

Tunbridge Wells Borough Council

# Capel Neighbourhood Development Plan

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## Strategic Environmental Assessment Screening Report

Final Report

February 2023



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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 Capel 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 Capel NDP is as follows:

*Capel in 2038 will be rural, calm and quiet. A well connected, functional, friendly village community. Capel will be a happy and healthy community with enjoyable family activities such as the village fete. It will be playful, inviting, bike friendly with fewer lorries and safe roads for all - the right vehicle on the right road.*

*There will still be great views, protected heritage, green space, high biodiversity and functioning working farms. Capel will remain separate from nearby towns and be a satisfying, rural and sustainable community of villages and hamlets including protected and diverse countryside with wildlife at its heart.*

*The overall vision for development in Capel is to maintain the rural nature of the community, enhance biodiversity and respect the nature of each community within the parish and the Green Belt that surrounds it.*

*All development within Capel Parish must embed the garden settlement principles.*

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.

# 2 Assessment

## 2.1 Overview

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

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.

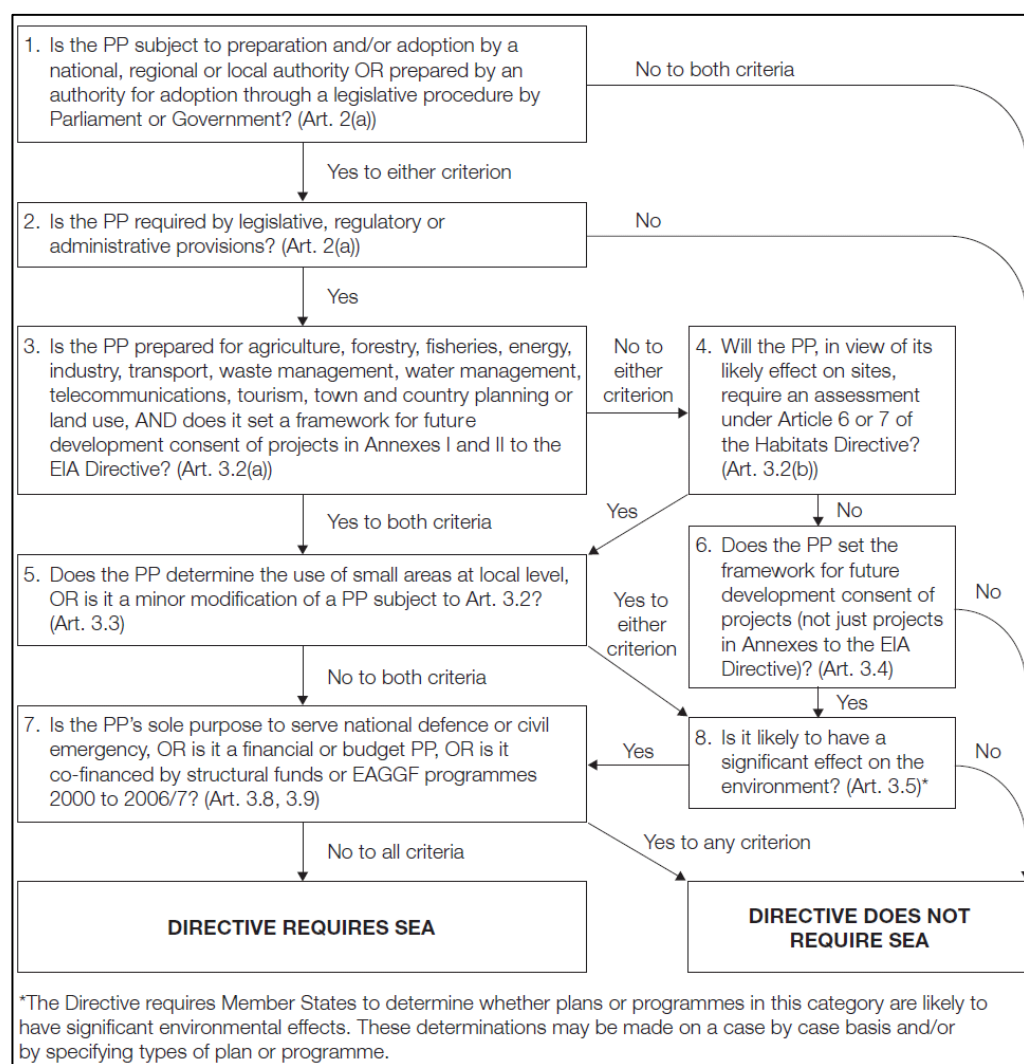


Figure 1. Application of the SEA Directive to plans and programmes (from “A Practical Guide to the Strategic Environmental Assessment Directive”)

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.  <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 an 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 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.  <b>GO TO STAGE 5</b>

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))		<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	The NDP does not allocate land for a specific purpose but does show preference for the type and form of development at local level.  <b>GO TO STAGE 8</b>
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

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

<b>SEA Directive Criteria</b>	<b>LSE</b>	<b>SEA Directive Criteria</b>
regard to the location, nature, size and operating conditions or by allocating resources		development to general locations such as within 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 policies within the NDP seek to have a positive effect on sustainability and the environment. This includes policies which set out principles and criteria for achieving sustainable development and managing the environmental impact of development within the Parish.
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.

<b>SEA Directive Criteria</b>	<b>LSE</b>	<b>SEA Directive Criteria</b>
The probability, duration, frequency and reversibility of the effects	N	The NDP does not allocate specific land for development but does direct development to sites allocated in the emerging Tunbridge Wells Borough Local Plan and general locations such as within the limits to built development and prioritising the use of brownfield land. 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 management process both within this plan and at Tunbridge Wells Borough Council, and are thus considered unlikely to be significant.



<b>SEA Directive Criteria</b>	<b>LSE</b>	<b>SEA Directive Criteria</b>
The cumulative nature of the effects	N	Significant effects are considered unlikely and negative cumulative effects from the NDP are not predicted.
The transboundary nature of the effects	N	Capel borders Tonbridge and Malling Borough and Maidstone Borough. 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 or 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 Capel which consists of the main settlement of Five Oak Green and numerous small hamlets. 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"> <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>	N	<ul style="list-style-type: none"> <li>i. The southern and some of the western part of the area covered by the NDP is within the AONB, contains 1 scheduled ancient monument, and 116 listed buildings. The area is also rural in nature and has a wealth of biodiversity and natural habitats such as the 2 local wildlife sites and significant ancient woodland cover in the southwestern part of the Parish. Directing development to within the limits to built development and prioritising brownfield land is likely to prevent impact upon the wider landscape but could the affect the setting of listed buildings. The NDP includes policies which seek to prevent these impacts and uphold other policy at Borough and National level to ensure no significant environmental issues are created. Protection of the environment and heritage assets is one of the main policy themes of the NDP. The Borough’s emerging Local Plan is subject to its own SEA, which covers the sites allocated through that plan.</li> <li>ii. The NDP is not predicted to exceed standards or environmental limits.</li> <li>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.</li> </ul>
The effects on areas or landscapes which have a recognised national,	N	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	SEA Directive Criteria
Community or international protection status.		<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 covers the southern and some of the western part of the Parish. Policies C1 and C3 within the NDP recognise the importance of, and aim to protect and enhance, the environmental and character values of the AONB. This approach complements the ‘great weight’ afforded to the AONB at national policy level and reinforces the objectives of the High Weald Management Plan.</p> <p>Locally, the Parish contains two local wildlife sites, Somerhill Park and Tudeley Woods. Sections of the northern border of the Parish are adjacent to the East Tonbridge Copses and dykes and River Medway local wildlife site, which is mostly located in the neighbouring Tonbridge and Malling Borough. Provision is made for mitigating the impacts of development on these sites and ancient woodland in Policy C8, which complements borough level policies.</p> <p>There are no SSSIs within the Parish. Parts of the Parish fall within the impact risk buffer zones for SSSIs outside of the Parish. However, these buffer zones are only for aviation proposals, livestock and poultry units, slurry lagoons and digestate stores, and manure stores. None of these concern the NDP.</p> <p>There is 1 scheduled monument, Castle Hill, in the Parish. Persevering, and where possible enhancing, heritage assets such as Castle Hill, listed buildings and non-designated heritage assets is a key aim of the NDP.</p> <p>There are numerous streams and ponds in the Parish. The northern part and sections of the eastern part of the Parish are of flood zone 2 and 3. Policy C5 aims to ensure the impact of flooding on or arising from new developments is mitigated. Sustainable and nature-based solutions are promoted, along with proposals</p>

<b>SEA Directive Criteria</b>	<b>LSE</b>	<b>SEA Directive Criteria</b>
		that protect and complement the existing drainage network.
<b>Part 2 Overall Conclusion</b>		<b>The Capel NDP is unlikely to have a significant effect on the environment.</b>

## 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 for consideration. When responses are obtained, they will be included in Appendix A.

# Appendix A

Responses from Statutory Environmental Bodies.

Date: 13 February 2023  
Our ref: 419646  
Your ref: Capel Neighbourhood Plan



Mr Adam Reguera  
Tunbridge Wells Borough Council

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

**BY EMAIL ONLY**

[Adam.Reguera@TunbridgeWells.gov.uk](mailto:Adam.Reguera@TunbridgeWells.gov.uk)

T 0300 060 3900

Dear Mr Reguera

**Cape Neighbourhood Plan – Review SEA & HRA Screening**

Thank you for your consultation on the above dated and received by Natural England on 2021.

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.

**Habitats Regulations Assessment (HRA) Screening**

Natural England agrees with the report's conclusions that the Capel Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

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

Sally Wintle  
Consultations Team



Historic England

By email only to: [Adam.Reguera@TunbridgeWells.gov.uk](mailto:Adam.Reguera@TunbridgeWells.gov.uk)

Our ref:

Your ref: Capel Neighbourhood Plan SEA

Main: 020 7973 3700

[e-seast@historicengland.org.uk](mailto:e-seast@historicengland.org.uk)

[louise.dandy@historicengland.org.uk](mailto:louise.dandy@historicengland.org.uk)

Date: 13/02/2023

Dear Sir or Madam

### Capel Neighbourhood Plan SEA Screening Opinion

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Capel Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied.

There are a number of designated heritage assets within the area; the information supplied however indicates that the plan will not have any significant effects on the historic environment. We also note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this



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Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

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





Historic England

consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, via email if you have any queries.

Yours sincerely

**Louise Dandy**  
Historic Places Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA

Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

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**From:** [KSLPlanning](#)  
**To:** [Adam Reguera](#)  
**Cc:** [Hodgson, Joanna](#)  
**Subject:** RE: SEA Screening - Capel NDP  
**Date:** 09 February 2023 11:06:30  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)

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Hi Adam

We don't comment on SEA screenings anymore.

We will provide comments on the draft NHP where required, and when consulted.

**Kind Regards,**

**Jennifer Wilson**  
Planning Specialist  
Sustainable Places – Kent and South London

[kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)