

Babergh District Council

Capel St Mary Neighbourhood Plan 2024 – 2037

Submission Draft consultation responses

In January 2025, Capel St Mary Parish Council (the 'qualifying body') submitted their draft Neighbourhood Plan to Babergh District Council for formal consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation period ran from Monday 10 February until Friday 28 March 2025.

Nine representations were received. They are listed below and copies are attached.

Capel St Mary Parish Council were also given an opportunity to respond to new issues raised at this stage. Their response is included at the end of the document.

Ref No.	Consultee
(1)	Suffolk County Council
(2)	Babergh District Council
(3)	Historic England
(4)	Natural England
(5)	Environment Agency
(6)	Suffolk Wildlife Trust
(7)	National Landscape Team
(8)	National Highways
(9)	Defence Infrastructure Organisation (obo MOD)
(10)	Response from Capel St Mary Parish Council

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(1) SUFFOLK COUNTY COUNCIL

Date: 21st March 2025
Enquiries to: Busranur Serin
Tel: 01473 265631
Email: neighbourhoodplanning@suffolk.gov.uk



Planning Policy Team,
Babergh District Council,
Endeavour House,
8 Russell Road,
Ipswich,
IP1 2BX

Dear Paul Bryant,

Submission Consultation version of the Capel St Mary Neighbourhood Plan

Thank you for consulting Suffolk County Council (SCC) on the Submission Consultation version of the Capel St Mary Neighbourhood Plan.

SCC welcome the changes made to the plan in response to comments made at the Reg. 14 pre-submission consultation stage.

As this is the submission draft of the Plan the County Council response will focus on matters related to the Basic Conditions the plan needs to meet to proceed to referendum. These are set out in paragraph 8(2) Schedule 4B to the Town and Country Planning Act. The basic conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- b) the making of the neighbourhood plan contributes to the achievement of sustainable development.
- c) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- d) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

Where amendments to the plan are suggested added text will be in *italics* and deleted text will be in strikethrough.

National Planning Policy Framework

The plan refers to the December 2024 NPPF in paragraphs 3.2 and 5.4, however this is not the correct planning policy context for this Neighbourhood Plan. To accord with paragraph 239 of the NPPF (2024), it states that “for neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.”

Mid Suffolk District Council commenced submission consultation (Regulation 16) of this plan on 10 February 2025 meaning that the plan proposal would have been submitted to local planning authority under Regulation 15 before 12 March 2025. Therefore, this Neighbourhood Plan is subject to the December 2023 NPPF and references to the December 2024 NPPF should be removed.

Archaeology

Within SCC’s response to the pre-submission (Regulation 14) consultation stage, the following addition was recommended to be included in Section 7:

“Suffolk County Council Archaeological Service (SCCAS) would advise that there should be early consultations of the Historic Environment Record (HER) and assessment of the archaeological potential of any potential development site at an appropriate stage in the design stage, in order that the requirements of NPPF and Babergh Mid Suffolk Local Plan are met. SCCAS as advisors to Babergh Mid Suffolk Council would be happy to advise on the level of archaeological assessment and appropriate stages to be undertaken.”

To accord with Paragraph 5 (Ref: 18a-005-20190723) of the Planning Practice Guidance (PPG) which states that “the historic environment record is a useful source of information on the local historic environment. The local planning authority heritage advisers can advise on local heritage issues to be considered when preparing a neighbourhood plan.” Therefore, the above wording should be included for conformity and to be in line with Basic Condition A.

Health and Wellbeing

As part of the Regulation 14 consultation, SCC had recommended including the following wording to Policy CSM2:

‘Support will be given to the provision of housing that meets local needs, enables the creation of a mixed, balanced and inclusive community, that are adaptable and accessible (meaning built to M4(2) standards) in order to meet the needs of the aging population, without excluding the needs of the younger occupants and families.’

The response from the Parish stated: "Policy LP24 of JLP1 requires at least 50% of dwellings which meet the requirements for accessible and adaptable dwellings under Part M4(2) of Building Regulations. It is not necessary to repeat this in the Neighbourhood Plan".

Whilst the Neighbourhood Plan cannot set additional technical standards, and there is no need to repeat existing policies from the adopted local plan, the plan can still encourage developers to go “above and beyond” to create better quality homes to meet the needs of a lifetime. The Neighbourhood Plan states in paragraph 2.5 that there is an aging population/increase in elderly residents. This suggested amendment will help the plan meet the needs of a wider range of groups including older and vulnerable people, reflecting paragraph 61 of the NPPF (2023), and ensures the plan is in line with Basic Condition A.

Following guidance from footnote 52 in the NPPF (2023): “Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.”

Natural Environment

Within SCC’s response to the pre-submission (Regulation 14) consultation stage it was commented that for the Local Green Spaces Assessment “photos would have been a welcome addition, as would have been numbering that relates to the plan”. Within the parish council’s Consultation Statement they responded that “The LGS Assessment will be amended to ensure each site has a reference number that corresponds with those identified in Policy CSM8. Photographs of each LGS are not considered necessary”, and thus state that they will “Amend the LGS Assessment to ensure sites are numbered to correspond with the policy.”

However, SCC notes that the Local Green Spaces Assessment (Jan 2025) submitted to the district council does not include any numbering, so it is queried why this action has not been fulfilled by the parish council.

SCC reiterates that, whilst not a Basic Condition matter, it still would be helpful to see photographs of the proposed Local Green Spaces to provide context and clarity, and to support the justification of the protection of each site.

General

Chapter 7 is named “Built Environment and Design” in the contents list but titled “Built Environment” in the chapter itself. The parish should amend one of these titles for consistency.

If there is anything that I have raised that you would like to discuss, please use my contact information at the top of this letter.

Yours sincerely,

Busranur Serin
Planning Officer
Growth, Highways, and Infrastructure

(2) BABERGH DISTRICT COUNCIL

Our ref: CStM NP BDC R16 Response

Dated: 28 March 2025

From: Planning Policy Team, Babergh & Mid Suffolk District Councils

To: Ann Skippers (Independent Examiner)

cc: Julie Lawes (Clerk to Capel St Mary Parish Council), Ian Poole (NP Consultant)

Sent by e-mail

Dear Ann

- **Regulation 16 submission draft Capel St Mary Neighbourhood Plan 2024 - 2037**
- **Representation from Babergh District Council**

This response is made for and on behalf of Robert Hobbs, Head of Strategic Planning (Planning Policy and Infrastructure) at Babergh & Mid Suffolk District Councils.

Babergh District Council welcomes the changes made to this latest version of the Capel St Mary Neighbourhood Plan in response to our Regulation 14 stage comments. Some of those changes require some extra finessing, as set in the document appended to this letter.

The publication of the new National Planning Policy Framework (NPPF) in December 2024, and our announcement that we will no longer pursue a Part 2 Babergh and Mid Suffolk Joint Local Plan (JLP) but, instead, focus on a full review of the Joint Local Plan should now be reflected in this neighbourhood plan where appropriate to do so. We have suggested wording in each case.

The new NPPF also introduced a revised Standard Method for calculating local housing need, which increases the number of new homes to be planned for in Babergh by 86%, above the requirement set out in the JLP Part 1. As per our Regulation 14 response, we cannot rule out the possibility that further strategic housing allocations may need to be made at/or adjacent to Capel St Mary through the JLP Review to enable the district to meet identified housing needs.

Paragraph 6.1 of this neighbourhood plan explains that JLP Part 1 did not provide them with a housing number, as this was to be set out in JLP Part 2. This will now be considered through the JLP Review, and we recognise that the neighbourhood plan that has been submitted will be examined against an earlier version of the NPPF.

We trust that our comments are helpful and will be happy to answer any questions.

Yours sincerely,

Paul Bryant

Neighbourhood Planning Officer | Babergh & Mid Suffolk District Councils

T: 01449 724771 / 07860 829547 | E: communityplanning@baberghmidsuffolk.gov.uk



Babergh and Mid Suffolk District Councils
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Comments from Babergh District Council on the Regulation 16 submission draft Capel St Mary Neighbourhood Plan 2024 – 2037

Chapter 1: Introduction

Paragraphs 1.5 and 1.7 require some updating and, with the Examiner's permission, could be done as part of a more general review of paragraphs 1.5 to 1.9, with the final wording to be agreed between the parish and district council.

For **paragraph 1.15**, we suggest:

- 1.15 The neighbourhood plan policies supplement, rather than repeat, adopted planning policies in the Babergh Local Plan. Part 1 of a Joint Local Plan for Babergh and Mid Suffolk Councils was adopted in November 2023. Work on a Part 2 Joint Local Plan, which was expected to have addressed amongst other things the district settlement hierarchy, housing distribution, and site allocations, has now been deferred following the Government's new National Planning Policy Framework announcement in December 2024. The two Councils will now bring forward a full review of the Joint Local Plan. The new housing requirement figures etc. will be addressed at the district level as part of this review.

Chapter 3: Planning Policy Context

For **paragraph 3.6**, we suggest:

- 3.6 As noted earlier, a Part 2 Joint Local Plan has been dropped in favour of a full Joint Local Plan review. The work carried out to date to inform Part 2 will now inform the review.

Chapter 5: Planning Strategy

For **paragraph 5.5**, we suggest:

- 5.5 JLP1 does not provide a settlement hierarchy for the district or identify the amount of growth that will take place in Capel St Mary during the period to 2037. 'Policy SP03 - The sustainable location of new development' states that the settlement boundaries established in the earlier Local Plans (Babergh Local Plan 2006) are carried forward subject to review through Part 2 of the Joint Local Plan [but now through the Joint Local Plan review], noting that some made Neighbourhood Plans have already established new settlement boundaries. As a consequence, the 2006 settlement boundary for Capel St Mary does not represent the built-up area of the village today.

Chapter 6: Housing

For **paragraph 6.1**, we suggest:

- 6.1 Adopted JLP1 includes 'Policy SP01 - Housing Needs' which expresses the minimum number of new homes to be provided across the district during the plan period. It did not however provide a housing number to be applied to emerging neighbourhood plans. That matter had been reserved for the Part 2 Plan but will instead be addressed through the full Joint Local Plan review. The local plan does, however, include a detailed policy on Affordable Housing (JLP Policy SP02). It is therefore not necessary for this Neighbourhood Plan to repeat this level of detail.

In addition, and we would welcome both the Examiners and Parish Councils view on this, it might also be appropriate to add a footnote attached to paragraph 6.1 to explain that Policy SP01 will be updated in the Joint Local Plan review to set out the new district level housing requirement figures.

Finally, and an observation only, we note the changes made to paragraph 6.9, the deletion of the table that sat under this in the Regulation 14 draft plan, and the inclusion of new paragraph 6.13 which provides more recent evidence against which this plan has identified a need to deliver a higher proportion of 2-bed dwellings.

Chapter 7: Built Environment

A minor modification is needed in paragraph 7.6 to remove repetition of the word 'however' in the second sentence. We suggest: 'More details are ~~however~~, provided in JLP1 Policy LP23 ...[etc.]

Chapter 8: Natural Environment

Paragraph 8.16 still needs amending to cross refer to paragraph 8.10 (not paragraph 8.8).

As a minor modification, we suggest that the grammar of paragraph 8.22 could be improved by deleting the first comma (after the word 'Corridor') and by replacing the second comma after the word 'Paish' with a full stop and starting a new second sentence that reads 'Part of the area ...'

Chapter 10: Transport

With reference to **paragraph 10.7**, we welcome the inclusion of our suggested cycle link text. The first part of this paragraph still needs some editing by:

- 1) inserting the word 'District as follows ... 'Babergh and Mid Suffolk District Councils' ...', and
- 2) adding a full stop after the word 'Travel' on the first line and starting a new second sentence with 'This sets out ...'.

[Ends]

(3) HISTORIC ENGLAND



Historic England

Mr Paul Bryant
Babergh & Mid Suffolk District Councils
Endeavor House
8 Russell Road
Ipswich
Suffolk
IP7 6SJ

Direct Dial: [REDACTED]

Our ref: PL00382002

25 March 2025

Dear Mr Bryant

Ref: Capel St Mary Neighbourhood Plan Regulation 16 Consultation

Thank you for inviting Historic England to comment on the Regulation 16 Submission version of this Neighbourhood Plan.

Having reviewed the plan and relevant documentation we do not consider it necessary for Historic England to provide detailed comments at this time. We would refer you if appropriate to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into a neighbourhood plan, which can be found here:

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

We would be grateful if you would notify us on eastplanningpolicy@historicengland.org.uk if and when the Neighbourhood Plan is made by the council. To avoid any doubt, this letter 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 plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James
Historic Places Advisor, East of England
Edward.James@HistoricEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.

(4) NATURAL ENGLAND

Date: 27 March 2025
Our ref: 502185
Your ref: Capel St Mary Neighbourhood Plan

Mr Paul Bryant
Babergh & Mid Suffolk District Councils

BY EMAIL ONLY

communityplanning@baberghmidsuffolk.gov.uk



Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ
T 0300 060 3900

Dear Mr Bryant

Capel St Mary Neighbourhood Plan - Regulation 16 Consultation

Thank you for your consultation on the above dated 07 February 2025.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan and to the following information.

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 a Strategic Environmental Assessment. Further information on protected species and development 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 a Strategic Environmental Assessment. 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 Strategic Environmental Assessment 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 an Strategic Environmental Assessment is required, Natural England must be consulted at the scoping and environmental report stages.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely
Sally Wintle
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification**, **Ancient Woodland**, **Areas of Outstanding Natural Beauty**, **Local Nature Reserves**, [National Parks \(England\)](https://www.gov.uk/government/publications/national-parks-in-england), **National Trails**, **Priority Habitat Inventory**, **public rights of way (on the Ordnance Survey base map)** and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available from [the Association of Local Environmental Records Centres](http://www.local-environmental-records-centres.org/).

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)². Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)³.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁴ website and also from the [LandIS website](http://www.landis.org.uk/index.cfm)⁵, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework)⁶ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)⁷ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

¹ <http://magic.defra.gov.uk/>

² <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

³ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁴ <http://magic.defra.gov.uk/>

⁵ <http://www.landis.org.uk/index.cfm>

⁶ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁷ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁸), such as Sites of Special Scientific Interest or [Ancient woodland](#)⁹. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹⁰) or protected species. To help you do this, Natural England has produced advice [here](#)¹¹ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see [Guide to assessing development proposals on agricultural land](#)¹².

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment and should provide net gains for biodiversity in line with the [National Planning Policy Framework](#). If you are setting out policies on new development or proposing sites for development, you should follow the biodiversity mitigation hierarchy and seek to ensure impacts on habitats are avoided or minimised before considering opportunities for biodiversity enhancement. You may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development and how these could contribute to biodiversity net gain and wider environmental goals.

Opportunities for environmental enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to reduce impacts on wildlife.
- Adding a green roof to new buildings.
- Providing a new footpath through the new development to link into existing rights of way.

Site allocations should be supported by a baseline assessment of biodiversity value. The statutory [Biodiversity Metric](#) may be used to understand the number of biodiversity units present on allocated sites. For small development allocations the [Small Sites Metric](#) may be used. This is a simplified version of the statutory [Biodiversity Metric](#) and is designed for use where certain criteria are met. Further information on biodiversity net gain including [planning practice guidance](#) can be found [here](#)

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision. Natural England's [Green Infrastructure Framework](#) sets out further information on green infrastructure standards and principles
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance](#)¹³).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks or on verges, changing hedge cutting timings and frequency).

⁸ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

⁹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹⁰ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

¹¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹² <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

¹³ <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory [Biodiversity Metric](#) and is available as a beta test version.

Babergh District Council
Endeavour House Russell Road
Ipswich
Suffolk
IP1 2BX

Our ref: AC/2025/132617/01-L01
Your ref: CapelStMaryNHP
Date: 21 February 2025

Dear Sir/Madam

REGULATION 16 CAPEL ST MARY NEIGHBOURHOOD PLAN

CAPEL ST MARY

Thank you consulting us on the Regulation 16 of the Capel St Mary Neighbourhood Plan.

We aim to reduce flood risk, while protecting and enhancing the water environment.

We note that comments we raised previously have not been incorporated and fully taken into account within the Plan. We recommend that our previous comments issued to the Regulation 14 Draft Plan are taken into account.

For your information, we have included our comments from the Regulation 14 consultation below.

If our comments are not adequately addressed, the Plan may fail to meet the basic conditions as set out in the 'Planning Practice Guidance, found: [Neighbourhood planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-practice-guidance).

Environmental Constraints

We have identified that the Neighbourhood Plan Area will be affected by the following environmental constraints:

Flood Risk

Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of fluvial flood risk and watercourses within the neighbourhood plan area along the Stutton Brook.

On the basis that future development is steered away from the sensitive aspects of the environment highlighted, we do not consider there to be potential significant environmental effects relating to these environmental constraints. Nevertheless, we recommend the inclusion of relevant policies to cover the management of flood risk. Allocation of any sites and any windfall development delivered through the Plan

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

period should follow the sequential approach. [National Planning Policy Framework](#) (NPPF) paragraph 167 sets this out.

Water Resources

Being in one of the driest areas of the country, our environment has come under significant pressure from potable water demand. New developments should make a significant contribution towards reducing water demand and mitigate against the risk of deterioration to our rivers, groundwater and habitats from groundwater abstraction. We recommend you check the capacity of available water supplies with the water company, in line with the emerging 2024 Water Resources Management Plan which is due to be published in 2023. The Local Planning Authorities Water Cycle Study and Local Plan may indicate constraints in water supply and provide recommendations for phasing of development to tie in with new alternative strategic supplies.

New development should as a minimum meet the highest levels of water efficiency standards, as per the policies in the adopted Local Plan. In most cases development will be expected to achieve 110 litres per person per day as set out in the Building Regulations &c. (Amendment) Regulations 2015. However, a higher standard of water efficiency (e.g. 85 l/p/d) should be considered, looking at all options including rainwater harvesting and greywater systems. Using the water efficiency calculator in Part G of the Building Regulations enables you to calculate the devices and fittings required to ensure a home is built to the right specifications to meet the 110 l/p/d requirement. We recommend all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

Developments that require their own abstraction where it will exceed 20 cubic metres per day from a surface water source (river, stream) or from underground strata (via borehole or well) will require an abstraction licence under the terms of the Water Resources Act 1991. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights. The relevant abstraction licencing strategy for your area provides information on water availability and licencing policy at Abstraction licencing strategies (CAMS process) - GOV.UK (www.gov.uk).

Contaminated Land

For land that may have been affected by contamination as a result of its previous use or that of the surrounding land, sufficient information should be provided with any planning application to satisfy the requirements of the NPPF for dealing with land contamination. This should take the form of a Preliminary Risk Assessment (including a desk study, conceptual model and initial assessment of risk), and provide assurance that the risk to the water environment is fully understood and can be addressed through appropriate measures. This is because Capel St Mary Neighbourhood Plan Area is a source protection zone 2 and 3 as well as on a principal Aquifer. For any planning application the prior use should be checked to ensure there is no risk of contamination.

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Source Protection Zones

Your plan includes areas which are located on Source Protection Zones 2 and 3. These should be considered within your plan if growth or development is proposed here. The relevance of the designation and the potential implication upon development proposals should be considered with reference to our Groundwater Protection guidance: <https://www.gov.uk/government/collections/groundwater-protection>

Biodiversity Net Gain

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. Identifying sites for the delivery of [Biodiversity Net Gain](#) could lead to habitat improvements in your area. Biodiversity Net Gain is a system that delivers habitat improvements on any local sites including [Local Wildlife Sites](#) to ensure that there is no loss of habitats from new development. Identifying areas that could benefit from management for conservation within your area could enable habitat to be created closer to development sites in your plan area, providing local ecological enhancement.

Informative

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, Historic England and Forestry Commission, we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: [How to consider the environment in Neighbourhood plans - Locality Neighbourhood Planning](#).

We trust that this advice is useful.

Yours faithfully

Miss Lucy Fielder
Sustainable Places - Planning Advisor

Team e-mail Planning.eastanglia@environment-agency.gov.uk
Team number 02084 745242

(6) SUFFOLK WILDLIFE TRUST

[Capel St Mary] NP Consultation, c/o Planning Policy Team

[Babergh] District Council

Endeavour House

8 Russell Road

Ipswich, IP1 2BX

25th February 2025

RE: Consultation under Regulation [16] of the Neighbourhood Planning (General) Regulations 2012 | The Capel St Mary Neighbourhood Plan – Further Pre-Submission Consultation

Thank you for sending us details of the Capel St Mary Neighbourhood Plan, Regulation 16 consultation, please see our comments below:

Natural Environment Objectives

Suffolk Wildlife Trust support the plans proposed Natural Environment Objectives.

Community Aspiration 1: Spring Hill Meadows CWS

Suffolk Wildlife Trust support this aspiration.

Policy CFM6: Biodiversity

Suffolk Wildlife Trust raise no significant issue with the policy but raise the following technical points with wording within the policy, previously noted during the Regulation 14 Consultation.

- With regard to Point C (*Proposals will be supported where they integrate improvements to biodiversity which will secure a measurable net gain as part of the design through, for example: c. restoring and repairing fragmented wildlife networks, for example, including swift-boxes, bat boxes and holes in fences which allow access for hedgehogs*):
 - Typically, a measurable net gain is measured using the Statutory Biodiversity Metric calculator or the Small Site Metric Calculator – these calculators are focussed on habitats alone, and therefore features such as swift and boxes, or hedgehog connectivity, are not included.
 - The inclusion of any bird boxes, including swift boxes, or bat boxes do not constitute a key component of repairing or restoring wildlife networks; these features can provide suitable nesting or roosting habitat which can provide compensation for lost features, or enhance an area where these features are lacking. However, a network should consider how these features interact with the surrounding landscape by ensuring that suitable green space for wildlife is provided within development sites. The restoration of ecological networks should focus on providing landscape connectivity using natural and semi-natural habitats, connecting/ buffering/ creating/ or making bigger existing designated sites, priority habitats, wildlife corridors, or other areas managed for biodiversity interest.

Community Aspiration 2: Biodiversity Net Gain

Suffolk Wildlife Trust advocate for 20% Biodiversity Net Gain policies within all plans, and have done for a number of years, and are delighted to see this aspiration included within the Capel St Mary Neighbourhood Plan. As per our previous response, clarity on how the community aspiration can be delivered in terms of development is needed, as Biodiversity Net Gain is typically used to as a means of assessing impacts from new development.

Should you have any further question, please get in touch.

Yours sincerely,

Alex Jessop

Planning & Advocacy Officer

planning@suffolkwildlifetrust.org

(7) NATIONAL LANDSCAPE TEAM

E from: Beverly McClean (National Landscape Planning Officer)
Rec'd: 27 March 2025
Subject: Response to submission draft Capel St Mary Neighbourhood Plan

Good afternoon.

I have reviewed the submission draft of the Capel St Mary Neighbourhood Plan 2024 – 2037 and have a number of comments to make.

The Southern part of the parish falls within the Suffolk & Essex Coast & Heaths National Landscape. The draft Neighbourhood Plan acknowledges this which is welcome, but the plan does not contain any specific policies about how development in this area will be managed.

Capel St Mary Parish Council is a Relevant Authority. As a relevant authority must comply with the seek to further duty set out in Section 85 of the Countryside and Rights of Way Act 2000.

Section 85 states the following:

85General duty of public bodies etc.

(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. This covers all activities undertaken by the Parish Council including preparing their Neighbourhood Plan.

Following grant of Royal Assent on 26 October 2023, The Levelling Up and Regeneration Act 2023 (Section 245) amended and strengthened the duty on all Relevant Authorities in relation to AONBs. The strengthened duty came into force on the 26th of December 2023 and is relevant to the Capel St Mary Neighbourhood Plan.

In December 2024, DEFRA published formal guidance to assist relevant authorities comply with the seek to further duty. The National Landscape Association also produced a Briefing Note for relevant authorities on how to comply with the Section 85. The latter complements the DEFRA guidance. Please see the attached.

Babergh DC Note: These appended and links to the same also provided below:

1. [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK](#)
2. <https://national-landscapes.org.uk/guidance-for-local-planning-authorities-on-crow-s-85-duty>

You will see one of the ways to comply is aligning Neighbourhood Plan policies with the current [Suffolk & Essex Coast & Heaths National Landscape Management Plan 2023-2028](#) objectives or policies

The duty requires relevant authorities to seek to further the primary purpose of designation which for National Landscapes is the conservation and enhancement of the area's natural beauty. Natural beauty is defined by landscape quality, scenic quality, relativeness wildness, relative tranquillity, natural heritage and cultural heritage interests and associations. Tranquillity covers issues such as noise, lighting etc.

(cont.)

As well as the management plan, the National Landscape team has commissioned a Lighting Design Guide and Use of Colour Guide. Reference to the need for lighting and materials to comply with these documents in the design section would be helpful and would go some way towards demonstrating how the Neighbourhood Plan is seeking to further the primary purpose of designation.

The current draft of the Neighbourhood Plan makes no reference to the National Landscape Management Plan and policies do not align with relevant management plan policies. The National Landscape team consider that further work is needed to address this to ensure that the Parish Council can meet their Section 85 obligations.

The National Landscape team will be happy to work with the Parish Council; to address this issue.

Yours sincerely

Beverley McClean



**Suffolk & Essex
Coast & Heaths**
National
Landscape



Dedham Vale
National
Landscape
& Stour Valley

Beverley McClean

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www.coastandheaths-NL.org.uk

www.dedhamvale-NL.org.uk

Please consider the environment before printing this email.

You can now make a nomination for the 2025 National Landscape Awards in the [Dedham Vale](#) and the [Coast & Heaths](#)!



Department
for Environment,
Food & Rural Affairs

Guidance

Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes

Published 16 December 2024

Applies to England

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This publication is available at <https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes>

‘Protected Landscapes’ refers to National Parks, the Norfolk and Suffolk Broads and National Landscapes in England.

‘National Landscapes’ is the rebranded name for areas of outstanding natural beauty (AONBs). This name change is not statutory.

The Protected Landscapes duty

This guidance sets out how the Protected Landscapes duty is intended to operate and provides broad principles to guide relevant authorities in complying with it.

Section 245 (Protected Landscapes)
(<https://www.legislation.gov.uk/ukpga/2023/55/section/245/enacted>) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in National Parks, National Landscapes, and the Norfolk and Suffolk Broads (collectively referred to as Protected Landscapes) in England.

Relevant authorities must now ‘seek to further’ the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to ‘have regard to’ their statutory purposes.

The duty is intended to facilitate better outcomes for England’s Protected Landscapes, which are in line with their statutory purposes. The duty does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities. The duty is intended to complement these requirements by ensuring that the purposes for which Protected Landscapes are designated for are recognised in reaching decisions and undertaking activities that impact these areas.

Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised.

Who must comply with the duty

You must comply with the duty if you are a relevant authority, which for the purposes of this duty means:

- a government department or public body
(<https://www.gov.uk/government/organisations>)

- any statutory undertaker
- any person holding public office

The duty does not apply to devolved Welsh Authorities.

When to apply the duty

Relevant authorities will need to apply the duty when undertaking any function in relation to, or so as to affect, land in a Protected Landscape.

This may include:

- the preparation of Development Plans and associated assessments and documents
- decision making in respect of development management, planning applications and nationally significant infrastructure projects
- development undertaken through permitted development rights where prior approval on relevant planning matters is required
- day-to-day functions such as maintenance, the refurbishment of buildings and infrastructure and the management of land and water
- when considering the appropriateness of avoidance, mitigation, and compensation measures
- functions outside of a Protected Landscape which may have an effect on land in a Protected Landscape
- the drafting of Protected Landscape Management Plans
- planning appeals and public inquiries
- the drafting of Local Nature Recovery Strategies
- other plans and spatial strategies which affect these areas such as Local Transport Plans, River Basin Management Plans, and Neighbourhood Plans
- the drafting and delivery of (for example) policies and strategies, operational procedures, estate management plans, contracts, and works instructions which guide and control the day-to-day work of the relevant authority and their agents
- the issuing of licences and permits

When seeking to further the purposes, relevant authorities should consider the information contained in a Protected Landscape's Management Plan. Management Plans describe the natural beauty, special qualities and key characteristics of and targets and objectives for the designation.

Relevant authorities should make efforts to understand the Management Plan and relate their functions to it. Dialogue with the Protected Landscape team (National Park Authority, Conservation Board, National Landscape Partnership, or Joint Advisory Committee) can assist the relevant authority. Relevant authorities should also refer to the Protected Landscapes Targets and Outcomes Framework

(<https://www.gov.uk/government/publications/protected-landscapes-targets-and-outcomes-framework/protected-landscapes-targets-and-outcomes-framework>).

What a relevant authority should do

The duty is an active duty, not passive, which means:

- a relevant authority should take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes
- as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes
- a relevant authority should be able to demonstrate with proportionate, reasoned, and documented evidence the measures to which consideration has been given when seeking to further the statutory purposes of Protected Landscapes - for example, policies, strategies, operational procedures, estate management plans, investment plans, contracts, works instructions, assessments and reports which should be able to evidence the proper discharge of the duty by the relevant authority
- for ongoing functions, a relevant authority may consider it appropriate to instigate a formal compliance monitoring and reporting system to ensure adherence to the duty
- for development plan making and development management decisions affecting a Protected Landscape, a relevant authority should seek to further the purposes of the Protected Landscape - in so doing, the relevant authority should consider whether such measures can be embedded in the design of plans and proposals, where reasonably practical and operationally feasible
- for the development and management of land, water and estates, relevant authorities should seek to further the purposes of the Protected Landscape when designing and undertaking these activities, where reasonably practical and operationally feasible
- for day-to-day activities, relevant authorities should seek to further the purposes of the Protected Landscape when designing and undertaking these activities where reasonably practical and operationally feasible

What a relevant authority should consider

What are the statutory purposes that you should seek to further when exercising a function in the Protected Landscape it affects?

Do measures which would further the purposes align with and help to deliver the targets and objectives in the Protected Landscape's Management Plan?

Are such measures appropriate and proportionate to the type and scale of the function and its implications for the area? For instance, are measures in keeping with the natural beauty, the special qualities and key characteristics of the Protected Landscape?

Could the measures contribute to the conservation and enhancement of the Protected Landscape's wildlife, ecological value and quality, geological and physiographical features, water environment, cultural heritage, dark skies, tranquillity, opportunities for access to nature, and landscape character for which the area was designated?

Are there ongoing management needs for these measures?

How will the measures be funded and secured?

Has the relevant Protected Landscape team been approached for their views on whether or not measures help to deliver the Protected Landscape's Management Plan and further the purposes of the designation?

Does there need to be documented evidence, for instance a record of the decision and how it was reached?

Does the nature of the function require the operation of the duty to be periodically reviewed or monitored by the relevant authority?

The Biodiversity Duty

Public authorities must also comply with the strengthened Biodiversity Duty (<https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>) that the Environment Act 2021 introduced.

You should consider:

- how your actions taken to comply with the Biodiversity Duty are complementary
- if you have met both duties in full through your decisions

Statutory purposes of Protected Landscapes

The statutory purposes of National Parks are:

- conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated
- promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public

The statutory purposes of National Landscapes (areas of outstanding natural beauty) are:

- conserving and enhancing the natural beauty of the area of outstanding natural beauty

The statutory purposes of National Landscapes (areas of outstanding natural beauty) with Conservation Boards are:

- conserving and enhancing the natural beauty of the area of outstanding natural beauty
- increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty

The statutory purposes of The Norfolk and Suffolk Broads are:

- conserving and enhancing the natural beauty, wildlife, and cultural heritage of the Broads
- promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public
- protecting the interests of navigation

The Management Plan describes the natural beauty, special qualities and key characteristics of a Protected Landscape. This will articulate the features of the landscape which warrant its nationally designated and protected status.

For National Parks there are occasionally conflicts between the first statutory purpose of conservation and enhancement of natural beauty, wildlife and cultural heritage, and the second purpose of public enjoyment of the special qualities. If this is the case the Sandford Principle is applied.

In complying with the Sandford Principle, if it appears that there is a conflict between those purposes, a relevant authority must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area in the National Park.

The setting of Protected Landscapes

The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape.

Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. Aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage or long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting.

Functional connectivity is also important where there are flows or close interconnection between the Protected Landscape and its setting, for example:

- a shared water catchment and management of water resources
- ecological connectivity where species are able to move across and between the designated and non-designated area
- Rights of Way, Open Access Land and other recreational links joining the designated area to the wider countryside

Development and the management of land, water and estates located in the setting have the potential to adversely affect the natural beauty, special qualities, and key characteristics of a Protected Landscape.

Applying the CRoW Act section 85 duty to 'seek to further the purpose' in National Landscapes (AONBs)



Guidance for Local Planning Authorities

National Landscapes Association, with the National Landscapes Planning and Placemaking Panel

Briefing November 2024

Purpose of this Briefing

This Briefing has been produced to provide guidance to planning teams (for example, officers and committee members) in Local Planning Authorities, on meeting the strengthened duty in the Countryside and Rights of Way (CRoW) Act 2000 (section 85) in any policy-making, decision-making or actions that affect Areas of Outstanding Natural Beauty (AONBs) in England.¹ It should be considered in parallel with any future guidance from the Department for the Environment, Food and Rural Affairs (Defra) on this matter.

The Briefing aims to offer practical, easy-to-follow guidance tailored specifically to plan-making and decision-making in Local Planning Authority (LPA) functions, and includes:

- ❖ **Legislative context and broad approach** – an overview.
- ❖ **Use of the relevant AONB Management Plan.**
- ❖ **Local Planning Authority decision-making process.**
- ❖ **CRoW Act 2000 s.85 duty in planning policy plan-making** (including Local Plans, Strategic Housing Land Availability Assessment/Housing and Economic Land Availability Assessment and site allocations, Supplementary Planning Documents and Neighbourhood Plan consideration).
- ❖ **S.85 duty in development management decision-making** (including planning applications, tree preservation order decisions, and enforcement).
- ❖ **Information sources** that have been used in the preparation of this Briefing.

¹ From November 22nd 2023, [all AONBs in England are known as National Landscapes](#). The statutory designation remains an area of outstanding natural beauty (AONB) and is currently referred to as such in policy and legislation. For this reason, this document still uses the term AONB.

Legislative context and broad approach

- Section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-up and Regeneration Act² in December 2023) requires 'relevant authorities', in exercising or performing any function that affect AONBs in England, to **"seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty."**³
- This is a **statutory duty**, which has been in force since December 26, 2023. The use of the word 'duty' in the legislation means that it is something all 'relevant authorities' must do; it is not discretionary.
- The duty is considered to be a **strengthening** of the previous s.85 'duty of regard' and seeks positive outcomes for the natural beauty, in its holistic sense, of our AONBs.
- Within the planning context, **relevant authorities** are the Local Planning Authorities, the Planning Inspectorate and the Secretary of State (e.g., for called-in decisions), along with Parish Councils producing Neighbourhood Plans. The duty applies to all aspects of the development management process and the plan-making process: e.g., planning application decisions, enforcement, and decisions relating to planning policies and site allocations in Local Plans, etc.
- The duty is considered to require a **pro-active approach by the decision-maker**; relevant authorities are expected to be able to demonstrate that they have fulfilled the duty, and how compliance with the duty has been embedded in the plan-making and decision-making process. Natural England have advised that relevant authorities must take **all reasonable steps** to explore how the statutory purposes of the Protected Landscape can be furthered.⁴
- The duty applies to plan-making and decision-making *'in relation to, or so as to affect, land in an AONB'*, not only in considering proposals within an AONB, but also, for e.g., **affecting its setting**.
- It is important to ensure that **'to conserve and enhance' is treated as a singular purpose**: consider both parts together, in every relevant decision.
- The statutory duty needs to be considered **in tandem with the National Planning Policy Framework (NPPF)**, in particular paragraphs 11, 182 and 183.⁵
- Paragraph 182 of the NPPF (2023) sets out that **'great weight'** should be given to conserving and enhancing landscape and scenic beauty in AONBs, whereas conservation and enhancement of wildlife and cultural heritage are 'important considerations'.
- However, it is important to remember that 'natural beauty' is holistic. **'Natural beauty' is not just the look of the landscape, but includes landform and geology, plants and animals, landscape features, and the rich history of human settlement over the centuries.**⁶ It includes landscape and scenic quality, natural heritage (species, habitats, geology and physical

² Levelling-up and Regeneration Act 2023 ([section 245](#)).

³ Countryside and Rights of Way Act 2000 ([section 85](#)).

⁴ Natural England (2023) 'Natural England's addendum to our Deadline 9 response in relation to the enhanced duty in relation to Protected Landscapes including the Kent Downs Area of Outstanding Natural Beauty' ([Annex 2, para 2.1.3](#)). 'Protected Landscapes' in this document refers to National Landscapes (AONBs) and National Parks: Natural England's advice applies to both.

⁵ "Planning policies and decisions must also reflect relevant international obligations and statutory requirements." [NPPF \(2023\), para. 2.](#)

⁶ Countryside Commission (2001) [Areas of Outstanding Natural Beauty: A guide for AONB Partnership members. CA24.](#)

geography), wildness, tranquillity and dark skies, and cultural heritage (including cultural traditions and the historic and other built environment that makes the area unique).⁷ Historic England make clear that the historic environment is fundamental to the distinctive character, sense of place and natural beauty of each AONB.⁸

- It is the conservation and enhancement of **all** this natural beauty (usually defined in the specific statutory AONB Management Plan) that is the primary purpose of designation, and that Local Planning Authorities must consider in discharging their duty under CROW Act (2000) s.85.
- **LPAs are advised to ensure internal Local Authority legal teams are aware of the s.85 duty.**

Use of the relevant AONB Management Plan

- The Management Plan for the specific AONB is a statutory document, which will have been adopted by the Local Authority (or by the relevant Conservation Board) and which '**formulates their policy for the management of the area and for the carrying out of their functions in relation to it**'.⁹ It is the principal vehicle for ensuring that the statutory purposes of the AONB are met, and is a material consideration in the planning process.
- Conserving and enhancing the natural beauty of the specific AONB will normally mean, as a minimum:
 - **conserving and enhancing the character components or special qualities identified in the Management Plan;**
 - **supporting the Management Plan Objectives, Policies and/or Principles (as applicable) as set out for each of these; and**
 - **following any Management Plan actions set out for each.**

Local Planning Authority decision-making process

Local Planning Authorities must be able to demonstrate that they have complied with the strengthened duty in any decision or action that impacts or could potentially impact on the AONB.

To demonstrate that they have sought to further the purpose of designation in making decisions regarding planning policies, site allocations, and development management (including planning enforcement), it is considered LPAs will need to:

- **Establish the facts about the natural beauty of the area, especially with reference to the statutory Management Plan for the specific AONB.** Identify what comprises the natural beauty, using:
 - descriptions of natural beauty, including Statements of Significance, description of key characteristics and special qualities, as set out in AONB Management Plans; and

⁷ The 'natural beauty criterion'. Natural England (2017) [Areas of outstanding natural beauty: designation and management](#); Natural England (2021) [Guidance for assessing landscapes for designation as National Park or AONB in England](#).

⁸ Joint Statement on the Historic Environment in Areas of Outstanding Natural Beauty, [Historic England website](#) (2022); Historic England and AONBs sign joint statement, [National Landscapes Association website](#) (2022).

⁹ Countryside and Rights of Way Act 2000, [s.89\(2\)](#).

- the reasons for designation as an AONB.
- **Understand the key objectives in the statutory Management Plan for the specific AONB,** which give an indication which actions or approaches will further the purpose of designation. These objectives:
 - relate to the applicable legislative purposes;
 - are evidence-based;
 - have been agreed between local partners, in a process convened by the AONB team;
 - include, but are not limited to, national or locally apportioned government targets and outcomes.

AONB Management Plans are often supported by additional guidance documents that provide more detailed advice and position statements relating to subjects such as design, dark skies, rural roads and public realm, renewable energy infrastructure, and the setting of the AONB, and these should also be considered in the decision-making process, as should any Landscape Character Assessments / Historic Character Assessments that inform Management Plans.

CRoW Act 2000 s.85 duty in planning policy plan-making

The duty to seek to further the purpose of conserving and enhancing the natural beauty of AONBs applies to the full range of aspects of the plan-making process. An LPA will need to be able to demonstrate how it has, throughout all stages of the preparation of the Local Plan, sought to further the purpose of conserving and enhancing the natural beauty of the AONB. This includes at examination stage, addressing the s. 85 duty actively in responses to Inspector's Findings and in any proposed modifications to Local Plans.

Each of the following apply both to an LPA's own Local Plan work, including Mineral & Waste Plans and Supplementary Planning Documents (SPDs), and to the LPA's consideration of Neighbourhood Plans.

- **For setting the Local Plan vision and overall development strategy:**
 - Ensure the overall vision and development strategy would align with the objectives/principles/policies of the relevant AONB Management Plan.
 - Identify how much of a district's objectively assessed need can be met without harming the natural beauty of the relevant AONB, particularly where meeting the need would require allocations that would not further the purposes of AONB designation (see below). (N.B. this may involve setting a lower Local Plan housing requirement figure).¹⁰
- **For decisions relating to the drafting of planning policies (all Local Plan /SPD policies, not just those policies specifically dedicated to the AONB):**
 - Assess the degree to which each policy would align with the objectives/principles/policies of the relevant AONB Management Plan.
 - Assess the degree to which each policy would help deliver any actions/outcomes of the relevant AONB Management Plan.

¹⁰ As provided for by NPPF (2023) [para. 11 \(b\) \(i\)](#).

- Consider if the range and scope of the policies is sufficient to fully deliver the Management Plan's objectives/action/outcomes, i.e. are any additional policies /policy areas needed? (In this regard, a stand-alone policy closely aligned to the Management Plan objectives/principles/policies is recommended, though this is not considered sufficient to demonstrate compliance with the strengthened duty.)
- If a draft planning policy would *not* align with the duty to seek to further the applicable legislative purpose (e.g. if it would conflict with any of the Management Plan's objectives/principles/policies), then consider amending the policy such that you could confidently say the decision does seek to further the relevant purpose.

- **For decisions relating to site allocations:**

- Assess what impact the proposed site allocation would have on the natural beauty of the AONB, considering its scale, location and landscape setting with reference to the character components/special qualities set out in the AONB Management Plan. (In this regard, consider including a specific criterion regarding 'natural beauty' within the Strategic Housing Land Availability Assessment (SHLAA)/Housing and Economic Land Availability Assessment (HELAA), and within the Sustainability Appraisal).
- Consider how the natural beauty of the AONB might be affected, were the site to be allocated for development. Remember to consider the holistic concept of natural beauty.
- Consider whether this would cause harm to the natural beauty of the AONB. Consider the objectives/principles/policies of the AONB Management Plan. Natural England have advised that the strengthened duty underlines the importance of avoiding harm to the statutory purposes of Protected Landscapes.¹¹
- Ensure clear differentiation between any proposed measures that seek to *mitigate* or *compensate* for harm (e.g., like-for-like replacement), and those that *further* the conservation and enhancement of the natural beauty of the AONB. Natural England have advised that measures that further the purposes are required in addition to mitigation.¹⁰
- If the measures would have a neutral effect, consider what modifications would help further the purpose of conserving and enhancing the natural beauty.
- If promoting a site allocation would not align with the duty to seek to further the conservation and enhancement of natural beauty, then consider amending or deleting a site allocation such that you could confidently say the decision does seek to further the statutory purpose. (For example, choosing *not* to allocate a particular site within or close to the AONB boundary could demonstrate compliance, where this results in avoiding harm.)
- Evidence how the LPA has sought to further the purpose of conserving and enhancing the AONB in its decision, with reference to aligning with AONB Management Plan objectives/principles/policies.

¹¹ Natural England (2023) ([Annex 2, para. 2.1.3](#)).

S.85 duty in development management decision-making

The s.85 duty to seek to further the purpose of conserving and enhancing the natural beauty of AONBs applies to the full range of development management decision-making, including considering applications for outline, full and reserved matters, listed building consent, applications for works to protected trees, and prior notifications, along with enforcement work on planning breaches. An LPA should also ensure that local validation checklists require the submission of sufficient, specific information to enable them to fulfil the s.85 duty in their decision-making.

The following apply to decision-making at both officer and planning committee level.

- **For decisions relating to planning applications:**

- Assess what impact the proposal would have on the purpose of designation. Consider how the natural beauty of the area might be affected, were the proposal to go ahead (remember to consider the holistic concept of natural beauty), and consider how the proposal would align with the AONB Management Plan objectives/principles/policies.
- Consider whether this would cause harm to the natural beauty of the area. Natural England have advised that the strengthened duty underlines the importance of avoiding harm to the statutory purposes of Protected Landscapes.¹²
- Remember that where harm is identified, 'enhancements' themselves, including biodiversity net gain (BNG) provision, are unlikely to be sufficient to align with the duty, which has the dual consideration of conserving and enhancing natural beauty. Also, ensure that any 'enhancements' within the proposal do genuinely align with, and help deliver, the objectives, principles and/or policies and resulting actions of the specific AONB Management Plan, by way of scope and location. Natural England have advised that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory Management Plan.¹¹
- Ensure a clear differentiation between any proposed measures that seek to *mitigate* or *compensate* for harm (e.g. like-for-like replacement), and those that *further* the conservation and enhancement of the natural beauty of the AONB. Natural England have advised that measures that further the purposes are required in addition to mitigation.¹¹
- If the measures would have a neutral effect, consider what amendments would help further the purpose of conserving and enhancing the natural beauty. Could any conditions attached to any permissions help to conserve and enhance the natural beauty?
- As part of this assessment, consider the degree to which the effect on natural beauty has been articulated by the applicant (e.g. through LVIA's, heritage statements, ecology and arboricultural assessments, lighting statements and transport assessments); scrutinise the submission against the Management Plan in this regard.
- If supporting an application would *not* align with the duty to seek to further the conservation and enhancement of natural beauty, then consider seeking amendments or refusing permission, such that you could confidently say the decision does seek to further the statutory purpose.

¹² Natural England (2023) ([Annex 2, para. 2.1.3](#)).

- Evidence how the LPA has sought to further the purpose of conserving and enhancing the AONB in its intended decision, with reference to aligning with AONB Management Plan objectives/principles/policies. It is recommended that this evidence is referenced in officer reports/committee reports.

N.B. Consultation on planning applications with the relevant AONB team by a Local Planning Authority does not in itself constitute compliance with the strengthened duty. (Generally, teams will not have available capacity to advise on all planning applications within the AONB and will normally only be able to advise on the most significant applications). It is the responsibility of relevant authorities themselves to comply with the duty, and to assess and record how they have complied with the duty, in exercising or performing any functions affecting an AONB.

- **For applications to make a tree preservation order (TPO), or when assessing applications for works to protected trees (those with a TPO or in a Conservation Area), actively consider the s.85 duty by:**
 - ensuring the impact on the natural beauty of the AONB forms part of the assessment of 'amenity' when considering whether to make a TPO; and
 - when making decisions on applications for works to protected trees, ensure the impact on the natural beauty of the AONB forms part of the assessment of the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area.
- **For enforcement cases:**
 - Ensure the s.85 duty is built into assessment criteria as to whether it is considered expedient to pursue enforcement action on a particular breach of planning control within, or affecting, an AONB.
 - Remember that s.84 of the CROW Act (2000) sets out that LPAs have power "*to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, or so much of it as is included in their area*".
 - In considering the appropriate enforcement route, assess if the planning breach harms the natural beauty of the AONB, with regard to the Management Plan Statement of Significance and objectives, principles and/or policies.
 - Consider if any amendments could help further the purpose of conserving and enhancing the natural beauty. Ensure clear differentiation between any proposed measures that seek to *mitigate* or *compensate* for harm (e.g., like-for-like replacement), and those that *further* the purpose of conserving and enhancing the natural beauty of the AONB. Natural England have advised that measures that further the purposes are required in addition to mitigation.¹³

¹³ Natural England (2023) ([Annex 2, para 2.1.3](#)).

Information sources used in the preparation of this Briefing

- Countryside Commission (2001) Areas of Outstanding Natural Beauty: A guide for AONB Partnership members. CA24. Available at <https://national-landscapes.org.uk/historical-papers>
- Countryside and Rights of Way Act 2000. Available at <https://www.legislation.gov.uk/ukpga/2000/37/section/85>
- Landmark Chambers (2024) *Re: section 245 of the Levelling Up and Regeneration Act 2023*. Opinion, 29.1.24 (instructed by the Campaign for National Parks). Available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010062/TR010062-002426-Campaign%20for%20National%20Parks.pdf>
- Levelling-up and Regeneration Act 2023. Available at <https://www.legislation.gov.uk/ukpga/2023/55/section/245#section-245>
- Natural England (2017) Areas of outstanding natural beauty (AONBs): designation and management. Guidance. Available at <https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management>
- Natural England (2021) Guidance for assessing landscapes for designation as National Park or AONB in England. Available at: https://consult.defra.gov.uk/ne-landscape-heritage-and-geodiversity-team/yorkshire-wolds-designation/user_uploads/ne_guidance-on-assessing-landscapes-for-designation_june21-1.pdf
- Natural England (2023) 'Natural England's addendum to our Deadline 9 response in relation to the enhanced duty in relation to Protected Landscapes including the Kent Downs Area of Outstanding Natural Beauty'. Available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-006179-Natural%20England%20-%20Deadline%20a%20Submission.pdf>

If you require general assistance in understanding or interpreting a specific AONB Management Plan, please contact the relevant **National Landscape (AONB) team**, who will be able to offer you further guidance.

About National Landscapes Association

We are a registered charity that supports the mission to conserve and enhance natural beauty in National Landscapes and other protected areas. National Landscape teams across the UK work to achieve a sustainable balance of priorities at the landscape scale. One of our key aims is to support and develop a network of ambitious National Landscape teams and partnerships that have a strong collective voice and a positive impact on the places for which they care.

About this Briefing

National Landscapes Briefings offer a summary of key findings and recommendations arising from National Landscapes' action and insight. This Briefing has been informed by the Planning and Placemaking specialist panel of representatives from across the National Landscape network.

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Our ref: NH/25/09904
Your ref: Capel St Mary Nhood Plan Reg 16

National Highways
Operations (East)
Woodlands
Manton Lane
Bedford MK41 7LW

Capel St Mary NP Consultation
c/o Planning Policy Team
Babergh District Councils
Endeavour House
8 Russell Road, Ipswich, Suffolk, IP1 2BX.

26 March 2025

Via email to: communityplanning@baberghmidsuffolk.gov.uk

Dear Paul Bryant,

Consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ~ The Capel St Mary Neighbourhood Plan 2024 - 2037

National Highways welcomes the opportunity to comment on the Regulation 16 consultation of the draft Capel St Mary Neighbourhood Plan which covers the plan period from 2024 to 2037.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

In relation to the Draft Capel St Mary Neighbourhood Plan 2024 to 2037, our principal interest is in safeguarding the operation of the A12 and A14 of the Capel St Mary Neighbourhood Plan area.

We understand that a Neighbourhood Plan is required to be in conformity with relevant national, regional, and local planning policies. Accordingly, the Neighbourhood Plan for Capel St Mark Parish Council is required to be in general conformity with the strategic policies of the development plan which complement those in the Joint Babergh and Mid Suffolk Local Plan Part 1 (adopted in November 2023). This draft Neighbourhood Plan covers the period to 2037 to coincide with the end date of the Joint Local Plan (JLP).

Having reviewed the draft version of the Neighbourhood Plan, we note that the scale of the growth is low. National Highways therefore consider the limited level of growth

proposed across the Capel St Mary Neighbourhood Plan area, is unlikely to have any significant impact on the operation of the SRN.

For information, the Copdock interchange (where the A14 Junction 55 meets the A12) improvement scheme is still uncommitted with no guarantee that this scheme will be taken forward into construction. Therefore, until the RIS3 is formally published we are unable to confirm what schemes are included within the RIS 3 period.

We have no further comments to provide and trust the above is useful in the progression of the Neighbourhood Plan.

Yours sincerely,

S. H.
Dr Shamsul Hoque
Assistant Spatial Planner
PlanningEE@nationalhighways.co.uk

(9) Defence Infrastructure Organisation (obo the MOD)



Defence
Infrastructure
Organisation

Christopher Waldron

Ministry of Defence

Safeguarding Department

DIO Head Office

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DMS Whittington

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Your reference:

Capel St Mary Neighbourhood Plan 2024 -
2037 Reg 16 consultation

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Paul Bryant
Neighbourhood Planning Officer
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

27th March 2025

Dear Paul

It is understood that Babergh and Mid Suffolk District Councils are undertaking a consultation regarding their Capel St Mary Neighbourhood Plan 2024 - 2037 Regulation 16 documentation. This document will guide the future development of the parish.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a statutory consultee in the UK planning system to ensure designated zones around key operational defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites are not adversely affected by development outside the MOD estate. For clarity, this response relates to MOD Safeguarding concerns only and should be read in conjunction with any other submissions that might be provided by other MOD sites or departments.

Paragraph 102 of the National Planning Policy Framework (December 2024) requires that planning policies and decisions take into account defence requirements by '*ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.*' Statutory consultation of the MOD occurs as a result of the provisions of the Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and the location data and criteria set out on safeguarding maps issued to Local Planning Authorities by the Department for Levelling Up.

Copies of these relevant plans, in both GIS shapefile and .pdf format are issued to Local Planning Authorities by MHCLG. An assurance review was conducted by the MOD in 2023 which confirmed that, at that time, Local Planning Authorities held the most recent relevant safeguarding data. Any subsequent updates to those plans were then issued by MHCLG. If

there is a requirement for replacement data, a request can be made through the above email address.

The review or drafting of planning policy provides an opportunity to better inform developers of the statutory requirement that MOD is consulted on development that triggers the criteria set out on Safeguarding Plans and the constraints that might be applied to development as a result of the requirement to ensure defence capability and operations are not adversely affected.

The area covered by the Capel St Mary Neighbourhood Plan 2024 - 2037 will both contain and be washed over by safeguarding zones that are designated to preserve the operation and capability of defence assets and sites including Wattisham Station and the Eastern WAM Network.

Eastern WAM (Wide Area Multilateration) Network is a new technical asset, which contributes to aviation safety by feeding into the air traffic management system in the Eastern areas of England. There is the potential for development to impact on the operation and/or capability of this new technical asset which consists of nodes and connecting pathways, each of which have their own consultation criteria. Elements of this asset pass through the Capel St Mary Neighbourhood Plan authority area.

Wattisham Station is located to the Southeast of the Capel St Mary Neighbourhood Plan authority area and benefits from a safeguarding zone drawn to preserve the airspace above and surrounding the aerodrome to ensure that development does not form a physical obstruction to the safe operation of aircraft using that aerodrome.

New development may have detrimental impacts depending on site location relative to safeguarded sites and assets.

To provide an illustration of the various issues that might be fundamental to MOD assessment carried out in response to statutory consultation, a brief summary of each of the safeguarding zone types is provided below. Depending on the statutory safeguarding zone within which a site allocation or proposed development falls, different considerations will apply.

- The airspace above and surrounding aerodromes is safeguarded to ensure that development does not form a physical obstruction to the safe operation of aircraft using that aerodrome. Zones are drawn that trigger consultation on development of various heights to ensure that their effect on the protected airspace above and surrounding an aerodrome is assessed and, if necessary, mitigated. These zones also indicate areas where development might reduce the capability or otherwise compromise the operation of technical assets such as communications, navigation, or surveillance systems including radar. In addition to permanent physical development within these zones, the use of cranes, piling rigs or other tall plant or equipment to implement development may also be of concern.
- Technical assets that facilitate air traffic management, primarily radar, navigation, and communications systems are safeguarded to limit the impact of development on their capability and operation. The height, massing, and materials used to finish a development may all be factors in assessing the impact of a given scheme. Developments that incorporate renewable energy systems may be of particular concern given their potential to provide large expanses of metal at height, for example where proposals include a wind turbine or roof mounted solar PV system.

In addition to the safeguarding zones identified, the MOD may also have an interest where development is of a type likely to have any impact on operational capability. Usually this will be by virtue of the scale, height, or other physical property of a development. Examples these types of development include, but are not limited to:

- Solar PV development which can impact on the operation and capability of communications and other technical assets by introducing substantial areas of metal or sources of

electromagnetic interference. Depending on the location of development, solar panels may also produce glint and glare which can affect aircrew or air traffic controllers.

- Wind turbines may impact on the operation of surveillance systems such as radar where the rotating motion of their blades can degrade and cause interference to the effective operation of these types of installations, potentially resulting in detriment to aviation safety and operational capability. This potential is recognised in the Government's online Planning Practice Guidance which contains, within the Renewable and Low Carbon Energy section, specific guidance that both developers and Local Planning Authorities should consult the MOD where a proposed turbine has a tip height of, or exceeding 11m, and/or has a rotor diameter of 2m or more; and,
- Any development that would exceed a height of 50m above ground level. Both tall (of or exceeding a height of 50m above ground level) structures and wind turbine development introduce physical obstacles to low flying aircraft

I trust this clearly explains our position on this update. Please do not hesitate to contact me should you wish to consider these points further.

Yours sincerely

A handwritten signature in black ink, reading 'C Waldron'.

Chris Waldron
DIO Assistant Safeguarding Manager

(10) Capel St Mary Parish Council

Parish Council response to comments submitted at Regulation 16 Consultation Stage

Body	Parish Council response
Suffolk County Council	<p>NPPF</p> <p>The Parish Council acknowledges that the Plan is subject to the transition arrangements of the December 2024 NPPF and is happy for the Examiner to determine how the NPPF should be referenced in the Referendum Plan.</p> <p>Archaeology</p> <p>The Neighbourhood Plan does not include matters relating to the historic environment as the Joint Local Plan, combined with the NPPF, is considered to adequately address this matter. As such, it is not necessary to include the reference to the Historic Environment Record required by the County Council.</p> <p>Health and Wellbeing</p> <p>The County Council seem to want Policy CSM 2 to repeat and go “above and beyond” the content of Policy LP24 of the Part 1 Joint Local Plan. Such a desire would normally be supported by viability assessments to back up the policy. Given the level of new house building proposed in the Neighbourhood Area, this work would be excessive given the expected outcomes.</p> <p>Natural Environment</p> <p>Comment is made that photographs of the Local Green Spaces in the Assessment would be “a welcome addition” and that numbering of the sites as it relates to the Plan would help.</p> <p>The Parish Council reiterates that the NPPF does not require justification to be proven by photographs as to what the space looks like but how the space meets the criteria in the NPPF. This is achieved in the Assessment. The Assessment could be amended to provide the NP policy reference should the Examiner consider this is necessary to meet the Basic Conditions.</p> <p>The Parish Council considers that the title of Chapter 7 can be amended to Built Environment and Design as part of the natural updating of the Plan at the Referendum stage without impacting on the Basic Conditions.</p>
Mid Suffolk District Council	<p>Housing Need</p> <p>The comments concerning the new standard method for calculating housing need are noted.</p>

	<p>Joint Local Plan references</p> <p>The Parish Council considers that the suggested factual and grammatical amendments to paragraphs can be made as part of the natural updating of the Plan following examination.</p>
Historic England	Nothing further to add
Natural England	Nothing further to add
Environment Agency	Nothing further to add
Suffolk Wildlife Trust	Nothing further to add
Suffolk & Essex Coast & Heaths National Landscape	<p>The comments in relation to the Protected Landscapes duty is noted. However, the regulations concerning the content of neighbourhood plans are not prescriptive as to what they must include. It is for the qualifying body to determine having regard to national and adopted local plan policies. The Capel St Mary has had regard to the content of the Babergh and Mid Suffolk Joint Local Plan Part 1 adopted November 2023. It includes Policy LP18 “Area of Outstanding Natural Beauty” which identified how proposals in the now National Landscape will be determined.</p> <p>As such, it is not considered necessary to have regard to the duty.</p> <p>The Parish Council also notes the recommendation that the neighbourhood plan policies align with the Suffolk & Essex Coast & Heaths National Landscape Management Plan 2023-2028. Given that the Management Plan is not a statutory development plan document, the Parish Council does not consider that the neighbourhood plan should be required to comply. In particular, the Basic Conditions do not specifically set out such a requirement.</p> <p>The Parish Council is, of course, happy to be guided by the conclusions of the Examiner on this matter.</p>
National Highways	Nothing further to add
Defence Infrastructure Organisation	Nothing further to add