



**Lamberhurst Neighbourhood Plan**  
**Strategic Environmental Assessment**  
**Screening Report**  
**Final Report**  
**February 2020**

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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 Lamberhurst 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 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 Lamberhurst NDP is as follows:

*“In 2033, Lamberhurst Parish will be a vibrant and diverse community that takes care of its environment and provides suitable housing for residents of all ages and means.*

*At its heart will be a strong social hub with good local facilities including schools, GP surgery, shops, cafes, pubs, recycling and parking facilities as well as excellent links in terms of communications and public transport for residents and rural based businesses.*

*Well maintained footpaths and byways will provide safe routes throughout to encourage walking and cycling.*

*Lamberhurst will continue to be a compelling destination for visitors to the scenic Kentish High Weald.”*

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. Assessment

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

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

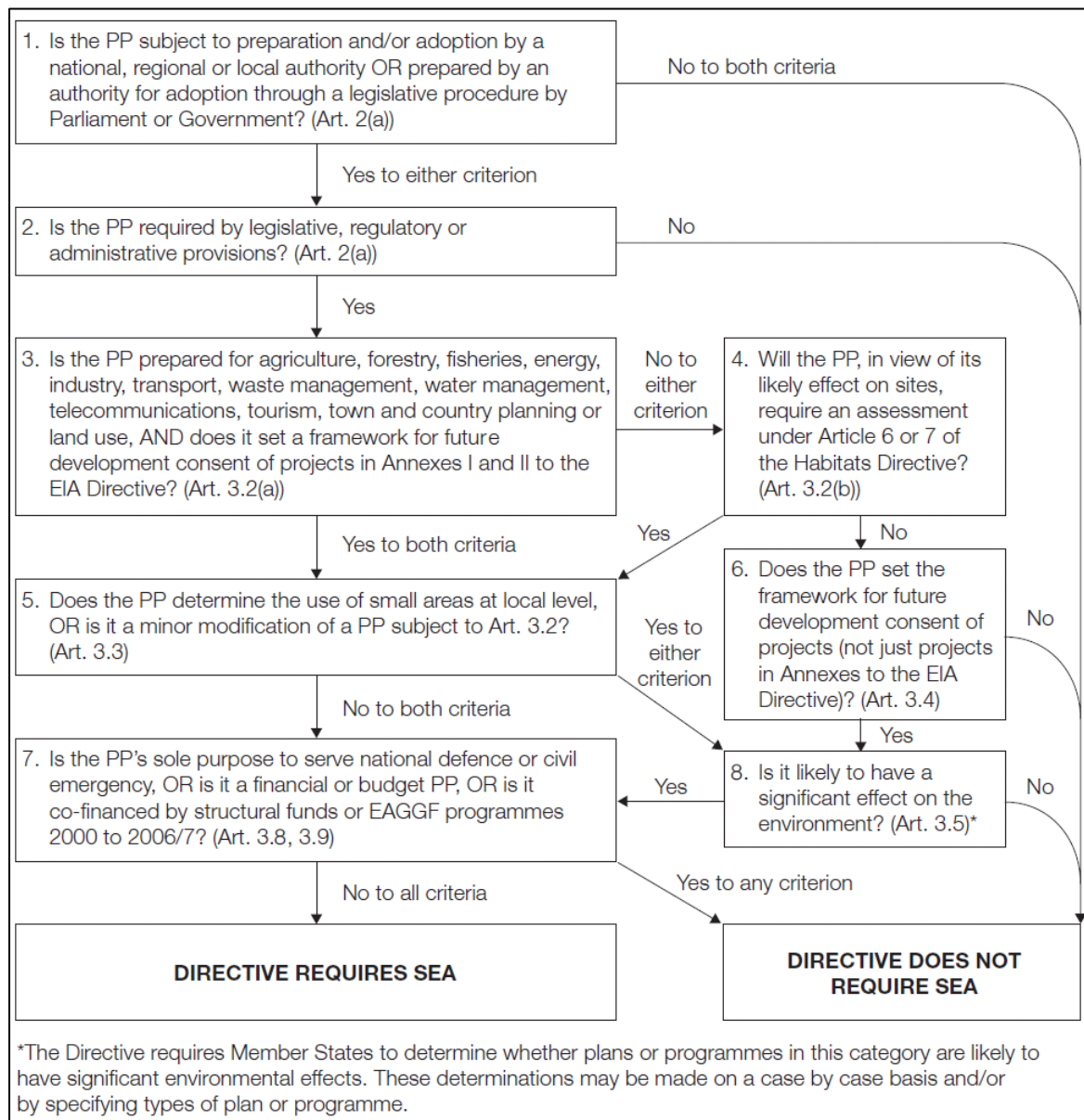


Figure 1: Application of the SEA Directive to plans and programmes (from “A Practical Guide to the Strategic Environmental Assessment Directive”)

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

## 2.2 Part 1 – Application of the Directive to the draft 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.  <b>GO TO STAGE 2</b>
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.  <b>GO TO STAGE 3</b>
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	Y	The NDP is being prepared for town and country planning and land use.

Stage		Y/N	Justification
	consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))		<p>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.</p> <p><b>GO TO STAGE 5</b></p>
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))	<b>NOT APPLICABLE</b>	
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	<p>The NDP does not allocate land for a specific purpose but does show preference for the type and form of development at local level.</p> <p><b>GO TO STAGE 8</b></p>
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)	<b>NOT APPLICABLE</b>	
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)	<b>NOT APPLICABLE</b>	
8	Is it likely to have a significant effect on the environment? (Art. 3.5)	N	<b>SEE TABLE 2</b>

## 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
<b>1. The Characteristics of Plans and Programmes, having regard, in particular, to:</b>		
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	<b>N</b>	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.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	<b>N</b>	If the NDP is not delivered, the Borough's emerging and existing Local Plan is not affected. The <a href="#">emerging Local Plan</a> 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	<b>N</b>	The NDP basic conditions statement includes reference to the consideration of sustainable development as the plan was being prepared.
d) Environmental problems relevant to the plan or programme	<b>N</b>	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.



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 (or those transcribed in UK law). The Water Framework Directive will need to be taken into account.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
a) 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.
b) The cumulative nature of the effects	N	Significant effects are considered unlikely and negative cumulative effects from the NDP are not predicted.
c) The transboundary nature of the effects	N	Lamberhurst lies adjacent to the boundary with East Sussex and other districts. However, no significant trans boundary effects from the NDP are expected.
d) 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 or the environment.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The NDP covers the Parish of Lamberhurst which contains three settlements (Lamberhurst, Hook Green and Lamberhurst Quarter). Significant effects are not predicted

SEA Directive Criteria	LSE Y/N	Justification
		across or outside of this geographical area.
f) The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> <li>(i) special natural characteristics or cultural heritage,</li> <li>(ii) exceeded environmental quality standards or limit values,</li> <li>(iii) intensive land-use,</li> </ul>	<b>N</b>	(i) The area covered by the NDP is within the AONB and contains 2 scheduled ancient monuments, 2 Conservation Areas and 141 listed buildings. The area is also rural in nature and has a wealth of biodiversity and natural habitats such as the valley of the River Teise and SSSIs at Scotney Castle and Brookland Wood. 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.
g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	<b>N</b>	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

SEA Directive Criteria	LSE Y/N	Justification
		<p>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 various policies is recognised by the NDP. Of note is policy L2 which only permits development that enhances the AONB. This approach complements the 'great weight' afforded to the AONB at national policy level.</p> <p>Within the parish there are two SSSIs: the Scotney Castle estate and Brookland Wood adjacent to the north of Lamberhurst Quarter. At Lamberhurst settlement, the Impact Risk Zone suggests housing developments of 50 units or more outside the existing settlement would create potential risk to the SSSI. Policy L4 has been drafted to support the existing statutory protection afforded to these assets.</p> <p>Within the parish there are two Scheduled Ancient Monument: Scotney Castle approximately 1200m to the east of The Down (managed by the National Trust) and Bayham Abbey approximately 500m north west of Hook Green (managed by English Heritage). Policy D6 has been drafted to support the existing statutory protection afforded to these assets.</p>

SEA Directive Criteria	LSE Y/N	Justification
		<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>The River Teise bisects the parish including the main settlement of Lamberhurst and a corridor of flood zone 3 is shown on Environment Agency mapping. Following serious flooding, defences were installed in 2011. Policy L5 has been drafted to prevent worsening of flood risk and mitigate existing problems.</p>
<b>Part 2 Overall Conclusion</b>		<b>The Lamberhurst NDP is unlikely to have a significant effect on the environment.</b>

## 2.4 Screening Outcome

- 2.4.1 As a result of the assessment in section 3, it is unlikely there will be any significant environmental effects arising from the draft 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 for consideration. All three bodies agree with this conclusion. See Appendix A.

# Appendix A: Natural England response

Date: 27 January 2020  
Our ref: 306115  
Your ref: Lamberhurst NDP



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

## Lamberhurst Neighbourhood Development Plan - SEA Screening

Thank you for your consultation on the above dated 07 January 2020 which was received by Natural England on the same date.

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.

### Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

### Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- A neighbourhood plan allocates sites for development
- The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- The neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

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

Victoria Kirkham  
Consultations Team

Re: Lamberhurst NDP - Message (HTML)

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Re: Lamberhurst NDP

LS Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org>

To Katie McFloyd

Cc Mark Stephenson; Debbie Maltby

Fri 07/02/2020 14:56

To Do

I think on that basis, with this as the first screening opinion, the policy as written wouldn't require the plan to be subject to SEA as the strategic policy in the local plan provides sufficient protection to prevent likely significant effects that might otherwise have arisen.

Thanks Katie, very helpful to work that one through.

Wishing you a happy weekend

Rob  
Robert Lloyd-Sweet | Historic Places Adviser | South East England | Historic England  
Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA  
Mobile: 07825 907288

Re: Lamberhurst NDP - Message (HTML)

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Re: Lamberhurst NDP

LS Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org.uk>  
To: Katie McFloyd  
Cc: Mark Stephenson; Debbie Maltby

To Do

From: Lloyd Sweet, Robert [mailto:Robert.LloydSweet@HistoricEngland.org.uk]  
Sent: 03 February 2020 11:08  
To: Katie McFloyd  
Cc: Mark Stephenson; Debbie Maltby  
Subject: Re: Lamberhurst NDP

Thanks for this Katie. It's very useful. My view is that if a policy has a possible implication for a sensitive part of the environment, such that you need to check whether other policies in the plan (rather than in an existing higher level plan) are sufficient to avoid or mitigate that impact, or that a change to the policy might be necessary, then that suggests SEA is required - what you have done is essentially the start of a mini SEA. I suppose the question (perhaps best posed to one of your conservation officers) is whether this conservation area's character or appearance that is desirable to preserve or enhance is sensitive to 'small scale' development within or adjoining the LBD? I would set aside the 'appropriate' bit here at present as I think that will require something to add clarity. This may in part depend on whether there is any existing impact on the character or appearance of the area from past development, to which further development would have a cumulative impact.

Factors to bear in mind would be whether:  
this policy actively encourages development to an area that would not otherwise have been considered suitable?; and  
whether the existing policies in the local plan are sufficient to determine whether the small scale development is appropriate or not and to resist it where there might result in unjustifiable harm to the conservation area, or the focus of listed buildings and areas of archaeological potential that it may contain? If the policy creates a potential conflict with the local plan (even one that might subsequently be ameliorated by changes to policy wording) then I would suggest SEA is required.

We do support SEA as a means of ensuring that decisions in Neighbourhood Plans are transparent and based on understanding of the relationships between policies in plan documents and their likely effects on the environment and to justify policy requirements that might not otherwise be understood.

I hope that's helpful but would be pleased to discuss further and review this if it isn't

Best wishes  
Rob  
Rob Lloyd-Sweet | Historic Places Adviser | South East England | Historic England  
Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA  
Mobile: 07825 907288

Historic England

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Re: Lamberhurst NDP

LS Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org.uk>  
To: Katie McFloyd  
Cc: Mark Stephenson; Debbie Maltby


To Do

From: Katie McFloyd  
Sent: 28 January 2020 15:19  
To: Lloyd Sweet, Robert  
Subject: Lamberhurst NDP

THIS IS AN EXTERNAL EMAIL: do not click any links or open any attachments unless you trust the sender and were expecting the content to be sent to you


Hi Robert,  
Just searching through the NDP and found the reference you were talking about in Policy H6 ("...appropriate small scale development within, or adjoining, the "limits to built development" for Lamberhurst").  
I've had quick check of the LBD boundaries and how they align with the CA... a little snippet below for you (green line is the CA and black line is the LBD).  
As you can see, there is a lot of overlap and yes, I would agree that there is potential for new development to align with the CA in the north and south of the village in particular. However, their historic environment policies are quite strong (D1, D6 and D7) with an expectation to conserve and enhance conservation areas so I wondered if this would minimise the risk such that it is unlikely to be significant. Feel free to challenge me on this assumption of course. Perhaps it would be useful to strengthen Policy H6 so it makes reference to the sensitivity of the CA?

Kind regards,  
Katie





RE: SEA Screening - NDP Lamberhurst

 KSLPlanning <KSLPLANNING@environment-agency.gov.uk>  
To: Katie McFloyd

From: KSLPlanning [mailto:KSLPLANNING@environment-agency.gov.uk]  
Sent: 08 January 2020 12:50  
To: Katie McFloyd  
Subject: RE: SEA Screening - NDP Lamberhurst

Thank you for consulting us on the SEA Scoping/ Neighbourhood Plan.

The Environment Agency is a statutory consultee in the planning process providing advice to Local Authorities and developers on pre-application enquiries, planning applications, appeals and strategic plans.

We always recommend an objective is included to protect and enhance the environment. Indicators should relate to the environmental constraints in your local area. This may include flood risk, water quality, biodiversity.


Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. (copy attached). There is a useful check list in this document.

We also recommend your SEA takes account of relevant Ashford Borough Council's policies, plans and strategies including ABC's Strategic Flood Risk Assessment, flood risk strategies (<https://www.gov.uk/government/collections/flood-risk-management-current-schemes-and-strategies>), and the South East River Basin Management Plan (<https://www.gov.uk/government/publications/south-east-river-basin-management-plan>)

Yours sincerely,  
-Adam

**Adam Harwood**  
Planning Advisor, Sustainable Places, Kent, South London and East Sussex  
**Environment Agency** | Orchard House, Endeavour Park, Addington, West Malling, Kent, ME19 5SH

RE: SEA Screening - NDP Lamberhurst

 KSLPlanning <KSLPLANNING@environment-agency.gov.uk>  
To: Katie McFloyd


From: Katie McFloyd [mailto:Katie.McFloyd@TunbridgeWells.gov.uk]  
Sent: 08 January 2020 12:59  
To: KSLPlanning  
Subject: RE: SEA Screening - NDP Lamberhurst

Dear Adam,

Thank you for your email.

Just to confirm that this is a screening opinion rather than a scoping exercise and our view was that a full SEA would be unnecessary. Do you agree?

Many thanks,  
Katie

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

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