

Strategic Environmental Assessment (SEA) Screening Opinion

Wadhurst Neighbourhood Plan (Pre-Regulation 14)

July 2021

Prepared by Wealden District Council

1. Introduction

- 1.1 This screening report is designed to determine whether the draft Wadhurst Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC ("The SEA Directive") and associated Environmental Assessment of Plans and Programmes Regulations 2004 (The "SEA Regulations").
- 1.2 A neighbourhood plan may require a Strategic Environmental Assessment (SEA) to comply with the SEA Directive where it is likely to have significant environmental effects. It is the Council's responsibility to determine whether the plan is likely to have significant environmental effects taking account of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, and in consultation with the Environmental Agency, Historic England and Natural England.
- 1.3 In order to decide whether a proposed neighbourhood plan is likely to have significant effects on the environment it is 'screened' at an early stage once the plan remit and objectives have been formulated. This report assesses the first draft of the Wadhurst Neighbourhood Plan (pre-regulation 14 stage).
- 1.4 If, after the screening assessment and consultation with the statutory bodies, the responsible authority determines that the neighbourhood plan is likely to have significant environmental effects, then a full Environmental Assessment will be required. Conversely, if it is determined through screening and consultation with the statutory bodies that the neighbourhood plan is unlikely to have significant environmental effects, then the neighbourhood planning group need not concern itself with subsequent stages of the SEA process.
- 1.5 The Council advises neighbourhood plan groups to undertake a Sustainability Appraisal to assess the impact of the Neighbourhood Plan against social, environmental and economic factors. This is good practice and can provide evidence for how the neighbourhood plan meets the requirement to promote sustainable development.

2. Overview of the Wadhurst Neighbourhood Plan

- 2.1 The Wadhurst Neighbourhood Plan is at an early stage of production and has yet to go out to Regulation 14 consultation. The plan covers Wadhurst Parish, which contains Ancient Woodland and Bewl Water, which is identified as a Local Wildlife Site and Biodiversity Opportunity Area. In conservation terms there are three conservation areas (Wadhurst, Pell Green, Cousley Wood), a Grade II Historic Park and Garden at Wadhurst Castle and a number of listed

buildings. The Parish is located in the High Weald Area of Outstanding Natural Beauty.

- 2.2** There are no Special Areas of Conservation, Special Protection Areas, Ramsar sites, Sites of Scientific Interest, National Nature Reserve, Local Nature Reserve designations within the neighbourhood area.
- 2.3** The Plan sets out a vision, objectives and policies covering a plan period to 2028. The Plan **does not allocate sites for development**. The Plan sets out a vision statement:

Wadhurst Parish will continue to be a collection of friendly and vibrant distinct communities. The Parish will retain and support its rural 'village feel', historic character and heritage. Justifiable, sensitive and sustainable development will be supported whilst robustly protecting the High Weald AONB. The Parish economy and its popular High Street will be revitalised by improvements to the roads, traffic control, parking and active support of businesses. Sustainable ways of improving travel and leisure activities and facilities, which promote wellbeing, will be sought wherever possible.'

- 2.4** The plan's objectives are:

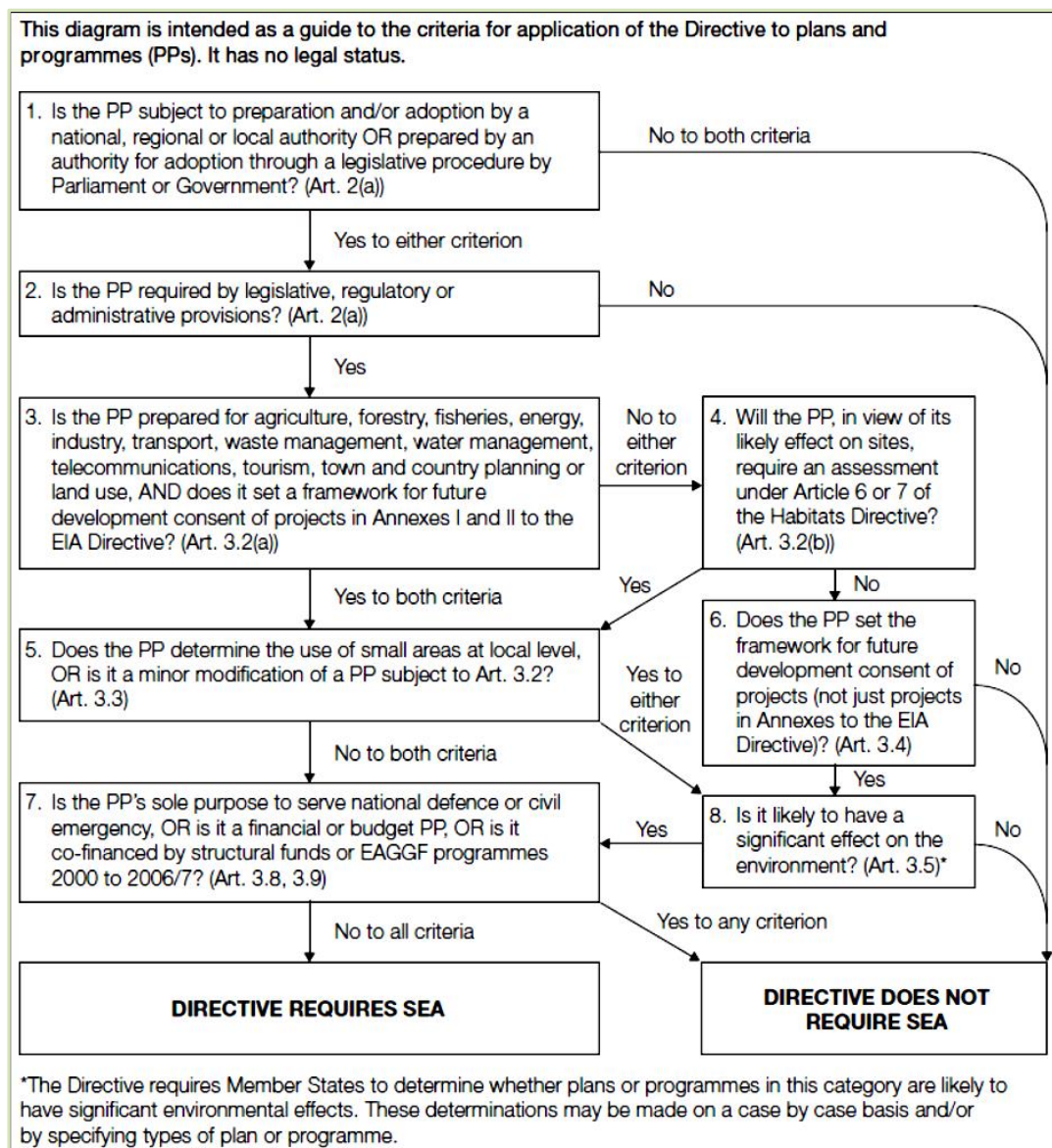
- to improve the infrastructure facilities and services to support all residents;
- to support and extend business and employment opportunities;
- to maintain and enhance the Parish rural character, including the High Weald Area of Outstanding Natural Beauty (HWAONB);
- to provide high-quality housing for residents through justified, sensitive and sustainable development; and
- to promote and deliver improvements to leisure activities and facilities.

3. SEA Screening Assessment

- 3.1** The screening assessment for the SEA is undertaken in two parts and will firstly assess whether the Wadhurst NDP requires an SEA as per the detailed guidance contained within 'A Practical Guide to the Strategic Environmental Assessment Directive' that is shown in Figure 1 that follows below¹. The second element of the assessment will consider whether the Wadhurst NDP is likely, in its current form, to have a significant effect on the environment, using the criteria drawn from Schedule 1 of the SEA Regulations. Figure 1 below is a guide as to how the criteria for the application of the Directive should be assessed

¹ See page 13 of 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005) and Figure 2 – Application of the SEA Directive to plans and programmes for the original diagram.

Figure 1: Application of the SEA Directive to plans and programmes



3.2 The process in figure 1 has been undertaken in terms of the Wadhurst NDP and the findings can be viewed in Table 1. This establishes whether this NDP would require an SEA. The questions in table 1 are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the Need for the SEA

Stage	Yes/No	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared	Yes	The Wadhurst Neighbourhood Plan is prepared by parish councils under the provision of the Town and Country Planning Act 1990 as amended by the Localism act 2011

Stage	Yes/No	Reason
by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a)).		and the associated Neighbourhood Plan Regulations 2012 as amended. Go to Stage 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The Wadhurst NDP is not a requirement and is optional under the provisions of the Town and Country Planning (as amended by the Localism Act 2011). However, once 'made' the Wadhurst NDP would form part of the statutory development plan, and will be used when making decisions on planning applications within the designated neighbourhood plan area. Therefore, it is considered necessary to establish whether there is a need for an SEA. 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))	Yes	The Wadhurst NP is being prepared for both town and country planning and land use and therefore meets the first part of this question. The NPD contains a general framework for all future development consent, which could include projects that would be listed in Annex II of the EIA Directive . Go to Stage 5
4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	Not applicable.	
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)	Yes	The Wadhurst NDP does not allocate land for a specific purpose but does show preference for the type and form of development at local level.

Stage	Yes/No	Reason
		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)	Not applicable	
7. Is the PP's sole purpose to serve 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)	Not applicable	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	This question is considered within the screening assessment itself that follows in Table 2 below.

- 3.3 The table below sets out the Councils assessment on the likely environmental effects of the draft Wadhurst Neighbourhood Plan with reference to the criteria specified in Schedule 1 of the SEA Regulations.

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
Characteristics of the Neighbourhood Plan, having regard to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p>The NDP would, if 'made', form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects.</p> <p>However, the neighbourhood plan must sit within a wider policy framework having regard to National Policy while also being in general conformity with the strategic policies of the District's Development Plan.</p>	No

	<p>The NDP does not seek to allocate sites for development. It instead provides policies to help guide development by providing certain criteria in relation to commercial, tourism and community uses. No specific detail is provided in relation to scale, type or form of development, although in general terms the framework of policies seeks to guide projects which are local in nature.</p>	
<p>(b) the degree to which the plan influences other plans and programmes including those in a hierarchy</p>	<p>The NDP must have regard to the National Planning Policy Framework and must be in general conformity with the strategic policies of the Council's Development Plan.</p> <p>The NDP may have a limited degree of influence over the formation of other documents and policies. However, the extent of impact is unlikely to be significant in this regard given the Plan's position within the policy hierarchy and its limited geographic scope.</p>	No
<p>(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>Wadhurst NDP does not allocate sites for development. The criteria based policies and local designations are designed to promote sustainable development in line with the requirement that all neighbourhood plans contribute to the achievement of sustainable development. It will be advised for the Wadhurst Neighbourhood Plan to be accompanied by a Sustainability Appraisal.</p>	No
<p>(d) environmental problems relevant to the plan</p>	<p>Wadhurst Neighbourhood Plan area does not contain Special Protection Areas, Special Areas of Conservation, Ramsar Sites, SSSIs, LNRs or NNRs. The area does contain ancient woodland but this designation is unlikely to be affected by the policies in the plan.</p>	No

	<p>The neighbourhood plan does not allocate sites for development and includes strong protection for the High Weald AONB and measures to reduce traffic.</p> <p>There are some policies that provide support for commercial, tourism and community uses subject to various criteria but these policies do not provide detail on scale, location, type or form of development and should such development come forward will be assessed in relation to any environmental issues.</p>	
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NDP will not affect the implementation of environmental legislation. The Habitats Regulations screening concludes that the Wadhurst Neighbourhood Plan will not result in a 'likely significant effect' on any SACs, SPAs or Ramsar sites.	No
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects	Wadhurst NDP plan period runs until 2028. The plan does not allocate sites for development but will set policies to help shape and guide development over that period and development that comes forward in the Neighbourhood Plan area will be assessed as part of the normal planning application process. It is unlikely that there will be significant environmental effects as a result of the policies and criteria in themselves.	No
(b) the cumulative nature of the effects of the plan	The scope of the policies proposed within the NDP are local in nature. There are some policies that provide support for certain types of development (e.g. commercial, tourism, community uses). However, the scale, location, type and form of development is not known and will therefore be assessed as part of the normal planning application process	No

	should development come forward. The policies and criteria in themselves will not result in a significant cumulative environmental effect.	
(c) the transboundary nature of the effects	There are not expected to be any trans-boundary effects on other parishes, local authority areas or wider.	No
(d) the risks to human health or the environment (for example, due to accidents)	There are no significant risks to human health or the environment. A number of policies seek to improve human health by ensuring safe pedestrian access, promoting active travel and supporting additional leisure facilities.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The Wadhurst NDP covers an area of 15.5km ² with a population of 4,883 at the last census in 2011. The Plan therefore covers a relatively small geographic area with a modest population. The plan is not allocating sites for development and the effects of the plan are likely to be largely limited to the neighbourhood area.	No
(f) the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage; • Exceeded environmental quality standards or limit values; and • intensive land-use 	<p>The Neighbourhood Area contains a Grade II Historic Park and Garden at Wadhurst Castle. Part of this land has been designated as a Green Gap (see Green Gap 8). Policy PEN3 applies in this area that seeks to prevent coalescence of settlements. The designation and policy is not considered to negatively affect the historic significance of the Castle or the Park and Garden.</p> <p>There are three conservation areas (Wadhurst, Pell Green, Cousley Wood) and a number of listed buildings. The plan provides policies to protect and enhance the Conservation Area, the historic environment and the High Weald Area of Outstanding Natural Beauty.</p> <p>The neighbourhood plan does not allocate sites. It is not expected that</p>	No

	<p>criteria based policies in themselves will lead to an exceedance of environmental quality standards or limit values. Any development that does come forward will be considered through the normal planning application process.</p> <p>The neighbourhood plan seeks to make efficient use of land by supporting brownfield development and directing development to the built up area as well as suitable uses of appropriate scale in more rural areas.</p>	
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	<p>The HRA screening assessment has not identified any likely significant environmental effects.</p> <p>The Neighbourhood Area is located within the High Weald AONB. The neighbourhood plan is not proposing sites for development and contains policies that seek to protect and enhance the AONB.</p>	No
Conclusion	The Wadhurst NDP is not likely to have a significant effect on the environment and as such an SEA is not required.	

4. SEA Screening Conclusion

- 4.1 As a result of the assessment at Section 3, it is considered by Wealden District Council that an SEA will not be required for the Wadhurst Neighbourhood Plan.
- 4.2 This report was sent to the three statutory bodies for comment (Historic England, Environment Agency and Natural England). Each body agreed with the Council's conclusion that the Wadhurst NDP is not likely to have significant effects on the environment and a SEA is therefore not required.
- 4.3 Historic England requested a minor amendment to the report to remove any reference to weight given to the existing protections afforded by national or local

policies in assessing the impact of the neighbourhood plan. The report has been amended accordingly.

4.4 The consultee's responses are provided at Appendix 1.

APPENDIX 1: Statutory Consultee Responses

[REDACTED]

From: [REDACTED]@HistoricEngland.org.uk>
Sent: 02 July 2021 14:33
To: [REDACTED]
Subject: Fw: Wadhurst Neighbourhood Plan - Statutory Consultation on the Draft SEA and HRA screening (pre regulation 14)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED]

Thank you for inviting Historic England's comment on the screening of the Wadhurst Neighbourhood Plan for Strategic Environmental Assessment. As Historic England's remit is limited to advising on the implications of planning for the historic environment, our assessment of the plan's potential environmental effects has been limited to these areas.

I am happy to confirm our agreement that the plan is unlikely to have significant environmental effects within our areas of interest and, as such we do not request that it is screened in for SEA. We reserve the right to request a review of this opinion if the plan changes significantly in scope at a later stage of drafting.

We do note the screening opinion places some weight on the existing protections provided by national and local plan policies as factors that would reduce the potential effect of any plan proposals. We would request that this is removed as a function of SEA would be to determine whether or not the plan would have any conflict with these policies.

Please don't hesitate to contact me if you have any queries relating to these comments.

Yours sincerely

[REDACTED]

[REDACTED]

From: [REDACTED]@environment-agency.gov.uk>
Sent: 21 June 2021 10:48
To: [REDACTED]
Cc: [REDACTED]
Subject: Wadhurst Neighbourhood Plan - Statutory Consultation on the Draft SEA and HRA screening (pre regulation 14) - Comments from the Environment Agency
Attachments: 210527 - Wadhurst NDP - HRA Screening Opinion.V3.docx; 210527 - Wadhurst NDP - SEA Screening Opinion.v3.docx; 2021-04-11NP Doc.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED]

Thank you for consulting the Environment Agency on the screening opinion for the Wadhurst Neighbourhood Development Plan.

Based on the information provided in the SEA Screening Opinion and the fact that the Plan is not allocating sites for development, we consider that the Neighbourhood Plan would not have a significant environmental effect and as such would not require an SEA in relation to the issues in our remit.

Kind regards

Solent and South Downs Area Sustainable Places Team

[REDACTED]@environment-agency.gov.uk

Date: 25 June 2021
Our ref: 357059
Your ref: Wadhurst NP – SEA/HRA



[REDACTED]
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
East Sussex BN27 2AX

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

BY EMAIL ONLY
[REDACTED]

T 0300 060 3900

Dear [REDACTED]

Wadhurst Neighbourhood Plan – SEA and HRA Screening

Thank you for your consultation on the above dated 28 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.