

Leavenheath Neighbourhood Plan SEA Screening Opinion

Final report
Prepared by LUC
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Chapter 1

Introduction

1.1 Leavenheath Parish Council is in the process of preparing a Neighbourhood Plan. Leavenheath Parish is located within Babergh District on the Essex-Suffolk border, on the A134 between the towns of Sudbury and Colchester. LUC has been appointed by Babergh and Mid Suffolk District Councils to consider whether there is a need for Strategic Environmental Assessment (SEA) to be undertaken for the Neighbourhood Plan.

1.2 SEA may be required for a Neighbourhood Plan if it is likely to have significant environmental effects. Sustainability Appraisal (SA) is similar to SEA but includes assessment of the likely significant effects of a plan or programme on economic and social factors, as well as environmental factors. Planning Practice Guidance ¹ (PPG) clarifies that there is no legal requirement for a neighbourhood plan to be subject to SA, but that SA can be used to demonstrate how the plan will contribute to sustainable development.

1.3 Babergh and Mid Suffolk District Councils have commissioned LUC to carry out SEA Screening of the Submission Draft Leavenheath Neighbourhood Plan (February 2022) in order to determine whether an assessment is required under European Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations².

¹ <https://www.gov.uk/government/collections/planning-practice-guidance>

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) and The Environmental Assessment

of Plans and Programmes (Amendment) Regulations 2020 (SI 2020/1531). 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.

Chapter 2

SEA Screening

Scope of the Leavenheath Neighbourhood Plan

2.1 Leavenheath Parish Council prepared the first draft version of the Leavenheath Neighbourhood Plan which was subject to public consultation from 6th September until 25th October 2021. It then prepared the Submission Draft version in February 2022.

2.2 The Neighbourhood Plan covers the entire Parish of Leavenheath. The Submission Draft Neighbourhood Plan includes a vision for the long-term future of Leavenheath along with four objectives:

- 1.** To protect and enhance the green open character and biodiversity of the parish, whilst enabling access to the countryside.
- 2.** To ensure that any future development is sustainable, well designed, suitably located, compliments and enhances the character of Leavenheath.
- 3.** To encourage safe walking and cycling within and beyond Leavenheath parish.
- 4.** To enable a cohesive joined up community with appropriate community and sports infrastructure.

2.3 The Neighbourhood Plan then sets out 14 planning policies (LEAV1-14) to realise and deliver the vision for Leavenheath. These policies are categorised under the same four themes as the above objectives: Environment and Landscape, Development and Design, Access and Community Infrastructure.

2.4 No sites are allocated for development within the Neighbourhood Plan although it acknowledges the allocation in the emerging Babergh and Mid Suffolk Joint Local Plan (JLP) for 40 dwellings at site LA098 (Land South of High Road) which, in combination with outstanding planning permissions, meets the requirement that was identified in the JLP for 44 new dwellings at Leavenheath. However, the Neighbourhood Plan also refers to the progress of the JLP Examination and the recently proposed split of the submitted JLP into two parts, the second of which would address the settlement hierarchy and housing allocations. It therefore states that the previously indicated number of dwellings for Leavenheath is no longer appropriate to refer to. Policy

LEAV5 sets out criteria for housing proposals within or immediately adjacent to the current settlement areas.

2.5 Other policies in the Neighbourhood Plan address a range of topics including landscape, flooding, biodiversity, transport and the protection of the historic environment. Together these policies seek to ensure that new development in Leavenheath is high quality and sensitively designed so as not to have adverse impacts on the surroundings.

Baseline Information

2.6 This section summarises baseline information for the Parish of Leavenheath, drawing from the information set out in the Submission Draft Neighbourhood Plan.

Context

2.7 Leavenheath Parish is located on the Essex-Suffolk border, between the towns of Sudbury and Colchester. It is in the Babergh district of Suffolk. The village was named after the Leaven Heath, an area of open land between Boxford, Bures, Nayland and Polstead. The A134 runs through the middle of the Parish.

Biodiversity, Flora and Fauna

2.8 There are no Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within Leavenheath Parish. The closest internationally designated site to the Parish is the Abberton Reservoir SPA, which is approximately 19km away to the south.

2.9 The south-west of the Parish contains a section of the Arger Fen Site of Special Scientific Interest (SSSI). Leavenheath Parish is covered by two SSSI Impact Risk Zones.

2.10 There are several Priority Species in Leavenheath. These are species of principal importance for the purpose of conserving biodiversity covered under Section 41 (England) of the NERC Act (2006) and therefore need to be taken into consideration by a public body when performing any of its functions.

2.11 There are two County Wildlife Sites (CWS) in Leavenheath Parish:

- Babergh 138 Leadenhall Wood, an area of 4.58 hectares.
- Babergh 82 Breach Grove/Kingsland Lane, an area of 1.99 hectares.

Population

2.12 The 2011 Census showed that Leavenheath had a population of 1,370, with 52.1% being female and 47.9%

male. The mean age of the population of Leavenheath was 46 years old, compared to 43.1 for Babergh District and 41.7 for Suffolk as a whole.

Human Health

2.13 In terms of the health of Leavenheath residents, according to the 2011 Census, 48% of people were classified as in very good health, 36.4% as good, 11.7% as fair, 3.1% as bad and 0.8% as very bad. These health statistics are similar to those for Babergh District and for England as a whole.

Soil

2.14 Leavenheath is predominantly rural farmland, comprising mostly Grade 2 and 3 agricultural land.

2.15 Leavenheath is classed as 'Ancient Rolling Farmland'. The key characteristic is 'a rolling landscape of medium clay soils studded with blocks'.

Water

2.16 The majority of the Parish is at very low risk of fluvial flooding and there are no areas of flood zone 3 in the Parish. There are, however, 11 locations within the Parish that have surface water drainage issues. In the face of climate change, the risk of further surface water drainage problems is likely to increase in the Parish.

Air and Climatic Factors

2.17 There are no Air Quality Management Areas (AQMAs) that have been declared within Leavenheath, the nearest being approximately 9.6km away in Sudbury.

2.18 Climate data is not available at Parish level, but within Babergh District as a whole, reductions in overall carbon emissions of 37% were achieved between 2005 and 2017. This reduction was mostly due to progress in reducing emissions from domestic sources, closely followed by industrial and commercial sectors, with minimal progress on transport emissions. Transport makes the largest contribution to carbon emissions in Babergh District.

Material Assets

2.19 The Parish has a village hall, a village green, a children's play area, a church and a public house.

2.20 There are no shops within the village, with the nearest being at least one mile away. There is also no school, post office, doctors' surgery or petrol station.

2.21 There is very little commerce within the Parish, being limited to one public house, one garage, a small woodwork workshop and an estate agent.

Landscape

2.22 Part of Leavenheath Parish falls within the Dedham Vale Area of Outstanding Natural Beauty (AONB). The AONB covers 90km² in total and extends into Leavenheath Parish in the west and the south east.

2.23 Part of the Parish to the west of High Road is identified in the Adopted Babergh Local Plan 2006 as a Special Landscape Area.

Cultural Heritage

2.24 There are 14 listed buildings in Leavenheath Parish, 13 of which are Grade II and one is Grade II* (Honey Hall). There are no buildings in Leavenheath on Historic England's Buildings at Risk Register.

SEA Screening

2.25 An assessment has been undertaken to determine whether the Submission Draft Leavenheath Neighbourhood Plan requires SEA in accordance with the SEA Regulations.

2.26 **Figure 2.1** overleaf presents the flow diagram entitled 'Application of the SEA Directive to plans and programmes' which is taken from the Practical Guide to the Strategic Environmental Assessment Directive, published in September 2005. This is a useful guide when considering whether a plan should be subject to SEA (The Practical Guide has been superseded by the National Planning Practice Guidance; however, it still provides a useful and relevant guide to the process to use in making SEA screening decisions).

Figure 2.1: Application of the SEA Directive to plans and programmes

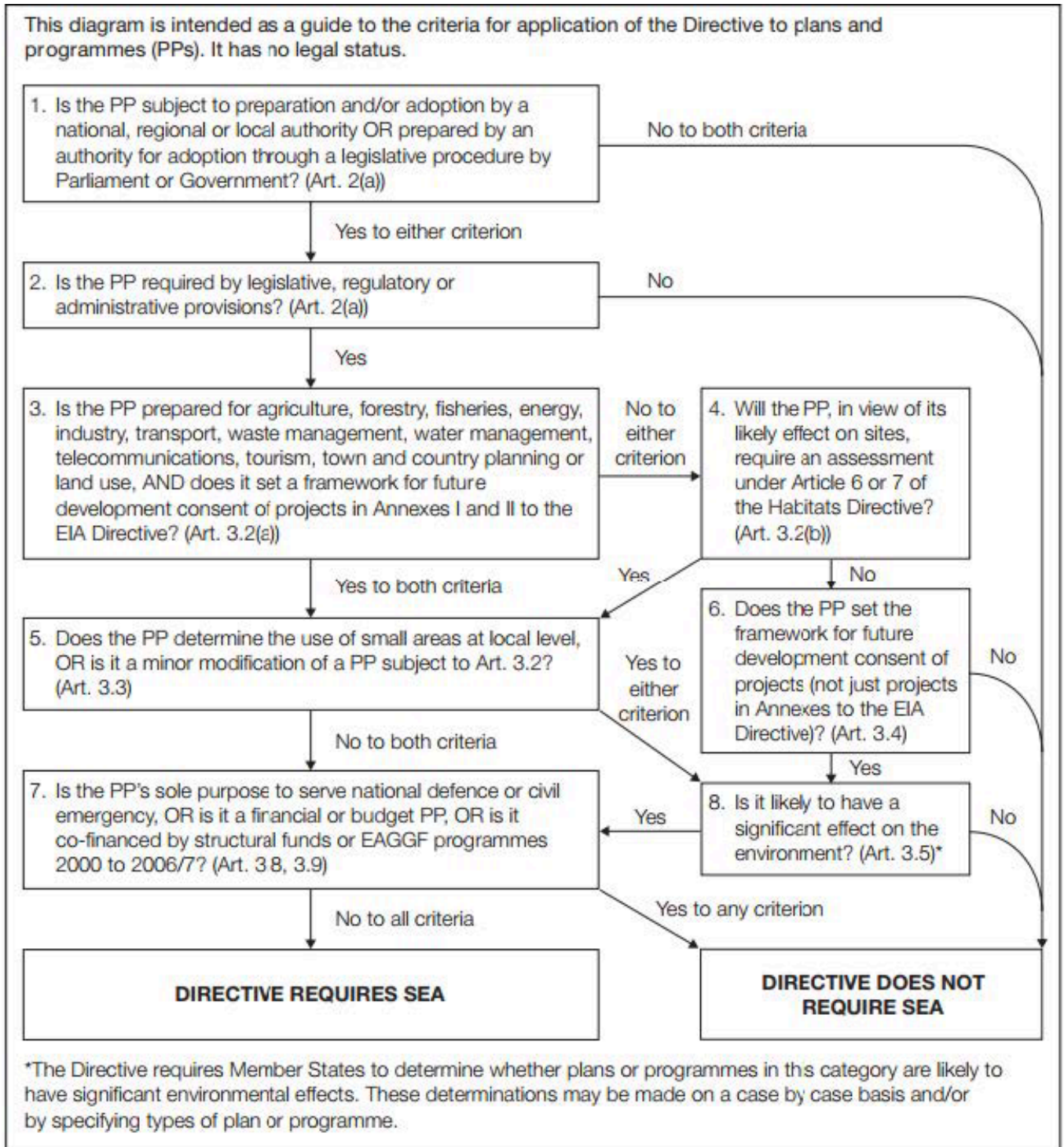


Table 2.1: Application of SEA Directive to the Leavenheath Neighbourhood Plan

Stage	Yes/No	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The Leavenheath Neighbourhood Plan is being prepared under the Localism Act 2011 and will be adopted ('made') by the Local Authority (Babergh District Council) as part of the statutory development plan. Move to Q2.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	The Leavenheath Neighbourhood Plan is being prepared under the Localism Act 2011 and in accordance with the Neighbourhood Planning (General) Regulations 2012. However, there is no requirement to produce a Neighbourhood Plan; it is an optional plan. Once made it will become part of the statutory development plan. Therefore, it should continue to be screened. Move to Q3.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes and No	The Leavenheath Neighbourhood Plan is being prepared for town and country planning and land use, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive. Move to Q4.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No	HRA screening of the Neighbourhood Plan has identified that there are no likely significant effects on European sites and an Appropriate Assessment is not required. No: Move to Q6.
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)	Yes	The Leavenheath Neighbourhood Plan does not allocate sites for development; however it includes policies which proposals for development within the Parish will be assessed against. Move to Q8 for assessment of significant effects.
7. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See Table 2.2. SEA IS NOT REQUIRED

Table 2.2: Likely Significant Effects

SEA Requirement	Comments
The characteristics of the 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.	Once made, the Leavenheath Neighbourhood Plan will become part of the statutory development plan and will guide the delivery of development in Leavenheath Parish, including in terms of design. The Leavenheath Neighbourhood Plan does not allocate sites for residential or other forms of development.

SEA Requirement	Comments
	<p>The adopted Babergh Core Strategy (2014) identifies Leavenheath as a Hinterland Village in Policy CS2-Settlement Pattern. This policy seeks to direct development to towns/urban areas and to the Core Villages and Hinterland Villages. Hinterland Villages will accommodate some development to help meet the needs within them.</p> <p>In the emerging Babergh and Mid Suffolk Joint Local Plan (JLP) Leavenheath is classified as a Hamlet. While the new Local Plan is unlikely to be adopted until later in 2021 or early 2022, it was taken into consideration in the preparation of the Leavenheath Neighbourhood Plan. It is noted that the Regulation 19 (Pre-Submission) version of the Joint Local Plan (November 2020) makes provision for building at least 9,611 new homes across Babergh between 2018 and 2037 and that it is proposed that 4% of these will be at the Hamlets. In the emerging JLP, a housing requirement of 44 is identified for Leavenheath. One site is proposed to be allocated in the JLP, LA098 'Land south of High Road, Leavenheath'. This is a 5.29ha site for 40 dwellings. In combination with the existing permissions for four homes, this meets the identified housing requirement for the Parish and there is no requirement for the Neighbourhood Plan to identify additional housing sites. However, the Examination process for the JLP is ongoing and it has been recently recommended by the Inspectors that the JLP be split into two parts, the second of which will come forward after the first part, and which will contain information about the settlement hierarchy and housing allocations. Therefore, the housing figure for Leavenheath set out in the submitted JLP may be superseded.</p>
2. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Leavenheath Neighbourhood Plan has to be in general conformity with the local strategic framework (i.e. the adopted Babergh Core Strategy (2014) and the emerging Babergh and Mid Suffolk Joint Local Plan). The Leavenheath Neighbourhood Plan must also have regard to the National Planning Policy Framework. The Leavenheath Neighbourhood Plan does not have influence over other plans. Once made, the Leavenheath Neighbourhood Plan will form part of the statutory development plan for the Leavenheath Parish and will be used in conjunction with the emerging Babergh and Mid Suffolk Joint Local Plan (once adopted) to determine planning applications.
3. 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 Leavenheath Neighbourhood Plan must meet is to contribute to sustainable development.
4. Environmental problems relevant to the plan or programme.	Baseline information relating to Leavenheath was described earlier in this chapter. Key issues of relevance to the Neighbourhood Plan are the presence of Dedham Vale AONB within the Parish, high quality agricultural land, national biodiversity designations and listed buildings.
5. The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	N/A

SEA Requirement	Comments
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
6. The probability, duration, frequency and reversibility of the effects.	The Leavenheath Neighbourhood Plan does not allocate sites for housing or other forms of development. The Leavenheath Neighbourhood Plan covers the period up to 2037. Effects of the Leavenheath Neighbourhood Plan are expected to be indirect (due to not allocating sites) but long-term and permanent.
7. The cumulative nature of the effects.	<p>Cumulative effects could result from the Leavenheath Neighbourhood Plan in combination with development that takes place in the surrounding towns and villages, although the Leavenheath Neighbourhood Plan does not allocate sites for housing or other forms of development.</p> <p>As the emerging Babergh and Mid Suffolk JLP is still in its development, it is not yet possible to assess with certainty the amount and location of development that may result from the Plan within and close to Leavenheath. Although the Leavenheath Neighbourhood Plan does not allocate sites for housing or other forms of development, it does recognise the allocation made in the JLP for 40 homes at site LA098. However, as noted above, there is some uncertainty about how this figure may change if the JLP is fundamentally restructured and divided into two parts, with the forthcoming second part to address site allocations.</p> <p>The Adopted Babergh Core Strategy (2014) identifies Leavenheath as a 'Hinterland Village' in Policy CS2. Hinterland Villages will accommodate some development to help meet the needs within them. Leavenheath is part of two wider 'functional clusters' centred on the 'Core Villages' of Boxford and Nayland.</p>
8. The transboundary nature of the effects.	The Neighbourhood Plan focuses on Leavenheath Parish only. Transboundary effects under the SEA Regulations refers transboundary effects on other EU Member States; therefore they are not relevant to the Neighbourhood Plan.
9. The risks to human health or the environment (e.g. due to accidents).	There are no anticipated risks to human health or the environment from the Leavenheath Neighbourhood Plan.
10. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The Leavenheath Neighbourhood Plan covers all of Leavenheath Parish. The population of the Parish is estimated to be around 1,370 people.
11. The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> ■ Special natural characteristics or cultural heritage; ■ Exceeded environmental quality standards or limit values; and ■ Intensive land-use. 	Parts of Leavenheath Parish fall within the Dedham Vale Area of Outstanding Natural Beauty (AONB). Leavenheath includes two areas of the AONB, in the west and south east. The village also contains part of the Arger Fen Site of Special Scientific Interest (SSSI).
12. The effects on areas or landscapes which have a recognised national, Community or international protection status.	Parts of Leavenheath Parish fall within the Dedham Vale Area of Outstanding Natural Beauty (AONB).

SEA Screening Conclusion

2.27 A screening assessment has been undertaken by applying the criteria from the SEA Directive and Schedule 1 of the SEA Regulations to determine whether or not the Leavenheath Neighbourhood Plan is likely to have significant environmental effects when assessed against the topics listed in the SEA Regulations.

2.28 The Leavenheath Neighbourhood Plan sets out a vision and detailed planning policies to shape development in the Parish up to 2037 and decision makers will need to consider the criteria of these policies when determining future applications in the Parish. It does not directly impact on land use through the allocation of sites for housing or other forms of development.

2.29 On this basis, it is considered that the Leavenheath Neighbourhood Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.

Next Steps

2.30 This SEA screening report will be sent to the three statutory consultees (Natural England, Historic England and the Environment Agency) and will be reviewed as appropriate in light of any comments received.

LUC
June 2022