

Chart Sutton Neighbourhood Plan

Habitats Regulations Assessment Screening

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This document has been prepared by Alison Eardley Consulting on behalf of Chart Sutton Parish Council.

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1 Introduction

1.1 Summary

As a result of the assessment in Section 4, it **is unlikely there will be any significant environmental effects** arising from the Chart Sutton Neighbourhood Plan. As such, the 'appropriate assessment' stage of the HRA process that ascertains the effect on integrity of the European Site) **does not need** to be undertaken.

This conclusion has been sent to Natural England for consideration and their response will be recorded (see Appendix A). Natural England has not provided a conclusive response and further information about the specific site to be allocated will be issued in due course. However, bearing in mind that the principle of a site is provided for in the Local Plan, the need for an HRA has been screened out. This is in accordance with Maidstone Borough Council's Habitats Regulations Assessment for the adopted Borough Local Plan which determined there would be no adverse effects on the integrity of North Downs Woodlands SAC or Stodmarsh SAC, SPA or Ramsar site. As the Neighbourhood Plan is in conformity with the adopted Borough Local Plan, and does not seek to deliver sites in excess of those required in that document, it is concluded that the Neighbourhood Plan does not require an HRA.

1.1 HRA Background

This Habitats Regulations Assessment (HRA) screening report has been prepared by Alison Eardley Consulting. It concerns the Chart Sutton Neighbourhood Plan (CSNP), which is being produced by Chart Sutton Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012.

The Neighbourhood Area for Chart Sutton was designated by Maidstone Borough Council (MBC) on 28 November 2024. It aligns with the boundary of Chart Sutton Parish.

The CSNP Plan is in draft form but the scope has been established. This includes provision for the allocation of a site/ sites to meet the identified need of 35 dwellings.

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The timeframe for the CSNP is 2025 to 2038, aligning with the Maidstone Local Plan Review 2019-2038 (MLPR). The plan seeks to achieve the following vision:

Chart Sutton Parish, both the central village and outlying areas, will retain its rural character and community spirit. Residents of the Parish appreciate the peace and quiet afforded by its location. Any new development will be directed to the most sustainable parts of the Parish and its design will respect the natural environment and our heritage whilst meeting the needs of all age groups in the community. We will strive to conserve and enhance the natural beauty, wildlife and cultural heritage of the Parish, notably the Greensand Way. We will support opportunities that enable our residents and visitors to access our natural spaces more easily as it is recognised that these promote wellbeing. Community facilities such as the Village Hall and St Michael's Church will remain focal points within the village and they will, where possible, be improved to become more attractive to residents. Preservation of our rurality is paramount.

The vision will be delivered through the following objectives:

Objective 1: Rurality To safeguard the rural character of the Parish. This includes improving access to the Greensand Way, Recreation Ground, protecting the Green Belt, safeguarding the important and dramatic views into and out of the villages and across the Weald and protecting trees, hedgerows and ponds. The distinctive, ridgeline landscape, ancient woodlands and open, farming character will be preserved.

Objective 2: Heritage To preserve and celebrate our built heritage and the identities of the individual settlements. Combined, these give a sense of place and character. All new development must be carefully and sustainably designed to enhance what exists already. The encroachment caused by the rapidly expanding Maidstone will be guarded against.

Objective 3: Environment To support the diversity of wildlife and habitats that is found here. Living close to nature is the reason so many people love our area. We aim to enhance and protect nature through the creation of improved habitats for wildlife, maintenance of native hedgerows and planting more trees and wildflowers. Dark skies are rare and, despite the proximity of Maidstone, Chart Sutton enjoys a low level of light pollution and this is to be actively preserved in our neighbourhood. The expansion of polytunnels is to be resisted where possible.

Objective 4: Housing To support limited housing growth that helps to meet the needs of residents in terms of size, tenure (to buy/to rent) and affordability of homes.

Development in our neighbourhood area should encourage healthy lifestyles and conserve the architectural and historical features of the area. Any development should use appropriate materials and styles, including ragstone and Kent peg tiles. Consideration will be given to community housing provision for both young and older people and any housing should be restricted two storey dwellings. The urban cul-de-sac model will be discouraged. Adequate green space is to be provided, preferably with ponds.

Objective 5: Wellbeing To improve and better connect our network of footpaths, cycleways and bridleways so that people can access local and nearby facilities more easily. This may well necessitate improved signage. Homes within the village confines should link to facilities by safe, attractive and inviting walkable routes to encourage healthy lifestyles. something for everyone. In the village centre, support networks will enable elders to live in their own homes. Young families will have safe places to play, walk and cycle. Events will build unity and community spirit. We will continue to encourage use of the village hall as a community hub. Clean energy use in the villages will be welcomed and we will consider environmentally friendly schemes such as improved waste recycling and community energy schemes. The health and well-being of our community will be a priority. Communications (mobile phone and internet connectivity) will be improved.

Objective 6: Facilities Chart Sutton badly needs a village hub; a convenient meeting place (for parents and others) that also be used to accommodate peripatetic services eg hairdresser, GP, Bank, chiropodist, clothing etc. Such a community hub could include a café or this could possibly be incorporated within an updated village shop. A community orchard or allotments would also improve village life. Other improvements needed include enhanced broadband (essential for local businesses and those who frequently work from home), traffic speed and pavements that actually connect all parts of the village. Efforts to prevent or mitigate the effects of flooding in parts of the village are to be continued.

The aim of this HRA screening report is to assess whether this Neighbourhood Plan would, alone or in combination with other plans and policies, cause any likely significant effects on European sites.

1.2 Legislative and Guidance

The Natura 2000 network consists of sites across Europe designated for their nature conservation importance. The Network is formed of Special Areas of Conservation for species, plants and habitats and Special Protection Areas for bird species.

Special Areas of Conservation (SACs) are designated under the European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'). Special Protection Areas (SPAs) are classified under the European Council Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive').

To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the Habitats Directive states:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the UK's transposition of the Habitats Directive and Regulation 102, provides:

'(1) Where a land use plan –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives'.

This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area) must first undergo an assessment to look at its potential impacts applying the precautionary principle. The assessment determines if the plan is likely to adversely affect the integrity of the European site(s) concerned. This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). Following the 2018 *People over Wind* ruling, mitigation measures cannot be applied at the screening stage in order to rule out likely significant effects and thus prevent the plan progressing to the second stage (appropriate assessment).

Where likely significant effects are identified at the screening stage, the second stage of the HRA process is triggered. The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Furthermore, mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as competent authority must ascertain that it would not adversely affect the integrity of the European site(s).

In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and needs to demonstrate that it is not likely to have a significant effect on a European site.

2 Designated Sites in Maidstone Borough

An HRA was prepared alongside and to inform the Maidstone Local Plan Review 2021-2038. The following European sites were identified as being of relevance:

European Site	Closest Distance / Location from Maidstone Borough
SACs <ul style="list-style-type: none"> • North Downs Woodlands • Peters Pit • Queendown Warren • Wye and Crundale • Stodmarsh SAC 	<ul style="list-style-type: none"> • within the Borough • 3.7km / North • Adjacent / North • 12.3km / East • 23km / East
SPAs <ul style="list-style-type: none"> • Medway Estuary and Marshes • The Swale • Thames Estuary & Marshes • Stodmarsh 	<ul style="list-style-type: none"> • 4.1km / North • 7km / North • 2.5km / North • 23km / East
Ramsar sites <ul style="list-style-type: none"> • Medway Estuary and Marshes • The Swale • Thames Estuary & Marshes • Outer Thames Estuary • Stodmarsh Ramsar 	<ul style="list-style-type: none"> • 4.1 / North • 7km / North • 11.5km / North • 14.6km / North • 23km / East

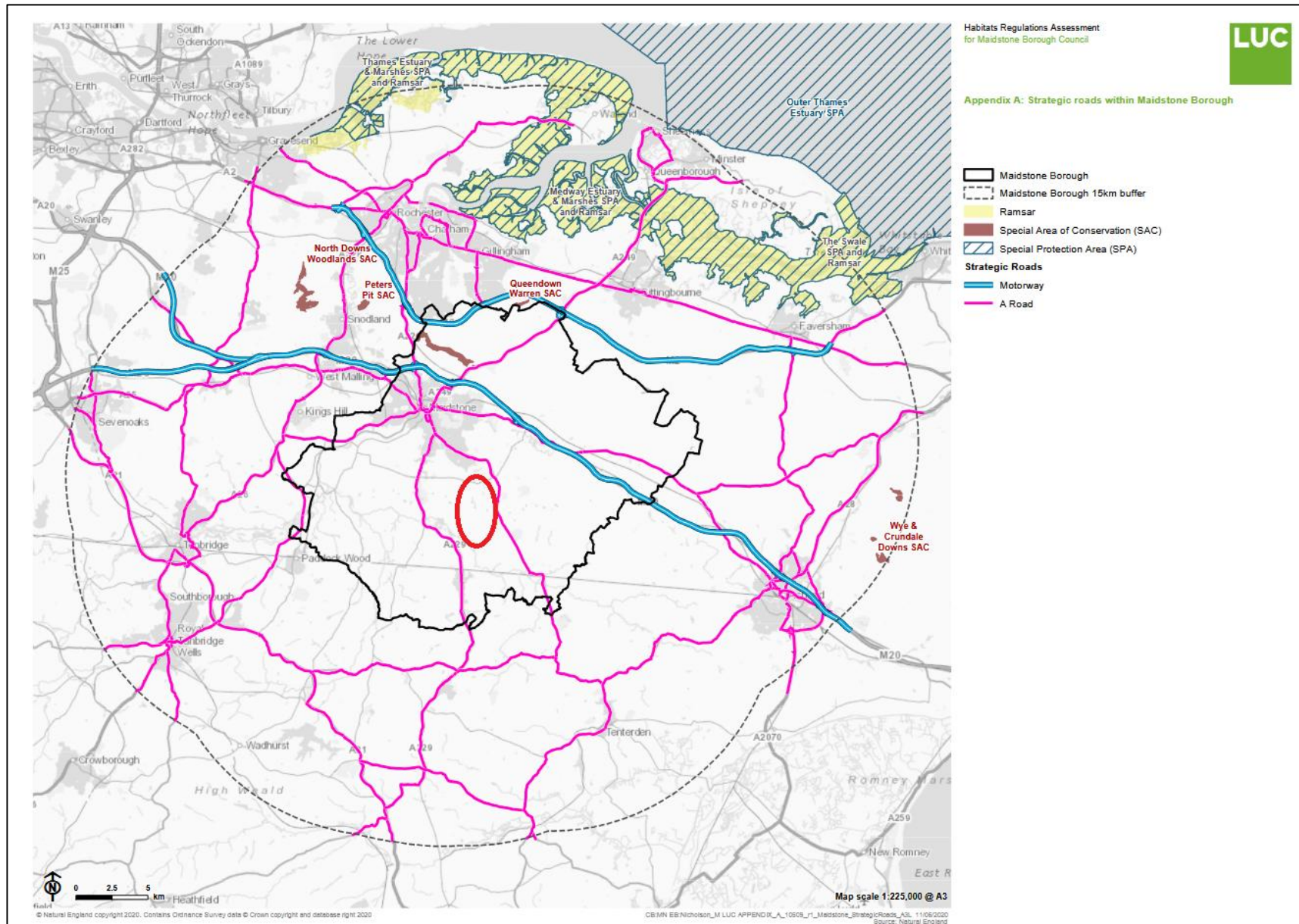
Those sites within a 15km distance from Chart Sutton Parish (see also Figure 1) are:

- **North Downs Woodlands SAC**
- **Queensdown Warren SAC**
- **Peters Pit SAC**

The Chart Sutton Neighbourhood Plan seeks to allocate a site/s to meet the identified housing need of up to 35 units. This housing need has been established in the Maidstone Local Plan Review, which itself has been subject to HRA. That HRA found that there would be no adverse impacts on the integrity of any European sites.

As such, it is reasonable to suggest that the impact of the provision of 35 units in Chart Sutton has been fully considered and assessed at the Borough level and there is no anticipated impact.

Figure 1: Map showing designated sites in relation to Chart Sutton Parish shown in red outline



3 Screening Assessment

3.1 Key Questions

Whilst no adverse impacts are anticipated on any of the designated sites, key questions relating to the neighbourhood plan are included in Table 1 below and, along with the screening assessment, will help to establish if an appropriate assessment is required.

Table 1: Key questions relating to the Neighbourhood Plan

Key Questions	Y/N	Comments
(1) Is the plan connected with or necessary to the management of any of the designated sites?	N	The plan is not linked to the management of the designated sites.
(2) Does the plan propose new development or allocation sites for development?	Y	The CSNP does seek to allocate site/s to meet the housing requirement as set out in the MLPR. This number contributes to the overall quantum of development in the MLPR and its impact on designated sites has been fully assessed in the borough HRA.
(3) Are there any other projects or plans that together with the Chart Sutton Neighbourhood Plan, could impact upon the integrity of a European site (a.k.a. the 'in combination effect')?	N	Plans with the potential to create in combination effects include the Maidstone Local Plan Review and neighbourhood plans in the broader geographical area. The Local Plan Review is not anticipated to have adverse impacts on the integrity of any European sites, as demonstrated in the Borough HRA. As the CSNP Review conforms to the MLPR, it is also not anticipated to have negative impacts.

3.2 Assessment of Policies

For it to be concluded that a policy would have no likely significant effect on a European site, one of the reasons listed in Figure 2 usually applies.

Figure 2: Common reasons why likely significant effects are not expected.

- (A)** The policy is intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site;
- (B)** The policy will not itself lead to development or other change, for example, because they relate to design or other qualitative criteria for development or other kinds of change;
- (C)** The policy makes provision for change which has no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
- (D)** The policy makes provision for change which has no significant effect on a European site, because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site;
- (E)** The policy for which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.

Table 2 below illustrates the findings of the screening assessment for each of the policies proposed within the CSNP with reference to each of the 5 reasons above where applicable. This assessment determines whether there is a likely significant effect from these policies on any designated sites.

Table 2: Assessment of Policies within the Neighbourhood Plan

Theme	Policy description	LSE?	Explanation
Housing Mix (CS1)	The policy sets out the type, size, mix and affordability of homes required to meet local needs.	N	The policy is criteria based. Reason B
Site Allocation (CS2)	The policy seeks to allocate a site/s to meet the housing requirement as established in the MPLR. The quantum of development has been fully assessed by way of the Maidstone HRA which does not identify any adverse impacts resulting from the overall housing allocation on designated sites.	N	The policy makes provision for a change that will not have a conceivable effect on a European site. Reason D
Character, heritage and design (CS3 and CS4)	Two policies setting out criteria which should be considered in proposals to encourage high quality, sustainable design and ensuring that heritage assets – designated and non-designated – are carefully considered in the planning process.	N	These policies are designed to protect the natural and historic environment and comprise criteria based policies. Reasons A and B
Environment and green space (CS5 to CS8)	Four policies covering the topics of biodiversity and managing environmental impacts, Local Green Spaces, protection of significant local views and dark skies.	N	The policies are designed to protect the natural and historic environment, also touching on design. Reasons A and B
Transport and movement (CS9)	The policy positively supports opportunities to improve the active travel (walking, cycling, equestrian pursuits) network and ensuring the safe connectivity between where people live and the facilities they need to access.	N	The parish is considered too distant from the sites noted to generate significant effects. The focus of the section is on promoting walking and cycling connectivity locally. Reason D
Community facilities (CS10)	One policy supporting the	N	Improving or adding the

	improvement of existing facilities and introduction of new facilities where a need has been demonstrated.		existing facilities in the parish will have no significant impact on the designated sites. Reason D
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As can be seen in *Table 2*, no policies in the CSNP Review were found to have a likely significant effect on any designated sites.

4 Conclusion

As a result of the assessment in Section 4, it is **unlikely** there will be any significant environmental effects arising from the Chart Sutton Neighbourhood Plan. As such, the ‘appropriate assessment’ stage of the HRA process that ascertains the effect on integrity of the European Site) **does not** need to be undertaken.

This conclusion has been sent to Natural England for consideration and their response will be recorded (see Appendix A).

Appendix A

Response from Natural England.