

Brenchley and Matfield Neighbourhood Plan



Strategic Environmental Assessment Screening Report

Final Report

January 2021

Contents

1	Introduction.....	2
1.1	SEA Background.....	2
1.2	Legislative Background	2
2	Assessment.....	3
2.2	Part 1 – Application of the Directive to the draft NDP.....	4
2.3	Part 2 – Likely significant effects on the environment	5
2.4	Screening Outcome	9
	Appendix A.....	10

1 Introduction

1.1 SEA Background

1.1.1 This screening report is designed to determine whether or not the contents of the draft Brenchley and Matfield 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 Through this plan, the parish of Brenchley and Matfield will:

“embrace sustainable change and development that conserves and enhances the special qualities of the parish’s AONB landscape and built heritage, promotes the economic and social welfare of the community, encourages demographic balance and recognised the need for action on climate change“.

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 31st 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 31st 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.

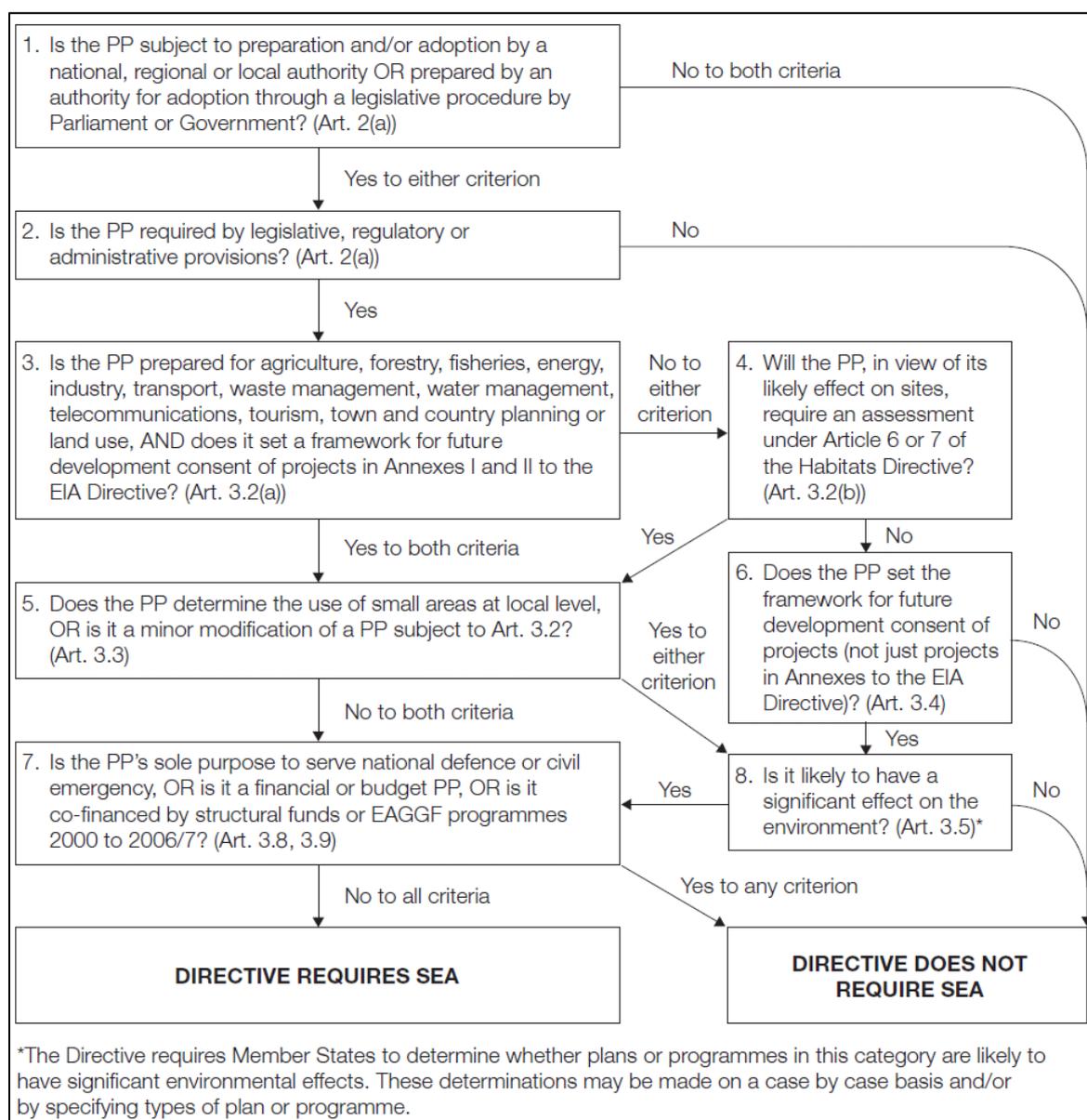


Figure 1: Application of the SEA Directive to plans and programmes (from “A Practical Guide to the Strategic Environmental Assessment Directive”)

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 parish councils under the provision of the Town and Country Planning Act 1990 as amended by the Localism act 2011. GO TO STAGE 2
2	Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	It is not a requirement for a parish to produce a NDP. However, once "made" the plan forms part of the statutory Development Plan and will be used when making decision on planning applications. GO TO STAGE 3
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. Although the NDP does not allocate land for specific types of development, 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. GO TO STAGE 5
4	Will the PP, in view of its likely effects on sites require an assessment under Article 6 or 7 of the Habitats	n/a	n/a

No.	Legal requirement	Y/N	Justification
	Directive? (Art. 3.2(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. GO TO STAGE 8
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	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
1. The Characteristics of Plans and Programmes, having regard, in particular, to:		
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 land within the LBD.

SEA Directive Criteria	LSE Y/N	Justification
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	<p>Integration of environmental considerations is very relevant for this plan and has been drawn out particularly in the design, and landscape and environment policies.</p> <p>The NP embraces sustainable change and development that conserves and enhances the special qualities of the parish's AONB landscape and built heritage, promotes the economic and social welfare of the community, encourages demographic balance and recognises the need for action on climate change. Sustainable travel will be encouraged through measures to improve pedestrian and road safety and by encouraging walking, cycling and community transport.</p>
d) 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.
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.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		

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. Some effects such as pollution are 'unknown' because they are highly dependent on where development takes place. However, 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	Brenchley and Matfield is located within the borough and is not adjacent to other districts. 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 Brenchley and Matfield which contains two main settlements and several small settlements. 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 majority of the parish is covered by the AONB and the parish contains 2 Conservation Areas and over 150 listed buildings. The area is also rural in nature and has a wealth of biodiversity and natural habitats. Directing development to general locations such as in-fill plots and previously developed land within the two main settlements is likely to prevent impact upon the wider landscape but could affect Conservation Areas or the setting of listed buildings. However, the strategic policies of the Local Plan provide guidance on the assessment of development proposals affecting heritage assets arising as infill and windfall development that would avoid or minimise such impacts and have previously been subject to SEA.

SEA Directive Criteria	LSE Y/N	Justification
		<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 two main settlements which are 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 south and central parts of the parish and the NDP has policy designed to help protect this important landscape. This approach complements the 'great weight' afforded to the AONB at national policy level.</p> <p>There is one SSSI outside but adjacent to the southern boundary of Brenchley and Matfield parish (Brookland Wood). The two main settlements are outside of the impact risk zones for the most likely form of development.</p> <p>Sites of high biodiversity value have been nominated as Local Green Spaces in the NDP.</p>
<p>Part 2 Overall Conclusion</p>	<p>N</p>	<p>The Brenchley and Matfield NDP is unlikely to have a significant effect on the environment.</p>

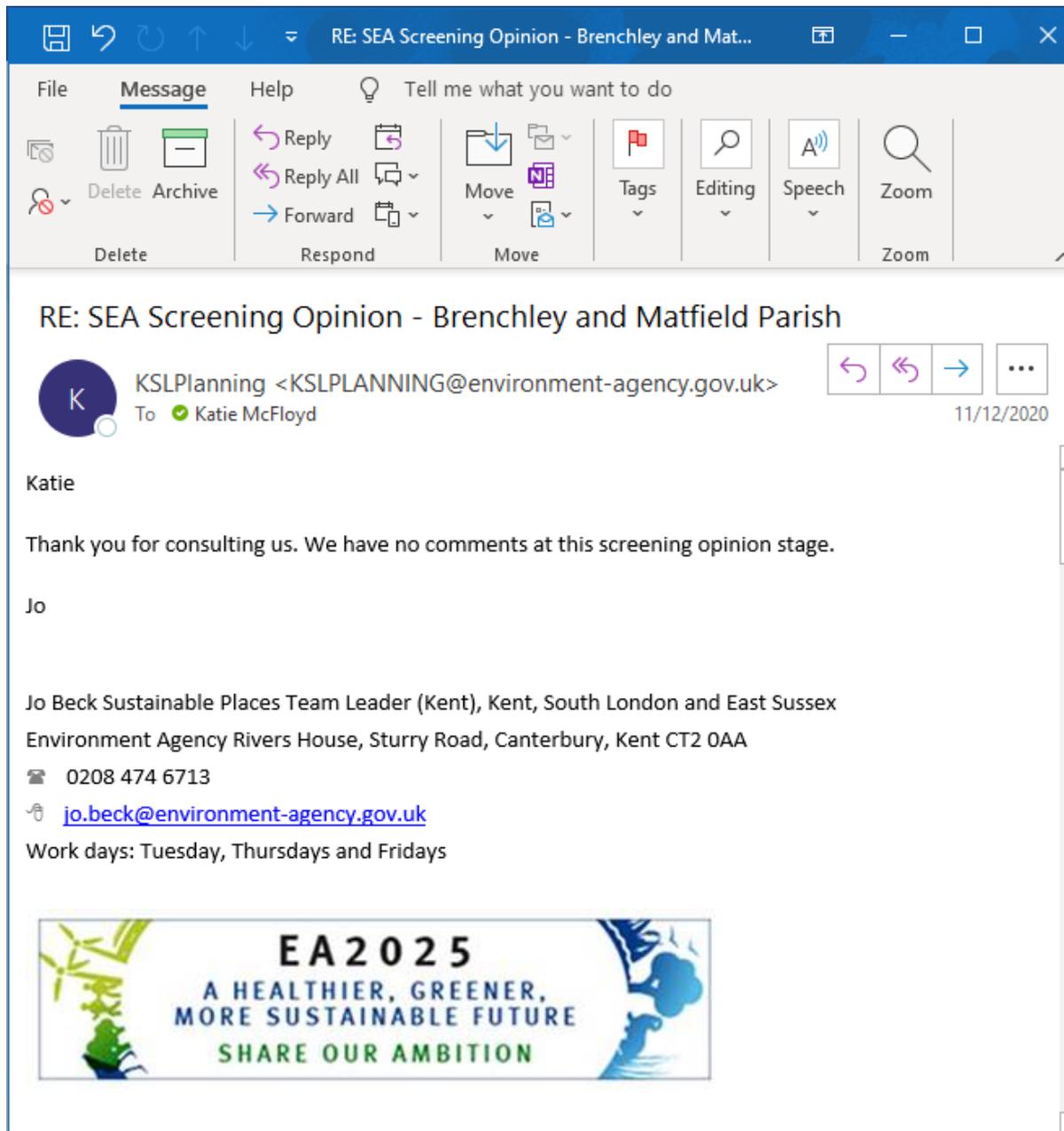
2.4 Screening Outcome

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 and all agreed that a SEA is not required. See Appendix A. Amendments to the report recommended by Historic England have been incorporated into this final report, alongside a legislative update at paragraph 1.2.2.

Appendix A

Responses from Statutory Environmental Bodies.

The Environment Agency.



The screenshot shows a Microsoft Outlook window titled "RE: SEA Screening Opinion - Brenchley and Mat...". The ribbon is set to "Message". The email content is as follows:

RE: SEA Screening Opinion - Brenchley and Matfield Parish

KSLPlanning <KSLPLANNING@environment-agency.gov.uk>
To  **Katie McFloyd** 11/12/2020

Katie

Thank you for consulting us. We have no comments at this screening opinion stage.

Jo

Jo Beck Sustainable Places Team Leader (Kent), Kent, South London and East Sussex
Environment Agency Rivers House, Sturry Road, Canterbury, Kent CT2 0AA
☎ 0208 474 6713
✉ jo.beck@environment-agency.gov.uk
Work days: Tuesday, Thursdays and Fridays



Natural England.

Date: 15 January 2021
Our ref: 339611
Your ref: Branchley and Matfield

Ms Katie McFloyd
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent, TN11 1RS

BY EMAIL ONLY
Katie.McFloyd@TunbridgeWells.gov.uk



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

T 0300 060 3900

Dear Ms McFloyd,

Branchley and Matfield Neighbourhood Development Plan

Thank you for your consultation on the above dated 02 December 2020 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

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

Neighbourhood Plan

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

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

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

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

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

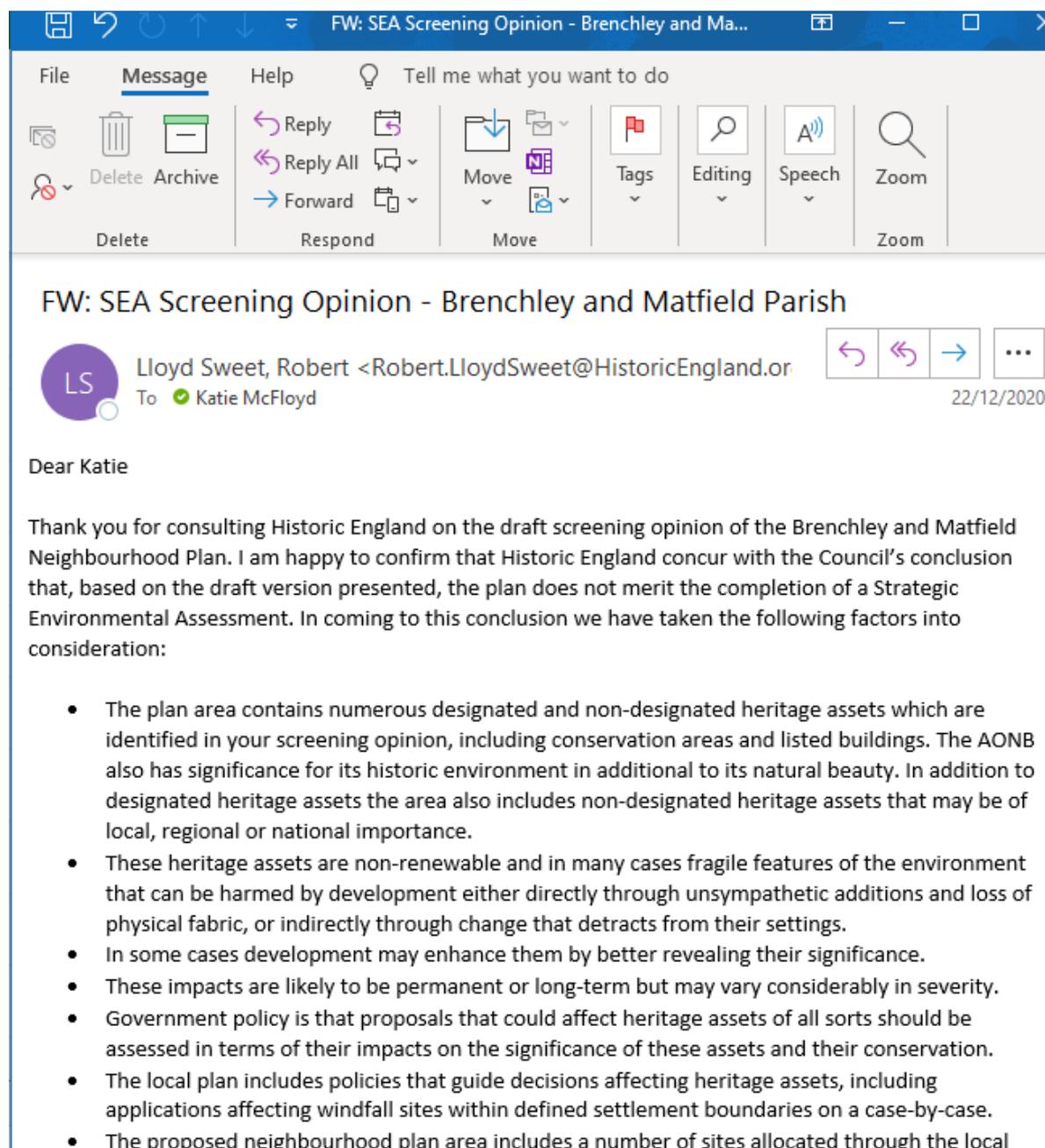
Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any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

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham
Consultations Team

Historic England



The screenshot shows an Outlook window titled "FW: SEA Screening Opinion - Brenchley and Ma...". The ribbon is set to "Message" and includes options for File, Help, and "Tell me what you want to do". The ribbon contains several groups of icons: "Delete" (Delete, Archive), "Respond" (Reply, Reply All, Forward), "Move" (Move), "Tags", "Editing", "Speech", and "Zoom".

The email subject is "FW: SEA Screening Opinion - Brenchley and Matfield Parish". The sender is "Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.or" with a profile picture showing the initials "LS". The recipient is "Katie McFloyd". The email was received on "22/12/2020".

The email body begins with "Dear Katie" and a paragraph of text: "Thank you for consulting Historic England on the draft screening opinion of the Brenchley and Matfield Neighbourhood Plan. I am happy to confirm that Historic England concur with the Council's conclusion that, based on the draft version presented, the plan does not merit the completion of a Strategic Environmental Assessment. In coming to this conclusion we have taken the following factors into consideration:"

- The plan area contains numerous designated and non-designated heritage assets which are identified in your screening opinion, including conservation areas and listed buildings. The AONB also has significance for its historic environment in addition to its natural beauty. In addition to designated heritage assets the area also includes non-designated heritage assets that may be of local, regional or national importance.
- These heritage assets are non-renewable and in many cases fragile features of the environment that can be harmed by development either directly through unsympathetic additions and loss of physical fabric, or indirectly through change that detracts from their settings.
- In some cases development may enhance them by better revealing their significance.
- These impacts are likely to be permanent or long-term but may vary considerably in severity.
- Government policy is that proposals that could affect heritage assets of all sorts should be assessed in terms of their impacts on the significance of these assets and their conservation.
- The local plan includes policies that guide decisions affecting heritage assets, including applications affecting windfall sites within defined settlement boundaries on a case-by-case.
- The proposed neighbourhood plan area includes a number of sites allocated through the local

plan, which has previously been subject to SEA. These are sufficient to accommodate a large part of the plan area's housing needs during the plan period.

- Whilst the neighbourhood plan contains policies that will influence the development proposals that come forward on these sites, we do not consider that these will materially affect the outcome of the assessment of the impact identified within the SEA of the local plan.

As such we feel at this point that the direction of the plan proposals and policies would be unlikely to lead to significant environmental effects that have not already been considered within the SEA of the Local Plan and, as such SEA of the Neighbourhood Plan is not merited. We do note that your draft screening opinion includes consideration of elements of the neighbourhood plan designed to avoid or minimise harm to the historic environment. We have not taken these into consideration as mitigation of any effects of the plan as it would be a matter for an SEA to determine their efficacy. As such we recommend amending the entry at Table 2 point 2.f. to read

“(i) The majority of the parish is covered by the AONB and the parish contains 2 Conservation Areas and over 150 listed buildings. The area is also rural in nature and has a wealth of biodiversity and natural habitats. Directing development to general locations such as in-fill plots and previously developed land within the two main settlements is likely to prevent impact upon the wider landscape but could affect Conservation Areas or the setting of listed buildings. However, the NDP seeks to prevent these impacts and upholds other policy at Borough and National level to ensure no significant environmental issues are created. Environmental protection is a cross-cutting theme amongst the objectives of the NDP. the strategic policies of the Local Plan provide guidance on the assessment of development proposals affecting heritage assets arising as infill and windfall developments that would avoid or minimise such

impacts and have previously been subject to SEA.”

We hope these comments are of assistance to the Borough Council and Neighbourhood Plan Steering Group. As there is some variation in practice in consulting the statutory bodies at the Regulation 14 Pre-submission stage please do inform the steering group that we would welcome the opportunity to comment on the Pre-submission version of the plan at the appropriate time.

Yours sincerely

Robert Lloyd-Sweet

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