



Dover District **Local Plan**

Langdon Neighbourhood Development Plan (2023 to 2040)

Strategic Environmental Assessment (SEA) Screening Report And Habitats Regulations Assessment (HRA) Screening Report and Determination

Prepared by Dover District Council on behalf of Langdon Parish Council

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1 - Introduction and Non-Technical Summary

Introduction

1.1 This report provides a screening of the Regulation 14 Draft Langdon Neighbourhood Development Plan (2023 to 2040) against the need for a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA). The principles of SEA and HRA are introduced in the following paragraphs, while the legislative context underpinning each is summarised ahead of the relevant assessments in Sections 3 and 4 of the report.

What is a SEA?

1.2 A Strategic Environmental Assessment (SEA) is required under European legislation¹ for all plans which may have a significant effect on the environment. This particularly relates to plans which allocate development sites, including Local Plans and Neighbourhood Plans. An SEA is a mechanism for considering and communicating the likely significant effects of a draft Plan, and reasonable alternatives, with a view to avoiding and mitigating negative environmental effects and maximising the positives.

1.3 The purpose of SEA is to provide a high level of protection of the environment and to integrate environmental issues into the preparation and adoption of plans with a view to promoting sustainable development.

1.4 Not every plan needs an SEA. To determine whether the neighbourhood plan requires an SEA it is necessary to screen the objectives and proposals of the plan to determine whether it is likely to result in significant environmental effects. This can either be the local authority or the qualifying body (i.e. parish/town council or neighbourhood forum). As part of this screening process it is necessary to consult the SEA consultation bodies (Historic England, Natural England and the Environment Agency) to get their opinion on whether or not the plan is likely to result in significant environmental effects and therefore whether an SEA is required.

1.5 One of the basic conditions (condition 'f') for a neighbourhood plan is that it does not breach, and is otherwise compatible with, EU obligations. To meet this condition with regard to strategic environmental assessment (SEA), a neighbourhood planning group needs to have either a statement of reasons as to why SEA is not required, or, where an SEA is deemed necessary, an environmental report (and non-technical summary) which documents the findings of the SEA.

¹ The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633), as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates.

- 1.6 A neighbourhood plan should be screened as soon as there is sufficient information available to consider whether the proposed content of the plan or its likely intent (e.g. will it allocate development sites or not) are likely to lead to significant effects.
- 1.7 There are two potential outcomes to this screening: either the plan is not likely to result in any significant environmental effects and an SEA is not required, or the plan is deemed to be likely to result in significant environmental effects and that SEA (scoping report and full report) is required.

What is a HRA?

- 1.8 Habitats Regulations Assessment (HRA) is a process which looks at the potential impact of proposals within a plan on internationally designated wildlife sites. For the purpose of the HRA, internationally designated wildlife sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar wetland sites, which together are also known as 'Natura 2000' sites.
- 1.9 This initial screening stage of the HRA process involves consideration of the reasons for designation and the conservation objectives of each internationally designated wildlife site within a 'reasonable' distance of the particular Neighbourhood Plan Area and the potential impact of the proposals within the draft neighbourhood plan on these.

Relevant Dover District Assessments

- 1.10 The emerging Dover District Local Plan to 2040 is supported by the [SD03a Sustainability Appraisal incorporating Strategic Environmental Assessment Report \(2022\)](#) where Appendix B sets out the detailed policy context, baseline, and key sustainability issues (including their likely evolution without the Local Plan) for each SA subject area, including the topics required to be covered by the SEA Regulations.
- 1.11 The [HRA Final \(2024\)](#) is a composite version of all updates that have taken place to the HRA since the consultation on the Regulation 19 September 2022 HRA and incorporates consideration of the Main Modifications to the Local Plan consulted on during April and May 2024. The relevant European sites within or in close proximity to Dover District are set out in Appendix B, while the full screening matrix is presented in Appendix C.

Consultation

- 1.12 This report details the screening process undertaken for the Langdon Neighbourhood Development Plan against the requirements for an SEA and HRA to be produced to accompany the pre-submission (Regulation 14) version of the Neighbourhood Plan.
- 1.13 A copy of the Draft Screening Report was sent on 9th August 2024 to the three statutory consultees, the Environment Agency, Historic England and Natural England, to obtain their views on its content. Full copies of their responses are included in Appendix 2 and summarised below:

- 1.14 **Natural England:** 'It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely'. However, they have provided standing advice and advised that further consultation may be required with other advisors, as necessary, in relation to environmental assets if they may be affected by the plan.
- 1.15 **Historic England:** 'Although your neighbourhood area does contain a number of designated heritage assets, at this point we don't consider there is a need for Historic England to be involved in the detailed development of the strategy for your area'. They have provided detailed general advice for the neighbourhood plan group to review in relation to the preparation of the neighbourhood plan, including a recommendation to consult with relevant conservation officer and archaeological advisory services and review several guidance documents.
- 1.16 **Environment Agency:** 'Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the environment. This document sets out the key environmental issues which should be considered. Due to the high volume of work we are unable to provide detailed comments on Neighbourhood Plans at the present time'. They have provided detailed guidance and advice to the Neighbourhood Planning group.
- 1.17 All respondents make clear that their advice is based on the information available at the time of this consultation and does not remove the requirement for further consultation on the Neighbourhood Plan or remove their right for further comment/objection on the Neighbourhood Plan / SEA process. They should be reconsulted on any revised SEA Screening if the plan is amended, and any subsequent SEA Scoping if progressed to that stage.

Conclusion

- 1.18 The draft NDP does not allocate sites for development and contains policies which would require any development coming forward to protect and enhance the environment. The assessment finds that no significant negative effects will occur as a result of the Regulation 14 Draft Langdon Neighbourhood Plan. It is therefore concluded that a full SEA is **not required** at this time.
- 1.19 The Langdon NDP does not allocate any additional sites for development or include proposals that would be likely to adversely affect the integrity of the internationally designated sites, alone or in combination with other projects and plans. It is therefore considered that a full HRA/AA of the Langdon NDP is **not required**.
- 1.20 Once the Regulation 15 Neighbourhood Plan is published, if it is changed in a significant manner, or any currently unidentified consequences or policy conflicts arise, a new SEA screening process may need to be undertaken to re-assess the conclusions on whether a full SEA/HRA will be required.

2 – Langdon Neighbourhood Development Plan (2023 to 2040)

Context

- 2.1 Langdon is a rural parish situated around 3 miles north of Dover within the Dover District. Langdon parish comprises the villages of East Langdon, West Langdon, Martin and Martin Mill. The parish had a population of 610 residents and 260 households on the most recent Census day ([Langdon Parish Profile \(dover.gov.uk\)](https://www.dover.gov.uk)).
- 2.2 Langdon's household composition is primarily single-family households while the most common household size is two residents. The majority of residential properties in Langdon (over 82%) are owned outright or owned with a mortgage, while almost 60% of the population of Langdon is economically active (from the population aged 16 or over). The most common occupation categories for Langdon's residents are managers, directors and senior officials, and professional or associate professional or technical occupations.

The Neighbourhood Plan

- 2.3 The Neighbourhood Development Plan (NDP) area for Langdon was designated in October 2020 and covers the entire parished area.
- 2.4 The Langdon NP project is being led by a steering group set up by Langdon Parish Council as the qualifying body, and comprises local councillors and volunteers from the community.
- 2.5 Through consultation with the community, local businesses and others the Steering Group has established a vision and objectives for Langdon parish in 2040, addressing sustainable development and housing, high quality design, protecting the natural and built environment, safe and active travel and connected and supported communities.
- 2.6 Once adopted, the NDP's planning policies would form part of the development plan for the district, establishing a framework of planning policy upon which development within the parish during the Plan period will be judged.
- 2.7 The vision for Langdon Neighbourhood Development Plan is provided below:

Langdon in 2040 will have retained, and where, possible enhanced its important cultural and community facilities, including a thriving school, café, pub and a shop. All four villages will have kept their individual identities and sense of separation, but will be linked by a network of safe pedestrian, cycle and horse riding routes, including to the railway station. New houses will blend with the existing character of the area. Wildlife, landscapes and dark skies will be protected and enhanced and rural and agricultural enterprises will flourish. Langdon will be green, rural and accessible. Where possible, we will have worked with partners to enable well maintained roads and verges, speed restrictions (20 mph), good pavements, public transport and clean air.

- 2.8 Underpinning this vision are five objectives as set out below
- 2.9 **Sustainable development and housing:** New homes are well-designed homes and directed to the most sustainable locations. They will meet the needs of the local

community and allow growth and adaptation to serve all phases of life, promoting health & wellbeing.

- 2.10 **High quality design:** The individual identities of the four villages and their sense of separation from the countryside is maintained. New homes and businesses will blend with the existing character of the area. The architecture uses passive energy and low carbon building materials and there is increased biodiversity and reduced carbon emissions for existing and proposed development.
- 2.11 **Protecting the natural and built environment:** The natural environment is protected and celebrated. Green spaces that are important to the community are safeguarded and opportunities for biodiversity improvements are sought. There is a network of ecological corridors that connect through the villages and to the wider countryside. Space for a wide range of active and passive recreation, for all ages. The value of the parish's dark skies is recognised. The parish's historic assets are protected and conserved.
- 2.12 **Safe and active travel:** Opportunities to encourage walking, cycling and equestrian are optimised to encourage active travel for local journeys. There is the infrastructure to support electric cars with fewer miles travelled by vehicle.
- 2.13 **Connected and supported communities:** The existing amenities in the parish are safeguarded and, where necessary improved and expanded, to serve all needs – for health, social and wellbeing, local food produce, education, culture, retail, sport and recreation. They are inclusive spaces that connect and bring people together linked to active travel and green spaces.
- 2.14 The draft NDP sets out a framework of policies upon which development proposals within the parish will be judged, and these are summarised in the below table:

Langdon NDP Draft Policies and Summary of Aims

Policy Reference and Title	Summary of Policy Aims
L1: Location of Development	Seeks to ensure that development in the parish is directed to the most suitable locations, including brownfield land, setting criteria for development outside settlement boundaries and establishing that rural exceptions schemes will be acceptable where they are supported by appropriate evidence.
L2: Meeting Local Housing Needs	Requires proposals to respond to housing needs identified through the Langdon Housing Needs Assessment, also making provision for affordable housing products and housing for older people

L3: Character and Design of Development	Seeks a high quality of design including materials in keeping with the local vernacular, or otherwise contributing to the visual appearance of the parish, also including landscaping, and landscape buffers
L4: Energy Efficiency and Design	Promotes the use of measures which reduce carbon emissions and climate effects, including through siting and orientation, on-site energy generation and retrofitting.
L5: Community and Renewable Energy	Supports the development of facilities for energy generation subject to criteria including avoiding harm to the landscape and residential amenity
L6: Conserving Heritage Assets	Aims to avoid impacts direct and indirect impacts on heritage assets both above and below ground, as well as conserving the character of the conservation areas
L7: Supporting Flexible Workspaces and Opportunities for Homeworking	Supports the establishment of home and co-working spaces as well as incubator and start-up businesses
L8: The Natural Environment and Biodiversity	Seeks BNG units within parish where on-site delivery is not possible, protection of the landscape and green spaces, and inclusion of nature-friendly features within new development
L9: Local Green Spaces	Designates eight spaces as local green spaces
L10: Locally significant views	Identifies locally-significant views which should be taken into consideration within development proposals
L11: Dark Skies	Aims to protect the night sky from light pollution as a result of development
L12: Improving Walking, Cycling and Equestrian Opportunities	Seeks links from development to walking and cycling networks, new bridleways, and to reduce the impact on local character of works to highways and improve air quality
L13: Important Community and Education Facilities	Safeguards and seeks enhancements to identified community facilities through development

Table 1 - Langdon NDP draft policies and summary of aims

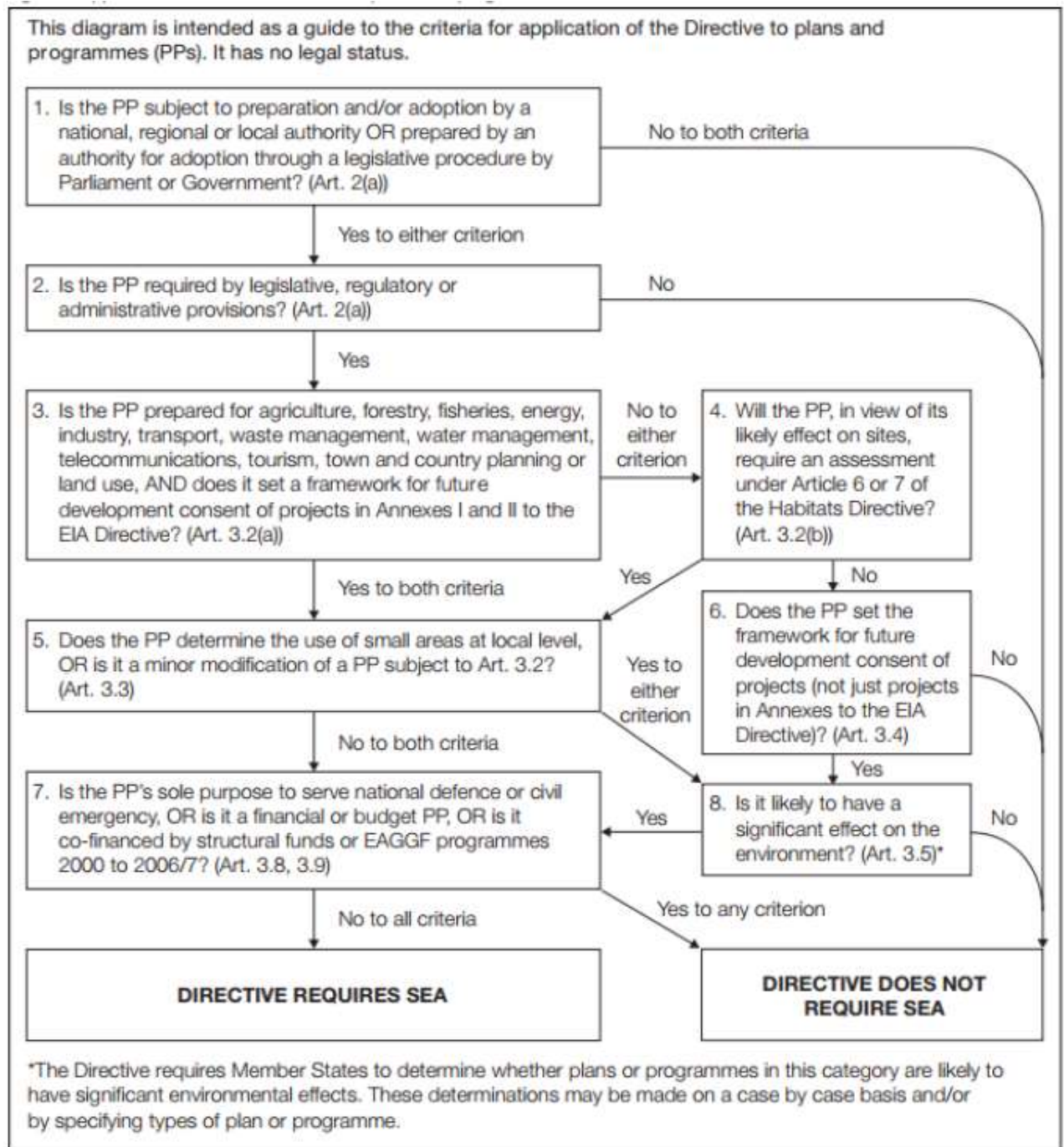
2.15 The following chapters carry out the SEA Screening Assessment and HRA Screening and Determination for the draft Langdon Neighbourhood Development Plan (2023 to 2040).

3 - SEA Screening Assessment

- 3.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC (the SEA Directive) and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations². Detailed Guidance of these regulations can be found in the Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005).
- 3.2 In October 2023 the Levelling up and Regeneration Act received royal assent, setting out detailed reforms to the planning system. Amongst other things, the Act allows for the replacement of the current SEA regime with a new requirement for an Environmental Outcomes Report. The specific requirements will be set out in forthcoming regulations, along with information about transition arrangements; however at present the requirement for SEA remains as set out in existing legislation.
- 3.3 To establish if a plan needs to be accompanied by a full SEA, a “screening” assessment is required against a series of criteria set out in the SEA Directive. A Practical Guide to the Strategic Environmental Assessment Directive sets out in a diagrammatic form the process for screening the Plan against a series of criteria.

² The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633), as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates

Figure 1 - Application of the SEA Directive to Plans and Programmes



Screening Report for Langdon Neighbourhood Development Plan (2023 to 2040)

Part 1 - Utilising the step-by-step guide in relation to Langdon Neighbourhood Development Plan:

Stage	Y/N	Justification
1. Is the PP 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. Once the plan is prepared it will be subject to Examination and Referendum, if successful it will be adopted by Dover District Council as the Local Planning Authority as part of the development plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art 2. (a))	Y	Whilst the provision of a NDP is optional, it will form part of the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and whether SEA is required under the Directive.
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, and will therefore set a framework for future development consent of projects in Annex II of the EIA Directive including Energy and Infrastructure developments
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))	N/A	See HRA Screening Assessment in Section 4
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.
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	
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)	N/A	
8. Is it likely to have a significant effect on the environment? (Art 3.5)		See assessment carried out in Table 3

Table 2 - Utilising the step-by-step guide in relation to Langdon Neighbourhood Development Plan

3.4 At this stage of Neighbourhood Plan preparation the draft vision and objectives and policy themes of the neighbourhood plan as outlined in Section 2 of this report have been used to undertake this screening assessment.

- 3.5 If the information used to undertake this screening report is changed in a significant manner as the Neighbourhood Plan is redrafted, such as quantum or locations of development, then an additional screening exercise will be required.
- 3.6 This part of the report is to deal specifically with Question 8 of the SEA Directive guidance (Table 1 above). The criteria for this assessment is taken from Article 3.5 of the SEA Directive:

Part 2 – Assessment of likelihood of significant environmental effect for Langdon Neighbourhood Development Plan (2023 to 2040) against Article 3.5 criteria

SEA Requirement	Assessment
The characteristics of plans and programmes, having regard, in particular, to:	
1. 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;	The NDP does not allocate specific land for development but does direct development to general locations such as within the limits of built development and will guide the delivery of development in the Parish, including in terms of design.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Neighbourhood Plan has to be in general conformity with the local strategic framework (i.e. the adopted Core Strategy (2010) Land Allocations Plan (2015) and the emerging Dover District Local Plan to 2040). The Neighbourhood Plan must also have regard to the National Planning Policy Framework. The Neighbourhood Plan does not have influence over other plans. Once made, the Neighbourhood Plan will form part of the statutory development plan for the Parish and will be used in conjunction with the emerging Local Plan (once adopted) to determine planning applications If the NDP is not delivered, the Borough's emerging and existing Local Plan is not affected. The emerging Local Plan is subject to SEA.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	One of the Basic Conditions which the Neighbourhood Plan must meet is to contribute to sustainable development. The NDP basic conditions statement includes reference to the consideration of sustainable development as the plan was being prepared.
Environmental problems relevant to the plan or programme;	There are no specific environmental problems relevant to this NDP. While the NDP does not allocate sites for development, it aims to protect and enhance the environment and biodiversity via policy L8, as well as identifying eight Local Green Spaces under L9, and important views under L10. These policies help to ensure the NDP has a positive effect on the environment
The relevance of the plan or programme for the implementation of Community legislation on the	The NDP will not affect implementation of European Community environmental legislation (or those now transcribed in UK law), which have been hard regard to in

environment (for example, plans and programmes linked to waste management or water protection).	the preparation of the emerging Dover District Local Plan with which the NDP must be in conformity.
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
The probability, duration, frequency and reversibility of the effects;	The Neighbourhood Plan does not allocate sites for housing or other forms of development. Effects of the Neighbourhood Plan are expected to be indirect. The NDP also contains policies which seek to protect and enhance the environment and secure the retention and enhancement of local employment, services and facilities. The NDP will therefore reduce the potential for likely significant effects.
The cumulative nature of the effects;	<p>The NDP does not propose any development which is likely to result in any cumulative effects. The emerging Local Plan allocates one site for 40 units and Policy SP4 identifies East Langdon as a 'Larger Village' and Martin Mill and Martin as 'Smaller Villages/Hamlets' in the Hierarchy. The Local Plan does not identify a minimum housing requirement for the Parish.</p> <p>The emerging Dover District Local Plan has been subject to full Sustainability Appraisal, which addresses cumulative matters in more detail.</p> <p>The NDP proposes policies which seek to further protect and enhance the environment and promote renewable energy generation and energy efficiency.</p>
The transboundary nature of the effects;	No effects on adjoining parishes or districts are anticipated. Transboundary effects under the SEA Regulations refers transboundary effects on other EU Member States; hence, they are not relevant to this Neighbourhood Plan.
The risks to human health or the environment (for example, due to accidents);	No risks to human health have been identified nor have risks to the environment. The policies within the Plan seek to protect and enhance the environment, improve air quality and encourage sustainable travel and highway safety improvements
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The geographic area and population of the area the plan covers are relatively small. The population is 610 and Langdon has 260 dwellings so the size of population likely to be affected is comparatively small.
<p>The value and vulnerability of the area likely to be affected due to:</p> <p>i) special natural characteristics or cultural heritage;</p> <p>ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use</p>	<p>i) There are no internationally or nationally-protected sites within the parish. There is a Local Wildlife Site and Ancient Woodland within the parish boundary at Cane Wood and several areas designated as national Priority Habitat across the parish - predominantly areas of deciduous woodland.</p> <p>There are no flood zones within the parish although there are areas shown to be at risk of surface water flooding.</p> <p>The majority of the parish is within an Area of Archaeological Potential, and there are Scheduled Monuments at, and associated with, Langdon Abbey. The centres of East Langdon and Martin are conservation areas</p>

	<p>while listed buildings are found within the CAs, at Solton Manor and at Langdon Abbey. See map at appendix 1.</p> <p>The parish also contains Grade 2 and Grade 3 agricultural land</p> <p>The draft NDP contains policies to protect and enhance the areas of the natural and historic environment identified above, giving the opportunity to shape proposals in ways which improve, or at worst avoid harm to, those assets identified. The draft NDP also designates 9 areas as Local Green Spaces which further safeguards areas of cultural importance.</p> <p>ii) The draft NDP is not expected to exceed environmental quality standards or limit values.</p> <p>iii) The draft NDP does not allocate sites for development, rather it sets a local framework upon which future development will be judged alongside the emerging Dover District Local Plan. The draft NDP and emerging DDLP both seek to make efficient use of land and so no significant environmental effects are anticipated resulting from intensive land-use</p>
The effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>None of the parish is recognised as having national landscape status, albeit the draft NDP through policy L8 seeks to avoid impacts on the Kent Downs National Landscape which is located approximately 300 metres from the parish boundary to the east, across the A258 Dover-Deal Road. At Policy L10, the draft NDP identifies locally-significant views which should be taken into account in development proposals, which acts as a safeguard against significant localised landscape impacts.</p>
Part 2 SEA Overall Conclusion	<p>The policies contained within the draft NDP alongside those within the emerging Dover District Local Plan will ensure that any development coming forward as windfall development is unlikely to have significant environmental effects</p>

Table 3 - Assessment of likelihood of significant environmental effect for Langdon Neighbourhood Plan against Article 3.5 criteria

SEA Screening Conclusion

3.7 The draft NDP does not allocate sites for development and contains policies which would require any development coming forward to protect and enhance the environment. The assessment finds that no significant negative effects will occur as a result of the Regulation 14 Draft Langdon Neighbourhood Plan. It is therefore concluded that a full SEA is **not required** at this time.

3.8 Once the Regulation 15 Neighbourhood Plan is published, if it is changed in a significant manner, or any currently unidentified consequences or policy conflicts arise, a new SEA screening process may need to be undertaken to re-assess the conclusions on whether a full SEA will be required.

4 - HRA Screening Report and Determination

4.1 The Habitats Regulations Assessment (HRA) refers to the appropriate assessment required for any plan or project to assess the potential implications for European wildlife sites. The HRA therefore looks at whether the implementation of the plan or project would harm the habitats or species for which European wildlife sites are designated. These include:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)

4.2 In addition to SPAs and SACs Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats Regulations, as a matter of national planning policy, Ramsar sites are treated in the same way as European wildlife sites. These European wildlife sites are often grouped and known as Natura 2000 sites.

4.3 The first stage of the HRA process is a “screening” exercise where the details of nearby internationally designated sites are assessed to see if there is the potential for the implementation of the Plan to have an impact on the site.

4.4 The purpose of the Screening stage is to:

- Identify all aspects of the plan that would have no effect on a European site. These can be eliminated from further consideration in respect of this and other plans
- Identify all aspects of the plan that would not be likely to have a significant effect on a European site (i.e. would have some effect because of links/connectivity but the effect is not significant), either alone or in combination with other aspects of the same plan or other plans or projects. These do not require ‘Appropriate Assessment’.
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require Appropriate Assessment.

4.5 The following assessment will screen the potential impact of the proposals for the Langdon Neighbourhood Development Plan on these sites within 20km of the Neighbourhood Area Boundary.

4.6 The following Natura 2000 sites are located within 20km of the Langdon Neighbourhood Area boundary (See Map A – Appendix 1).

Table 4 - International Designated Sites (within 20km) of Langdon NDP boundary

European Sites	Closest Distance/Location from Neighbourhood Plan Area
Dover to Kingsdown Cliffs SAC	2km east
Lydden and Temple Ewell Downs SAC	4km west
Sandwich Bay RAMSAR	6km north
Thanet Coast and Sandwich Bay SPA	8km north-east
Folkestone to Etchinghill Escarpment SAC	13km south-west

Table 4 - International Designated Sites within 20km of Langdon NDP boundary

Assessment of ‘Likely Significant Effects’ of Langdon NDP policies

4.7 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended), an assessment has been undertaken of the ‘likely significant effects’ of the plan. The assessment has been prepared in order to identify which policies would be likely to have a significant effect on European sites (either alone or in combination with other plans or projects). The Screening assessment has been conducted without taking any proposed mitigation into account, in accordance with the ‘People over Wind’ judgement.

4.8 If the potential for policies to have likely significant effects is identified, consideration would then be given to the potential for the development proposed to result in significant effects associated with:

- Physical loss or damage to habitat;
- Non-physical disturbance (noise, vibration and light pollution);
- Non-toxic contamination;
- Air pollution;
- Recreational pressure; and
- Changes to hydrology, including water quantity and quality.

4.9 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.

4.10 In the Waddenzee case, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that :

An effect should be considered ‘likely’, “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site” (paragraph 44). An effect should be considered ‘significant’, “if it undermines the conservation objectives” (paragraph 48). Where a plan or project has an effect on a site “but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned” (paragraph 47).

4.11 Further, a relevant opinion delivered to the Court of Justice of the European Union commented that:

“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”

4.12 This opinion (the ‘Sweetman’ case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered ‘trivial’ or de minimis; referring to such cases as those “that have no appreciable effect on the site”. In practice such effects could be screened out as having no likely significant effect – they would be ‘insignificant’.

4.13 The HRA Screening assessment therefore considers whether the draft Langdon NDP policies could have likely significant effects either alone or in combination.

Table 5 - Assessment of Langdon NDP Likely Significant Effects on European Sites

Policy Reference and Title	Likely Significant Effects on SPA/SAC/RAMSAR?	
	Y/N	Justification
L1: Location of Development	N	Seeks to ensure that development in the parish is directed to the most suitable locations, including brownfield land - therefore encourages sustainable development but the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L2: Meeting Local Housing Needs	N	Requires proposals to respond to housing needs identified through the Langdon Housing Needs Assessment – however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L3: Character and Design of Development	N	Seeks a high quality of design including materials in keeping with the local vernacular, or otherwise contributing to the visual appearance of the parish –

		however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L4: Energy Efficiency and Design	N	Promotes the use of measures which reduce carbon emissions and climate effects - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L5: Community and Renewable Energy	N	Supports the development of facilities for energy generation - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L6: Conserving Heritage Assets	N	Aims to avoid impacts direct and indirect impacts on heritage assets both above and below ground, as well as conserving the character of the conservation areas - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L7: Supporting Flexible Workspaces and Opportunities for Homeworking	N	Supports the establishment of home and co-working spaces as well as incubator and start-up businesses - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L8: The Natural Environment and Biodiversity	N	Seeks BNG units within parish where on-site delivery is not possible, protection of the landscape and green spaces, and inclusion of nature-friendly features within new development – however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L9: Local Green Spaces	N	Designates eight spaces as local green spaces - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L10: Locally significant views	N	Identifies locally-significant views which should be taken into consideration within development proposals - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L11: Dark Skies	N	Aims to protect the night sky from light pollution as a result of development - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L12: Improving Walking, Cycling and Equestrian Opportunities	N	Seeks links from development to walking and cycling networks, new bridleways, and to reduce the impact on local

		character of works to highways - however the policy does not directly lead to development in and of itself so no significant effects are likely as a result
L13: Important Community and Education Facilities	N	Identifies possible improvements at East Langdon Village Hall, West Langdon Village Hall by improving existing facilities, thereby having no significant effects on protected sites. Also identifies a need for new allotment provision, though this is unlikely to have a significant effect on protected sites

Table 5 - Assessment of Langdon NDP Likely Significant Effects on European Sites

4.14 None of the draft Langdon NDP policies are expected to have a likely significant effect on European-protected sites alone. Although there are protected sites which would be close enough to require further consideration at the Appropriate Assessment stage, the lack of site allocations in the Langdon NDP avoids the need for such an assessment. As per Table 5, there are no likely significant effects on European sites from the Langdon NDP policies alone.

Assessing the Potential for In-Combination Effects

4.15 Regulation 105 of the Habitats Regulations 2017 requires an Appropriate Assessment where “a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site”. Therefore, where likely insignificant effects are identified for the plan alone, it is necessary to consider whether these may become significant effects in combination with other plans or projects.

4.16 The emerging Dover District Local Plan proposes one residential site allocation within the Langdon NDP boundary, under Policy SAP40 where ‘Land adjacent to Langdon Court Bungalow’ is allocated with an indicative capacity of 40 dwellings.

4.17 Additionally, several other neighbourhood plans are in preparation across the District as per the Council’s [Neighbourhood Planning webpage](#) and windfall development can result in in-combination effects too.

4.18 The Council’s most recent land supply update (dated September 2023) shows no major sites with full or outline planning permission within the NDP area, while there are 3 minor sites, totalling 5 dwellings, with planning permission. 2 of the 3 are recorded as being under construction at the time of the most recent update available on the Council’s [Plan Monitoring webpage](#).

4.19 Given that the draft Langdon NDP does not identify any further sites for housing development, or other uses involving new development, it is considered that the NDP results in no likely in-combination effects on European-protected sites over and above those already addressed as part of the Appropriate Assessment of the emerging Dover District Local Plan.

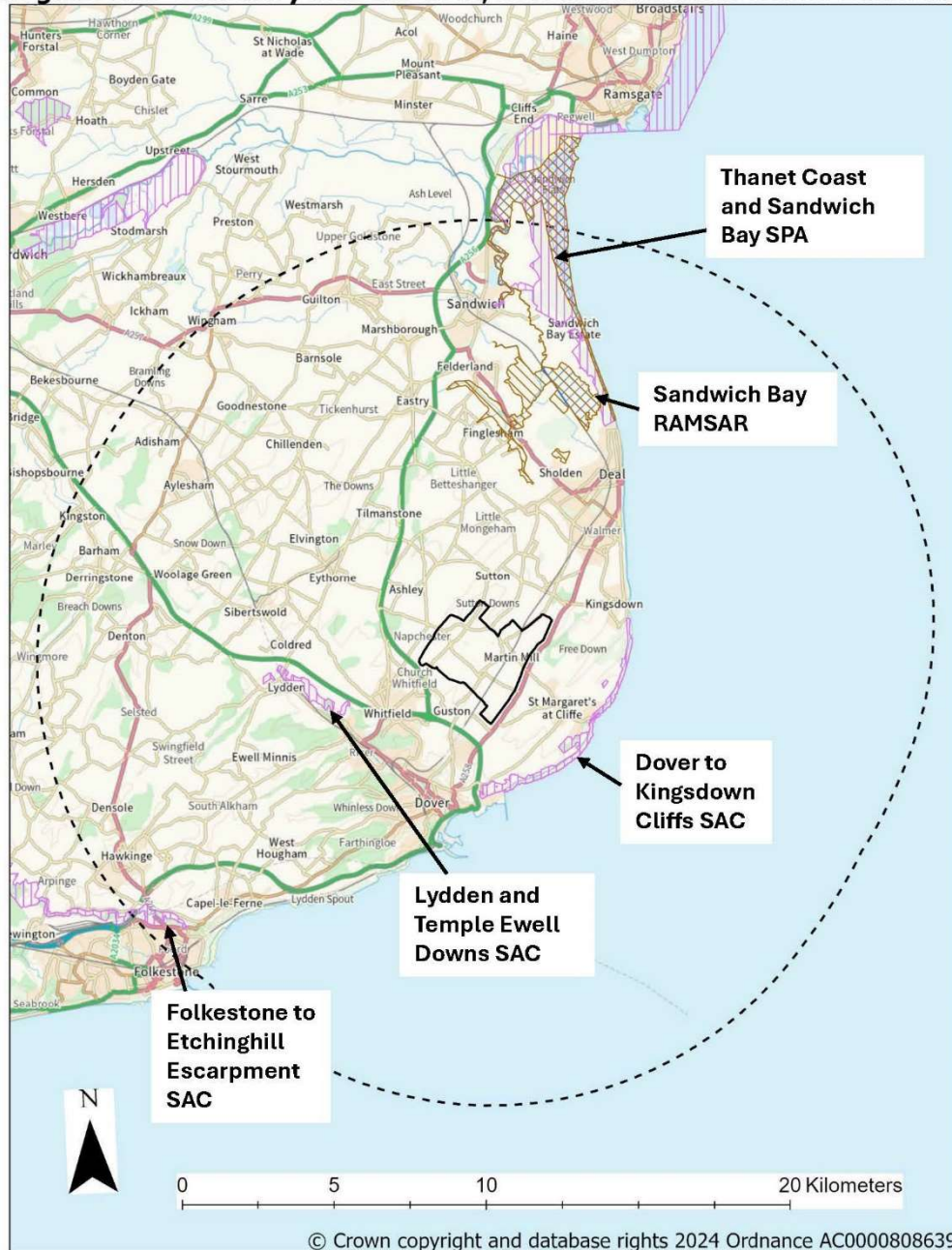
HRA Screening Conclusion

- 4.20 The Langdon NDP does not allocate any additional sites for development or include and proposals that would be likely to adversely affect the integrity of the internationally designated sites, alone or in combination with other projects and plans. It is therefore considered that a full HRA/AA of the Langdon NDP is **not required**.
- 4.21 Once the Regulation 15 Neighbourhood Plan is published if it is changed in a significant manner, or any currently unidentified consequences or policy conflicts arise, a new HRA screening process may need to be undertaken to re-assess the conclusions on whether a full HRA/AA will be required.

Appendix 1: Map(s)

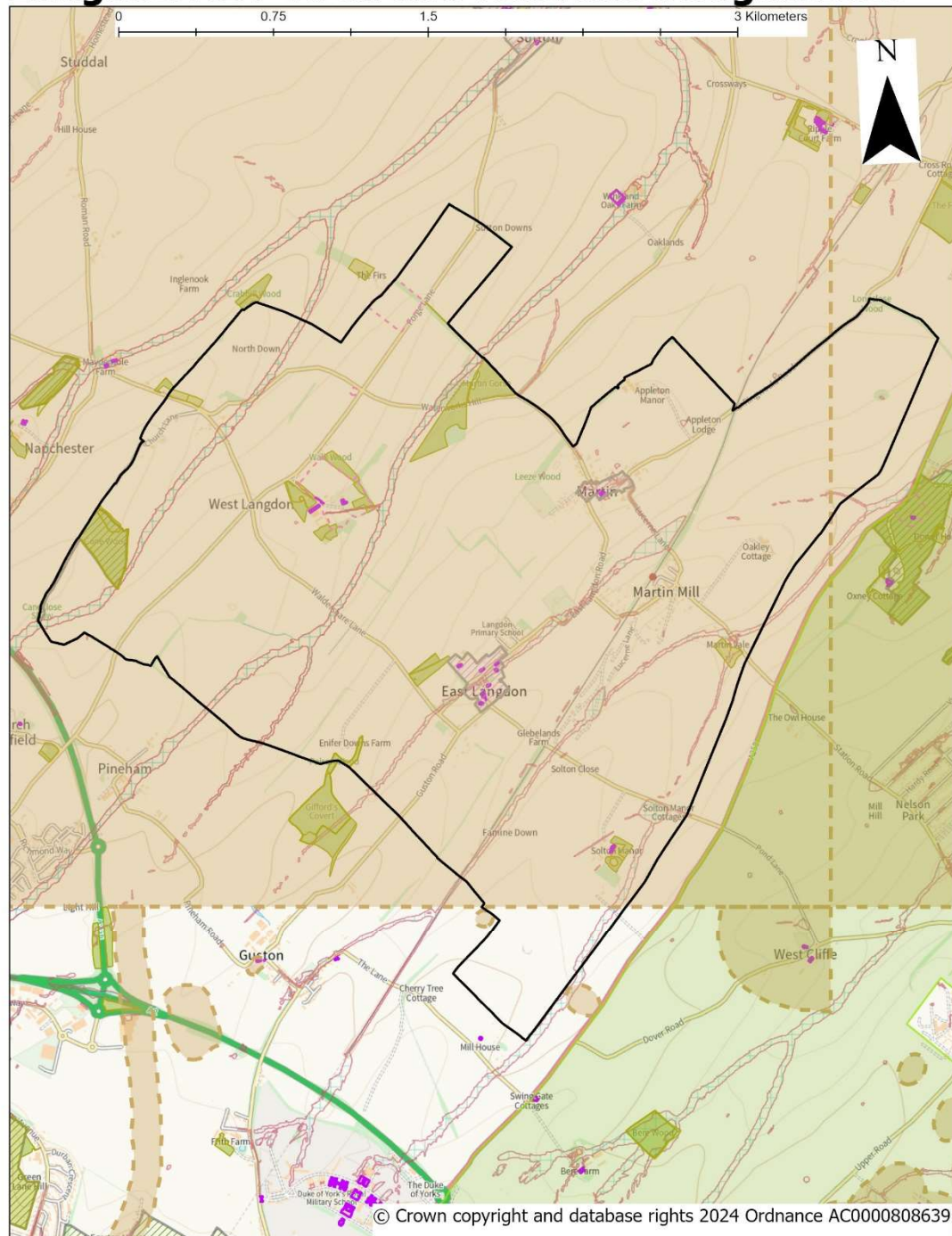
Map A – Langdon NDP Boundary and RAMSAR, SPA and SAC Sites within 20km buffer

Langdon NDP Boundary and RAMSAR, SPA and SAC Sites within 20km buffer



Map B – Langdon NDP Area and Relevant Designations

Langdon NDP Area and relevant designations



Legend

	Langdon NDP Boundary		Areas of Archaeological Potential		Priority Habitat Inventory
	Ancient Woodland		Conservation Areas		Local Wildlife Sites
	Area of Outstanding Natural Beauty		Listed Buildings		Risk of Flooding from Surface Water
			Scheduled Monuments		



Appendix 2: Responses from Statutory Consultees

Natural England

Date: 10 September 2024
Our ref: 485210
Your ref: Langdon Neighbourhood Plan



Mr Alex Newson
Dover District Council

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

T: 0300 060 3900

BY EMAIL ONLY

Dear Mr Newson

Langdon Neighbourhood Plan - SEA/HRA Screening Consultation

Thank you for your consultation on the above dated and received by Natural England on 9 August 2024.

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 (SEA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely.

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection area (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in

Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk.

Yours sincerely

Sally Wintle
Consultations Team



By e-mail to [REDACTED]

Our ref:

PL00796702

Your ref:

20/08/2024

Date:

Direct Dial: [REDACTED]

Mobile: [REDACTED]

Dear Mr Newson,

Draft Langdon Neighbourhood Development Plan and SEA Screening

Thank you for consulting Historic England about the draft Langdon Neighbourhood Plan and SEA Screening. This is the first opportunity Historic England has had to review your neighbourhood plan. As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully considered at all stages and levels of the local planning process.

Neighbourhood Plans are an important opportunity for local communities to set the agenda for their places, setting out what is important and why about different aspects of their parish or other area within the neighbourhood area boundary, and providing clear policy and guidance to readers – be they interested members of the public, planners or developers – regarding how the place should develop over the course of the plan period. We welcome the production of this neighbourhood plan and are pleased to see that the historic environment of your parish features throughout this draft.

Although your neighbourhood area does contain a number of designated heritage assets, at this point we don't consider there is a need for Historic England to be involved in the detailed development of the strategy for your area, but we offer some general advice and guidance below, which may be of assistance. The conservation officer at your local Council will be the best placed person to assist you in the development of the Plan with respect to



Historic England, 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA

Telephone 020 7973 3700 Facsimile 020 7973 3001

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the historic environment and can help you to consider and clearly articulate how a strategy can address the area's heritage assets.

Paragraph 190 of the National Planning Policy Framework (2021) sets out that Plans, including Neighbourhood Plans, should set out a positive strategy for the conservation and enjoyment of the historic environment. In particular, this strategy needs to take into account the desirability of sustaining and enhancing the significance of all types of heritage asset where possible, the need for new development to make a positive contribution to local character and distinctiveness; and ensure that it considers opportunities to use the existing historic environment to help reinforce this character of a place.

It is important that, as a minimum, the strategy you put together for your area safeguards those elements of your neighbourhood area that contribute to the significance of those assets. This will ensure that they can be enjoyed by future generations of the area and make sure your plan is in line with the requirements of national planning policy, as found in the National Planning Policy Framework.

The government's [National Planning Practice Guidance](#) on neighbourhood planning is clear that, where relevant, Neighbourhood Plans need to include enough information about local heritage to guide local authority planning decisions and to put broader strategic heritage policies from the local authority's local plan into action but at a *neighbourhood* scale. Your Neighbourhood Plan is therefore an important opportunity for a community to develop a positive strategy for the area's locally important heritage assets that aren't recognised at a national level through listing or scheduling. If appropriate this should include enough information about local non-designated heritage assets, including sites of archaeological interest, locally listed buildings, or identified areas of historic landscape character. Your plan could, for instance, include a list of locally important neighbourhood heritage assets, (e.g. historic buildings, sites, views or places of importance to the local community) setting out what factors make them special. These elements can then be afforded a level of protection from inappropriate change through an appropriately worded policy in the plan. We refer you to our guidance on local heritage listing for further information: HE Advice Note 7 - local listing:

<https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7>

The plan could also include consideration of any Grade II listed buildings or locally designated heritage assets which are at risk or in poor condition, and which could then be the focus of specific policies aimed at facilitating their enhancement. We would refer you to our guidance on writing effective neighbourhood plan policies, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/policy-writing/>

If you have not already done so, we would recommend that you speak to the staff at local authority archaeological advisory service who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also non designated locally important buildings,



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archaeological remains and landscapes. Some Historic Environment Records may be available to view on-line via the Heritage Gateway (www.heritagegateway.org.uk). It may also be useful to involve local voluntary groups such as a local Civic Society, local history groups, building preservation trusts, etc. in the production of your Neighbourhood Plan, particularly in the early evidence gathering stages.

Your local authority might also be able to provide you with more general support in the production of your Neighbourhood Plan, including the provision of appropriate maps, data, and supporting documentation. There are also funding opportunities available from Locality that could allow the community to hire appropriate expertise to assist in such an undertaking. This could involve hiring a consultant to help in the production of the plan itself, or to undertake work that could form the evidence base for the plan. More information on this can be found on the My Community website here: <http://mycommunity.org.uk/funding-options/neighbourhood-planning/>.

The Conservation Area may have an appraisal document that would ordinarily set out what the character and appearance of the area is that should be preserved or enhanced. The neighbourhood plan is an opportunity for the community to clearly set out which elements of the character and appearance of the neighbourhood area as a whole are considered important, as well as provide specific policies that protect the positive elements, and address any areas that negatively affect that character and appearance. An historic environment section of your plan could include policies to achieve this and, if your Conservation Area does not have an up to date appraisal, these policies could be underpinned by a local character study or historic area assessment. This could be included as an appendix to your plan. Historic England's guidance notes for this process can be found here: [HE Advice Note 1 - conservation area designation, appraisal and management](https://historicengland.org.uk/images-books/publications/understanding-place-historic-area-assessments/), and here: <https://historicengland.org.uk/images-books/publications/understanding-place-historic-area-assessments/>. The funding opportunities available from Locality discussed above could also assist with having this work undertaken.

The NPPF (paragraphs 124- 127) emphasises the importance placed by the government on good design, and this section sets out that planning (including Neighbourhood Plans) should, amongst other things, be based on clear objectives and a robust evidence base that shows an understanding and evaluation of an area, in this case the Parish of Capel. The policies of neighbourhood plans should also ensure that developments in the area establish a strong sense of place and respond to local character and history by reflecting the local identity of the place – for instance through the use of appropriate materials, and attractive design.

Your neighbourhood plan is also an opportunity for the community to designate Local Green Spaces, as encouraged by national planning policy. Green spaces are often integral to the character of place for any given area, and your plan could include policies that identified any deficiencies with existing green spaces or access to them or aimed at managing development around them. Locality has produced helpful guidance on this, which is available here: <https://mycommunity.org.uk/resources/neighbourhood-planning-local-green-spaces>.



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You can also use the neighbourhood plan process to identify any potential Assets of Community Value in the neighbourhood area. Assets of Community Value (ACV) can include things like local public houses, community facilities such as libraries and museums, or again green open spaces. Often these can be important elements of the local historic environment, and whether or not they are protected in other ways, designating them as an ACV can offer an additional level of control to the community with regard to how they are conserved. There is useful information on this process on Locality's website here: <http://mycommunity.org.uk/take-action/land-and-building-assets/assets-of-community-value-right-to-bid/>.

Communities that have a neighbourhood plan in force are entitled to claim 25% of Community Infrastructure Levy (CIL) funds raised from development in their area. The Localism Act 2011 allows this CIL money to be used for the maintenance and on-going costs associated with a range of heritage assets including, for example, transport infrastructure such as historic bridges, green and social infrastructure such as historic parks and gardens, civic spaces, and public places. As a Qualifying Body, your neighbourhood forum can either have access to this money or influence how it is spent through the neighbourhood plan process, setting out a schedule of appropriate works for the money to be spent on. Historic England strongly recommends that the community therefore identifies the ways in which CIL can be used to facilitate the conservation of the historic environment, heritage assets and their setting, and sets this out in the neighbourhood plan. More information and guidance on this is available from Locality, here: <https://mycommunity.org.uk/resources/community-infrastructure-levy-neighbourhood-planning-toolkit/>

If you are concerned about the impact of high levels of traffic through your area, particularly in rural areas, the "Traffic in Villages" toolkit developed by Hamilton-Baillie Associates in conjunction with Dorset AONB Partnership may be a useful resource to you.

Further information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England, including on evidence gathering, design advice and policy writing. Our webpage contains links to a number of other documents which your forum might find useful. These can help you to identify what it is about your area which makes it distinctive, and how you might go about ensuring that the character of the area is protected or improved through appropriate policy wording and a robust evidence base. This can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>.

Historic England Advice Note 11- Neighbourhood Planning and the Historic Environment, which is freely available to download, also provides useful links to exemplar neighbourhood plans that may provide you with inspiration and assistance for your own. This can be found here: <https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/>

The following general guidance also published by Historic England may also be useful to the plan forum in preparing the neighbourhood plan or considering how best to develop a



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strategy for the conservation and management of heritage assets in the area. It may also be useful to provide links to some of these documents in the plan:

HE Advice Note 2 - making changes to heritage assets:

<https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

HE Good Practice Advice in Planning 3- the setting of heritage assets:

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

If you are considering including Site Allocations for housing or other land use purposes in your neighbourhood plan, we would recommend you review the following two guidance documents, which may be of use:

HE Advice Note 3- site allocations in local plans: <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans>

HE Advice Note 8- Sustainability Appraisal and Strategic Environmental Assessment :

<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

We recommend the inclusion of a glossary containing relevant historic environment terminology contained in the NPPF, in addition to details about the additional legislative and policy protections that heritage assets and the historic environment in general enjoys.

Finally, we should like to stress that this advice is based on the information provided by Dover District Council in their correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed neighbourhood plan, where we consider these would have an adverse effect on the historic environment.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Louise

Historic Places Advisor

Kent South London and East Sussex Neighbourhood Plan Advice Note

Last updated: January 2021

Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the environment. This document sets out the key environmental issues which should be considered. Due to the high volume of work we are unable to provide detailed comments on Neighbourhood Plans at the present time.

Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: <https://neighbourhoodplanning.org/wp-content/uploads/Environment-Toolkit-20181220.pdf>

We also recommend your Plan takes account of relevant Local Planning Authority's policies, plans and strategies including Local Planning Authority's Strategic Flood Risk Assessment, flood risk strategies (<https://www.gov.uk/government/collections/flood-risk-management-current-schemes-and-strategies>), and the South East River Basin Management Plan (<https://www.gov.uk/government/publications/south-east-river-basin-management-plan/>) Thames River Basin Management Plan (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/289937/geth0910bswa-e-e.pdf) as appropriate.

The information below explains the key issues we would consider in reviewing your Plan. We aim to reduce flood risk, while protecting and enhancing the water environment.

Flood risk

Development must be safe and should not increase the risk of flooding.

Neighbourhood Plans should conform to national and local policies on flood risk:

If a Neighbourhood Plan is proposing sites for development please check whether there are any areas of Flood Zones 2 or 3 within the proposed site allocations.

You can view a site's flood zone on the Flood Map for Planning on our website: <https://flood-map-for-planning.service.gov.uk/>

If the proposed allocation is located within Flood Zone 2 or 3 you should consult the Flood Risk and Coastal Change pages of the National Planning Policy Guidance (NPPG): <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

Here you can determine whether the flood risk vulnerability of the proposed development and the flood zone are compatible. In accordance with national planning policy the Sequential Test should be undertaken to ensure development is directed to the areas of lowest flood risk. This should be informed by the Environment Agency's floodmap for planning and the Local Planning Authority's Strategic Flood Risk Assessment (SFRA), if they have one. We recommend you contact the Local Planning Authority to discuss this requirement further.

We would have concerns if development is allocated in this high risk flood zone without the Sequential Test being undertaken.



It is important that your Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward.

We can provide any flooding information which we have available – such as predicted flood levels and historical flood data. Please note that there may be a charge for this information. Please contact our Customers and Engagement Team at ksle@environment-agency.gov.uk for further details.

In addition to the above you should also check with the Local Planning Authority's Neighbourhood Planning team with regards to other sources of flooding (such as surface water, groundwater, sewers and historic flooding) as detailed in their Strategic Flood Risk Assessment (SFRA). The Lead Local Flood Authority (LLFA), now has responsibility for local flood risk management and may hold flooding information that is not identified on our Flood Map.

Climate Change Allowances

The Local Authority's Strategic Flood Risk Assessment should indicate the extent of flood zones with likely climate change.

On 19 February 2016, we published new guidance for planners and developers on how to use climate change allowances: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

Flood Defences

Areas of your Neighbourhood Plan area, or proposed sites, may be given protection by a flood defence/alleviation scheme. Where this is the case the Plan should acknowledge this and identify the level of protection provided (including any climate change allowance). It should be noted that flood defences are intended to protect existing properties and are not to facilitate new development in areas that would otherwise be impacted by flooding. Any assessment of development behind flood defences should consider the impacts of a breach or overtopping. Where it is determined that new development should be behind a flood defence financial contributions may be sought to maintain or improve the structure.

Thames Estuary 2100 (Tidal Defences)

In line with requirements set out in the Thames Estuary 2100 ([TE2100](#)) plan, developments in this location will need to demonstrate how the flood defence could be raised in the future to meet the demands of climate change.

No activities on site should preclude access to the flood defence from maintenance or prevent the future raising of flood defences. In some cases we hold technical drawings of flood defence structures which may be of use. To request these you should contact our Customers and Engagement Team at ksle@environment-agency.gov.uk

Ecology

Proximity to watercourse/ Ecology

Main rivers can be viewed on the Environment Agency's map:

<https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>

We normally require a buffer zone of 8 metres (fluvial) and 16 metres (tidal) between any new development and the top of the bank of the main river. The permanent retention of a continuous unobstructed area is an essential requirement for emergency access to the river for repairs to the bank and for future maintenance and/or improvement works. A buffer between new development and the river wall is also required to ensure no adverse loading which could impact the stability of the channel wall. This buffer zone will help provide more space for flood waters, provide improved habitat for local biodiversity and allows access for any maintenance requirements.

customer service line
3708 506 506

incident hotline
0800 80 70 60

floodline
0345 988 1188

www.gov.uk/environment-agency

2 of 5

Where development is proposed next to the river we recommend that it includes a green buffer strip alongside the watercourse. Where such a buffer strip does not currently exist, we normally seek that it is established. This is a key way in which we carry out our legal duty to further and promote the ecological and landscape value of rivers and land associated with them. In urban areas, in particular, rivers have often been degraded by past development, and we expect that any new development should go some way to redress the balance.

The provision of green infrastructure, particularly along rivers, and the inclusion of sustainable drainage techniques can help reduce the risk of flooding. This can also provide recreational and wildlife benefits. Opportunities to incorporate biodiversity in the Plan will be encouraged. In accordance with national policy, any development proposal should avoid significant harm to biodiversity and seek to protect and enhance it, delivering biodiversity net gain. We would not support development proposals if there was shown to be a likely detrimental impact on the water environment.

Water Management and Groundwater Protection

Local level actions and decision making can help secure improvements to the water environment. This is widely known as the catchment-based approach and has been adopted to deliver requirements under the Water Framework Directive (WFD). It seeks to:

- deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level; and
- encourage local collaboration and more transparent decision-making when both planning and delivering activities to improve the water environment.

Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the water environment. Local WFD catchment data can be obtained from: <http://environment.data.gov.uk/catchment-planning/RiverBasinDistrict/>

Overall deterioration in water quality and promoting improvement in the ecological status of any water body. Actions to achieve this are listed in the Thames River Basin Management Plan (RBMP) and the South East River Basin Management Plan <https://www.gov.uk/search?q=River+Basin+Management+Plans>

Where appropriate, a WFD Assessment (<http://planningguidance.communities.gov.uk/blog/guidance/water-supply-wastewater-and-water-quality/water-supply-wastewater-and-water-quality-considerations-for-planning-applications/>) should assess any potential impacts on the watercourse and demonstrate that the required enhancements will be delivered. Any development that has the potential to cause deterioration in classification under WFD or that precludes the recommended actions from being delivered in the future is likely to be considered unacceptable to us.

Groundwater Quality

Development must not cause pollution to the water environment.

Aquifers and Source Protection Zones

Some of your local area, and specific potential site allocations, may be located upon or within aquifers and Source Protection Zones (link below). SPZ 1 is especially sensitive. You might consider these within your Plan and when allocating sites. The relevance of the designation and the potential implication upon development proposals should be seen with reference to our Groundwater Protection guidance:

<https://www.gov.uk/government/collections/groundwater-protection>

To see if a proposed development is located within a Source Protection Zone, please use our online map: <https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs>

Land Contamination

You must consider land contamination when preparing your plan. Managing it during development is key to addressing past contamination and preventing further impacts during development.

You can establish if a site may be contaminated in several ways. Your Local Authority may hold a register of sites it knows to be contaminated. A list of potentially contaminated sites can be accessed on the following link:

<https://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/198-doe-industry-profiles>

We recommend you contact your Local Authority's Environmental Health team who may hold records on known/potential land contamination. Please note our primary concern is with regards to water quality. Your Local Authority's Environmental Health team will advise you on issues related to human health.

Further information can be accessed on the following links:

Guiding principles for the Land Contamination

<https://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/192-guiding-principles-for-land-contamination-gplc>

Model Procedures for the Management of Land Contamination:

<https://webarchive.nationalarchives.gov.uk/20140328160926/http://cdn.environment-agency.gov.uk/scho0804bibr-e-e.pdf>

Approach to Groundwater Protection:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

Water supply and foul drainage

When allocating sites in you Plan, you will need to consider if the water supply and foul drainage infrastructure can accommodate the development. Your local water company can provide further information about water supply and sewerage capacity.

Surface water drainage

The inclusion of Sustainable Drainage Systems (SUDS) should always be a consideration within any development to reduce the risk of surface water flooding on and off site. The Lead Local Flood Authority, is the main contact for SUDS issues. However, we have interest in SUDS from a groundwater protection perspective and those area of critical drainage.

The collection and dispersal of clean surface water to ground to recharge aquifer units and prevent localised drainage or surface systems flooding in heavy rainfall is encouraged. However, dispersal into the ground through soakaways or other infiltration systems requires a site-specific investigation and risk assessment. Generally, we would accept roof drainage going to soakaway (or other systems), but other surface drainage may need to go through treatment systems or to foul main, for instance vehicle parking. Infiltrating water has the potential to cause mobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of underlying groundwater resources. Where contamination is known or suspected, remedial or other mitigating measures will likely be required so that it can be demonstrated that there is no resultant unacceptable risk to Controlled Waters.

We advise applicants to follow our guidance – Groundwater Protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <https://www.gov.uk/government/collections/groundwater-protection>

The design of the drainage systems should be in line with G1, G9, G12 and G13 position statements:

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

customer service line
3708 506 506

incident hotline
0800 80 70 60

floodline
0345 988 1188

www.gov.uk/environment-agency

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Infrastructure Delivery

We would recommend that environmental infrastructure, including habitat enhancements, water storage areas, and green space, is taken into account if the Plan looks to fund local infrastructure.

Environmental Permitting Regulations

To see if a proposed development requires an Environmental Permit under the Environment Permitting Regulations please refer to our website:

<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

Under the Environmental Permitting (England and Wales) Regulations 2016, a flood risk activity permit (FRAP) may be required for work:

- in, over or under a main river;
- within 8m of the bank of a main river, or 16m if it is a tidal main river;
- within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river.

Flood risk activities can be classified as: exclusions, exemptions, standard rules or bespoke. These are associated with the level of risk the proposed works may pose to people, property and the environment. Local Authorities should advise developers to refer to the [flood risk activity permit section](#) of gov.uk for further information.

Please note

This document is a response to a Neighbourhood Plan consultation and does not represent our final view in relation to any future planning application made in relation to any site.

You should seek your own expert advice in relation to technical matters relevant to any planning application before submission.

If you have any questions please contact the Kent and South London Sustainable Places team:

kslplanning@environment-agency.gov.uk