



# Horsmonden Neighbourhood Plan Strategic Environmental Assessment

## Screening Report

### Final Report

June 2021

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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 Horsmonden 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 The vision of the Horsmonden NDP is that “In 15 years’ time, Horsmonden will be a village that has retained its character, community spirit and rurality but that has embraced new technologies and social and economic opportunities. It will have diversified to allow improvements in transport, housing, and leisure, to cater for all members of the community.”
- 1.1.3 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 It is noted that the UK left the EU on 31<sup>st</sup> January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (“the Withdrawal act”). This established a transition period which ended on 31<sup>st</sup> December 2020. The Withdrawal Act retains the body of existing EU-derived law within our domestic law, including the SEA Regulations.
- 1.2.3 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.



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.

No.	Legal Requirement	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 Horsmonden 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 Horsmonden 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	Y	The NDP is being prepared for town and country planning and land use.

No.	Legal Requirement	Y/N	Justification
	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))		<p>Although the NDP supports planning applications for small-scale housing developments, it does contain 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))	n/a	n/a
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)	n/a	n/a
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	n/a	n/a

No.	Legal Requirement	Y/N	Justification
	EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		
8	Is it likely to have a significant effect on the environment? (Art. 3.5)	N	SEE TABLE 2

## 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	N	The NDP does not allocate specific land for development but does direct development to general locations such as in-fill plots and previously developed land within the limits to built development.
b) 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 Local Plan is subject to SEA.

SEA Directive Criteria	LSE Y/N	Justification
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	The NDP would be implemented alongside an existing Sustainability Policy adopted by the parish council.
d) Environmental problems relevant to the plan or programme	N	There are no significant environmental problems relevant to this NDP.
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. 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 land for development, but instead only directs the type, scale and form of any future development. Significant effects are considered to be unlikely.
b) The cumulative nature of the effects	N	Significant effects are considered unlikely thus negative cumulative effects from the NDP are not predicted.
c) The transboundary nature of the effects	N	Horsmonden lies close to the boundary with Maidstone and other districts. However, no significant trans boundary effects from the NDP are expected.



SEA Directive Criteria	LSE Y/N	Justification
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 Horsmonden which contains the main settlement of Horsmonden. Significant effects are not predicted across or outside of this geographical area.
f) The value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use,	N	<p>(i) The southern half of the parish is within the AONB. The parish also contains a Conservation Area and over 100 listed buildings. The area is also rural in nature and has a wealth of biodiversity and natural habitats including pockets of ancient woodland and Shirrenden Woods Site of Nature Conservation Interest. Directing development to general locations such as in-fill plots and previously developed land within the three main settlements is likely to prevent impact upon the wider landscape but could affect Conservation Area or the setting of listed buildings. However, the NDP seeks to prevent these impacts via Design Guidelines (AECOM) and uphold other policy at Borough and National level to ensure no significant environmental issues are created. Environmental protection is one of the Objectives of the NDP.</p> <p>(ii) The NDP is not predicted to exceed standards or environmental limits.</p> <p>(iii) The NDP seeks to make efficient use of land by directing development to in-fill plots and previously developed land.</p>

SEA Directive Criteria	LSE Y/N	Justification
g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	N	<p>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 affects the south-west of the Borough. Proposals in this NDP are unlikely to impact upon this designated site as development is directed to the main settlement which 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 southern half of the parish and Design Guidelines for new development in the parish have been prepared in consultation with AECOM with the intention that they be used to inform the nature, scale and location of future development. This approach complements the 'great weight' afforded to the AONB at national policy level.</p> <p>There are two SSSI within 1.5km of the southern border of the parish. Development in Horsmonden settlement is highly unlikely to be of a nature that would conflict with the thresholds in the impact risk zone so risks to the SSSI are deemed minimal.</p>
<b>Part 2 Overall Conclusion</b>	Y/N	The Horsmonden NDP is unlikely to have a significant effect on the environment.

## 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 was sent to the Environment Agency, Natural England and Historic England for consideration. All three bodies agree with this conclusion. See Appendix A.

# Appendix A

Date: 14 June 2021  
Our ref: 355823  
Your ref: Horsmonden NDP - SEA

Katie McFloyd  
Town Hall  
Royal Tunbridge Wells  
Kent, TN1 1RS

**BY EMAIL ONLY**

[katie.mcfloyd@tunbridgewells.gov.uk](mailto:katie.mcfloyd@tunbridgewells.gov.uk)



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

T 0300 060 3900

Dear Ms McFloyd

**Horsmonden Neighbourhood Plan – SEA Screening**

Thank you for your consultation on the above dated 11 May 2021 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. However, should plan details change in the future (such as by the addition of proposed site allocations), this advice would need to be re-assessed and possibly amended.

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.

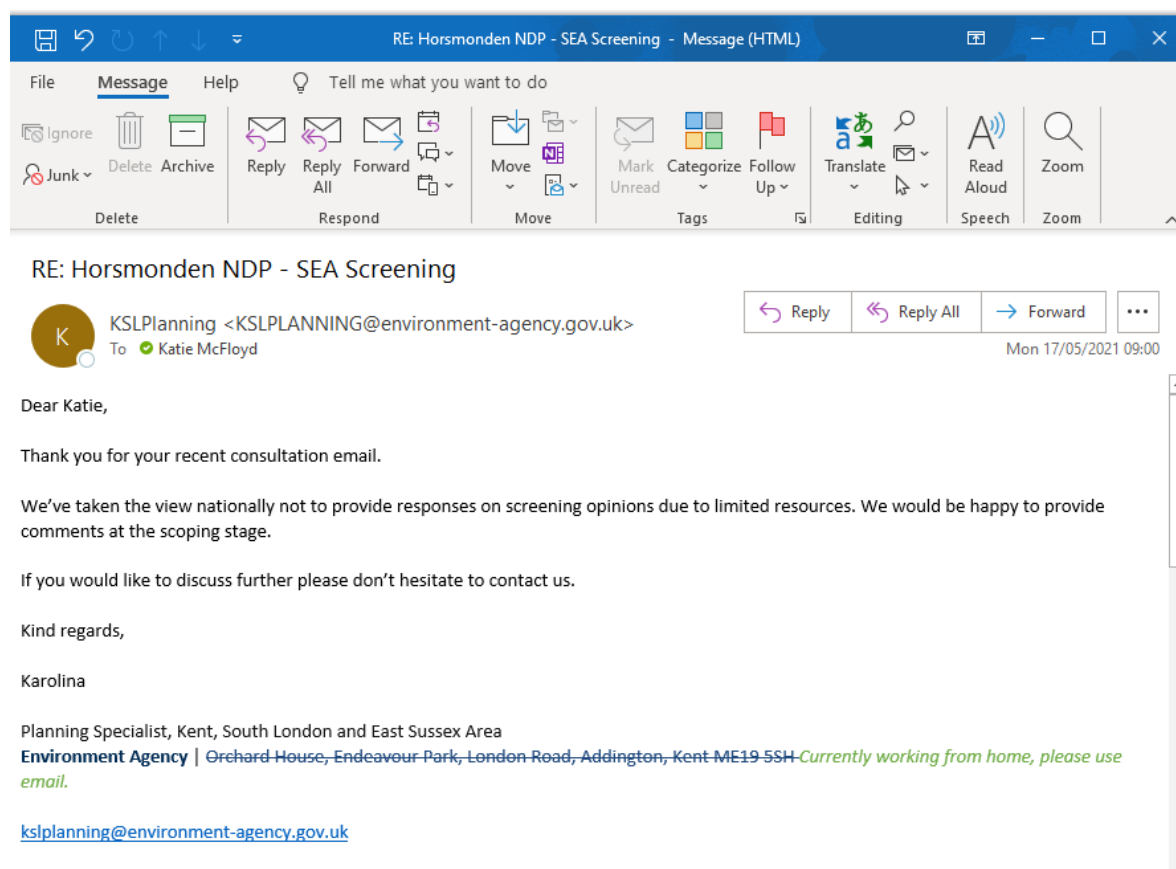
Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any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

Rebecca Bishop


Sustainable Development Adviser – Sussex & Kent Team



The screenshot shows an email client window titled "RE: Horsmonden NDP - SEA Screening - Message (HTML)". The interface includes a menu bar with "File", "Message", and "Help", and a toolbar with various actions like "Ignore", "Delete", "Archive", "Reply", "Reply All", "Forward", "Move", "Mark Unread", "Categorize", "Follow Up", "Translate", "Read Aloud", and "Zoom".

The email content is as follows:

**RE: Horsmonden NDP - SEA Screening**

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

Mon 17/05/2021 09:00

Dear Katie,

Thank you for your recent consultation email.

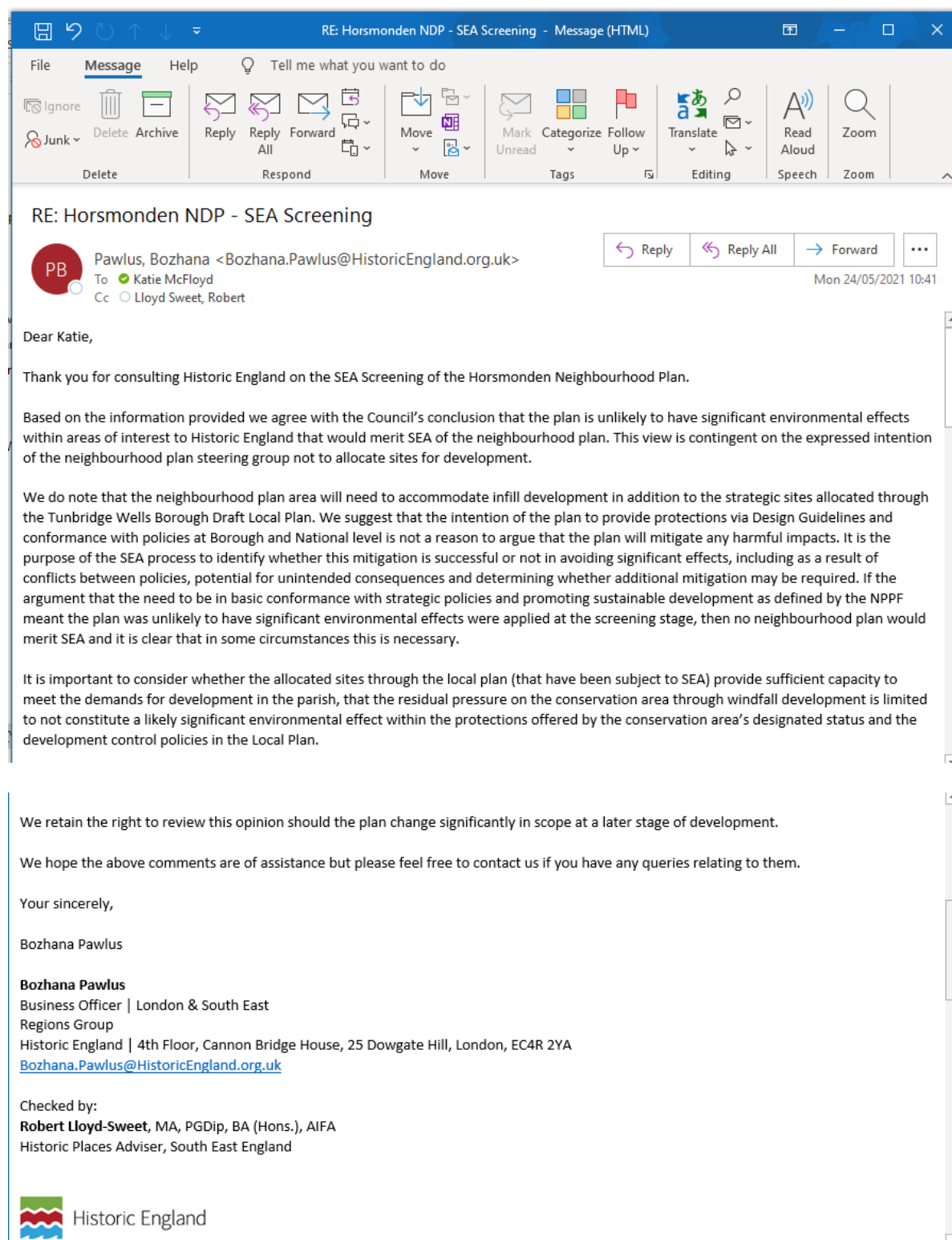
We've taken the view nationally not to provide responses on screening opinions due to limited resources. We would be happy to provide comments at the scoping stage.

If you would like to discuss further please don't hesitate to contact us.

Kind regards,

Karolina

Planning Specialist, Kent, South London and East Sussex Area  
**Environment Agency** | Orchard House, Endeavour Park, London Road, Addington, Kent ME19 5SH. *Currently working from home, please use email.*  
[kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)





RE: Horsmonden NDP - SEA Screening - Message (HTML)


File Message Help Tell me what you want to do

Ignore Delete Archive Reply Reply All Forward Move Mark Unread Categorize Follow Up Translate Read Aloud Zoom

RE: Horsmonden NDP - SEA Screening

 Pawlus, Bozhana <Bozhana.Pawlus@HistoricEngland.org.uk> Reply Reply All Forward Mon 24/05/2021 10:41

To:  Katie McFloyd

Cc:  Lloyd Sweet, Robert

Dear Katie,

Thank you for consulting Historic England on the SEA Screening of the Horsmonden Neighbourhood Plan.

Based on the information provided we agree with the Council's conclusion that the plan is unlikely to have significant environmental effects within areas of interest to Historic England that would merit SEA of the neighbourhood plan. This view is contingent on the expressed intention of the neighbourhood plan steering group not to allocate sites for development.

We do note that the neighbourhood plan area will need to accommodate infill development in addition to the strategic sites allocated through the Tunbridge Wells Borough Draft Local Plan. We suggest that the intention of the plan to provide protections via Design Guidelines and conformance with policies at Borough and National level is not a reason to argue that the plan will mitigate any harmful impacts. It is the purpose of the SEA process to identify whether this mitigation is successful or not in avoiding significant effects, including as a result of conflicts between policies, potential for unintended consequences and determining whether additional mitigation may be required. If the argument that the need to be in basic conformance with strategic policies and promoting sustainable development as defined by the NPPF meant the plan was unlikely to have significant environmental effects were applied at the screening stage, then no neighbourhood plan would merit SEA and it is clear that in some circumstances this is necessary.

It is important to consider whether the allocated sites through the local plan (that have been subject to SEA) provide sufficient capacity to meet the demands for development in the parish, that the residual pressure on the conservation area through windfall development is limited to not constitute a likely significant environmental effect within the protections offered by the conservation area's designated status and the development control policies in the Local Plan.

We retain the right to review this opinion should the plan change significantly in scope at a later stage of development.

We hope the above comments are of assistance but please feel free to contact us if you have any queries relating to them.

Your sincerely,

Bozhana Pawlus

**Bozhana Pawlus**  
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Checked by:  
**Robert Lloyd-Sweet**, MA, PGDip, BA (Hons.), AIFA  
Historic Places Adviser, South East England

