been assessed at Borough level allowing for growth of approximately 12,500 homes across the borough (see Appendix B, section 3). A worse case

Key Questions	Y/N	Comments
		<p>scenario was considered in which growth would be focussed on Royal Tunbridge Wells and a new garden settlement in the west of the Borough, with proportionally lower numbers being allocated to smaller settlements such as the parish of Cranbrook and Sissinghurst. The assessment found a net improvement in NOx concentrations, nitrogen deposition rates and acid deposition rates by 2033, with a pattern of year on year improvements from borough level.</p> <p>When in-combination and transboundary effects were considered, the assessment concluded that ecological significant effects are still unlikely.</p> <p>For these reasons, it is unlikely that significant in combination effects of this sort will be observed from the allocations being proposed by the Neighbourhood Plan.</p>

## 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 Benenden 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.

Table 2. Assessment of Policies within the Neighbourhood Plan

Neighbourhood Plan Policy			Likely Significant Effects on SPA/SAC?	
Ref	Title	Aim	Y/N	Explanation
G1 – G12	Environment Policies	Preservation of special features, minimise impact of new build, protect and enhance biodiversity, maintain and improve access to the countryside.	N	Protecting and enhancing the local environment is unlikely to impact upon the Ashdown Forest.  <b>Reason A</b>
B1 – B(G) 5	Business and the Economy	Support existing business and encourage new economic activity	N	Proposals would not create a significant number of vehicle movements. Benenden parish is so distant from the Ashdown Forest, that impacts would be insignificant.  <b>Reason D</b>
HD1 – HD9	Design and the Built Environment	Encourage high quality construction and sympathetic design	N	Unlikely that these policies would form a pathway or link to the Ashdown Forest.  <b>Reason C</b>
T11 – T16	Transport and Infrastructure	Prioritise improvements, mitigate existing impacts and enhance connectivity within the Parish	N	Proposals would not create a significant number of vehicle movements. Benenden parish is so distant from the Ashdown Forest, that impacts would be insignificant.  <b>Reason D</b>

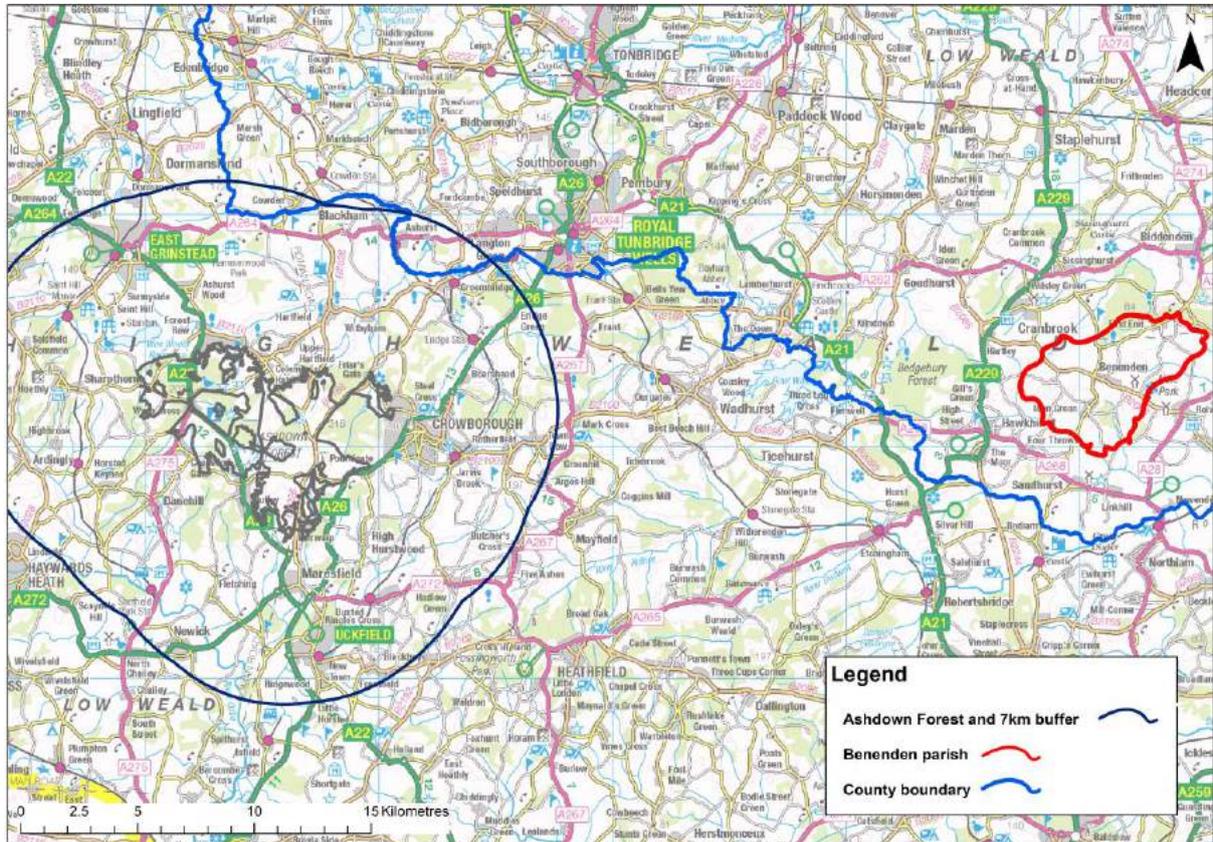
3.2.3 As can be seen in Table 2, no policies in the Benenden Neighbourhood Plan were found to have a likely significant effect alone on the Ashdown Forest SPA and SAC.

## 5 Conclusion

- 5.1.1 As a result of the assessment in Section 4, it is unlikely there will be any significant environmental effects arising from the Benenden 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 has been sent to Natural England for consideration. Their response is in agreement and found in Appendix C.

## Appendix A

### Ashdown Forest Protection Zones



## Appendix B

### Practice Note 2018

#### Ashdown Forest:

### Screening of planning applications for compliance with the Habitats Regulations

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# 1. Introduction

- 1.1 This Practice Note is intended to guide Tunbridge Wells Borough Council ('the Council') in the discharge of its functions under the Conservation of Habitats and Species Regulations 2017 when considering whether to grant planning permission for a development that might affect the Ashdown Forest Special Protection Area (SPA) and/or Special Area of Conservation (SAC). It is not planning policy and does not override the Council's legal duties; however, decision makers will follow the approach set out in this Practice Note unless the individual circumstances of an application and/or the Council's legal duties require an alternative approach.
- 1.2 Ashdown Forest is an extensive area of common land lying between East Grinstead and Crowborough. It is one of the largest single continuous blocks of heath, semi-natural woodland and valley bog in south-east England, and it supports several uncommon plants, a rich invertebrate fauna, and important populations of heath and woodland birds. It is both an SPA and an SAC.
- 1.3 The SPA is designated for its populations of breeding Dartford Warbler *Sylvia undata* and Nightjar *Caprimulgus europaeus*. The SAC is designated for its Annex I habitats, namely Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths; as well as for its Annex II species, namely Great Crested Newts.
- 1.4 Although the SPA/SAC lies entirely within Wealden District, it is capable of being affected by development consented by the Council. The SPA can be affected by recreational pressure arising from population growth in that part of Tunbridge Wells Borough closest to the SPA. The SAC can be affected by an increase in emissions from vehicles using roads (including the A26 and A275) that run through and adjacent to it. As a result, the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') require the Council, as competent authority, to consider – upon receipt of a planning application – whether it can exclude the possibility that the proposed development could have likely significant effects on the SPA/SAC. If that possibility cannot be excluded at the so-called 'screening' stage, an appropriate assessment of effects is required.
- 1.5 In May 2013, the Council adopted a Practice Note to guide the discharge of its obligations as competent authority when considering the effects of individual planning applications on the Ashdown Forest SAC and SPA. Since that practice note was prepared, a further visitor survey was undertaken for Ashdown Forest (in 2016), a judicial review of relevance to decision-making over 'in combination' assessment has been undertaken and (in light of that judicial review) the Council has commissioned strategic traffic and air quality modelling for Ashdown Forest SAC and SPA. In light of those developments, the Council has considered whether it is necessary to revise its practice and has concluded:
  - In relation to planning applications that may add to recreational pressure on the SPA, the Council will – until further notice - continue to apply the pre-existing approach explained in more detail below;
  - In relation to planning applications that may generate additional vehicle movements through or adjacent to the Ashdown Forest SAC, the Council will adopt a new approach as set out below.
- 1.6 This Practice Note supersedes the 2013 Practice Note and explains in detail how the Council will consider applications at the screening stage of assessment for compliance with the Habitats Regulations.

## 2. Recreational pressure

### Introduction

- 2.1 Tunbridge Wells Borough is 4.6km from the SAC/SPA boundary at its closest. In 2010 a visitor survey of Ashdown Forest SAC/SPA was undertaken<sup>1</sup>. This survey fed into Habitats Regulations Assessment ('HRA') reports of strategic documents at the time. These essentially identified a strategy broadly analogous to that devised for the Thames Basin Heaths; namely the identification of a series of zones around the SAC/SPA each of which triggered a combination of provision of alternative greenspace and improved access management. At that time, a 7 km 'outer zone' for Ashdown Forest SAC/SPA was agreed with Natural England<sup>2</sup>. Authorities that granted consent for development within the 7 km 'zone' were required to provide a financial contribution to Suitable Alternative Natural Greenspaces (SANGs), and/or an access strategy (SAMM) for Ashdown Forest as well as a programme of monitoring and research. This approach was supported by Natural England and the Ashdown Forest Conservators.
- 2.2 In 2016 Footprint Ecology updated the visitor survey<sup>3</sup> on behalf of the participating Councils. The survey was updated to provide comprehensive and up-to-date data on recreational use of Ashdown Forest to inform the strategic implementation of access management measures and the direction of strategic access management and monitoring; to assist in the design and ongoing management of SANGs to ensure they functionally divert recreational pressure from Ashdown Forest; and to assist local authorities in discharging their planning functions under the Habitats Regulations. That updated survey has resulted in a review of the zones agreed in 2011, although the 7km zone is still recognised as a core zone for delivering mitigation.
- 2.3 At the time of writing the implications of the visitor survey data for Tunbridge Wells Borough are under review. Therefore, for the time being the Council will continue to apply the existing approach agreed with Natural England, namely:
- i. Where proposed development would lead to a net increase in housing within 7km of the Ashdown Forest SAC, financial contributions will be sought to the SAMM strategy to mitigate the effects of increased recreational pressure on the SAC;
  - ii. In the event that no financial contributions to the SAMM strategy are offered, applicants will be required to provide sufficient information to allow the Council, as competent authority, to carry out an appropriate assessment of the effects of the proposed development on the integrity of the SAC.
  - iii. Beyond the 7km zone, SAMM contributions and/or appropriate assessment will not generally be required but may be sought where justified on a case-by-case basis.

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<sup>1</sup> Clarke RT, Sharp J & Liley D. 2010. Ashdown Forest Visitor Survey Data Analysis (Natural England Commissioned Reports, Number 048)

UE Associates and University of Brighton. 2009. Visitor Access Patterns on the Ashdown Forest: Recreational Use and Nature Conservation

<sup>2</sup> UE Associates. October 2011. Habitat Regulations Assessment for the Mid-Sussex District Plan

<sup>3</sup> Liley, D., Panter, C. & Blake, D. (2016). Ashdown Forest Visitor Survey 2016. Footprint Ecology Unpublished report.

## 3. Air quality

### Introduction

- 3.1 The protected heathland in the Ashdown Forest SAC can be harmed by exhaust emissions from vehicles on roads which pass through and adjacent to the Forest. It is clear that planning permissions for development in Tunbridge Wells Borough can lead to additional vehicle movements on those key roads, thereby increasing exhaust emissions.
- 3.2 Of most concern are oxides of nitrogen (NOx) which can lead to a harmful increase of nitrogen deposition on the protected heathland. Evidence from Wealden District Council suggests that the current level of nitrogen deposition is already above the 'critical load' and may already be having a negative effect on the SAC. One approach is therefore to conclude that likely significant effects on the SAC cannot be excluded where a planning application might lead to any additional vehicle movements through or adjacent to the SAC. However, the Council has been advised by its air quality consultants, AECOM, that that approach is not sound.
- 3.3 Instead, the more appropriate approach is to consider the effect of an individual application in the context of the 'in combination' effect of planned growth in all authorities around Ashdown Forest over an extended period. This is because long-term trends in air quality for vegetation are more important than short-term fluctuations. The ecological effects of nitrogen deposition are associated with persistent long-term exposure over many years. A modelling exercise was therefore undertaken to assess the air quality impacts of growth in the region as a whole over an extended period.
- 3.4 Appendix A presents the modelling undertaken for the Council by AECOM considering the air quality effects of growth in Tunbridge Wells Borough on Ashdown Forest SAC and SPA until 2033. The traffic/air quality modelling considered the 'in combination' effect of growth in Lewes District, South Downs National Park, Tunbridge Wells Borough, Sevenoaks District, Wealden District, Mid-Sussex District, Tandridge District and authorities further afield. Growth in most authorities was included using the standard National Trip End Model Presentation Programme (TEMPro), adjusted as necessary to reflect expected housing growth rates to 2033. Growth in South Downs National Park, Lewes District, Sevenoaks District and Tunbridge Wells Borough was modelled using a bespoke AECOM model that manually assigned trips to the network. The outputs of these two models were then combined.
- 3.5 At the time of the AECOM modelling, the Council was at an early stage of plan development and therefore did not have definitive site allocations to 2033. However, AECOM's assumptions as to growth in Tunbridge Wells Borough were based on the Council's Objectively Assessed Need together with guidance provided to it by the Council on an appropriate broad distribution of development across the Borough, including existing permissions. The borough was then broken down into a number of sectors for traffic modelling purposes.
- 3.6 The model included the following growth in Tunbridge Wells Borough from 2017 to 2033:
- An average of 790 dwellings per annum (13,430 dwellings total). This included delivery of existing uncompleted planning permissions, windfall and new applications/allocations. It took account of the Government's recently published standardised method for calculating Objectively Assessed Need and included a possible 5,500 dwelling new settlement along the A21 northeast of Royal Tunbridge Wells<sup>4</sup>;
  - A total of 3,584 additional jobs; and
  - Planning application 17/02262/FULL, which was included at the specific request of the Council as it involved development other than conventional housing and employment.

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<sup>4</sup> This settlement and its location are not definitive since the plan is at an early stage of development. However, it was modelled as a worst-case since placing the new settlement further to the east of the borough would likely much reduce journey to work flows on the A26 through Ashdown Forest compared to that included in the AECOM model.

- 3.7 Growth delivered in Tunbridge Wells Borough and other authorities prior to 2017 was also allowed for in the modelling by virtue of the base flows for each relevant road, since completions/occupations can be considered to already be contributing trips to the network.
- 3.8 In summary, the assessment concluded that even on the roads where the 'in combination' increase in flows was expected to be greatest, there was forecast to be a net improvement in NOx concentrations, nitrogen deposition rates and acid deposition rates by 2033, notwithstanding the 'in combination' increase in flows deriving from Lewes District, South Downs National Park, Tunbridge Wells Borough, Sevenoaks District, Wealden District, Mid-Sussex District, Tandridge District and authorities further afield. Calculations were also undertaken for intervening years between 2017 and 2033 in order to assess whether NOx emissions in any given year would increase for any period before a decrease was observed. The modelling indicated that emission rates are projected to fall year on year for each link included in the AECOM modelling approach despite the growth in traffic projected. The interim year emissions calculations demonstrate that there are no points where the increase in traffic due to growth or the local plan offsets the improvements in emission rates over time (using conservative assumptions on improvements in emission rates). The assessment also concludes that, while the in-combination effect of planned growth in the region is likely to retard the improvement in background nitrogen deposition rates, that retardation will not be ecologically significant and will not affect the improvement of species richness at the most affected area of heathland<sup>5</sup>.
- 3.9 The AECOM analysis also concludes that ammonia concentrations at the closest areas of heathland to affected roads relevant to Tunbridge Wells (5m from the A275) are modelled to be below the relevant critical levels for protection of vegetation<sup>6</sup>.
- 3.10 For the reasons set out in the document at Appendix A, the approach adopted in the AECOM model was precautionary and provides the Council with a high degree of confidence that it can rely on the results. Since a) air quality in 2033 is forecast to be significantly better than in 2017 notwithstanding the precautionary assumptions made about both growth and improvements in vehicle emissions factors, b) no significant in combination retardation of vegetation improvement at the closest and most affected areas of heathland is expected and c) the contribution of Tunbridge Wells Local Plan to the 'in combination' scenario for those nearest areas of heathland is negligible, the modelling does not provide any basis to conclude that there will be an adverse effect on the integrity of the Ashdown Forest SAC or SPA as a result of planned growth in Tunbridge Wells Borough to 2033. Since no net adverse effect on integrity is forecast, no mitigation is required.

## Processing individual applications

- 3.11 The air quality analysis in Appendix A will be relied upon when evaluating live and future planning applications for development in Tunbridge Wells Borough.
- 3.12 Unless the specific circumstances of an application require further consideration by way of an appropriate assessment, likely significant effects on the Ashdown Forest SAC will be excluded for residential and/or conventional employment development at the screening stage of assessment, provided:
- The sum total of development consented and completed in Tunbridge Wells Borough between the adoption of this Practice Note and 2033 (including outstanding permissions that are not already contributing traffic to the network) is not expected significantly to exceed 10,368 new dwellings or 3,584 additional jobs<sup>7</sup>;

<sup>5</sup> The area of SAC that will experience the greatest nitrogen deposition due to forecast traffic flows is adjacent to the A26 at Poundgate but the nearest area of heathland is 40m from the road at this point, with the intervening habitat being woodland. Woodland is a feature of the SSSI but not the SAC or SPA. In the event that there a desire did emerge to establish heathland at this location in place of the woodland, the forecast deposition rates would not prevent the establishment of this habitat and deposition rates are still forecast to be lower in 2033 than is the case in 2017.

<sup>6</sup> Considered to be  $3 \mu\text{m}^{-3}$  given the absence of terricolous lichens in this location, although the model forecasts them to also be below the lower critical level for protection of lichens ( $1 \mu\text{m}^{-3}$ ) by 5m from the roadside

<sup>7</sup> These were the growth assumptions for Tunbridge Wells Borough in the AECOM model.

- Cumulatively, the distribution of all development consented in Tunbridge Wells Borough between the adoption of this Practice Note and 2033 is not significantly different from the distribution assumed in the AECOM model; and
  - Delivery rates of housing and employment growth in Tunbridge Wells Borough have remained generally in line with, or below, those assumed in the AECOM model; i.e. there has not been an unexpected front-loading or anomalous peak of delivery of planned development.
- 3.13 The AECOM model modelled planned residential and conventional employment only. Accordingly applications that involve other types of development beyond residential and conventional employment would always need to be evaluated on a case-by-case basis<sup>8</sup> as any vehicle movements generated would be additional to that modelled by AECOM. The scale of any such development (and thus the number of vehicles likely to be added to the network) would be a material consideration in that case-by-case evaluation. Without intending to lay down a fixed criteria, a development that was sufficiently small that it would make a change in flows through or adjacent to Ashdown Forest SAC of less than 10 AADT is unlikely to materially alter the air quality data reported in Appendix A, based on sensitivity testing of the model undertaken by AECOM. This for two reasons:
- Firstly, daily traffic flows are not fixed numerals but fluctuate from day to day. The AADT for a given road is an annual average (specifically, the total volume of traffic for a year, divided by 365 days). It is this average number that is used in air quality modelling, but the 'true' flows on a given day will vary around this average figure. Small changes in average flow will lie well within the normal variation (known as the standard deviation or variance) and would not make a statistically significant difference in the total AADT.
  - Secondly, when converted into NO<sub>x</sub> concentrations, ammonia concentrations or nitrogen deposition rates, such small changes in AADT would only affect those decimal places that are never reported in air quality modelling to avoid false precision. For this reason, nitrogen deposition would generally not be reported to more than 2 decimal places at most (0.01kgN/ha/yr). Anything smaller would simply be reported as less than 0.01 (< 0.01) i.e. probably more than zero but too small to model with precision.
- 3.14 However, any significant accumulation of such developments not falling within the scope of the AECOM model would trigger the need for updated modelling. The AECOM model can be updated to include any development for which an operational/fully occupied trip generation can be provided in 24hr AADT for the relevant roads.
- 3.15 As a general rule, it is recommended that the Council's traffic and air quality models are referenced to evaluate any application, rather than requiring each application to undertake its own modelling. This will ensure consistency in assumptions and methodologies and avoid a proliferation of traffic and air quality models for the same geographic area. The potential exception may be for very large developments (e.g. hundreds or thousands of dwellings), or other forms of development that generate particularly large numbers of vehicle movements or unusual patterns of traffic generation for which a bespoke model is more likely to be justified.
- 3.16 The Council will review this Practice Note at regular intervals to ensure that it remains up to date. Such reviews will include consideration of, inter alia, whether the assumptions in the AECOM model on housing delivery rates, distribution of development, and background improvements in air quality continue to reflect – in general terms - the actual (or a more precautionary) situation. Upon adoption of the new Local Plan, a new Practice Note may be required.

<sup>8</sup> The exception to this is planning application 17/02262/FULL, which was specifically included in the AECOM model based on traffic generation data supplied by the applicant.

## Appendix C

### Response from Natural England

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](mailto: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 29<sup>th</sup> 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 effect; 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](mailto:consultations@naturalengland.org.uk).

Yours sincerely

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Consultations Team