



## **Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation Project**

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**Assessment of whether it is desirable to vary the  
boundary of the AONB in order to  
conserve and enhance Natural Beauty.**

**September 2017**

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## **1.0 Introduction**

### **1.1 Rationale**

1.1.1 Once an area has been identified as qualifying for inclusion in a landscape designation, Natural England must determine for itself whether designation of the area is desirable. Designation does not follow automatically. The objective of AONB designation is to ensure that the purpose of AONB designation is achieved, i.e. the conservation and enhancement of an area's natural beauty. The Government considers that designation confers the highest level of protection as far as landscape and natural beauty is concerned<sup>1</sup>. Natural England applies a high threshold in relation to designation and considers that areas should be nationally significant in order for it to be considered desirable to designate them and that there should be confidence that the mechanisms, powers and duties resulting from designation are necessary to ensure the delivery of the AONB purpose.

### **1.2 Natural England Guidance**

1.2.1 Natural England has produced Guidance to assist in the assessment of whether designation is desirable<sup>2</sup>. This suggests that a series of questions can usefully be posed. These are:

- a) Is there an area which satisfies the AONB technical criterion?
- b) Is the area of such significance that the AONB purpose should apply to it?
- c) What are the Issues affecting the area's special qualities?
- d) Can AONB purposes be best pursued through the management mechanisms, powers and duties which come with AONB designation?

1.2.2 The Natural England Guidance also provides additional guidance on factors to consider in making these judgements. It should be noted that the more directly or substantially a factor bears upon the achievement of the AONB purpose, the more weight Natural England will give it in the decision whether or not it is desirable to designate.

1.2.3 It should also be noted that designation may have other potential impacts beyond the statutory purposes. Common issues raised include the potential for impacts on housing markets and local economies. Natural England in designating must bear in mind that Parliament has put in place the basic framework for AONBs which already address some of these issues. In addition, Government policy influences how AONBs operate in relation to wider policy issues such as housing, the economy and planning. Any such matters beyond those relevant to the purpose of designation as outlined in Section 1.2.1 above will be accorded less weight.

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<sup>1</sup> English National Parks and the Broads: Government Vision and Circular 201 (Defra, 2010), para 20

<sup>2</sup> Guidance for Assessing Landscapes for Designation as National Park or Area of Outstanding Natural Beauty in England, Natural England, March 2011.

### 1.3 Format of the Report

- 1.3.1 Each of the questions posed in the Natural England Guidance is considered in turn in the following sections and an overall conclusion reached as to whether designation of the qualifying area as AONB is desirable.
- 1.2.4 Natural England then considers all these matters as a whole to satisfy itself whether it is desirable to designate the qualifying areas as AONB. The decision is not taken on the basis of Evaluation Areas or Candidate Areas, but rather on the whole area of a potential designation. A potential designation may comprise land that was for practical evaluation purposes contained in part or all of one or more Evaluation Areas. If ultimately the question of designation is to be formally posed, then the whole area to be subject to designation should be considered in its proper context against the actual text of the relevant statutory provisions in section 82 of the Countryside and Rights of Way Act 2000, i.e.

“Where it appears to Natural England that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this part relating to areas designated under this section should apply to it, Natural England may, for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purpose of this part as an area of outstanding natural beauty.”

## 2.0 Is there an Area which satisfies the Designation Criterion?

### 2.1 Conclusion

- 2.1.1 The detailed assessment of whether there is an area which meets the natural beauty criterion is included in a separate assessment document. Natural England’s Natural Beauty Assessment<sup>3</sup> concluded that there is an area which satisfies the natural beauty designation criterion and a Candidate Area has been identified, suitable for further consideration as to whether its designation as AONB is desirable. The Candidate Area includes three separate Extension Areas. These are:
- 1) The Stour Estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes.
  - 2) The Freston Valley, a tributary to the Orwell Estuary which extends inland from the existing AONB boundary westwards and includes surrounding plateau woodlands which play an important role in framing the valley system.
  - 3) The Samford Valley, a tributary to the Stour Estuary, which extends inland from the existing AONB boundary at Stutton Bridge and includes some areas of neighbouring plateau which are well wooded and are important in framing the valley system.
- 2.1.2 The full justification for this conclusion is contained in the Natural Beauty Assessment, and the extent of the Candidate Area is indicated on the map at **Figure 9**.

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<sup>3</sup> Suffolk Coast and Heaths AONB Boundary Variation Project, Natural Beauty Assessment, Natural England, September 2017

### 3.0 Is the Area Nationally significant?

#### 3.1 Background

3.1.1 In accordance with Natural England Guidance, consideration was given to whether the area for designation is of such national significance that the AONB purpose should apply to it. When considering significance it is useful to take account of the following:

- **Special qualities** - i.e. those aspects of the area's natural beauty, wildlife and cultural heritage, which make the area distinctive and valuable, particularly at a national scale.
- **Consensus** - where there is a consensus of opinion that an area meets the statutory criteria or should be designated. This helps in determining whether the land in question is accorded a special value that should be recognised. The opinions of stakeholders and the public can be strong indicators as to whether there is consensus about the value of a landscape.
- **Rarity and Representativeness** - if a landscape, or an element within it, is rare or representative of a particular type of landscape, it may add weight to the judgement that an area should be represented within the AONB, although this is not an essential requirement.

#### 3.2 Special Qualities

##### 3.2.1 Candidate Area in Association with Existing AONB

The three Extension Areas within the Candidate Area are all closely related to the existing Suffolk Coast & Heaths (SC&H) AONB, forming largely contiguous areas - the Stour, comprising the estuary and southern valley slopes to which the existing northern shores within the AONB relate and the Samford and Freston valleys forming hidden valleys to the Stour and Orwell estuaries respectively. All the Extension Areas reflect qualities found elsewhere within the AONB and form part of the 'family' of estuaries and their associated tributary valleys within the existing AONB designation.

##### 3.2.2 Special Qualities of the Existing AONB

The special qualities of the existing SC&H AONB are set out in the Suffolk Coast & Heaths AONB Management Plan 2013-18. In paragraph 2.1.4 it states that:

“the unique quality of the Suffolk Coast & Heaths AONB is defined by the rich mosaic of landscape types in a relatively small area. Coast, estuaries, heath, forest, farmland and coastal market towns together create an intimate pattern, an important part of Britain's natural and cultural heritage. Other less tangible features, such as its tranquillity, lack of significant congestion and light pollution, and its relatively undeveloped nature contribute to the special character of the area”.

An extract of the landscape character types found within the AONB and also within the Candidate Area, along with their special qualities, are set out below:

Landscape Type	Special Qualities
Saltmarsh and intertidal flats (Stour Estuary)	<ul style="list-style-type: none"> <li>• Extensive areas of saltmarsh and mudflats</li> <li>• Navigation opportunities for small boats</li> <li>• Numerous boats on swinging moorings provide an attractive feature in the landscape</li> <li>• Open and extensive views</li> <li>• Specialist wildlife</li> <li>• Walking where estuary-side paths exist</li> </ul>
Valley Meadowlands (Samford Valley and Freston Valley)	<ul style="list-style-type: none"> <li>• Small-scale undeveloped landscapes</li> <li>• Freshwater habitats, especially reedbeds and their associated wildlife</li> </ul>
Estate Farmlands (All Extension Areas)	<ul style="list-style-type: none"> <li>• Spring cereal crops and their important wildlife</li> <li>• Large open views from the uplands down to the Orwell and Stour estuaries</li> <li>• Ancient woodlands, distinctive field patterns and designed parkland landscapes with ancient trees</li> <li>• A particularly quiet and undisturbed part of the AONB (and project area)</li> </ul>

### 3.2.3 Special Qualities of the Extension Areas

3.2.3.1 Within the context of the special qualities of the existing AONB, summarised above, this section considers the special qualities of the three Extension Areas both individually and as part of the extensive tract with the wider existing SC&H AONB of which they would form a part if designated. Much of the significance of these areas is already articulated in the Natural Beauty Assessment and is not repeated here. Instead a summary description of the special qualities found in each area is provided below.

#### 3.2.3.2 Stour Estuary

This Extension Area, along with the northern estuary slopes, encapsulates the best of the expansive and inward focusing estuarine landscape of the Stour. Special qualities are derived from the variety of landscape elements and the contrasting patterns and experiences they create. Here the natural shoreline and geologically important sandy cliffs, nationally important intertidal habitats of open water, mudflat and saltmarsh, are framed by gentle reclining estuary slopes which support ancient woodland/trees, occasional stream valleys and contrasting intensively managed farmland. Long views across the water from either northern or southern valley slopes, or along the estuary, over the various curving bays and promontories, contrast with the more intimate and restricted views within the woodlands and folds in the landscape caused by tributary valleys. This is a dynamic

landscape where the tides, changing pattern of moored boats, flocks of birds, calls of wildfowl, and expansive skies are readily perceived and delight the senses, and where tranquillity pervades.

### 3.2.3.3 Freston Brook

This Extension Area forms a small hidden valley on the southern slopes of the Orwell Estuary. Special qualities are derived from the intimate scale and branching structure of the valley with its small pastures and interlocking topography, and adjacent woodland and parkland planting, framing views. This landscape, with its small-scale and enclosed character has a hidden and timeless quality and high levels of tranquillity, where traditional valley management patterns remain apparent and there is an absence of built form and human habitation.

### 3.2.3.4 Samford Valley

This Extension Area forms a long and complex hidden valley on the northern side of the Stour Estuary. Special qualities relate to the distinctive pattern of extensive ancient semi-natural woodlands, babbling streams, narrow lanes and greenways, irregularly shaped meadows and wet pasture, broad hedges, and vernacular farm buildings which, combined with the complex and sometimes steep morphology of the valley, give high landscape and scenic quality. This is an inward-facing, traditional pastoral and small-scale landscape which has local visual complexity, and a tranquil, remote character.

## 3.3 Consensus

3.3.1 The table below sets out evidence of consensus for the value and qualities of each of the Extension Areas. There has been a long-standing local desire to extend the SC&H AONB to include the Stour Estuary and southern estuary slopes which has been actively promoted by the AONB Partnership and others over the last 25 years.

Candidate Area	Consensus
Stour Estuary	<ul style="list-style-type: none"> <li>• Much of the land north of the railway line to Stour Wood and north of the B1352 and A120 further east, was included within the Stour Estuary Environmentally Sensitive Area, an agri-environment scheme run by the Countryside Commission and targeted at areas of higher landscape quality.</li> <li>• The majority of the land on the south side of Stour and adjacent to Brantham is included in the AONB Additional Project Area<sup>4</sup> (since the early 1990's) and acknowledged as including landscape with similar qualities to land within the existing AONB. The boundary follows the B1352 on the south side of the Stour Estuary perhaps for convenience.</li> <li>• Local aspirations to extend the AONB to include the Stour Estuary since the early 1990's are reflected in Policy NR3 of</li> </ul>

<sup>4</sup> The Additional Project Area is explained in Section 5.



	<p>the Adopted Essex and Southend-on-Sea Structure Plan 1996-2011 in relation to the 'Extension of the Suffolk Coast &amp; Heaths AONB', demonstrating clear intent to support an extension of the AONB to the south side of the Stour. Policy EN5a of Tendring District Council Local Plan 2007 also relates to 'Areas proposed as an extension to the Suffolk Coast and Heaths'.</p> <ul style="list-style-type: none"> <li>• The majority of the land on the south side of Stour falls within Policy TCR10A of Tendring District Local Plan 2007 relating to 'The Stour Estuary Policy Area' aimed at protecting the unique character and ecology of the Stour Estuary.</li> <li>• The 1993 Suffolk Coast and Heaths Landscape Assessment Technical Report, LUC evaluated the special qualities of the Stour Estuary and the Shotley Peninsula and concluded that they shared similar qualities to the existing AONB.</li> <li>• Landscape evaluations undertaken by LUC in 2003 and Alison Farmer Associates in 2013 both concluded the Stour Estuary was worthy of designation and show a degree of correlation and professional consensus.</li> <li>• Stakeholder consultation in relation to the Alison Farmer Associates 2013 study showed a high level of local support for an AONB extension to include the Stour Estuary.</li> <li>• 2007 Local Plan Policy EN5a - proposes an area (reflecting LUC 2003 boundary) as an Extension to the Suffolk Coast and Heaths AONB. This policy states 'Tendring Council and Essex County Council have put forward an extension to the Suffolk Coast and Heaths AONB, shown on the Proposals Map. This includes a broad swathe of land on the south shore of the River Stour, between Mistley and Parkeston. In the exercise of development control, the Council will seek to protect the natural beauty of the landscape within this area, and views towards it, and will have regard to the Suffolk Coast and Heaths Strategy'.</li> </ul>
Freston Valley	<ul style="list-style-type: none"> <li>• The whole of the Freston Valley Extension Area falls within the AONB Additional Project Area. This land is locally acknowledged as including landscape with similar qualities to land within the existing AONB.</li> <li>• Holbrook Park falls within the Dodnash Special Landscape Area, defined by Babergh District Council, recognising the importance of these woodlands.</li> </ul>
Samford Valley	<ul style="list-style-type: none"> <li>• The eastern half of the Samford Valley from Stutton as far as Great Martin's Hill Wood falls within the Dodnash Special Landscape Area, defined by Babergh District Council; recognising the attractive combination of river valley topography and woodlands in this area.</li> <li>• The eastern end of the Samford Valley Extension Area falls</li> </ul>

	<p>within the SC&amp;H AONB Additional Project Area. This land is acknowledged to include landscape with similar qualities to land within the existing AONB. The boundary follows the roads and the course of the Samford River, perhaps for convenience.</p>
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3.3.2 In 2013, a public survey was undertaken to inform the preparation of the Stour & Orwell Estuaries Management Group Strategy Review. Of the ninety-nine responses received in relation to the question 'Why are the Stour and Orwell estuaries important to you?' the following results were received:

- Importance of wildlife - 90% of responses
- Beautiful landscape - 75%
- Tranquillity - 50%

Whilst these results relate to both the Stour and the Orwell they provide insight into why the area is particularly valued locally and illustrate a degree of public consensus in these views.

3.3.3 It should be noted however that whilst there is a significant body of evidence of local aspiration for designation of this area, there is little national-level evidence that the area has been considered to be worthy of national designation. The Countryside Agency Designation History for the Suffolk Coast and Heaths AONB<sup>5</sup> shows that this area did not form part of the area originally considered at the time of the designation of the existing AONB, nor was it included within the original proposed "Conservation Area" identified by Dower<sup>6</sup> and Hobhouse<sup>7</sup> on which the Suffolk Coast and Heaths AONB proposal was originally based.

3.3.4 In addition, the Designation History states that land on the north side of the Stour Estuary was only included within the proposed AONB at a late stage, following a proposed amendment to the consultation boundary made by East Suffolk County Council during the statutory consultation and a subsequent site visit by the countryside Commission's then Field Adviser, L. J. Watson. It was noted that he considered that:

"a strip of land on the northern bank of the Stour Estuary between Shotley Gate and Cattawade" was 'attractive and "Constablesque' in character (it almost linked up with the Constable Country of Dedham Vale)".

Land on the north side of the Stour Estuary was subsequently included within the AONB, but there was no mention of any aspiration to include the estuary or additional land further south at that time.

3.3.5 However, Natural England's Natural Beauty Assessment has made clear that, there is a significant area of additional land which meets the criterion for designation when assessed

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<sup>5</sup> Designation History Series, Suffolk Coast and Heaths AONB, Ray Woolmore, 1999

<sup>6</sup> National Parks in England and Wales, John Dower, HMSO, 1945

<sup>7</sup> Report of the National parks Committee, HMSO, 1947

using the current Guidance. This now provides an element of national-level consensus that the value and qualities of the area are valuable at a national level.

### 3.4 Rarity and Representativeness

3.4.1 If a landscape, or an element within it, is rare or representative of a particular type of landscape, it may add weight to the judgment that an area should be represented within an AONB (although the Natural England Guidance clarifies that this is not an essential requirement). All of the Extension Areas share the same geology as the wider AONB, comprising land between the inland boulder clay of Suffolk and Essex and the coastal fringe with its crags, gravels and sands. The Extension Areas are thus representative of these existing designated landscapes, sharing many of their qualities, as noted above. Further information on rarity and representativeness of the Extension Areas is provided in the tables below.

Candidate Area	Rarity and Representativeness
Stour Estuary	<ul style="list-style-type: none"> <li>• The Stour Estuary is representative of the estuaries on the east coast and within the Suffolk Coast &amp; Heaths AONB</li> <li>• The expansive and open character of the Stour with its width and relatively straight form is a defining characteristic and unique in the context of the Suffolk Coast &amp; Heaths AONB</li> <li>• The open water and foreshore within the Estuary is nationally and internationally renowned for its nature conservation value and is designated SSSI, RAMSAR, and SPA.</li> <li>• The land between Manningtree and Mistley forming the inland valley and former parkland of Mistley Place is part of the Manningtree and Mistley Conservation Area and noted for its historic interest and qualities.</li> <li>• The shoreline is nationally important for its geological exposures at Stutton and Wrabness as well as other short stretches of low sandstone cliffs.</li> <li>• Saltmarshes support rare plant assemblages and invertebrate populations and those at Copperas and Jacques Bays are representative of those already within the AONB.</li> <li>• Stour wood is nationally rare as the oldest recorded sweet chestnut plantation in Britain.</li> <li>• The veteran tree 'Old Knobbley' located in Furze Wood is nationally rare and thought to be c. 800 years old.</li> <li>• The pattern of land uses on the estuary valley slopes is representative of those within the existing AONB.</li> </ul>
Freston Valley	<ul style="list-style-type: none"> <li>• Holbrook Park and Cutler's Wood are SSSI woodlands which cover much of this proposed Extension Area. These designations reflect their ancient broadleaved woodland and</li> </ul>

	<p>botanical interest.</p> <ul style="list-style-type: none"> <li>• Holbrook Park and Cutler's Wood are of historic and cultural interest, with remnant bank and ditch features and feature in the writings of Oliver Rackham.</li> <li>• Stools of coppiced sweet chestnut found in Holbrook Park wood are rare and among the largest recorded in Britain.</li> <li>• Valley form, pattern of enclosures and land use is representative of tributary valleys within the existing AONB.</li> </ul>
Samford Valley	<ul style="list-style-type: none"> <li>• High concentration of ancient woodland framing the valley, some with remnant bank and ditch features and which are associated with the writings of Oliver Rackham.</li> <li>• Remnant of the 12th Century Augustinian Dodnash Priory is a scheduled monument, reflecting its national value.</li> <li>• The largest and most complex tributary valley to the Suffolk/Essex estuaries whose form, pattern of enclosures and land use is representative of tributary valleys within the existing AONB.</li> </ul>

### 3.5 Conclusion regarding National Significance

- 3.5.1 In accordance with Natural England Guidance the above factors have been considered to determine whether or not the Extension Areas recommended for inclusion in the SC&H AONB are of such national significance that the AONB purpose should apply to them.
- 3.5.2 This analysis has confirmed that the landscapes in question each have their own special qualities which, when considered in combination with the existing SC&H AONB, complement and enhance the qualities of the existing AONB. Collectively these areas, in association with the existing AONB, comprise an outstanding lowland coastal and estuarine landscape. As a group they have special qualities which are rare in the national context and for which a local consensus regarding the desirability of designation as AONB has existed for many years. In addition, the relative national rarity of the area's largely estuarine landscape adds further weight to this conclusion.
- 3.5.3 In accordance with Natural England guidance therefore, the above factors have been considered and a conclusion reached that the three Extension Areas have significant special qualities and a significant consensus exists that they are of such national significance that the AONB purpose should apply to them.

## 4.0 Issues Affecting Special Qualities

### 4.1 Reasons for Considering Issues

- 4.1.1 A further and important aspect of determining whether designation is desirable is to consider the issues and pressures that have the potential to impact negatively on the conservation and enhancement of natural beauty of the Extension Areas. Although not all these issues can necessarily be directly addressed by the management arrangements and

mechanisms that follow from designation (refer to Section 5 below), the scope for an integrated landscape-led and joined-up approach to the stewardship of the area is an important justification for the variation of the AONB boundary. Relevant issues are considered for each of the Extension Areas being taken forward for designation and include both current issues known to affect the areas generally and also issues which may arise in the future.

## 4.2 Issues

### 4.2.1 Issues Affecting the Stour Estuary and Southern Slopes

<b>Stour Estuary and Southern Slopes</b>	
<b>Special Quality</b>	<b>Issues</b>
Combination of land uses and elements giving rise to attractive patterns and compositions	<ul style="list-style-type: none"> <li>• Sea level rise resulting in coastal squeeze and need for managed retreat plus cliff erosion and salt marsh loss.</li> <li>• Introduction of sea defence structures to protect cliffs and property which alter natural shoreline character.</li> <li>• Changes in land use such as development, conversion of pasture to arable or pony paddocks, altering attractive landscape patterns.</li> <li>• Loss of field boundaries due to hedge removal, lack of management or over-trimming and limited take up of environmental stewardship in some areas.</li> <li>• Introduction of new incongruous elements such as large-scale barns or inappropriate planting which can disrupt patterns and create eyesores.</li> <li>• Suburbanisation of lanes including changes to hedgerows relating to property boundary treatment.</li> <li>• The Extension Areas are closely linked (in visual, natural and cultural heritage terms) with the northern shores of the estuary; strategic management of this area as a whole would be beneficial.</li> </ul>
Cultural and natural heritage interest in estuarine habitats, grassland and woodland and trees	<ul style="list-style-type: none"> <li>• Loss of veteran trees due to lack of management and succession management/planting.</li> <li>• Lack of traditional woodland management resulting in reduced biodiversity and character.</li> <li>• There is potential to develop strategic blue/green infrastructure planning across different landholdings.</li> <li>• Loss of parkland elements due to lack of coordinated management due to multiple ownership and <i>ad hoc</i> changes to land use and development in adjoining areas.</li> <li>• Weakening of historic field patterns due to boundary management, removal or alteration due to development.</li> </ul>

	<ul style="list-style-type: none"> <li>• Loss of traditional wet pastures due to conversion to arable or plantation.</li> <li>• Loss of shoreline archaeology due to sea level changes.</li> </ul>
Tranquillity	<ul style="list-style-type: none"> <li>• Conspicuous development and associated light pollution which may adversely affect perceptions of tranquillity within the Stour Estuary.</li> <li>• Access to the foreshore, increased visitor numbers and pressure for parking and facilities which may result in the disturbance of wildlife and especially overwintering birds.</li> <li>• Development in areas adjacent to but not included in the Extension Areas or existing AONB, which may affect views and perceptions of tranquillity within them (such as regeneration schemes and port developments).</li> <li>• Water sports which may cause visual and audible disturbance affecting nature conservation value and perceptions.</li> <li>• Bait digging which causes disturbance to wildlife and trespass issues.</li> </ul>
Views	<ul style="list-style-type: none"> <li>• Introduction of new incongruous elements such as large-scale barns which can disrupt patterns and create eyesores.</li> <li>• Blocking of views across the estuary or to key landmarks as a result of development or vegetation growth.</li> </ul>

#### 4.2.2 Issues Affecting the Freston Valley

<b>Freston Valley</b>	
<b>Special Quality</b>	<b>Issues</b>
Hidden intimate valley with visual variety	<ul style="list-style-type: none"> <li>• The surrounding landscape has seen pressure for wind farm development in the past and current masts and pylons intrude into parts of the Freston Brook landscape. The Extension Area remains vulnerable to the intrusion of development beyond the area on the surrounding plateau.</li> </ul>
Traditional land management practices	<ul style="list-style-type: none"> <li>• Impact of deer on woodlands.</li> <li>• Introduction of non-native woodland and poplar plantations disrupting traditional patterns.</li> <li>• Loss of wet pastures due to drainage and loss of water quality due to run-off from surrounding plateau arable farmland.</li> <li>• Conversion of valley slope pastures to arable.</li> </ul>
Cultural and natural	<ul style="list-style-type: none"> <li>• Lack of active traditional woodland management such as coppicing.</li> </ul>

heritage interest in woodlands and trees	<ul style="list-style-type: none"> <li>• Loss of historic features such as wood banks and diversity of ground flora due to lack of management.</li> <li>• Loss of veteran trees due to lack of management and succession planning.</li> <li>• Loss of woodlands which perform an important role in framing views from the Freston Valley and reinforcing estate character</li> </ul>
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#### 4.2.3 Issues Affecting the Samford Valley

<b>Samford Valley</b>	
<b>Special Quality</b>	<b>Issues</b>
Hidden, tranquil and intimate valley	<ul style="list-style-type: none"> <li>• Intrusion of development beyond the area on the surrounding plateau.</li> <li>• Pressure for recreation development resulting in caravan park development and increased disturbance and noise.</li> <li>• Road and rail improvements such as widening, lighting and signage which may impact on tranquillity and rural character.</li> </ul>
Visual complexity derived from topography, drainage and traditional land use	<ul style="list-style-type: none"> <li>• Changes in land use which mask topography and traditional valley management practices.</li> <li>• Introduction of non-native woodland and poplar plantations disrupting traditional patterns.</li> <li>• Expansion of settlements into undeveloped parts of the valley or affecting the skyline.</li> </ul>
Cultural and natural heritage interest in woodlands and green ways	<ul style="list-style-type: none"> <li>• Lack of traditional woodland management such as coppicing.</li> <li>• Loss of native woodlands which perform an important role in framing views from the valley.</li> <li>• Erosion of narrow rural lanes due to increased traffic and pressure for road improvements which may have an urbanising effect.</li> </ul>

### 4.3 Conclusion

A range of relevant issues affecting the Extension Areas have been identified in the tables above for each of the three Extension Areas. These are considered to be of a scale and significance to merit active management intervention. The issues set out in the tables include effects from large-scale development through to *ad hoc* changes which may occur in a piecemeal fashion over time. These types of issues and pressures present a real threat to the special qualities of these landscapes. The extent that designation as AONB would enable the effective management of these issues over and above current mechanisms is considered further in Section 5 below.

## **5.0 Mechanisms Powers and Duties**

### **5.1 Introduction**

5.1.1 This section first describes the mechanisms, powers and duties which operate within the existing Suffolk Coast and Heaths (SC&H) AONB and Additional Project Area (APA) before going on to consider the arrangements that would apply in the Extension Areas should designation take place. Finally a conclusion is reached in relation to these mechanisms, powers and duties and whether they would result in benefits to the Extension Area if designated. In doing so, the following topics are addressed:

- Current Arrangements Pertaining to the SC&H AONB and APA
  - Powers and Duties related to AONBs
  - Current Management Structure, Staff Resources and Initiatives
  - Planning Management
  - Funding
- Arrangements Which Would Apply Post Designation
  - Legal Powers and Duties
  - Regulation
  - Integrated Management
  - Development Management
  - Resources and Certainty

## **5.2 Current Arrangements Pertaining to the Suffolk Coast and Heaths AONB and Additional Project Area**

### **5.2.1 Context**

5.2.1.1 The statutory framework for protected landscapes in England was first established in the National Parks and Access to the Countryside (NPAC) Act 1949. The legislation has been amended and added to many times since then. Part IV of the Countryside and Rights of Way (CROW) Act 2000 consolidates much of the legislation in relation to AONBs, bringing it together and updating various references.

5.2.1.1 The local authorities whose area wholly or partly includes land currently designated as SC&H AONB to which the statutory powers and duties relating to AONBs apply, are Suffolk County Council (SCC), Suffolk Coastal District Council (SCDC), Waveney District Council (WDC), Babergh District Council (BDC) and Ipswich Borough Council (IBC). Parts of the Dedham Vale AONB also lie within Tendring and Babergh Districts.

### **5.2.2 Powers and Duties related to AONBs**

5.2.2.1 Sections 82 and 83 of the CROW Act 2000 relate to the designation process. Section 84 clarifies that some further provisions with regard to powers to make access agreements and access orders as well as consultation in connection with the development plan, and contained within the National Parks and Access to the Countryside Act 1949, also apply in AONBs as well as in National Parks.



5.2.2.2 Section 84 (4) specifically provides for a local authority whose area consists of or includes the whole or any part of an Area of Outstanding Natural Beauty to have the 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.

5.2.2.3 Section 85 (1) confers a General duty to have regard to the purpose of AONB designation as follows:

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

S85 (2) defines ‘relevant authorities’ for this purposes as encompassing any Minister of the Crown, any public body, any, statutory undertaker and any person holding public office. This legislation also stipulates that ‘public body’ includes:

(a) a county council, county borough council, district council, parish council or community council;

(b) a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;

(c) a joint committee appointed under section 102(1) (b) of the Local Government Act 1972.

5.2.2.4 The Section 85 (1) duty requires all public bodies, statutory undertakers (such as water and electricity companies) and holders of public office to have regard to the AONB purpose when carrying out functions in relation to, or affecting land within the SC&H AONB. A Government paper<sup>8</sup> provides guidance on how public bodies should exercise this duty and highlights that the duty applies to all decisions (not just those that might narrowly be seen as ‘countryside’ issues), and that compliance with the duty should be capable of being demonstrated. The focus provided by this duty does not apply in areas which are not designated as AONB, including in the SC&H Additional Project Area.

5.2.2.5 Examples of how this duty is put into effect within the SC&H AONB include in relation to planning management (which is considered in more detail below) and where the Environment Agency formally consults with the AONB Partnership on coastal defence projects and other projects within the AONB. Other examples include electricity distribution network companies and telecommunications companies consulting the AONB team at the pre-application stage on proposals for infrastructure and other work.

5.2.2.6 Although this duty does not override the particular obligations or considerations which must be taken into account by relevant authorities in carrying out their core functions, it does require relevant authorities to ensure that the AONB purpose is recognised as an essential consideration in reaching decisions and when undertaking activities that impact on a designated area.

5.2.2.7 Section 89 (2) of the CRoW Act 2000, places a duty on relevant local authorities to prepare and publish a plan which formulates their policy for the management of an AONB and for the carrying out of their functions in relation to it and a further duty to review the plan at

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<sup>8</sup> Duties on Relevant Authorities to have regard to the Purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads, Defra, 2005

"intervals of not more than five years". An AONB Management Plan sets out the policy for the management of an AONB and includes an action plan for carrying out activity in support of the purpose of designation. The production of a Management Plan on a statutory basis is a major benefit that flows from designation; allowing as it does for an integrated and place-specific approach to ensuring that the natural beauty of the area is conserved and enhanced.

- 5.2.1.8 The current SC&H AONB Management Plan covers the period 2013 to 2018 and sets out the management objectives for the AONB as agreed by the relevant local authorities and supported by the organisations that make up the SC&H AONB Partnership. The Management Plan plays an important role in supporting and co-ordinating the action of the organisations that make up the AONB Partnership, including setting the work programme of the AONB team.
- 5.2.1.9 The current SC&H AONB Management Plan also refers to an Additional Project Area (APA). This locally defined APA includes parts of the Shotley Peninsula, the Stour Estuary and the south side of the Stour in Essex. This area is not designated as AONB and the AONB statutory powers and duties outlined above do not apply within it, but its inclusion in the Management Plan reflects a long held local recognition of the value of this area. The APA has also been a focus of some activity by the AONB team, with the support of all the relevant local authorities. A similar arrangement also exists for the Dedham Vale AONB, which has for many years also managed the Stour Valley Project to the west of the AONB. Most, but not quite all of the land within the three Extension Areas lies within the APA.
- 5.2.1.10 The Samford Extension Area also includes a small area beyond the APA. In this area, the statutory powers and duties of an AONB do not currently apply. Instead, local authority management arrangements are generally provided for within a range of more generic services and policies relating to the environment as a whole. These may include the development and implementation of strategic policies designed to achieve sustainable development both within urban areas and the wider countryside, including with regard to landscape and biodiversity. There is not usually the same focus on the specific purpose of an AONB, i.e. the conservation and enhancement of natural beauty. In Suffolk and Essex, specific priority is placed on supporting areas designated as AONBs (the SC&H AONB within Suffolk and the Dedham Vale AONB within both counties).
- 5.2.1.11 Despite not having land designated as SC&H AONB within their area, Essex CC and Tendring DC have for many years been represented on the Joint Advisory Committee (JAC)<sup>9</sup> and both have contributed to the management and funding of the SC&H AONB. This is on the basis that the locally defined APA extends into Essex. The Essex local authorities' active engagement with the AONB has been on the understanding that formal representation would be made to Natural England for consideration to be given to the AONB designation being extended to include the Stour estuary and its southern shore. Essex CC and Tendring DC have provided no assurance that this funding or participation on the JAC would continue in the future if the area is not designated. The APA (whose future also cannot be guaranteed) currently benefits from some activity undertaken by the AONB Team and Partnership, but without the statutory basis that designation would provide.

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<sup>9</sup> See paragraph 5.2.3.1

5.2.1.12 In wider countryside (i.e. areas not covered by the AONB or APA) landowners and managers, local authorities, relevant statutory bodies and undertakers, conservation groups and other community groups undertake management activity, which is primarily determined by their own priorities within the context of incentives and regulations relevant to the areas concerned. In addition there is not the same focus on conserving and enhancing the natural beauty of the landscape as is currently found within the AONB and to an extent, the APA.

5.2.2.13 The powers and duties relating to AONB designation which do not currently apply within the APA or areas beyond the APA, would immediately apply within the Extension Areas if an Order to designate them was confirmed by the Secretary of State. These potential benefits of designation add weight to the desirability of designating the Extension Areas.

### 5.2.3 Current Management Structure, Staff Resources and Initiatives

5.2.3.1 For the SC&H AONB, the powers and duties noted above are overseen by a Joint Advisory Committee (JAC) whose role encompasses the management of the staff team and its finances. The JAC was originally formed by a Memorandum of Agreement between the statutory local authorities and the Countryside Commission (predecessor to the Countryside Agency and subsequently Natural England). A single JAC now covers the work of both the SC&H and Dedham Vale AONBs and comprises elected members of the local authorities with land in the SC&H AONB plus Essex CC and Tendring DC. A rolling Memorandum of Understanding is agreed by the local funding partners.

5.2.3.2 The SC&H AONB Team co-ordinates, facilitates and delivers certain countryside management functions as set out in the Management Plan. The AONB team is hosted by Suffolk County Council. Individual posts on the team include Countryside Officers, a Suffolk Estuaries Officer, a Partnership Officer, an AONB Projects Officer (responsible for developing externally funded projects), plus time limited posts specific to individual major projects.

5.2.3.3 The core AONB Team works across both the SC&H AONB and the Dedham Vale AONB. It also works in the APA and has a Full Time Equivalent (FTE) Core team of 6.8 FTE made up of eight people working across both AONBs. A further three staff (3 FTEs) currently work on specific externally funded projects and are employed on fixed term contracts. A recent example of this is the Heritage Lottery funded Touching the Tide Landscape Partnership Scheme (2013 – 2016) which had a project team of three staff, employed by Suffolk County Council as part of Suffolk Coast & Heaths AONB. The team is also able to offer volunteer placements for students and graduate trainees.

5.2.3.4 Responsibility for developing the Management Plan and encouraging co-ordinated management in the AONB rests with the SC&H AONB Partnership which was originally formed in 1993. The AONB Partnership is currently made up of twenty-six organisations with a particular interest in the AONB, comprising public, private and voluntary organisations which are committed to conserving and enhancing the natural beauty of the AONB. Current members of the Partnership are listed in Appendix One.

5.2.3.5 The membership of both the NFU and CLA on the SC&H AONB Partnership is a reflection of the importance of agriculture which is central to the management of land within the AONBs. It also recognises the fact that these organisations represent the main custodians of many of the area's special qualities. However a wide range of public bodies also have a

direct influence over the future of the AONB in terms of policy, programme and project implementation, casework decisions and management advice and are thus represented.

The role of the SC&H AONB Partnership also includes:

- championing the AONB and its objectives;
- promoting awareness and understanding of the AONB;
- advising local authorities and other 'relevant authorities' on their responsibilities with regard to the AONB;
- advising local planning authorities and developers on matters relating to development control within the AONB and its setting;
- considering and offering advice on development plan policies, proposals and reviews insofar as they relate to the AONB; and
- acting as a forum for discussion of major issues affecting the AONB and, where appropriate, making recommendations.

5.2.3.6 The work of the SC&H AONB Partnership also includes the publication of Partnership Position Statements which reflect the collective view of the Partnership on key issues that affect the SC&H AONB; examples of which include 'Development in the Setting of the Suffolk Coast & Heaths AONB' and 'Responsible Access in the AONB'.

5.2.3.7 The current SC&H AONB Management Plan (2013-2018) sets out planned activities under four themes:

1. Coast and estuaries
2. Land use and wildlife
3. Enjoying the area
4. Working together

Although the prime focus of the Management Plan is with regard to the area designated as AONB, it also encompasses activities applicable in the Additional Project Area. Many of the objectives and activities set out in the Management Plan are directly relevant and applicable to the areas now being proposed for designation as part of the SC&H AONB.

5.2.3.8 One of the main practical benefits of AONB designation is to foster an integrated approach to conserving and enhancing the area's natural beauty. This integrated approach to the management of the AONB means in practice that actions taken or encouraged by the AONB team and the wider Partnership are designed to deliver several relevant objectives at the same time and to have multiple benefits for the AONB's purpose, the wider environment and the economic and social well-being of local communities, so that maximum value for money is derived from the resources employed.

5.2.3.9 Integrated management is achieved within the AONB through adopting a strategic, targeted approach, with the AONB team developing a leadership role with other local bodies, business, community organisations and environmental bodies. Examples of some of the organisations that the SC&H AONB works with and which are also relevant to the areas proposed for designation include the following:

- East Anglia Coastal Group

- Harwich Haven Authority (HHA)
- Stour and Orwell Estuaries Management Group (EMG)
- The Stour and Orwell Society and other local groups
- Environment Agency
- Relevant Tendring and Babergh DC planning and other services
- Harwich Society
- Shotley Peninsula Tourism Action Group
- Private landowners on projects to develop tourism products
- Essex Coastal Forum
- Town and Parish Councils

5.2.3.10 A notable example of this collaborative working is through the Stour and Orwell Estuaries Management Strategy 2015-2020 and its Scheme of Management with its associated Action Plan. This involves a wide range of organisations with statutory or operational, moral or other interests in the sustainable management of the estuaries. This initiative is funded by contributions from the Stour and Orwell Estuaries Management Group and is co-ordinated by the Suffolk Estuaries Officer (hosted by the SC&H AONB). The aim of the group is to promote human and economic activity that is compatible with the ‘special landscape and wildlife qualities’ of the area.

5.2.3.11 The overarching aim of partnership working is therefore to achieve integrated management within the AONB through adopting a strategic, targeted approach, with the AONB team developing a leadership role with other local bodies, business and community organisations and environmental bodies.

5.2.3.12 The management arrangements and initiatives briefly described above provide an indication of the integrated and collaborative working and focused management which would formally apply as a result of designation both in the parts of the Extension Areas currently defined as APA and in the parts which lie beyond the APA.

#### 5.2.4 Planning Management

5.2.4.1 The Local Planning Authorities (LPAs) with responsibility for planning management within the area proposed for designation are the County Council and Tendring District Council in Essex and the County Council and Babergh District Council in Suffolk. For the purpose of this assessment, the term ‘planning management’ is used to cover the national planning context, the local plan process and development control.

5.2.4.2 The National Planning Policy Framework (NPPF) sets out the underpinning principles and policies for the operation of the planning system in England, and is pertinent to all authorities in England, including in relation to AONBs. Paragraph 115 refers specifically to AONBs as follows:

“Great weight should be given to conserving 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 landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads”.

- 5.2.4.3 At the core of the National Planning Policy Framework is the establishment of a presumption in favour of sustainable development. Within this context, the NPPF seeks to stimulate growth, with a particular emphasis on meeting housing need and supporting economic development. Alongside this aspiration it also sets out a clear position in relation to the importance of environmental considerations as a fundamental strand of sustainable development (elaborated in Section 11 of the NPPF which provides a strong policy basis for the protection and proper consideration of environmental assets generally). The principles within the NPPF aim to provide a balanced but positive approach to meeting the needs of communities within all areas, including those in AONBs and in other sensitive environmental contexts.
- 5.2.4.4 In paragraph 14 of the NPPF, there is a cross-reference (which by footnote 9 includes AONBs) to circumstances in which specific policies in the NPPF indicate that development should be restricted. The policies in the NPPF which relate to restrictions on development in AONBs are at paragraph 116 for major developments in AONBs and paragraph 144 which provides for the maintenance of land banks of non-energy minerals from outside AONBs and other specified designations.
- 5.2.4.5 As a result of the NPPF, Local Plans produced by local authorities with land in AONBs generally contain specific policies in relation to AONBs which give effect to para 115 and other relevant sections of the NPPF. In any circumstance where an existing local development plan diverges from the NPPF, decision making authorities are required to afford great weight to the provisions in the framework. This serves to limit the influence of any out of date local policy. In terms of current relevant Local Plan policies, both Babergh and Tendring LPAs already have extant AONB policies in place which could immediately apply to any area confirmed as an extension to the SC&H AONB. Within Babergh District, there has also for many years been recognition of the special qualities of the landscape of parts of the Shotley Peninsula outside the SC&H AONB, through the identification of a local ‘Special Landscape Area’ (SLA), the Dodnash SLA, which has up to now benefitted from specific planning policy to protect its special qualities. The local plan policy for the SLA designation recognises, in general terms, the special qualities of the landscape although it is not accompanied by any assessment document which sets these out.
- 5.2.4.6 Tendring DC’s Publication Draft Local Plan Consultation Draft, June 2017 no longer contains a specific AONB policy but makes the following reference within a broader draft Policy PPL3 for the ‘Rural Landscape’ which includes the following:
- “Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale AONB, and its setting, and the setting of the Suffolk Coast and Heaths AONB, including any relevant AONB Management Plan objectives. New development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area affected.”
- 5.2.4.7 Draft Policy PPL3 is intended to replace the policies in the adopted Tendring District Local

Plan (2007). These include Policy EN5 which is specific to the Dedham Vale AONB and Policy EN5a which relates to the 'Area Proposed as an Extension to the Suffolk Coast and Heaths AONB' and states:

"An area which the Council and Essex County Council have put forward as an extension to the Suffolk Coast and Heaths AONB is shown on the Proposals Map. This includes a broad swathe of land on the south shore of the River Stour, between Mistley and Parkeston. In the exercise of development control, the Council will seek to protect the natural beauty of the landscape within this area, and views towards it, and will have regard to the Suffolk Coast and Heaths Strategy."

Tendring DC's draft policy for designated Conservation Areas is also relevant in the specific context of Mistley Park. This policy is referred to in more detail at para 6.1.3.18.

- 5.2.4.8 Babergh and Mid Suffolk local authorities are currently working together on a joint Planning Management Policies Development Plan Document (DPD) and developing the evidence base for the new Local Plan. As a consequence, policies for the AONBs and local landscape designations are being reviewed. With regard to the Dodnash Special Landscape Area, one option being considered is the possible replacement of policy specific to Special Landscape Areas including the Dodnash SLA with district-wide Landscape character based policy based on joint district landscape guidance.
- 5.2.4.9 Minerals and Waste Plans produced by Suffolk and Essex County Councils also give due consideration to the AONBs existing within each of their areas.
- 5.2.4.10 Permitted Development Rights are also relevant considerations in relation to development control in the area proposed for designation. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) sets out thresholds below which permitted development can occur subject to various limitations and conditions. These are referred to as Permitted Development Rights (PDRs). Within AONBs, Conservation Areas, National Parks, the Broads and World Heritage Sites certain PDR's are withdrawn. These areas are referred to as 'Article 2(3) land' within the GPDO. Schedule 2 sets out the specific PDRs which do not apply on Article 2(3) land including AONBs in England, or where restrictions to specific PDRs apply in such areas. These are summarised in Appendix Two.
- 5.2.4.11 With the exception of the listed exclusions and restrictions set out in Appendix Two, the remaining PDRs generally apply equally within AONBs as elsewhere. In the circumstances where PDRs do not exist or are withdrawn, the standard planning application process applies. The PDRs that are withdrawn within AONBs are withdrawn in the context of the statutory AONB purpose, namely the conservation and enhancement of the natural beauty of the area. The restriction on PDR's does not prevent the types of development listed in Appendix Two, but it does provide an opportunity for local authorities to seek to ensure that such developments take into account the special qualities of the AONB, in line with current planning policy. This adds weight to the desirability of designating the Extension Areas.
- 5.2.4.12 Planning Management Activity Undertaken by the AONB Team: The AONB team provides comments on development control casework within the SC&H AONB. These comments set out the duties of the planning authority in relation to the AONB purpose and importantly, highlight where a proposed development may affect the natural beauty of the AONB. This

process of consultation therefore enables the special qualities of the AONB to be brought to the fore in planning decisions within the AONB.

5.2.4.13 This consultation process is however, less formalised where development may be proposed outside of the AONB or within the Additional Project Area or within in the setting of the AONB. In these situations, the AONB works closely with partners to ensure awareness of relevant development proposals which lie beyond the AONB but which nonetheless may have an effect on it. This is particularly important in instances where development may lie between the SC&H and Dedham Vale AONBs or within neighbouring authorities such as Tendring District. However, in the case of the Stour Estuary, areas outside of the AONB make a significant contribution to the natural beauty and special qualities of land within the AONB as demonstrated in the evaluation.

5.2.4.14 Under the current circumstances, it is perhaps more difficult to articulate the effects of a proposed development on natural beauty because the existing AONB boundary does not reflect the factors which contribute to the natural beauty of the area

5.2.4.15 In conclusion, the areas proposed for designation are already recognised as sensitive rural areas and landscapes by the local planning authorities. Designation would, however, ensure that the statutory duties and powers of an AONB apply and particular account is thus paid to special qualities and natural beauty when planning for the sustainable development of the areas concerned, adding weight to the case for designation. Both the relevant local planning authorities already have experience of and expertise in, determining planning casework within AONBs.

## 5.2.5 Funding

5.2.5.1 AONB funding comes from a number of sources with the funding partners negotiating an annual Memorandum of Agreement each year. Central government is the major financial contributor to the to AONBs' core costs. Defra provides 75% of the core funding for both AONBs which in 2017/18 equates to ££161,822. The local authorities currently contribute as follows:

Suffolk County Council	£50,434
Suffolk Coastal District Council	£42,429
Tendring District Council	£6,650
Babergh District Council	£12,743
Ipswich Borough Council	£3,216
Essex County Council	£1,789
Waveney District Council	£6,192

5.2.5.2 Core funding is provided for the AONB Team's direct costs employing staff, with specialist skills and expertise relevant to the delivery of the AONB's statutory purpose and providing Skills, expertise, focus and leadership. A portion of core funding also supports a Sustainable Development Fund (SDF) which is disbursed to local community projects and administered by the team. This is a benefit which is not available outside AONBs.



5.2.5.3 The SC&H AONB is also very successful at securing and managing other financial resources and grants for work in the area, from other government bodies (including Natural England) and charitable organisations and others. In 2015/16 for example rounded estimates for externally funded project work equate to £533,000. These resources help to fund initiatives directly managed by the AONB and to provide grants to others to the benefit of the SC&H AONB. Two examples of this are:

- Touching the Tide: a project which existed between 2013 and 2016, and was a Heritage Lottery Fund (HLF) landscape partnership scheme, 90% funded by the HLF with match funding provided by the Crown Estate, Suffolk County Council, Suffolk Coastal and Waveney District Councils, and staff and volunteer time from local communities and partner organisations. In total, Touching the Tide had a budget of about £900,000 over three years allocated to over 30 different projects including saltmarsh restoration, community archaeology, a landscape character assessment of the Suffolk coast and projects with schools.
- A new Defra Funded Marine Pioneer project (£95,000 over 2 years) which will focus on developing initiatives in the coastal margin of the Suffolk Coast & Heaths AONB, including its five estuaries.

5.2.5.4 An example of another new project currently in development is a proposal for a further HLF funded Landscape Partnership Scheme to operate in the Stour and Orwell estuary area including the Shotley Peninsula and the valley slopes above both the Suffolk and the Essex shores. This would involve a budget of approximately £2.2m over five years, with HLF being asked for a contribution of about 70%. If the bid is successful, project development would start in January 2018 and delivery in spring 2019. A particular focus of this project is the special qualities of parklands in the landscape and the contribution they make to landscape character. It is considered likely that remnant parkland such as Mistle Park will be included within this project, demonstrating the ability of the AONB to secure funds for work within the existing AONB and where relevant, adjacent landscapes.

5.2.5.5 Core funding in combination with other externally generated funds provides resources which help fund initiatives both directly managed by the AONB and provided as grants to others to the benefit of both the SC&H AONB and Dedham Vale AONB. As well as contributing directly towards project costs under the direct management of the AONB, these resources enable the AONB Team to administer other small grant funds alongside the SDF. Over £250,000 has been disbursed by the AONB Team to a wide range of community projects within the AONB over the last five years to support local initiatives beneficial to the area. The allocation of these grants is determined by AONB Grant Panels, made up of representatives of local business, community and environmental interests. These include:

- The Community and Conservation Fund (CCF) developed in partnership with local businesses which raise money on behalf of the AONB. Grants (typically about £500) support grass roots conservation, access and education projects within the AONB.
- The Sustainable Development Fund (SDF) provided by Defra to promote a wide range of sustainable projects that support the conservation objectives of AONBs and National Parks.

- The Amenity and Accessibility Fund (AAF) set up by EDF Energy and the Galloper Wind Farm Fund (GWFF) has been set up by Galloper Wind Farm Ltd, to help people enjoy and improve their local environment in the AONB along the Suffolk coast. Both funds are the result of Section 106 planning agreements.
- The Suffolk Secrets AONB Fund has been made possible from the fundraising efforts of the Suffolk Secrets for holiday cottage lettings agency.

5.2.5.6 Extending the SC&H AONB to include the three Extension Areas would help to ensure that such resources are secured in the future and available to the AONB Partnership and Team for the benefit of natural beauty and local communities throughout the areas concerned.

### **5.3 Management Arrangements Which Would Apply Post Designation**

#### **5.3.1 Legal Powers and Duties**

5.3.1.1 The areas included within the Extension Areas comprise parts of the Additional Project Area (APA), Dodnash Special Landscape Area (SLA) and some wider countryside. Designation of these areas as AONB would result in changes to the current management arrangements and these are set out below. Once an Order varying the boundaries of an AONB comes into effect, the powers and duties outlined in section 5.2.2, including Sections 84(4) and Section 89(2) of the Countryside and Rights of Way (CRoW) Act 2000, would immediately apply within the areas concerned. In short, designation would formally extend the responsibilities of the AONB team, Joint Advisory Committee (JAC) and SC&H AONB Partnership to the areas now being proposed for designation.

5.3.1.2 If a legal Order varying the boundary of the AONB to include land in north Essex is confirmed, the relevant powers and duties in relation to the SC&H AONB would extend to Essex County Council and Tendring District Council. This would formalise the Essex local authorities' current informal, but active, engagement with and support for the SC&H AONB. Designation of the Extension Areas would also extend the Section 85 (1) duty placed on other relevant authorities to have regard to the statutory purpose of the AONB in the area, providing an additional benefit which does not currently apply in these areas.

5.3.1.3 Although most of the land proposed for designation has for many years been defined and managed as an 'Additional Project Area' (APA) by the SC&H AONB and will have benefitted from this local arrangement, this is not on a statutory basis. Designation would provide the security, permanence and strength of protection that statutory national designation provides. The proposed designation would also extend the benefits of designation to a significant part of the Stour Estuary and some other smaller areas outside of the APA which have now been assessed as meeting the natural beauty criterion.

#### **5.3.2 Regulation**

5.3.2.1 Designation of any area as AONB does not represent an increase in regulation beyond differences in policy and permitted development relevant to the planning management functions of the local authorities and which are referred to above. The existing regulatory functions of the local authorities for example, remain with these local authorities and would operate in exactly the same way, albeit taking into account their duties and powers under s84 and s85 of the CRoW Act. The differences in planning management, as provided for by

the NPPF and local planning policy, would however assist with the conservation and enhancement of the area's natural beauty in a way which would not necessarily happen if it were not designated.

#### 5.3.2.2 Designation as AONB does not impose additional bureaucracy on agriculture.

Environmental regulations (eg pollution control and waste), protected areas (such as Nitrate Vulnerable Zones) and other agricultural regulations are the same inside and outside AONBs and cannot be changed. There is also no impact on the Single Farm Payment or Cross Compliance requirements. The lack of impact on agricultural regulation is evidenced by the 2011 Report of the Farming Regulation Task Force, 2011. This Report contained approximately 200 recommendations for cutting "unnecessary bureaucracy" in farming. None of these recommendations related to AONBs.

#### 5.3.2.3 Activities which further the AONB purpose are generally achieved through partnership and persuasion, rather than by regulation. Local authorities do not have power to, for example, compel a particular type of land management on farmland and the AONB Team cannot work on land without the permission of the landowner. Work is undertaken by agreement (sometimes with financial incentives) or by advising and persuading others to act in a manner which contributes to the conservation and enhancement of the area. Financial incentives for farmers and land managers to undertake work beneficial to the environment, through agri-environmental schemes have historically given some priority to AONBs and National Parks, in recognition of the national importance of these areas. Although it is not possible to predict how such schemes will operate in the longer term, it is reasonable to assume that land within these designated areas may be given some priority relative to undesignated areas in future, even if future agri-environmental schemes contain multiple objectives that may not be specifically relevant to the AONB purpose.

### 5.3.3 Integrated Management

#### 5.3.3.1 Extending the SC&H AONB to encompass the new areas would help to resolve the currently unequal and potentially uncertain management arrangements in the Extension Areas. Without the certainty provided by AONB designation there is no guarantee that specific activity would take place in the future which reflects the special qualities of these areas, as set out in Section 4, beyond that which currently applies across 'wider' countryside within both counties.

#### 5.3.3.2 These special qualities include the highly scenic estuarine landscape of the Stour and its nationally important intertidal habitats of open water, mudflat and saltmarsh and, in complete contrast, the intimate small-scale and enclosed character of the Freston and Samford valleys with their extensive ancient semi-natural woodlands and habitats, small meadows, streams, narrow lanes and greenways. Without designation it would be unlikely that the broader integrated focus merited by these special qualities would take place.

#### 5.3.3.3 The existing priorities of the local authorities and the work undertaken by the AONB team would undoubtedly contribute to an extent to the conservation and enhancement of the APA, parts of which are now proposed for designation. However, these do not and cannot substitute for the specific statutory responsibilities and duties and the resource opportunities that would follow designation as AONB and which, in combination, would

enable an integrated approach to be developed with a specific focus on the natural beauty of the areas concerned.

5.3.3.4 An indication of the benefits that designation could bring to the management of the special qualities of the Extension Areas is illustrated by the following examples of recent and current activity set out below using the theme headings in the current SC&H AONB Management Plan.

#### Coast and Estuaries:

Engagement in coastal and estuarine issues is of particular importance and relevance to the SC&H AONB and would be central to the future management of the Stour Estuary if designated. Such activity ranges from the strategic to the specific and practical. Examples include:

- Membership of the Stour and Orwell Estuary Management Plan which aims to conserve the long-term future of the estuaries, for people and for wildlife.
- Marine Pioneer: DEFRA organisations have worked together to develop a plan and a range of partners to deliver a dual sited 'Marine Pioneer'. SC&H AONB has now agreed to lead the East Anglian part of the Marine Pioneer, working closely with the MMO, other DEFRA organisations and local authorities.
- Touching the Tide: one of the specific projects supported by this initiative was a study to improve understanding of the landscape and visual effects of different coastal sea defences on different coastal character areas within the Suffolk Coast & Heaths AONB.
- Coast and estuary volunteer wardens coordinated by the AONB

#### Land Use and Wildlife:

The AONB Team works together with other organisations on the Partnership to help ensure that land management initiatives contribute to the statutory AONB purpose and to manage situations where potential conflict can occur, for example, between people and wildlife. Examples of the types of recent activity undertaken by the AONB that might also be potentially relevant to the areas within the Extension Areas include:

- advice to farmers and land managers with regard to conserving and enhancing biodiversity; and
- management of the river catchment ensuring sensitive farming to reduce diffuse water pollution of the river from agricultural;
- Landscape enhancement project at Felixstowe Ferry by UK Power Networks undergrounding 11kV wires from the Millennium Green, Golf Course and farmland in the vicinity of Felixstowe Ferry to the value of £200,000. The investment is made possible through an OFGEM allowance to Distribution Network Operators for improving visual amenity in AONBs and National Parks.

#### Enjoying the Area

Many of the activities organised and promoted by the AONB are designed to enable both local people and visitors to appreciate and enjoy the AONB's special qualities. At the same time there is recognition of the pressure that high levels of access at popular locations can have including from uncontrolled dogs walking. These activities are often also directly beneficial to the local economy and particularly the tourism sector. Specific examples of the type of activity that the Extension Areas could also benefit from in the future include:

- Production of a range of publications such as the quarterly newsletter and walking and cycling guides which promote the AONB,
- Sustainable Development Fund awards made to Shotley Bikes (to promote sustainable tourism travel),
- walking guides (funded via the Coastal Communities Fund), promoting routes on the Suffolk coast; and
- the responsible dog campaign.

#### Working Together

The AONB designation provides a focus for coordinated activity and attention by local authorities plus a wide range of other organisations, many of which are on the SC&H AONB Partnership. There are also opportunities for community groups and individuals to become directly involved in practical projects. In the SC&H AONB, these currently include:

- the coastal and estuarine warden scheme designed to improve people's enjoyment of the coast
- A wide range of volunteering activities organised by the AONB with approximately 2,000 volunteer days of work generated per year, for example BeachWatch which resulted in over 18,700 items of beach litter weighing over 1,240 kg being collected by over 730 volunteers, facilitated by the Suffolk Coast & Heaths AONB team as part of a Marine Conservation Society scheme.

5.3.3.6 The examples referred to above are just a snapshot of the broad range of activities undertaken within the SC&H AONB which further its conservation and enhancement for the benefit of local people, visitors and the local economy. The experience and expertise that the SC&H AONB team has developed to garner a wide range of resources to achieve these outcomes for the SC&H AONB, can be expected to also benefit the areas being proposed for designation over the long term.

#### 5.3.4 Planning Management

5.3.4.1 AONB Designation would also help address some of the significant planning issues affecting the area, for example associated with port developments and with the Brantham Regeneration Area, through clarifying and articulating the wider context of the nationally important landscape within which they are located. As previously noted, the National Planning Policy Framework (NPPF) places great weight on conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, giving them the highest status of protection. Designation of an extension to the SC&H AONB would mean that this provision applies to areas which are not currently protected in this way. Bringing the Extension Areas

into the AONB would also ensure that these areas benefit from the additional protection the Permitted Development Rights (PDR) restrictions afford, eg by ensuring that planning officers have the opportunity to ensure that such proposals do not conflict with the purpose of AONB designation. It should also be noted that Mistle Place Park (excluded from the Extension Area as explained at section 6.1.3) is already designated a Conservation Area, so here the PDR restrictions already apply in the interest of conserving the character and appearance of the area.

- 5.3.4.2 Designation of the Stour Estuary, where it meets the natural beauty criterion, would also enable greater clarity regarding how development within the wider estuary area may affect special qualities. This adds to the case for designating the qualifying areas so that the AONB duties can be applied effectively in these circumstances.
- 5.3.4.2 Furthermore, Babergh DC are currently reviewing their approach to landscape policy across the whole county with the consequence that a different policy approach may be developed based on the district-wide landscape character assessment. This would mean that areas currently afforded special protection as a Special Landscape Area (SLA), would lose this status, since the specific policies which currently afford these areas a higher level of protection than wider countryside, would be removed. Designation as AONB of parts of the Dodnash SLA which meet the natural beauty criterion would however enable additional planning policy and development control protection, to ensure that the special qualities of qualifying areas are conserved and enhanced into the future.

#### 5.3.5 Resources and Certainty

- 5.3.5.1 Neither the current APA nor the Dodnash SLA local designation, provide the certainty and permanence that would be provided by statutory national AONB designation. For Tendring DC and Essex CC, the APA has provided the basis and rationale for the allocation of financial and other support to the work undertaken by the SC&H AONB and for their membership of the SC&H JAC and Partnership. In the context of difficult resource decisions and competing priorities, there is a considerable risk that this support may not continue to be tenable in the future without the stimulus and certainty that comes with formal AONB designation. Furthermore, Babergh DC are currently reviewing their approach to landscape policy across the whole county with the consequence that a different policy approach may be developed based on the district wide landscape character assessment which may result in the removal of the local SLA designation.
- 5.3.5.2 Through the AONB Management Plan, AONB designation provides a clearly defined set of objectives and outcomes within a geographically focused area which significantly facilitates the targeting of resources. This is also assisted by the practical administration of these grants by the AONB Team, as well as the targeting of other funding available for other initiatives which are also relevant within the AONB. These funding advantages can be difficult to replicate in the wider countryside. Designation of the Extension Areas (which cover those parts of the APA and Dodnash SLA which meet the natural beauty criterion) would provide greater certainty to these landscapes than would otherwise exist both in terms of the future focus on conservation and enhancement and of the likely financial commitments available to undertake this work.

5.3.5.3 The future potential for the SC&H AONB to generate other funds from charitable sources is also likely to benefit the areas proposed for designation. This is demonstrated by a recent independent review of the activities of charitable bodies supporting AONBs in England and Wales (Rural Focus Ltd, May 2017) which concludes that over half of the 38 AONB's in England and Wales now have charities which are working to safeguard and support the designation and its purpose. Although the SC&H AONB does not currently benefit from the operation of a specific charitable organisation, the study highlights the adjacent Dedham Vale AONB and Stour Valley Project which has established the Stour Valley Environment Fund (SVEF), managed by the Essex Community Foundation, which supports charities and voluntary groups working to enhance the environment in the Stour Valley.

## **5.4 Conclusion regarding Mechanisms, Powers and Duties**

5.4.1 Designation as AONB would provide formal statutory recognition of the national importance of the natural beauty of the areas concerned, and as a consequence, provide the basis for a more coordinated and integrated approach to management which would give specific focus and priority to the natural beauty of the area. The proposed areas if designated would then formally come within the ambit of the statutory AONB Management Plan and benefit from the incentives, powers, duties, responsibilities and resources that designation brings. The benefits can be summarised as follows:

- Statutory application of the AONB Management Plan across the Extension Areas including Additional Project Area landscape, Dodnash SLA landscape and other areas of wider countryside regarded as meeting the natural beauty criterion
- Full access to the AONB Team and the specialist land management knowledge and advice they can offer, providing an integrated focus on conserving and enhancing the area's special qualities
- Formalisation of the AONB Partnership through the inclusion of land in north Essex, such that the powers and duty 'to have regard' to the AONB purpose would extend to Essex County Council and Tendring District Council in this area.

5.4.2 Formal consideration of the Extension Areas for AONB designation must not however be interpreted as being a consequence of any perception of ineffective or inappropriate management, but has resulted from a long held recognition locally of the national importance of the natural beauty of these areas which merit special attention, where this has now been affirmed by detailed assessment. Designation, if confirmed, would not impose additional restrictions on the way land is farmed, or create a presumption against sustainable development. It would however give a focus to the statutory purpose of the designation and to the range of activities and incentives that the local authorities and other bodies provide in terms of the conservation and enhancement of the area's natural beauty.

5.4.3 Should the Extension Areas go forward for designation, it is acknowledged that this would leave small areas of the Dodnash SLA and the AP A outside the AONB. As noted above, the SLA may not be continued as a local landscape designation in planning terms and it is uncertain whether the AONB would wish to continue with an APA for the areas remaining outside of the designation in the longer term. Although this may appear to leave these areas vulnerable in management and planning terms this is unlikely to be the case for the following reasons:

- all these areas have been thoroughly assessed during this designation process and their qualities are clearly articulated both in the Natural Beauty Assessment and the local Landscape Character Assessments (LCAs), especially the Shotley Peninsula and Hinterland LCA, produced by Alison Farmer Associates in 2013, both of which may be referenced in future decision making;
- the AONB regularly works beyond its boundaries and would undoubtedly continue to do so;
- the whole of the area is covered by existing landscape character assessments which set out key characteristics and management objectives. Mid Suffolk and Babergh District Councils have prepared joint landscape design guidance. Together these documents provide a sound evidence base for decision making and management.

It is important to note that designation of the Extension Areas would not preclude the AONB from continuing to work in remaining areas beyond its extended boundary.

## **6.0 Desirability Issues Affecting Specific Extension Areas**

### **6.1 Stour Estuary and South Side of the Stour Extension Area**

#### **6.1.1 The Qualifying Parts of the Stour Estuary**

6.1.1.1 Estuarine landscapes are an important component of the Suffolk Coast & Heaths (SC&H) AONB. The AONB as currently designated includes very significant parts of the four estuaries of the Blyth, Alde & Ore, Deben and Orwell. The inclusion of significant parts of the Stour estuary within the SC&H AONB would give a clear statutory basis for the skills and resources of the AONB team to be applied in relation to the Stour alongside the other estuaries within the AONB.

6.1.1.2 The overall extent of these estuaries (plus the Stour estuary) is estimated in the Water Framework Directive classification of the rivers and estuaries<sup>10</sup> as follows:

<b>Estuary</b>	<b>Total Area (km<sup>2</sup>)</b>
Blyth	3
Alde & Ore	11
Deben	8
Orwell	13
Stour	26
<b>Total</b>	<b>61</b>

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<sup>10</sup> First River Basin Plan, 2009.



- 6.1.1.3 The Stour estuary is by far the largest as well as the most southerly, with a total area 26 square kilometres. It has a combination of landscape elements, including a 'sense of place' that links it strongly with the SC&H AONB area as a whole and distinguishes it from other areas of Essex coast to the south. Whilst each estuary has its own identity and character, they also share qualities in terms of their natural beauty. The estuaries are a fundamentally important element of the SC&H AONB and this is reflected in the inclusion of an Estuary Officer within the AONB team.
- 6.1.1.4 Designation would formalise activity which has for many years been undertaken by the AONB team in relation to furthering the conservation and enhancement of the Stour Estuary's natural beauty, for example through engagement with the Stour and Orwell Estuary Management Plan. This is both via direct engagement in management activity and through influencing the work of other organisations with responsibility for other management activities specifically relevant to the Stour Estuary. Designation of the qualifying parts of the estuary would also extend the Duty to have regard to the statutory purpose of the AONB to the many other authorities whose responsibilities encompass the Stour estuary such as the local authorities, the Environment Agency, Natural England and the utilities companies.
- 6.1.1.5 Designation is therefore desirable to further stimulate integrated management initiatives which address forces for change which impact on the natural beauty of the estuary. This is particularly important in relation to threats of flooding, loss of inter-tidal habitats including saltmarsh (under increasing pressure from coastal squeeze), visual intrusion from major port and other development and inappropriate recreational use of the estuary.

## 6.1.2 Developed Areas

- 6.1.2.1 Brantham Regeneration Area: The Brantham Regeneration Area has been identified for major re-development and lies in immediate proximity and partially within the Candidate Area. The Natural Beauty Assessment concluded that an area of land which is included within the area covered by the Brantham Regeneration Area also has sufficient natural beauty to warrant inclusion in the Candidate Area. This decision has been given further scrutiny to clarify whether it is desirable for the land within the Candidate Area which lies within the Brantham Regeneration Area to be designated.
- 6.1.2.2 This area is the subject of specific planning policies within the existing and emerging Local Plans to encourage its regeneration. Subsequent planning applications, including one for the development of a rail depot and stabling area have since been approved. AONB designation does not preclude the development of land. It seeks to ensure that any development proposals which do come forward take full account of the special qualities of any area so designated. As a result, any proposed development would still be considered in line with national and local planning policy relating to the area.
- 6.1.2.3 Although the Extension Area includes land within the Brantham Regeneration Area, care was taken during the natural beauty assessment to ensure that only qualifying undeveloped land which is allocated as Green Space was included. Neighbouring areas of currently undeveloped land on the valley slopes immediately to the west which are allocated for housing were excluded, as well as the wider areas of previously developed land.

6.1.2.4 The qualifying area included within the Extension Area was identified locally within the Brantham Regeneration Area planning application as offering opportunities for conservation and enhancement. Natural England considers that since the area does meet the natural beauty criterion overall, inclusion of the qualifying area within an AONB extension would encourage an integrated approach to the proposed further enhancement of this area and the management of the high levels of recreational use it receives, through its inclusion within the statutory Management Plan process. It would encourage access to the resources of the AONB team to assist with the aspects of the delivery of the regeneration area proposals which relate to the further enhancement of the area. For these reasons Natural England has concluded that inclusion of the qualifying land in the Brantham Regeneration Area within the proposed Extension Area is desirable. A boundary should be sought which includes the higher quality land and if possible, the feature of historic interest on the edge of the Extension Area (the Duck Decoy), but which excludes areas allocated for development.

### 6.1.3 Use of 'Wash-over' at Mistley Place Park and Adjacent Recreation Area

#### Evaluation Summary

6.1.3.1 The conclusion reached in the evaluation of the 'Head of the Estuary to Mistley' (Area S4 in the Natural Beauty Assessment) is that there is a significant weight of evidence of natural beauty relating to land between Manningtree and Mistley, south of the railway, and also along the foreshore in front of The Walls road, but that land between these areas did not meet the natural beauty criterion.

6.1.3.2 Under the heading 'Need for further scrutiny', the assessment also concluded that: "In order for the land which meets the natural beauty criterion between Manningtree and Mistley (south of the railway) to be included in the proposed AONB variation, the principle of 'wash-over' would need to be applied to the land between The Walls and the railway i.e. Mistley Place Park and the recreation land to the south of this."

#### Key Considerations

6.1.3.3 AONBs are national designations formally assessed as being the country's most important areas of outstanding natural beauty, as confirmed by the Secretary of State. AONBs are of exceptional quality in terms of their natural beauty. It follows therefore that it can only ever be in particularly exceptional circumstances that areas assessed as not qualifying are considered for inclusion in an AONB. Very particular care and scrutiny must therefore be given in circumstances where use of this discretion is being considered.

6.1.3.4 Natural England's Guidance provides practical interpretation of the legislation and reflects precedent established during previous designations. The Guidance highlights that:

- The decision to include land that does not itself meet the technical criteria depends on the location, scale and effect of that land.
- Particular care is required at the margins of a designation.
- In principle a designation can wash-over (ie include) land even though that land does not itself meet the designation criteria, including when located close to the boundary of a designated area.

Importantly no distinction is made in Natural England's Guidance between the application of the concept of wash-over in relation to National Parks or AONBs.

6.1.3.5 This approach was originally confirmed in the Secretary of State's decision on the South Downs National Park<sup>11</sup>. The Second Inspector's Report<sup>12</sup> (IR2) summarised the implications of the earlier Meyrick Court Judgement, including the principle that a designation could 'wash-over' a tract of land in certain circumstances. The Inspector clarified in IR2 that for any area to be washed over, it should be surrounded by higher quality land and particular care and discretion should be taken at the margin of a proposed designation:

"Parcels of lower quality land can be 'washed over' if they are part of a wider high quality tract but care should be taken when using this discretion on land at the margin of a designation" (IR2, para 4.87).

"Where lesser quality land at the margins of the National Park is surrounded by higher quality land, its inclusion might be justified on the basis of the 'wash-over' concept but not necessarily so" (IR2, para 7.123).

6.1.3.6 In light of the above, the land between Manningtree and Mistley is considered here in terms of its location, size, and effect and also in relation to:

- a. whether the non-qualifying land, (ie Mistley Place Park and the recreation land to the south), is surrounded by higher quality land even if at the margin; and
- b. whether the mechanisms, powers and duties resulting from designation should apply to the land south of The Walls i.e. all of the qualifying and non-qualifying land in this area.

#### Location

6.1.3.7 The land under consideration forms a relatively narrow corridor (approximately 0.5km wide at its narrowest), between the existing urban areas of Manningtree and Mistley. There are also a number of planning allocations and applications in the immediate vicinity which are likely to intensify this urban context over the foreseeable future. The pressures the area is likely to experience in terms of numbers of people accessing and using the landscape are also likely to increase. This immediate urban context both to the west and east of this area is unique within the AONB extension areas, and would require particular management.

#### Size

6.1.3.8 Even if the concept of wash-over were to be applied, the size of the area which could be brought into the AONB is still relatively small when taken in the context of the Candidate Area for proposed extension of the AONB as a whole. Natural England considers that this reduces the desirability of applying wash-over in this area.

6.1.3.9 An alternative approach would be to designate the qualifying land as an outlier to the AONB. Outliers are generally significant-sized areas of qualifying land which are separate

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<sup>11</sup> Its use is specifically acknowledged in the letter on behalf of the Secretary of State for Environment, Food and Rural Affairs, 31 March 2009, (paragraph 65), in reference to the decision on the South Downs National Park

<sup>12</sup> The South Downs National Park Inspector's Report, (2) 28 November 2008

from the main body of a designation (e.g. Pendle Hill in the Forest of Bowland AONB). As noted above, the qualifying area is small, especially when compared with the overall Candidate Area. The size of the qualifying area south of the railway is considered insufficient for it to merit designation as a separate 'outlier' to the main body of the AONB should the proposed AONB extension be implemented.

Effect

6.1.3.10 It is acknowledged that the land between Manningtree and Mistley is part of the wider estuary landscape, is visible from the northern shores and forms part of the estuary slopes between two built up areas. It also retains visual and cultural connections to the estuary. Nevertheless, the exclusion of this area would not affect the appreciation of the estuary landscape as a whole, nor diminish the value of the wider proposed Extension Area covering the estuary.

Whether the Non-qualifying land is surrounded by higher quality land

6.1.3.11 The precedent set by the Inspector during the South Downs Public Inquiry requires that for any area to be washed over, it must be surrounded by qualifying, high quality land. This is consistent with Natural England's Guidance, which states that the area can be close to the possible boundary but not on the edge.

6.1.3.12 The area that would need to be washed over in order to include the qualifying land further to the south is on the edge of the Extension Area. To the west and east it is bounded by two non-qualifying settlements which despite their historic cores, have been excluded due to their size and overall character. To the north is the estuary which does qualify, while to the south is a discrete small area of qualifying land, beyond which is a wider tract of non-qualifying plateau landscape. Natural England considers that the land to be washed-over is thus not sufficiently surrounded by higher quality land.

Should the mechanisms, powers and duties resulting from designation apply to the land?

6.1.3.13 Importantly, the Inspector for the South Downs Inquiry also highlighted that even if an area is regarded as being surrounded by qualifying land, this does not necessarily lead to its inclusion in a designated landscape. This is because for AONB designation to be considered, Natural England must determine whether designation is necessary for the conservation and enhancement of natural beauty. There clearly have to be particularly strong grounds to justify designation in a situation where wash-over of an area of non-qualifying land would need to be applied.

6.1.3.14 The Natural Beauty Assessment concluded that the qualifying areas south of the railway retain a strong parkland character and in combination with the adjacent areas of woodland and the visually varied topography have special qualities. There are intermittent views across this area and to the wider northern upper valley slopes on the far side of the estuary. The qualifying area has a high level of tranquillity and additional interest generated by the ancient oaks within the woodland at Furze Hill. It also forms part of the context to the Stour estuary in views from the northern valley slopes where it contributes to the visually pleasing patterns of woodland and pasture extending eastwards along the estuary. The Natural Beauty Assessment also highlights areas which are in transition due to a range of issues.

6.1.3.15 Current issues affecting the qualifying land of Mistley Park differ from wider countryside along the estuary slopes due to the location of the area between the two settlements of

Manningtree and Mistley. Issues noted in the Natural Beauty Assessment included a decline in the condition of parkland trees and features and loss of areas of pasture to arable land use, as well as subdivision of areas for pony paddocks. The area is also immediately adjacent to areas which are under considerable pressure for housing development. The current issues affecting the non-qualifying land at Mistley Place Park and the recreation land include development, amenity usage, fragmentation by road and railway infrastructure, loss of, or decline in the condition of remaining parkland features and the fact it is no longer managed as either agricultural land or designed parkland.

- 6.1.3.16 The area in question has never formed part of the Additional Project Area which for many years has been included within the SC&H AONB Management Plan. This suggests that AONB Team management advice and support has not been considered necessary to address this specific area's particular management requirements. Despite this, the area south of the railway has nevertheless been the subject of considerable beneficial land management work in recent years and the area which meets the natural beauty criterion has been managed through agri-environmental stewardship agreements. In addition there has also been significant sensitive building conservation and restoration work in the area.
- 6.1.3.17 Furthermore, both the qualifying and non-qualifying land fall within the Manningtree and Mistley Conservation Area i.e. they form an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (Section 69 of The 1990 Planning (Listed Buildings and Conservation Areas Act). The Manningtree and Mistley Conservation Area was first designated in 1969 and reviewed in 2006. The Conservation Area has been extended on a number of occasions (including the subsequent inclusion of Furze Hill woods) and despite the recommendation in the 2006 review that: "The continued designation for the rest of the parkland forming the centre of the current area be reconsidered". If implemented this would have resulted in the removal from the designation of the landscape between the two settlements. This recommendation was not however accepted by Tendring DC and the Conservation Area was extended for a fifth time in 2010, at which time a Conservation Area Management Plan was also produced.
- 6.1.3.18 The Tendring Publication Draft Local Plan, contains Policy PPL8 'Conservation Areas' which is applicable to the Manningtree and Mistley Conservation Area and was subject to consultation between June and July 2017:

#### **Policy PPL 8 Conservation Areas**

"New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:

- a. scale and design, particularly in relation to neighbouring buildings and spaces;
- b. materials and finishes, including boundary treatments appropriate to the context;
- c. hard and soft landscaping;
- d. the importance of spaces to character and appearance; and
- e. any important views into, out of, or within the Conservation Area

Proposals for new development involving demolition within a designated Conservation Area must demonstrate why they would be acceptable, particularly in terms of the preservation

and enhancement of any significance and impact upon the Conservation Area.”

This therefore indicates a high degree of certainty that the protection afforded by Conservation Area designation will remain in place.

- 6.1.3.19 The Permitted Development Rights restrictions which apply within AONBs and Conservation Areas are the same. There would therefore be no additional benefit to the area in relation to development control via this mechanism through designation as AONB.
- 6.1.3.20 Whilst AONB designation would bring additional skills and resources to address some of the management issues noted above, the exclusion of this area from the Extension Area would not prevent the area from benefiting from the work of the AONB Team. This is demonstrated by, for example, the current Heritage Lottery Fund Landscape Partnership bid by the SC&H AONB (noted in para 5.2.5.4 above). Furthermore there is a degree of certainty that the Conservation Area designation and associated Management Plan which covers the whole of the area will remain in place, offering a comprehensive approach to the future management and understanding of the area.
- 6.1.3.21 Natural England thus considers that no overwhelming case can be made that the additional mechanisms, powers and duties which come with the statutory AONB designation are required in this area to the extent that the inclusion of non-qualifying land (through the application of wash-over), can be justified.
- Conclusion regarding the application of ‘wash-over’
- 6.1.3.22 Taking all these factors into account including location, size and effect; whether the land in question is sufficiently surrounded by qualifying land to merit the application of wash-over; and whether designation would bring added benefit over and above current management, Natural England has concluded that the qualifying landscape between Manningtree and Mistle is not of sufficient size, nor satisfactorily located to justify designation or the application of wash-over to non-qualifying areas and that designation would not bring significant added benefit.
- 6.1.3.23 Natural England has concluded that the area would be best managed by the local authorities, through the existing planning mechanisms and local community initiatives. Conservation Area designation and delivery of the Conservation Area Management Plan, alongside agri-environmental stewardship schemes, would provide sufficient mechanisms for the future management of the special qualities of this area. In addition, the area could continue to benefit from the support and involvement of the AONB team in initiatives such as the latest Landscape Partnership Heritage Lottery Fund bid, which often operate in areas adjacent to, as well as within, the designated areas. Whilst it could be argued that the potential for appropriate management of these areas under Conservation Area policy and agri-environment schemes is not a strong enough reason to justify the exclusion of this area on its own, taken in conjunction with the other factors outlined above, this supports the conclusion that wash-over should not be applied and the area should not be designated.
- 6.1.3.24 There would also be no real benefit to designating the qualifying area as an outlier due to its relatively small size and because this would work against the comprehensive and integrated management of the former parkland landscape as a whole, within the context of the Conservation Area designation.

## **6.2 Samford Valley Extension Area**

### **6.2.1 Boundary Complexity**

6.2.1.1 The Natural Beauty Assessment concluded that the proposed Samford Extension Area has sufficient natural beauty to be worthy of inclusion within an AONB. Further consideration has been given to whether it is desirable to designate an area where there is likely to be a need to balance two potentially conflicting boundary considerations. In areas of transition the boundary should be drawn towards the higher quality end of the transition in a manner which includes areas of high quality land and excludes areas of lesser quality, i.e. it should be drawn conservatively. In addition boundaries should not, if possible, be overly complex or convoluted.

6.2.1.2 Within the Samford Valley Extension Area the nature of the transition in natural beauty from higher quality valley land to the lower quality plateau is variable. In many places strong boundary features which would exclude the lower quality land do not exist. If simple, strong, pragmatic boundary features such as roads were sought in these areas, some significant stretches of plateau land with no valley influence, at the lower end of the transition in natural beauty and outside the Candidate Area, would need to be included within the boundary. After careful consideration it was concluded that overall, designation of this area is desirable and that a conservative boundary around the Samford Valley was preferable compared with a pragmatic one which would include relatively large areas of non-qualifying land. In the Samford area this would inevitably lead to a complex boundary in places. On balance it was concluded that a complex, conservative boundary which would enable the inclusion of areas of particularly high quality whilst excluding areas of lower quality was more desirable than a simple pragmatic boundary line.

### **6.2.2 Character of the Samford Valley**

6.2.2.1 It is recognised that the Samford area shares many of its landscape characteristics both with land within the existing SC&H AONB (which also lies in the Stour Estuary Character Area) and also with land within the Dedham Vale AONB, both of which are in close proximity in this area. The degree to which the proposed Samford extension shares characteristics with adjacent landscapes within both the SC&H and Dedham Vale AONBs is also highlighted in the Natural Beauty Assessment and it is accepted that there are some differences in character between the proposed extension and some other parts of the wider SC&H AONB. The similarity of the character of the northern shores of the Stour estuary to that of the Dedham Vale AONB was also noted by the Countryside Commission at the time of the inclusion of the northern estuary slopes in the original SC&H AONB designation. This did not however preclude its inclusion within the SC&H AONB at that time. The concept of 'characteristic natural beauty' is an issue that was clarified as a result of the 2nd South Downs Public Inquiry. This concluded that land does not have to share the character of an existing AONB in order to be included within it and also that a designation may include different landscape types.

6.2.2.2 The note in the Natural Beauty Assessment that its inclusion in either AONB could be justified, reflects the precedent set during the South Downs National Park Designation and subsequently reflected in Natural England's 'Guidance for Assessing Landscapes for Designation as National Park or Area of Outstanding Natural Beauty in England'. This clarifies that: "it is not necessary for the land to be included in a proposed designation to be

the same or similar character” and also that “there is no need for a National Park or AONB to display a distinctive or coherent identity”. A designation can contain different landscapes so long as the designation as a whole satisfies the natural beauty criterion.

6.2.2.3 On balance it was concluded that inclusion of the proposed Samford extension within the SC&H AONB is justified because it is a continuous tributary valley of the Stour Estuary, and is separated from the Dedham Vale AONB by a strip of land which was not deemed to meet the natural beauty criterion. Furthermore the Samford extension flows naturally and contiguously from the part of the Stutton Brook which already lies within the SC&H AONB.

### **6.3 Freston Extension Area**

#### **6.3.1 Size of proposed Extension Area**

6.3.1.1 The area proposed as an extension to the SC&H AONB at Freston is small and particular consideration has been given to the desirability of a boundary variation in this area in this specific regard. The area proposed is however, an area of high quality with sufficient natural beauty to be considered for designation, hence its inclusion in the Candidate Area. It is considered likely that this area was not originally included within the original boundary of the AONB because of a pragmatic decision when the AONB was originally designated. The resulting SC&H AONB boundary in this area does not reflect the natural beauty of the area. The application of the current boundary setting criteria set out in Annex 4 in the Natural England Guidance document enables the original boundary to be reconsidered in order to allow for an alternative more inclusive boundary to be identified for this area which brings in more land assessed as meeting the natural beauty criterion. Natural England has concluded that despite its small size, it is desirable for more of the contiguous qualifying land in this area to be included within the AONB. A boundary should be sought which would include the higher quality land to the west of the existing boundary.

## **7.0 Conclusion**

### **7.1 Summary of Results of Assessment of Desirability**

7.1.1 The decision whether it is desirable to designate lies at the heart of the legislation. It is for Natural England to exercise its judgment as to whether, by reason of its natural beauty, it is desirable that the area should be designated as AONB. The practical approach Natural England takes with regard to assessing the desirability of designation is contained in the Natural England Guidance<sup>13</sup>. This sets out the questions that Natural England considers when making this judgement. Having addressed these questions in this assessment, the conclusion Natural England has reached is that there is sufficient evidence that designation of nearly all of the Candidate Area would be desirable.

7.1.2 The special qualities of the Candidate Area proposed for designation, its national significance and the pressures impacting on its specific qualities, are such that the legislative provisions provided by the Countryside and Rights of Way Act 2000, combined

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<sup>13</sup> Guidance for Assessing Landscapes for Designation as National Park or Area of Outstanding Natural Beauty in England, Natural England, March 2011.



with the particular focus given to these qualities in planning management, the application of specific integrated management initiatives and increased access to a broader range of specialist skills and other resources, make its inclusion within the SC&H AONB desirable.

- 7.1.3 It is Natural England's judgement that the parts of the Stour estuary (including land on the slopes of its southern valley side, land on the slopes on its northern valley side at Brantham) and the further parts of the Shotley Peninsula to the north, (at Freston and in the Samford Valley) that have together been defined as the Candidate Area for the purpose of this assessment, and when combined with the areas already designated, should also then be designated to form an extension to the SC&H AONB.
- 7.1.4 Natural England has concluded that with the exception of one small non-contiguous area, the Candidate Area satisfies the natural beauty designation criterion and is of such significance that it is desirable that the AONB purpose should apply to it. Moreover the issues that affect the Candidate Area's special qualities are such that the statutory AONB purpose would be best pursued through the existing management mechanisms, powers and duties which come with AONB designation and which have been successfully applied for many years within the existing SC&H AONB. The evidence and rationale for this conclusion is contained in this assessment.
- 7.1.5 Natural England has however also concluded that it is not desirable for one small part of the Candidate Area, to be designated. The area of land concerned, which meets the natural beauty criterion, lies south of the railway between Manningtree and Mistley. The detailed explanation for this decision is at section 6.1.3 above, however in summary, particular consideration has been given to this area's location and size, whether designation would bring added benefit over and beyond current management and whether the land in question is sufficiently surrounded by qualifying land to merit the application of wash-over at Mistley Place Park. The principle of 'wash-over' is explained fully in para 6.1.3.5.
- 7.1.6 Having reached this judgement with regard to the desirability of designating the Candidate Area, the next stage is for Natural England to identify a detailed proposed boundary to be subject to statutory consultation. The boundary considerations are set out in a separate Report<sup>14</sup>. This report contains a boundary description and a boundary justification. Owing to file sizes, the associated suite of maps showing the area proposed for designation and the detailed boundary have been uploaded separately to the Defra file sharing site, Huddle.

## **7.2 Satisfying the legislative test**

- 7.2.1 The detailed consideration of the desirability of designation of the three Extension Areas has demonstrated that there is a clear weight of evidence that when taken together with the existing Suffolk Coast and Heaths AONB, they form 'an area of land' of outstanding natural beauty, and that it is desirable that the qualifying land identified within the Extension Areas which is contiguous with the existing AONB should be designated and an appropriate boundary should be defined within it.

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<sup>14</sup> Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation project, Boundary Considerations, Natural England, July 2017

## **Appendices**

### **Appendix One: Current SC&H AONB Partnership Members**

<a href="#">Suffolk County Council</a>	<a href="#">Essex County Council</a>	<a href="#">Babergh District Council</a>
<a href="#">Suffolk Coastal District Council</a>	<a href="#">Tendring District Council</a>	<a href="#">Waveney District Council</a>
<a href="#">Ipswich Borough Council</a>	<a href="#">Country Land and Business Association</a>	<a href="#">The Crown Estate</a>
<a href="#">Defra</a>	Historic England	<a href="#">Environment Agency</a>
<a href="#">Forestry Commission</a>	<a href="#">Haven Gateway Partnership</a>	<a href="#">National Farmers' Union</a>
<a href="#">National Trust</a>	<a href="#">Natural England</a>	<a href="#">Royal Society for the Protection of Birds</a>
<a href="#">Suffolk Association of Local Councils</a>	<a href="#">Suffolk ACRE</a>	<a href="#">Suffolk Coastal Business Forum</a>
<a href="#">Suffolk Coast Ltd</a>	<a href="#">Suffolk Farming &amp; Wildlife Advisory Group</a>	<a href="#">Suffolk Preservation Society</a>
<a href="#">Suffolk Wildlife Trust</a>	Suffolk Coast Against Retreat	

## Appendix Two

### **List of Permitted Development Rights in the GPDO 2015 (as amended) which apply to Article 2(3) land Including AONBs.**

It should be noted that minor amendments to some PDRs have occurred subsequent to GPDO 2015 and that certain PDRs only continue for a limited period of time. Furthermore some PDRs require prior approval from the local planning authority. The relevant parts of Schedule 2 to the GPDO set out the procedures which must be followed when advance notification is required.

#### **Part 1: Development within curtilage of a dwelling house**

- Class A enlargement and improvement of a dwelling house: **restrictions to particular works to a dwelling house set out at A2.**
- Class B additions etc to the roof of a dwelling house: **exclusion specific to B1(f)**
- Class E buildings incidental to the enjoyment of a dwelling house: **more restrictive conditions with specific regard to E2.**
- Class G Chimneys etc on a dwelling house: **more restrictive conditions with specific regard to G1(c)**
- Class H microwave antenna on a dwelling house: **restriction with specific regard to H1 (e) particular siting of installation.**

#### **Part 3 Changes of Use**

- Class J retail/betting office/payday loan shop to assembly and leisure- specific exclusion to J1 (d)
- Class M, retail/betting office/payday loan shop to dwelling houses-specific exclusion at M.1 (g) (i)
- Class N, amusement arcade/centre/casino to dwelling houses-specific exclusion at N.1 (e)
- Class P, storage/distribution to dwelling houses-specific exclusion at P.1 (g)
- Class Q, agricultural buildings to dwellings and associated building operations-specific exclusion at .Q. 1 (j)

#### **Part 4 Temporary Buildings and Uses**

- Class E temporary use of buildings/land for film making- specific exclusion to E1 (a)

#### **Part 7: Non-domestic extensions, alterations etc**

- Class A extensions of shops or financial premises: **A1(a) (i) (aa) specifies smaller thresholds applying on Article 2(3) land**
- Class C click and collect facilities-exclusion specific to C1 (f) (i)
- Class D modification of shop loading bays: **exclusion specific to D1(i)**
- Class F extension or alteration of an office building; **specific restrictions set out in F1(a), (d) and F2(b)**
- Class H extensions etc of industrial and warehouse: **out in specific restriction set H1(a) (i)**
- Class L development at waste management facilities: **exclusion specific to L1(g)**
- Class M erection, extension or alteration of a school, college, university or hospital building:

**includes additional conditions at M2(c) and (d)**

**Part 14 Renewable energy**

- Class H Microgen wind turbines on dwelling houses etc: **exclusion specific to H2(l)**
- Class I Stand-alone wind turbine on domestic premises etc: **exclusion specific to I.2(l)**
- Class J Installation or alteration of solar equipment on nondomestic premises: **specific restrictions set out in J.1.(d) J.2 (c)**
- Class K Installation or alteration of stand-alone solar equipment on nondomestic premises: **specific restriction set out in K1 (b) (ii)**
- Class N installation etc of a flue for a biomass heating system: **specific restriction set out in N 1(e)**
- Class O installation etc of a flue for a combi heat and power etc: **specific restriction set out in O.1(e)**

**Part 16: Communications**

- Class A antennas-exclusions specific to A1(5) (a) and (b)
- Class A radio equipment housing-additional conditions at A1(8) (c)
- Class A antennas on dwellings-additional conditions at A1(9) (b) and exclusion specific to A1 (10) (a)
- Class B and C: **exclusions specific to B1(i) and C1(g)**

**Part 17 Mining and minerals exploration**

- Class J, temporary use for mineral exploration-exclusion specific to J1(c)
- Class JA, temporary use of land for petroleum exploration- exclusion specific to J A.1 (b)

**Part 19 Crown Development**

- Class A operation of crown buildings - additional conditions at B1 ( c) (i)
- Class T (a) installation of electronic communications apparatus –additional conditions at T2