

# Horsmonden Neighbourhood Plan



## Strategic Environmental Assessment Screening Report

Draft for Consultation

April 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 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.

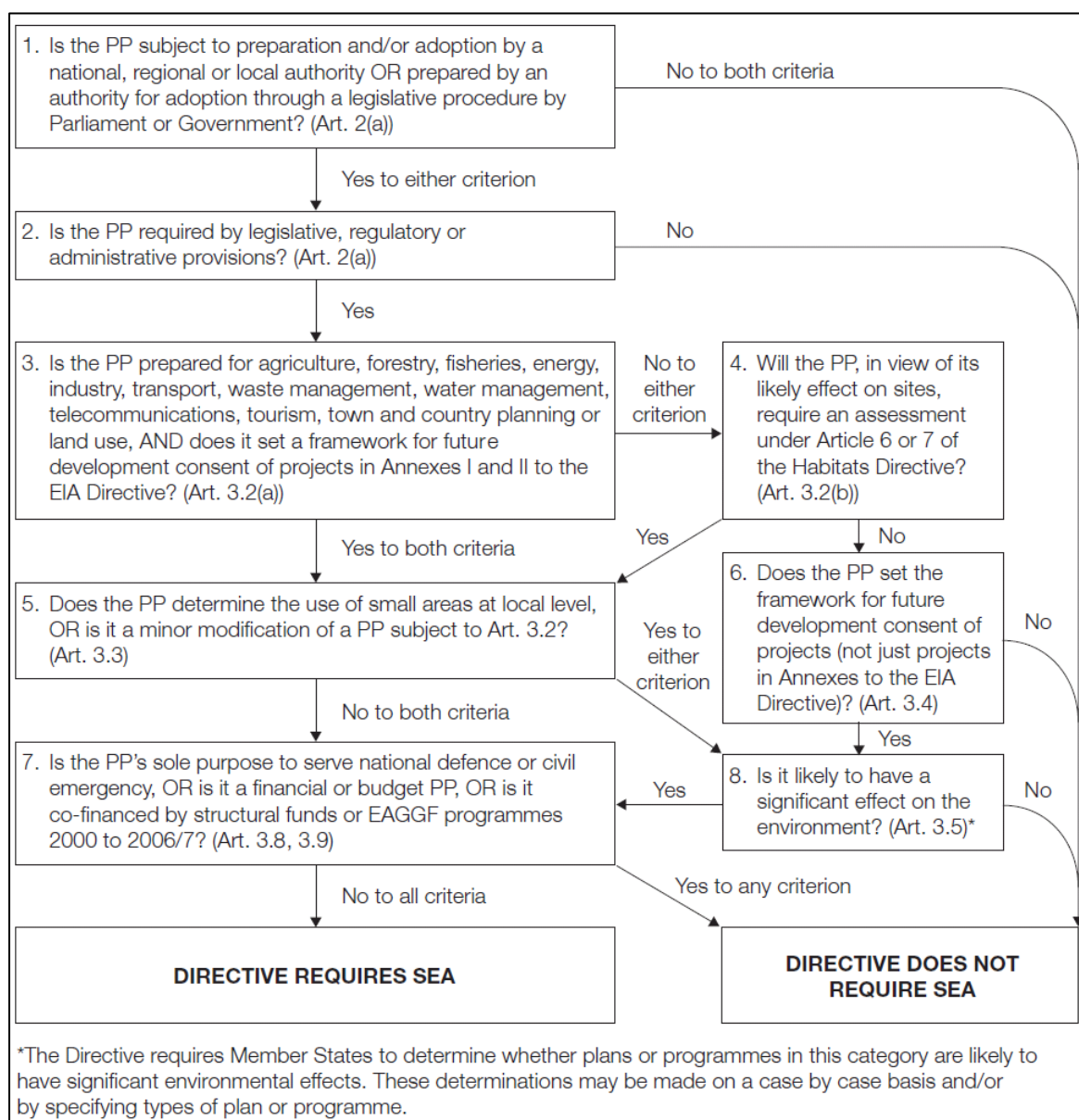


Figure 1: Application of the SEA Directive to plans and programmes (from “A Practical Guide to the Strategic Environmental Assessment Directive”)

- 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.

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 management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects	Y	The NDP is being prepared for town and country planning and land use.  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.  <b>GO TO STAGE 5</b>

No.	Legal Requirement	Y/N	Justification
	in Annexes I and II to the EIA Directive? (Art 3.2(a))		
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	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)	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 EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	n/a	n/a
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	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.
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>		

SEA Directive Criteria	LSE Y/N	Justification
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.
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	(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



SEA Directive Criteria	LSE Y/N	Justification
		<p>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>
<p>g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>N</p>	<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>SEA Directive Criteria</b>	<b>LSE Y/N</b>	<b>Justification</b>
<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 has been sent to the Environment Agency, Natural England and Historic England for consideration.