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3 June 2021

### **AONB team response to Matter 7 (Environment Policies) Question 7.6 a-c**

This response has been prepared by Beverley McClean on behalf of the Area of Outstanding Natural Beauty (AONB) team. The AONB team that works across the Dedham Vale AONB and Stour Valley and the Suffolk Coast & Heaths AONB. The AONB team welcome the opportunity to comment on Matter 7 Q7.6 a-c.

#### **7.6 a) Is policy LP20 consistent with national policy?**

Policy LP20 is not considered to be consistent with national policy namely paragraph 172 of the National Planning Policy Framework (NPPF).

In our response to the Regulation 19 consultation, the AONB team highlighted its broad support of the policy LP20. However, the team also requested several amendments to policy LP20 which we considered were necessary to ensure that the policy is sound.

The NPPF provides the framework which Local Plans and other development plans must accord with. Paragraph 172 sets out the development approach for all nationally Protected Landscapes including AONBs.

Paragraph 172 states

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused*

*for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.'*

Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

AONBs were designated under the 1949 National Parks and Access to the Countryside Act. The primary purpose of designation is to conserve and enhance natural beauty as laid down in Section 82 of the Countryside and Rights of Way Act (2000).

Paragraph 172 requires *'great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks....AONBs, which have the highest status of protection.* It also states that the scale and extent of development scale within these areas should be limited. Paragraph 172 is clear that major development should be refused other than in exceptional circumstances or where development is in the public interest.

Major development proposals are required to pass the 3 test listed above (a-c).

With regards plan making the importance and the level of protection that should be afforded to AONBs according to national planning policy is re-stated in paragraph 11(b).

*"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"*

Paragraph 11(d)(i) is also relevant and states that

*"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed"*

Footnote 6 to paragraph 11 identifies the areas and assets to be afforded protection and this includes AONBs..... and irreplaceable habitats.

The National Planning Practice Guidance further amplifies the importance of protecting AONBs. Paragraph 041 Reference ID: 8-041-20190721 of the NPPG confirms that:

*"The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty.*

*All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality.*

Paragraph: 042 Reference ID: 8-042-20190721 discusses development within the setting of AONBs

*'Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.'*

The supporting text to Policy LP20 in paragraph 15.28 states that protection relates to land within the setting of the AONBs as well as the AONBs which is

*'The protection of AONB's is not just the land within the designation, but also to its setting. In line with The National Planning Policy Framework great weight is given to conserving and enhancing the landscape and scenic beauty in the AONB and the conservation and enhancement of wildlife and cultural heritage are important considerations.'*

The supporting text to Policy LP20 also recognises that, as required by national policy, *'great weight must be given to the conservation and enhancement of the landscape and scenic beauty'* within AONBs.

This approach is not followed through in Policy LP20 therefore it is not considered to accord with national policy on the matters.

Policy LP20 – Area of Outstanding Natural Beauty states:

1. The Councils will support development in or near the AONBs that:

- a. Conserves and enhances the landscape and scenic beauty;
- b. Integrates positively with the character of the area and reinforces local distinctiveness of the AONB;
- c. Are sensitive to their landscape and visual impacts (including on dark skies and tranquil areas); subject to siting, design, lighting, use of materials and colour, along with the associated mitigation measures;

d. Supports the provision and maintenance of local services and facilities and assets (including affordable housing), so long as it is commensurate with the character and objectives of the AONB;

e. Demonstrates special regard to proposals that enhance and protect landscape character and values and heritage assets in the AONB such as; locally characteristic landscape features, for example by use of materials which complement the local individual landscape character, archaeological and historic patterns of settlement and land use and designations.

2. Tourism and visitor related development within the AONB will be supported where it reflects the intrinsic quality and respects the character of the AONB and demonstrates the proposal has been informed by all relevant local guidance and the relevant AONB Management Plan which includes the AONB and identified Project Area.

Policy LP20 makes no provision to limit or restrict development which does not meet the requirements of paragraph 172. It therefore is not consistent with national policy in this regard.

Between Regulation 18 (Pre-Submission) and Regulation 19 (Submission) the AONB policy was amended.

At Regulation 18 stage the draft Policy LP19 stated that:

*“The Council will support development in or near the AONBs that:*

*a. Gives great weight to conserving and enhancing the landscape and scenic beauty;*

*b. Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas; and*

*c. Supports the wider environmental, social and economic objectives set out in the AONB Management Plan”*

The AONB team’s main concerns with the proposed wording in Policy LP20, is that it is too permissive and is not consistent with national policy. While the wording of LP19 was also was permissive, it was supportive of development in or near AONBs ‘*provided that great weight is given to conserving and enhancing the landscape and scenic beauty.*’

The removal of the requirement to give “great weight” to conserving and enhancing the landscape and scenic beauty has significantly weakened Policy LP20 when compared to the Pre-Submission Policy LP19 so that it no longer accords with national policy.

The draft policy wording has changed from one (LP19) which was broadly compliant with national planning policy, to one which no longer requires development to apply the great weight test. The requirements for approving development within AONBs have been reduced to a point where Policy LP20 is no longer consistent with national planning policy and will be less effective at conserving and enhancing AONBs. The requirement to enhance and not just conserve was introduced in the NPPF in 2018.

Policy LP20 adopts a criteria-based approach. To make the policy sound it should be made clear that development must meet all the criteria. In addition to the existing criteria

the AONB team request that consideration is given to including the following criterium into Policy LP20:

- (i) Gives great weight to conserving and enhancing the landscape and scenic beauty;*
- (ii) Supports the wider environmental, social and economic objectives set out in the AONB Management Plan”*

This would make the policy more consistent with national policy and recognise the importance of the AONB Management Plans which are statutory documents and a material planning consideration. This is discussed more in the AONB team’s response to Q7.6 c (ii)

As a strategic policy and to comply with national policy, Policy LP20, should highlight the importance of AONBs and clarify why the scale and extent of development within these areas will be restricted. Policy LP20 should also clarify that planning permission will be refused for major development within AONBs other than in exceptional circumstances and where the planning tests in paragraph 172 are passed.

Potential wording for consideration for inclusion in Policy LP20 is provided below.

Policy SCLP 10.4 in the adopted Suffolk Coastal Local (2020) includes the following wording

*‘Planning permission for major development in the Area of Outstanding Natural Beauty will be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest, subject to the considerations set out in the National Planning Policy Framework.’*

Policy ENV4 in Colchester’s emerging Local Plan (Section 2) states

*‘Applications for major development within or in close proximity to the boundary of the Dedham Vale AONB will be refused unless in exceptional circumstances it can be demonstrated that the development is in the public interest and this outweighs other material considerations.’*

Tourism within the AONBs makes a significant contribution to the local economy. The identified tourism within the Dedham Vale AONB is worth £68M and supports 1,490 jobs The Stour Valley Project Area is also makes a significant contribution to the visitor economy in the area and worth £49M and supports 1,283 jobs. (Volume and Value study 2020).

However, it is not clear why tourism related development has been singled out in Policy LP 20. As Policy LP20 is criteria based then these need to be applied to all development proposals coming forward in the AONB. As drafted, it could be read that tourism proposals only need to demonstrate that they respect the character of the AONB and have been informed by all relevant local guidance and the relevant AONB Management Plan. This is misleading. The scale and type of tourism varies enormously and impact differently. The policy therefore should be amended to make

it clear that tourism proposals must satisfy all the policy criteria and not just those referenced in paragraph 2 of Policy LP20.

(Beverley McClean (MRTPI), AONB Planning Officer).

**Question 7.6 b) Are the requirements of the policy clear, and would they be effective?**

The AONB team considers that as drafted the requirements of policy LP20 are unclear with regards the treatment of major development proposals in the AONBs and their setting as well as development within the Project Areas to the Dedham Vale and Suffolk Coast & Heaths AONBS.

As such the effectiveness of Policy LP20 is considered to be reduced.

The AONB team understand that Local Plan policies should not repeat national planning policy/guidance verbatim. As proposed policy LP20 makes no mention about the restriction on major development or the tests that major development proposals coming forward within the AONB or their setting would have to meet.

The AONB team consider that the policy should be amended to clarify that major development proposals within the Dedham Vale and Suffolk Coast & Heaths & AONBs or within their setting will be restricted unless all the NPPF policy tests in paragraph 172 can be fully met.

Policy LP20 adopts a criteria-based approach. To make the policy sound it should be made clear that development must meet all the criteria. In addition to the existing criteria the AONB team request that consideration is given to including the following criterium into Policy LP20:

- (i) Gives great weight to conserving and enhancing the landscape and scenic beauty;*
- (ii) Supports the wider environmental, social and economic objectives set out in the AONB Management Plan”*

This would make the policy more consistent with national policy and recognise the importance of the AONB Management Plans which are statutory documents and a material planning consideration. This is discussed more in the AONB team's response to Q7.6 c (ii)

As a strategic policy and to comply with national policy, Policy LP20, should highlight the importance of AONBs and clarify why the scale and extent of development within these areas will be restricted. Policy LP20 should also clarify that planning permission will be refused for major development within AONBs other than in exceptional circumstances and where the planning tests in paragraph 172 are passed.

Paragraph 15.27 refers to the Project Areas that abut both AONBs. It states the following

*‘Babergh and Mid Suffolk have a diverse landscape character, with parts of Babergh lying within Dedham Vale AONB and the Suffolk Coast and Heaths AONB.*

*Adjoining the Dedham Vale Area of Outstanding Natural Beauty is an area defined as the Stour Valley Project Area extending beyond Sudbury and into West Suffolk.*

*The Suffolk Coast and Heaths AONB also has a Project Area which encompasses the Shotley Peninsula*

*These project areas, however, do not currently benefit from the same protection as an AONB.*

Neither the supporting text to policy LP20 or the policy itself clarifies how the development proposals coming forward within the Project Areas will be assessed or the requirements that development will need to meet.

#### Stour Valley Project Area (SVPA)

The origins of the SVPA stem from early pressure on the former Countryside Commission by Local Authorities in the 1970's to consider a wider area for AONB designation. The Countryside Commission, in response to this, set up a "potential AONB" project in 1978. This project was considerably widened in 1981 and eventually became the basis for a project covering an area along the whole of the Stour Valley, upstream of the AONB.

The SVPA covers

*'302 square kilometres (around 181 square miles) running from the Western AONB boundary past Sudbury and Haverhill to near the Cambridgeshire border at Great Bradley. It extends three or four kilometres either side of the River Stour with extensions along the Bumpstead Brook, Belchamp Brook and River Glem.*

*The Project Area is predominately rural and often demonstrates medieval settlement patterns. In places the growth of villages and changes to agricultural practices have altered the landscape but not fundamentally changed it. Many of the villages retain their historic centres and have timber framed buildings, imposing churches and village greens. Historic hamlets and isolated farm buildings are scattered throughout the landscape. (Dedham Vale AONB and Stour Valley Management Plan 2016-2021)*

The Dedham Vale AONB and Stour Valley Management Plan 2016-2021 considers both the AONB and wider SVPA as *'one of England's finest landscapes with its riverside meadows, picturesque villages and rolling farmland.'*

#### Suffolk Coast & Heaths AONB Additional Project Area

The Suffolk Coast & Heaths Additional Project Area covers the Shotley Peninsula, the Stour Estuary and an area of land to the south of the Stour Estuary.

The supporting text in paragraph 15.28 correctly states that *'the Project Areas do not benefit from the same level of protection as the AONBs.'*

What is omitted is that large parts of the Project Areas are Valued Landscapes and evidence is now available which supports this position.

Paragraph 170 (a) of the NPPF states

*'Planning policies and decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).'*

The AONB team commissioned Valued Landscape Assessments for both the Stour Valley Project Area that joins the Dedham Vale AONB and the Additional Project Area to the Suffolk Coast & Heaths AONB. These reports identify the features that make the Project Areas valued at a valley (landscape) scale and at a settlement (within the project areas). The reports define special qualities to be conserved at the valley and settlement scale and identify opportunities for enhancement where these special qualities have been lost or eroded as a result of agricultural or land use changes.

The links to both Valued Landscape Assessments are included below.

- (i) Valued Landscape Assessment for the Stour Valley Project Area- <https://www.dedhamvalestourvalley.org/wp-content/uploads/2021/04/Final-Report-Stour-Valley-Project-Area-Valued-Landscapes-Assessment.pdf>
- (ii) Valued Landscape Assessment for the Suffolk Coast & Heaths AONB Additional Project Area- <https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/Final-Report-SCH-Valued-Landscapes-Assessment-30-March.pdf>

The AONB team consider that the supporting text to policy LP20 could be amended to clarify that development coming forward within the Project Areas will be considered against the Valued Landscape Reports and that proposals will be required to conserve the enhance the special qualities identified in the assessments.

Braintree Council's administrative area abuts Babergh Council's administrative area. The Dedham Vale AONB does not extend into Braintree Council's area however a significant part of the Stour Valley Project Area does. Paragraph 8.27 of the Braintree Local Plan (Section 2) takes a precautionary approach towards development within the Project Areas and states the following:

*'Just outside the District, the Dedham Vale ..... The upper Stour Valley, adjoining the AONB, is partly located along the north and east boundary of Braintree District and is an important and sensitive rural landscape, recognised by the fact that it is part of the wider Project Area covered by the Dedham Vale AONB and Stour Valley Project. The impact of development proposals in the upper Stour Valley will be particularly carefully assessed in light of the sensitive nature of this landscape'*

As the Valued Landscape Assessment Reports were only commissioned 2018/19 there is no direct reference to the Stour Valley Project Area being a Valued Landscape in paragraph 8.27 in the Braintree Local Plan (Section 2), however, the sensitive nature of the Project Area is recognised and the need to carefully consider the impact of development recognised.

The Valued Landscape Assessments are publicly available now, therefore the AONB team consider that policy LP20 could be amended to clarify that the Project Areas are Valued Landscapes and that development coming forward

within these areas will be required to conserve and enhance them in line with the recommendations in the Valued Landscape Assessments Reports.

This approach would make the neighbouring Local Plans policies regarding the Project Areas more consistent which in turn would improve the effectiveness (and hence the soundness) of Local Plan policy LP20 to conserve and enhance the Project Areas.

**Q7.6 c To be found sound does the policy:**

**i. need to identify how development in the Project Areas and in the setting of the AONB will be assessed?**

As set out in the response to Q7.6(b) the AONB team consider that the effectiveness and hence the soundness of Policy L20 would be improved if it were amended to identify how development in the Project Areas will be considered.

As drafted, neither the supporting text to policy LP20 or the policy itself clarifies how development proposals coming forward within the Project Areas will be assessed or what requirements they will be required to satisfy.

**Stour Valley Project Area**

The Stour Valley Project Area covers

*'302 square kilometres (around 181 square miles) running from the Western AONB boundary past Sudbury and Haverhill to near the Cambridgeshire border at Great Bradley. It extends three or four kilometres either side of the River Stour with extensions along the Bumpstead Brook, Belchamp Brook and River Glem. The Project Area is predominately rural and often demonstrates medieval settlement patterns. In places the growth of villages and changes to agricultural practices have altered the landscape but not fundamentally changed it. Many of the villages retain their historic centres and have timber framed buildings, imposing churches and village greens. Historic hamlets and isolated farm buildings are scattered throughout the landscape. (Dedham Vale AONB and Stour Valley Management Plan 2016-2021)*

The Dedham Vale AONB and Stour Valley Management Plan 2016-2021 considers both the AONB and wider SVPA as *'one of England's finest landscapes with its riverside meadows, picturesque villages and rolling farmland.'*

**Suffolk Coast & Heaths AONB Additional Project Area**

The Suffolk Coast & Heaths Additional Project Area covers the Shotley Peninsula, the Stour Estuary and an area of land to the south of the Stour Estuary.

The supporting text in paragraph 15.28 correctly states that *'the Project Areas do not benefit from the same level of protection as the AONBs.'* However, as recognised in the Dedham Vale AONB and Stour Valley Management Plan 2016-21 (and soon to be published 2021-26 version), parts of it exhibit many of the similar characteristics as the neighbouring nationally designated landscape.

What is also omitted from policy LP20 is that large parts of the Project Areas are Valued Landscapes and evidence is now available which supports this position.

Paragraph 170 (a) of the NPPF states

*'Planning policies and decisions should contribute to and enhance the natural*

*and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).’*

The AONB team commissioned Valued Landscape Assessments for both the Stour Valley Project Area that joins the Dedham Vale AONB and the Additional Project Area that abuts the Suffolk Coast & Heaths AONB. These reports identify the features that make the Project Areas valued at a valley (landscape) scale, the defined features within settlements (within the project areas) that make them valued at the settlement scale. The reports define the special qualities to be conserved at the valley and settlement scale and identifies opportunities for enhancement where the special qualities have been lost or eroded due to agricultural or land use changes.

The links to both Valued Landscape Assessments are included below.

- (i) Valued Landscape Assessment for the Stour Valley Project Area- <https://www.dedhamvalestourvalley.org/wp-content/uploads/2021/04/Final-Report-Stour-Valley-Project-Area-Valued-Landscapes-Assessment.pdf>
- (ii) Valued Landscape Assessment for the Suffolk Coast & Heaths AONB Additional Project Area- <https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/Final-Report-SCH-Valued-Landscapes-Assessment-30-March.pdf>

The AONB team consider that policy LP20 could be amended to clarify that development coming forward within the Project Areas will be assessed against the Valued Landscape Reports and that proposals will be required to conserve the enhance the special qualities identified in the reports.

Braintree Council’s administrative area abuts Babergh Council’s administrative area. The Dedham Vale AONB does not extend into Braintree Council’s area however a significant part of the Stour Valley Project Area does.

Paragraph 8.27 of the Braintree Local Plan (Section 2) takes a precautionary approach towards development within the Project Area and states the following:

*‘Just outside the District, the Dedham Vale ..... The upper Stour Valley, adjoining the AONB, is partly located along the north and east boundary of Braintree District and is an important and sensitive rural landscape, recognised by the fact that it is part of the wider Project Area covered by the Dedham Vale AONB and Stour Valley Project. The impact of development proposals in the upper Stour Valley will be particularly carefully assessed in light of the sensitive nature of this landscape’*

As the Valued Landscape Assessment Reports were only commissioned 2018/19 there is no direct reference to the Stour Valley Project Area being a Valued Landscape in paragraph 8.27 in Braintree Local Plan (Section 2).

As the Valued Landscape Assessments are publicly available now, the AONB team consider that policy LP20 could be amended to clarify that the Project Areas are

Valued Landscapes and that development coming forward within these areas will be required to conserve and enhance them in line with the recommendations in the Valued Landscape Assessments Reports.

This approach would make the neighbouring Local Plan policies regarding the treatment of the Project Areas more consistent. This in turn would improve the effectiveness and hence the soundness of policy LP20 in relation to the conservation and enhancement of the special qualities of the Project Areas.

### AONB setting

The National Planning Practice Guidance published by Government provides amplification on the NPPF and explains key issues for consideration when implementing the policy Framework. The guidance on AONBs was updated in 2019. In relation to setting, the PPG recognises that where poorly located or designed, development within the settings of AONBs can do significant harm.

The Planning Practice Guidance states:

*‘Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.’*

In March of this year, the government consulted on revisions to the NPPF. One of the changes proposed was to paragraph 172 of the NPPF in relation to development within the setting of Protected Landscapes.

The suggested policy change (shown on bold) is set out below:

‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, **while any development within their settings should be sensitively located and designed so as to avoid adverse impacts on the designated landscapes.**’

If accepted, the need to consider the impact of development within the setting of Protected Landscapes including AONBs will be embedded within the national policy.

In relation to setting the supporting text in Paragraph 15.28 states

‘ The protection of AONB’s is not just the land within the designation, but also to its setting’.

Policy LP20 states that ' The Councils will support development in or near the AONBs that '... but it does not specifically mention setting.

The AONB team has already expressed its concern that policy LP20 as drafted is too permissive. The AONB team recommend that the policy is amended to include the word include a reference to setting. The proposed amendments would read

The Councils will **only** support development in AONBs or ***within their setting***. These changes would make the policy less permissive and ensure that it accords with national policy and effectively protects land within the setting to the AONBs.

**Q7.6 c (ii). Refer to the need to conserve quality views and the distinctiveness of the AONB and to AONB management plans?**

Criteria 1 (b) of policy LP20 already requires development to reinforce local distinctiveness of the AONB which is supported.

Policy LP20 makes no explicit reference to views and only references the AONB Management Plans in the context of Tourism Development.

*‘Tourism and visitor related development within the AONB will be supported where it reflects the intrinsic quality and respects the character of the AONB and demonstrates the proposal has been informed by all relevant local guidance and the relevant AONB Management Plan<sup>38</sup> which includes the AONB and identified Project Area.’*

This is misleading as it could be interpreted that only tourism proposals have to demonstrate that they have been informed by ‘*the relevant AONB Management Plan which includes the AONB and identified Project Area*’. This requirement should apply to all development within both AONBs and their respective Project Areas.

The [Dedham Vale AONB and Stour Valley Management Plan 2016-2021](#) recognises

*‘Surprisingly, long distance views from higher ground along the valley in an area associated with large skies’* as a special quality of the AONB.

The [Suffolk Coast & Heaths Management Plan 2018-2023](#) on page 8 makes reference to ‘commanding views across the landscape’ while page 10 recognises ‘important views’ as a defining feature of Scenic Quality.

Views could be included under the term intrinsic qualities in paragraph 2 of Policy LP 20. The AONB Team however consider that draft Policy LP19 published at the Preferred Options stage recognised the need to conserve important views more explicitly.

Criteria (b) of Policy LP19 stated

*“The Council will support development in or near the AONBs that:  
b. Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas; and*

The AONB team consider that this wording recognised the need to conserve important views with the AONB more effectively than the current wording in LP20.

Section 89 of the Countryside and Rights of Way Act 2000 requires Management Plans to be produced for each AONB. The AONB team prepares Management Plans on behalf of the wider AONB Partnership for both the Dedham Vale and Suffolk Coast & Heaths AONBs. Both Management Plans are statutory documents and are a material planning consideration.

Criteria C of draft Policy LP19 published at the Preferred Options stage recognised the importance of the Management Plans more explicitly.

*“The Council will support development in or near the AONBs that:*

c. Supports the wider environmental, social and economic objectives set out in the AONB Management Plan”

The AONB team consider that the wording in policy LP19 recognised the importance of the AONB Management Plans and the need for development to accord with the policies and objective in them more effectively than the current wording in LP20. The above wording should be re- introduced back into Policy LP20.

### **Q7.6c (iii) Refer to potential future extensions to the AONB?**

Since 2009, the AONB Partnership, a grouping of around 25 organisations, with the purpose to act as a champion for the area, has had an aspiration to include part of the Stour Valley Project Area within an extension to the Dedham Vale AONB.

The AONB Partnership commissioned several studies to support the extension to the AONB. This included the [Special Qualities of the Dedham Vale AONB Evaluation of area between Bures and Sudbury Area \(Alison Farmer Associates, 2016\)](#). This study identified an area that in the opinion of the consultant met the criteria for designation as AONB.

The organisation with responsibility to develop AONB boundary reviews for consideration by the Secretary of State, Natural England, confirmed in March 2021 that the proposal to vary the boundary of the Dedham Vale AONB had been registered.

Natural England have confirmed their commitment to reviewing and prioritising proposals received for new and extended National Parks and AONBs and new landscape designation approaches. They aim to identify an initial programme of designation priorities which will begin in 2021/22.

The land proposed for extension as AONB does not currently have the same statutory status as the Dedham Vale AONB. However, as evidence exists to show that the area proposed meets the criteria for designation, the AONB consider that a precautionary approach should be taken to development within the proposed extension area.

Paragraph 8.27 of the Braintree Local Plan (Section 2) takes a precautionary approach towards development within the candidate extension area and states the following:

*‘Proposed developments .....should not prejudice the long term aim to enlarge the area included within the AONB designation’.*

Policy LP20 could be amended to include similar wording. This would align the policies in the neighbouring planning authorities Local Plans and would demonstrate an effective approach for conserving the proposed extension area from development that could prejudice the future enlargement of the Dedham Vale AONB while the designation process progresses.

**Q7.6c (iv) Require that proposals are accompanied by a Landscape and Visual Impact Assessment?**

The AONB team would welcome the inclusion of wording requesting the need for development proposals to be supported with a Landscape and Visual Impact Assessment (LVIA) particularly, applications within the AONB, the AONB extension area and the setting to these areas. LVIA's provide an approach for assessing the impacts of development on the natural beauty indicators used to designate AONBs. Without these it is not clear how the impacts on natural beauty will be considered.

The inclusion of the need for an LVIA would be consistent with adopted Local Plans for East Suffolk (Suffolk Coast & Waveney Councils). The Suffolk Coast & Heaths AONB fall within these Councils administrative areas. which state:

Policy SCLP10.4: Landscape Character in the adopted Suffolk Coastal Local Plan (2020) states

'Development within the Area of Outstanding Natural Beauty, or within its setting, will be informed by landscape and visual impact assessment to assess and identify potential impacts and to identify suitable measures to avoid or mitigate these impacts'.

Similar wording is included in Policy WLP8.35 (Landscape Character) in the adopted Waveney Local Plan (2019)

This wording is included in the main policies.

Paragraph 13.36 of Colchester Council's emerging Local Plan (Section 2) requires

'Applications within or close to the AONB will need to consider how proposals impact on the Natural Beauty and Special Qualities of the Dedham Vale AONB as outlined in the Natural Beauty and Special Qualities document referred to above. Major applications may need to be supported with a Landscape and Visual Impact Assessment'. This wording is in supporting text.

The inclusion of similar wording in the supporting text or policy LP20, as well as ensuring that impacts on the AONBs and their setting are fully considered, would partly help Babergh and Mid Suffolk Councils demonstrate compliance with their Duty of Regard obligations as required by Section 85 of the Countryside & Rights of Way Act 2000

Section 85 of the CROW Act places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any function in relation to or so as to affect an AONB.

Relevant authorities are defined in the Act as Government Ministers, public bodies, statutory undertakers and any persons holding public office. This includes local authorities.

The Section 85 Duty of Regard applies to all functions, not just those relating to planning and is applicable whether a function is statutory or permissive. It is applicable to land outside as well as within an AONB, where an activity may have an impact on an AONB. The requirement is to 'conserve and enhance' and both aspects are required to be addressed.

In relation to planning, the Duty of Regard applies in respect of both plan making and decision taking. It is good practice for a local planning authority to consider the Duty of Regard at several points in the decision-making process and to provide written evidence that regard has been had.