Tunbridge Wells Borough Council

Lamberhurst Neighbourhood Plan

Habitats Regulation Assessment

Screening Report

Final Report

October 2019

Contents

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

1.1.2 The vision of the Lamberhurst Neighbourhood Plan is to create:

- " a vibrant and diverse community that takes care of its environment and provides suitable housing for residents of all ages and means."

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 14km south west of the boundary of Lamberhurst 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[3]. 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) 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.

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 is not linked to the management of the Ashdown Forest.
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 Lamberhurst 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 Lamberhurst parish is well outside the 7km 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.

(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 Lamberhurst 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**
H1	Site Selection Criteria	Housing developments in the countryside will be strictly controlled in the interests of conserving the High Weald AONB.	N	Control of housing and protection of the AONB is unlikely to impact significantly upon the Ashdown Forest. **Reasons A, B and C**
H2	Housing Mix and tenure	Where proposals involve more than 10 or more units, the mix of housing type and tenure will be expected to reflect the need of the community for smaller dwellings.	N	Influences mix/tenure of future housing only thus unlikely to impact significantly upon the Ashdown Forest. **Reason B**
H3	Allocation affordable housing	New affordable housing provided by the LNDP will initially be subject to a local connection.	N	Influences ownership/occupation of future housing only. Unlikely to impact significantly upon the Ashdown Forest. **Reason B**
H4	Rural Exception Sites	Proposals for small scale developments of affordable housing on rural exception sites will be supported provided they meet the criteria set out in the LNDP.	N	Influences affordability of small scale development only. Unlikely to impact significantly upon the Ashdown Forest. **Reason B**
H5	Replacement Dwellings	Replacement of existing dwellings should only be permitted where the existing building has established and continuing residential use rights and the current building is unstable or uneconomic to repair.	N	Influences replacement dwellings only. Unlikely to impact significantly upon the Ashdown Forest. **Reason B**

Neighbourhood Plan Policy			Likely Significant Effects on SPA/SAC?	
Ref	**Title**	**Aim**	**Y/N**	**Explanation**
H6	Conversion of existing buildings	A proposal will be supported if the character of the building is not adversely altered and it does not result in the loss of an asset of community value.	N	Protects the historic environment and community assets. Unlikely to impact significantly upon the Ashdown Forest. **Reasons A and B**
H7	Self-build dwellings	Proposals for self-build housing will be supported provided that it meets a local need and is in accord with other policies in the LNDP.	N	Way in which a development is built is unlikely to cause significant impacts upon the Ashdown Forest. **Reasons B and E**
D1	Design of new development	All new development must achieve a high quality of design and reinforce local character.	N	Influences design of future housing only. It is unlikely to impact significantly upon the Ashdown Forest. **Reasons A and B**
D2	Boundary treatments	Boundary treatments should reflect the character and appearance of the locality and improve bio-diversity where possible.	N	Offers protection to the historic and natural environment thus unlikely to impact significant upon the Ashdown Forest. **Reason A**
D3	Climate Change	New developments should be designed to mitigate and adapt to climate change, making use of renewable energy sources, reducing waste and CO_2 emissions where possible.	N	Offers indirect protection to the natural environment thus unlikely to impact negatively upon the Ashdown Forest. **Reasons A and B**
D4	Dark Skies	New developments should not detract from the unlit environment of the Parish.	N	This policy aims to protect the environment and is this unlikely to impact negatively upon the Ashdown Forest. **Reason A**

Neighbourhood Plan Policy			Likely Significant Effects on SPA/SAC?	
Ref	**Title**	**Aim**	**Y/N**	**Explanation**
D5	Housing Density	The appropriate density for a housing site should be led by achieving an attractive development in keeping with the local area	N	Influences density of future housing only. It is unlikely to impact significantly upon the Ashdown Forest. **Reasons A and B**
D6	Historic Environment	Great weight will be given to the conservation and enhancement of listed buildings and ancient monuments and any development proposals causing any harm or loss to these assets will require clear and convincing justification.	N	This policy aims to protect the historic environment and is this unlikely to impact negatively upon the Ashdown Forest. **Reason A**
D7	Conservation Areas	Developments within the designated conservation areas will be expected to conserve and enhance their special characteristics.	N	This policy aims to protect the historic environment and is this unlikely to impact negatively upon the Ashdown Forest. **Reason A**
D8	Parking	All new developments should meet a minimum parking standard at a ratio of one car space per bedroom.	N	Lamberhurst Parish is 14km from the Ashdown Forest and visitor surveys have revealed an extremely low number of visitors to the Forest live in Lamberhurst. Provision for parking could increase car ownership but is still unlikely to cause significant impacts upon the Ashdown Forest. **Reasons B, D and E**
L1	Local Green Spaces	Local green spaces will be protected from development except in very special circumstances.	N	Protecting local green spaces will have no significant impact on the Ashdown Forest. **Reasons A and D**

Neighbourhood Plan Policy			Likely Significant Effects on SPA/SAC?	
Ref	**Title**	**Aim**	**Y/N**	**Explanation**
L2	Development within the AONB	Development within the Parish will only be permitted where it enhances the landscape and has regard for the High Weald AONB.	N	Compliance with this policy will have no significant impact on the Ashdown Forest. **Reason A**
L3	Retaining parish character and conserving the landscape	Limit new housing on hillsides, retain distant views and maintain the separate identity of different parts of the parish.	N	Protecting views around Lamberhurst will have no significant impact on the Ashdown Forest. **Reason A**
L4	Biodiversity	Utilise all opportunities to protect and enhance natural habitats and encourage the biodiversity of flora and fauna.	N	This policy aims to protect the natural environment and is this unlikely to impact negatively upon the Ashdown Forest. **Reason A**
L5	Water management and flood risk	Development should be located and designed so as to reduce and mitigate flood risk, both to itself and to other land and properties.	N	This policy aims to address localised flooding and is this unlikely to impact negatively upon the Ashdown Forest. **Reason A**
L6	Public footpaths and by-ways	New housing development should be located with easy access to the public rights of way network to facilitate journeys around the parish on foot or bicycle.	N	Most visitors to the Ashdown Forest travel by private car. Encouraging walking within Lamberhurst will have no significant impact on the Ashdown Forest. **Reason C**
T1	Sustainable Transport	Development should be served, where possible, by sustainable travel arrangements.	N	Improvements in travel arrangements will have no significant impact on the Ashdown Forest. **Reason D**

Neighbourhood Plan Policy			Likely Significant Effects on SPA/SAC?	
Ref	**Title**	**Aim**	**Y/N**	**Explanation**
T2	Traffic Management	Developments that accord with the policies in the LNDP and result in improvements to, or do not hinder the free flow of traffic in the parish, will be supported.	N	Improvements in travel arrangements will have no significant impact on the Ashdown Forest. **Reason D**
B1	Business and Economy	Developments that provide local employment opportunities will be supported, where they are in accord with the LNDP.	N	Support for local employment is unlikely to have a significant impact upon the Ashdown Forest. **Reasons D and E**
B2	Tourism and hospitality	Development that improves the range and quality of existing tourist facilities, including visitor accommodation, attractions and eating places will be supported where they are in accord with policies set out in the LNDP.	N	The unique nature of the Ashdown Forest means that support for local tourism is unlikely to divert visitors away from the Ashdown Forest. However, Lamberhurst Parish is 14km from the Ashdown Forest and visitor surveys have revealed an extremely low number of visitors to the Forest live in Lamberhurst. **Reasons D and E**
C1	Assets of Value to the Community	Development proposals that enhance the viability and community value of our existing facilities will be supported, providing they accord with the other policies of the LNDP.	N	Protecting and enhancing existing services and facilities will have no significant impact upon the Ashdown Forest. **Reason C**
C3	Developer contributions	Developer contributions will be sought for investment in off-site infrastructure as required and in other projects that enhance community life.	N	Enhancing the existing services and facilities will have no significant impact upon the Ashdown Forest. **Reason C**

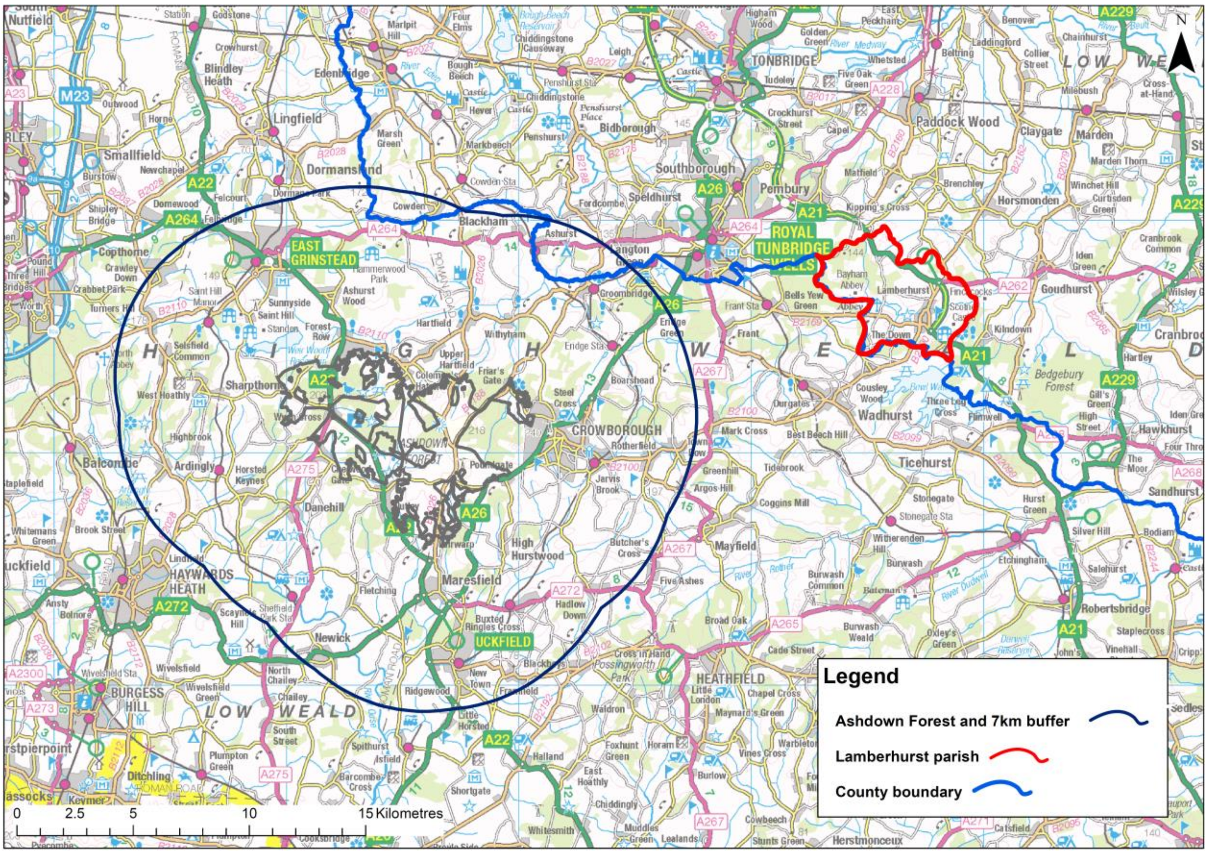
Neighbourhood Plan Policy			Likely Significant Effects on SPA/SAC?	
Ref	**Title**	**Aim**	**Y/N**	**Explanation**
C2	Broadband and mobile infrastructure	Proposals which provide access to superfast broadband and improve mobile phone communications within the parish will be supported where possible.	N	Enhancing the existing communication services will have no significant impact upon the Ashdown Forest. **Reason C**

3.2.3 As can be seen in Table 2, no policies in the Lamberhurst 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 Lamberhurst 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.

Appendix A: Ashdown Forest Protection Zones



Appendix B: Practice Note 2018

Ashdown Forest:

Screening of planning applications for compliance with the Habitats Regulations

Table of Contents

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[1]. 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[2]. 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[3] 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.

[1] 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
[2] UE Associates. October 2011. Habitat Regulations Assessment for the Mid-Sussex District Plan
[3] 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[4];
- 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.

[4] 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[5].

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[6].

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[7];

[5] 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.

[6] Considered to be 3 μm^{-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 μm^{-3}) by 5m from the roadside

[7] 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[8] 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 NOx 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.

[8] 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

Katie McFloyd

From: SM-Defra-Plan Cons Area Team (Sussex and Kent) (NE) <PlanConsAreaTeamSussexandKent@defra.gov.uk>
Sent: 17 October 2019 11:04
To: Katie McFloyd
Subject: RE: HRA Screening - Lamberhurst

Dear Katie,

Thank you for consulting Natural England on the abovementioned HRA Screening Report.

I can confirm that Natural England concurs with the conclusions of the HRA report, in there is no likely significant effect from this plan, either alone or in combination with other plans or projects, on the conservation objectives of the Ashdown Forest SPA and SAC. It is therefore not necessary to undertake an appropriate assessment.

Kind regards,

Amy

Amy Kitching
Lead Adviser
Sussex and Kent Area Team

Natural England
3rd Floor, Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD
T: 0208 2258409 M: 07786 022 161

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: Katie McFloyd [mailto:Katie.McFloyd@TunbridgeWells.gov.uk]
Sent: 16 October 2019 14:26
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Subject: HRA Screening - Lamberhurst

Dear Sir/Madam,

Please find attached for your consideration an HRA Screening Report.

The report is for a Neighbourhood Plan being prepared within our Borough for the Parish of Goudhurst. The draft plan is also attached for your reference.

With kind regards,

Katie