Statement of Common Ground
between East Suffolk Council and Suffolk Coast & Heaths AONB Partnership

Matters relating to the Suffolk Coast and Heaths AONB
Policy SCLP3.4 | Policy SCLP4.2 | Policy SCLP5.3
Policy SCLP5.4 | Policy SCLP5.11 | Policy SCLP6.4
Policy SCLP9.1 | Policy SCLP10.4 | Policy SCLP11.1
Policy SCLP12.1 | Policy SCLP12.3 | Policy SCLP12.4
Policy SCLP12.21 | Policy SCLP12.38

Local Plan covering the former Suffolk Coastal area

August 2019
Purpose of Statement

1. This Statement of Common Ground sets out the agreed position between the Suffolk Coast & Heaths AONB Partnership and East Suffolk Council (the Council) with respect to the Suffolk Coast and Heaths AONB.

2. The AONB Team made a number of representations, on behalf of the AONB Partnership, to the Regulation 19 Final Draft Local Plan consultation in relation to the historic environment. The Inspector’s Matter, Issues and Questions issued on 24th June 2019 are relevant to a number of the representations. This Statement of Common Ground relates to the following representations/policies:

- Policy SCLP3.4 Proposals for Major Energy Infrastructure Projects (Rep ID: 188 and Rep ID: 192)
- Policy SCLP4.2 New Employment Provision (Rep ID: 195 and Inspector’s Question 2.25)
- Policy SCLP5.3 Housing Development in the Countryside (Rep ID: 199)
- Policy SCLP5.4 Housing in Clusters in the Countryside (Rep ID: 203)
- Policy SCLP5.11 Affordable Housing in the Countryside Rep ID: 200)
- Policy SCLP6.4 Tourism Development outside of the AONB (Rep ID: 207)
- Policy SCLP9.1 Low Carbon and Renewable Energy (Rep ID: 220)
- Policy SCLP10.4 Landscape Character (Rep ID: 232 and Inspector’s Question 4.33)
- Policy SCLP11.1 Design Quality (Rep ID: 225)
- Policy SCLP12.1: Neighbourhood Plans (Rep ID: 2260)
- Policy SCLP12.3 North Felixstowe Garden Neighbourhood (Rep ID: 227 and Inspector’s Question 3.12)
- Policy SCLP12.4 North Felixstowe Garden Neighbourhood (Rep ID: 228 and Inspector’s Question 3.13)
- SCLP12.21 Ransomes, Nacton Heath (Inspector’s Question 3.25)
Agreed Position

The parties agree to the modifications below. The parties agree that subject to the modifications the Plan is sound in respect of matters below. Insertions are shown in underline and deletions are shown in strikethrough.

Policy SCLP3.4: Proposals for Major Energy Infrastructure Projects

The AONB Team have made a representation (Rep ID: 188) that Table 3.6 makes no reference to the need for major energy infrastructure projects to consider impacts on tranquillity. The AONB Team have made a representation (Rep ID: 192) that sites outside of the AONB should be considered as a priority. The modifications below would resolve this issue.

Changes to supporting text

Additional wording in paragraph 3.56:

“3.56 Although the provision of nuclear energy is currently prominent, the Suffolk Coast is increasingly coming under pressure to support developments associated with the offshore energy sector and linking this into the national grid, as well as inter-continental connections to enable the exchange of electricity with other countries. Investment in a variety of major energy infrastructure projects needs to be supported by infrastructure and facilities on shore and these sectors are expected to require land to enable activities over the plan period. Where new major energy projects are proposed, potential alternative sites, located outside of designated areas should be considered at an early stage. Where possible companies and developers will be encouraged to work collaboratively and share infrastructure and facilities that serve other requirements to reduce any potential impacts.”

Modification to Table 3.6 through addition of bullet point under Environment section

Impact on tranquillity

Changes to Policy

None required
Policy SCLP4.2: New Employment Provision

The AONB Team raised a representation (Rep ID: 195) stating that the second paragraph of SCLP4.2 should be amended to include reference to residential amenity. Inspector’s question 2.25 asks whether policies SCLP4.2 and SCLP4.3 are positively prepared and would they be effective by requiring development not to have ‘adverse impacts on’ or ‘no harm to’.

**Changes to supporting text**

None required

**Changes to policy**

*Modification to the second paragraph of the policy:*

“Proposals for new employment development falling within use classes B1, B2 and B8 outside of existing Employment Areas but within Settlement Boundaries will be supported where these do not have an adverse impact on the surrounding land use, residential amenity and local highway network.”

Policy SCLP5.3: Housing Development in the Countryside

Policy SCLP5.11: Affordable Housing in the Countryside

The AONB Team have raised representations in relation to Policies SCLP5.3 and SCLP5.11 (Rep ID: 199 and 200) to state that a sentence should be added to require proposals covered by these policies to that are located in the AONB or within its setting to fully consider impacts on nationally designated landscapes.

Modifications are proposed below in relation to SCLP10.4 Landscape Character, and it is agreed that with these modifications in place there is no need for modifications to these policies.

Policy SCLP5.4: Housing in Clusters in the Countryside

The AONB Team have made a representation (Rep ID: 203) that the wording in the third paragraph of Policy SCLP5.4 should refer to the ‘its special qualities’ rather than ‘the special qualities’. The modification below would address this issue.
Changes to supporting text

None required

Changes to Policy

Modification to paragraph 3 of the Policy:

“Particular care will be exercised in sensitive locations such as within or in the setting of Conservation Areas, and the Area of Outstanding Natural Beauty, and special qualities and Consideration will also need to be given to the features of Landscape Character Areas in accordance with Policy SCLP10.4.”

Policy SCLP6.4: Tourism Development outside of the AONB

The AONB Team have submitted a representation (Rep ID: 207) stating that the policy should include reference to local landscape character.

Changes to supporting text

None required

Changes to Policy

Modification to criterion c) of the Policy:

“c) Avoids, prevents or minimises adverse impacts on the natural environment and on local landscape character;”

Policy SCLP9.1: Low Carbon & Renewable Energy

The AONB Team has submitted a representation (Rep ID 220) which states that no reference is made in paragraphs 9.5 – 9.8 to the potential for renewable energy schemes to adversely impact the natural beauty and special qualities of the Suffolk Coast & Heaths AONB and that criterion d) should include reference to the AONB. The changes below address this issue.
Changes to supporting text

Modification to final sentence of paragraph 9.8:

“Although generally encouraged, proposals will need to ensure they do not adversely effect the high quality landscape, natural beauty and special qualities of the Suffolk Coast and Heaths AONB, wildlife populations or habitats and avoid noise pollution across the District.”

Changes to policy

Modification to criterion d):

“d) They are complementary to the existing environment without causing any significant adverse impacts, particularly relating to the residential amenity, landscape and visual impact, the Natural Beauty and Special Qualities of the AONB, transport, flora and fauna, noise and air quality, unless those impacts can be appropriately mitigated.”

Policy SCLP10.4: Landscape Character

The AONB Team submitted a representation (Rep ID: 232) which states a separate policy for development within AONB landscapes is necessary and that the policy conflates 2 issues; landscape character and the AONB. Inspector’s question 4.33 asks whether the policy is consistent in respect of AONBs and Heritage Coasts as set out in paragraphs 172 and 173 of the NPPF. The changes below address this issue.

Changes to supporting text

Modification to paragraph 10.33:

“The protection, conservation and enhancement of the landscape and setting of the Suffolk Coast and Heaths AONB and its setting is also an important influence within the plan area. Incorporating extensive landscapes in the District from the River Blyth Estuary in the north to landscapes around the River Orwell and River Deben Estuaries in the south, the AONB also extends beyond the District to the north and south.”

Changes to policy

Modification to paragraph 3 of the policy, plus insertion of additional paragraph:

“Development will not be permitted where it will have a significant adverse impact on rural river valleys, historic park and gardens, coastal, estuary, heathland and other very sensitive landscapes. Conserving and enhancing the landscape and scenic beauty of the AONB is of particular importance. Proposals for development will be required to secure the
preservation and appropriate restoration or enhancement of natural, historic or man made features across the District as identified in the Landscape Character Assessment, Settlement Sensitivity Assessment and successor landscape evidence.

Development will not be permitted where it would have a significant adverse impact on the natural beauty and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty, that cannot be adequately mitigated. Development within the Area of Outstanding Natural Beauty, or within its setting, will be informed by landscape and visual impact assessment to assess and identify potential impacts and to identify suitable measures to avoid or mitigate these impacts.”

Policy SCLP11.1 Design Quality

The AONB Team submitted a representation (Rep ID: 225) stating that the policy makes no reference to the Use of Colour Guides for the Suffolk Coast and Heaths AONB. It is agreed that this change is not needed.

Policy SCLP12.1: Neighbourhood Plans

The AONB Team have submitted a representation (Rep ID:226) which states that the policy should include a reference to the impact on the natural beauty and special qualities of the AONB being considered in the production of Neighbourhood Plans. The modification below addresses this issue.

Changes to supporting text

Modification to paragraph 12.5:

“Neighbourhood Plans have to be produced in accordance with legislation and, prior to going through a referendum, are subject to an Examination undertaken by an independent Examiner. Neighbourhood Plans must meet a set of ‘basic conditions’ including that it must be in general conformity with the strategic policies of the Local Plan and have regard to national policy, as well as as complying with regulations relating to environmental assessment and the protection of habitats. The Council is committed to supporting those communities who wish to produce a Neighbourhood Plan and a number of the Local Plan policies contain specific guidance in relation to areas of policy that Neighbourhood Plans may choose to cover. “
Policy SCLP12.3: North Felixstowe Garden Neighbourhood

The AONB Team submitted a representation (Rep ID:227) which states that policy should include an assessment of the impacts of Garden Neighbourhood proposals on the Natural Beauty and Special Qualities of the Area of Outstanding Natural Beauty. Inspector’s question 3.12 asks whether the masterplan should be informed by the landscape character of the Suffolk Coast and Heaths AONB. The changes below resolve this issue.

Changes to supporting text

None required

Changes to policy

Modification through insertion of additional criteria:

“s) Assessment of the impacts of Garden Neighbourhood proposals on the Natural Beauty and Special Qualities of the Area of Outstanding Natural Beauty.”

Policy SCLP12.4: Land North of Conway Close and Swallow Close, Felixstowe

AONB Team representation (Rep ID 228) states that the policy should be amended to reference LVIA and lighting strategy. Inspector’s question 3.13 asks whether the policy would be effective on conserving and enhancing the landscape and scenic beauty of the Suffolk Coast and Heaths AONB. The changes below resolve the issue.

Changes to supporting text

Modification through including of new text to paragraph 12.63:

“The properties on Conway Close, Swallow Close and Upperfield Drive currently define the edge of the built up area of Old Felixstowe with countryside to the north. The land to the north of Conway Close and Swallow Close can provide a natural extension to the built form of Felixstowe without causing a detrimental impact on the Area of Outstanding Natural Beauty or important views of the Deben Estuary. Understanding the potential impact on the natural beauty and special qualities of this area and identifying appropriate mitigation measures to be delivered on site will be necessary to help conserve and enhance the nationally designated landscape.”
Changes to policy

Modification to include additional criterion:

“n) A Landscape and Visual Impact Assessment will be required, and any mitigation provided, including a lighting strategy to conserve and enhance the nationally designated landscape.”
Policy SCLP12.21: Ransomes, Nacton Heath

Inspector’s question 3.25 asks is whether the proposed allocation is consistent with paragraph 172 of the Framework and also asks where is the evidence that the proposed allocation has regard for the purpose of conserving and enhancing the natural beauty of the AONB.

Paragraph 12.200 refers to a statement being agreed with the Suffolk Coast and Heaths AONB Partnership that provides support in principle for the site being allocated for economic development. A Statement of Common Ground was signed in May 2016 in this respect, and is attached as Appendix 1 to this Statement of Common Ground. With regards to this position it is considered that the allocation is appropriate in this location.

Policy SCLP12.38: Levington Park, Levington

The AONB team submitted representation (Rep ID: 229) which stated that criteria (c) should be amended to make reference to LVIA requirement. The changes below address this issue.

Changes to supporting text

None identified

Changes to policy

Modification to Policy through amending criterion e). Note, criterion c) and criterion e) are duplicated in the Final Draft Local Plan:

“Landscape and Visual Impact Assessment will be required. Project level Habitats Regulations Assessment will be required”
Signatures

Signature: 
Print name: Philip Ridley
Position: Head of Planning and Coastal Management
Authority: East Suffolk Council

Signature: 
Print name: Simon Amstutz
Position: AONB Manager
Authority: Suffolk Coast & Heaths AONB Partnership – AONB Team
Appendix 1


Suffolk Coastal District Council Preferred Options Site Allocations and Area Specific Policies Development Plan Document, October 2015

Suffolk Coast and Heaths AONB Partnership

Statement of Common Ground on 31 May 2016

This statement relates to the proposed allocation through the emerging Ipswich Borough Council and Suffolk Coastal District Council Local Plans of two sites for economic development, as shown marked Areas 2 and 3 on the Map in Appendix A to this Statement of Common Ground and being located partly within and within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) ("the Sites"). This Statement of Common Ground has been drawn up in agreement between:

i) The Suffolk Coast and Heaths AONB Partnership ("the Partnership") and
ii) Ipswich Borough Council ("IBC") and
iii) Suffolk Coastal District Council ("SCDC").

1. Purpose of this Document

1.1 This document has been produced in order to clarify the position between the relevant parties named above on matters relating to the proposed allocation of the Sites. This will help advise the Inspectors for the respective examinations into IBC’s and SCDC’s Local Plan documents as referred to in this statement.

1.2 As a result of this Statement of Common Ground, the Partnership does not have an objection to the principle of the allocation of the Sites – one within IBC’s boundary and one within SCDC’s boundary – subject to certain safeguards. The third site (Area 1) on the map at Appendix A is not currently proposed for development.
2. **Background**

2.1 Natural England has a discretionary power under §82(1) of the Countryside and Rights of Way Act 2000 (CROW Act) to designate Areas of Outstanding Natural Beauty (AONBs) or to vary the boundary of an existing AONB. The Suffolk Coast and Heaths AONB was designated in March 1970.

2.2 The Countryside and Rights of Way Act 2000 Section 85(1) imposes a general duty on public bodies, including District Councils, 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".

2.3 The Partnership was set up in 1993 to ensure efficient and co-ordinated management of the AONB. It is made up of 25 organisations, who work together to conserve and enhance the designated landscape.

2.4 The Suffolk Coast and Heaths AONB Joint Advisory Committee oversees the work of the AONB Team and is made up of representative Members from the AONB's constituent Local Authorities. Its principal aim is to achieve the conservation and enhancement of the natural beauty of the area.

2.5 The Partnership seeks to champion the environmental quality of the AONB and support delivery of the AONB's statutory management plan.

2.6 IBC and SCDC are in the process of preparing site allocation development plan documents, which will in due course form part of each respective local planning authority's Local Plan. The relevant IBC plan is called the Ipswich Borough Council Site Allocations and Policies (incorporating IP-One Area Action Plan) Development Plan Document, (the "Ipswich Site Allocations Plan") and it was submitted for independent examination in December 2015. The relevant SCDC plan is called the Suffolk Coastal Site Allocations and Area Specific Policies Development Plan Document (the "Site Allocations Document"), which reached preferred options consultation stage in October / November 2015.
2.7 Through their plan preparation processes to date, IBC and SCDC have identified the need to allocate land for economic development, some of which lies wholly or partly within the Suffolk Coast and Heaths AONB, i.e. the Sites. A common feature of the Sites is their degree of actual and visual separation from the majority of the AONB by the A14 trunk road, this section of which was opened in 1982.

2.8 The two local planning authorities have therefore engaged jointly with the Partnership through the Joint Advisory Committee with regard to the possible future development potential of the Sites. The local planning authorities asked the Suffolk Coast and Heaths AONB Joint Advisory Committee to consider two possible actions as follows:

i. To request that Natural England review the AONB boundary in the vicinity of the Sites plus a third site not proposed for development (site 1 on the map at Appendix 1), with a view to re-aligning the AONB boundary along the southern edge of the A14 where it passes the sites; or:

ii. That the Joint Advisory Committee gives an 'in principle' support to the allocation of the Sites through Local Plan processes, provided that (1) due regard is paid to the duty on public bodies set out in The Countryside and Rights of Way Act 2000, Section 85 and (2) appropriate mitigation is provided.

2.9 The Joint Advisory Committee took this matter to the Partnership for discussion and agreement. The Suffolk Coast and Heaths AONB Joint Advisory Committee agreed at its meeting on 30th September 2015 that it would not consider requesting that Natural England review the AONB boundary in the vicinity of the two development sites (action i. above), but would be prepared to consider agreeing a common position with the local planning authorities (action ii. above). Minutes of these meetings are available from the Suffolk Coast and Heaths AONB staff team. This statement of common ground is the result of that process.

3. **Areas of Common Ground**

3.1 The agreed position of the three parties is set out below.

3.2 The Partnership recognises the importance of sustainable development and the economic wellbeing of the area. The Partnership notes that IBC and SCDC have identified potential development sites within the AONB. The Partnership notes that
the Sites identified have a degree of actual and visual separation from the majority of the AONB due to the route of the A14.

3.3 The Partnership recognises the need for and supports the economic development identified through the local planning process and the requirement for site allocations to help deliver future economic development and associated job opportunities.

3.4 The Partnership notes that any detrimental impact upon the natural beauty and special qualities of the AONB landscape should be mitigated appropriately. The Partnership supports the suggested approach by IBC and SCDC by which mitigation measures will be identified, i.e. through application of the mitigation hierarchy through site master planning or planning briefs prepared in consultation with the Partnership.

3.5 The Partnership considers that any development proposals within the proposed site allocations outlined above and identified in the Local Plans of IBC and SCDC should still explicitly consider the needs of the AONB, and take heed of national and local policy and should seek to conserve and enhance its natural beauty and special qualities and where this is not achieved, be appropriately mitigated.

3.6 Notwithstanding the above, the Partnership reserves the right to object to individual planning applications or site allocations which it considers fail to deliver adequate mitigation. In so doing, the Partnership may wish to take a collective position or respond independently of its constituent organisations on issues impacting upon the AONB.

3.7 IBC and SCDC acknowledge and welcome the Partnership's statements and commitments set out in paragraphs 3.1 - 3.6 (inclusive) above.

3.8 In turn, IBC and SCDC note the duty placed on them by virtue of section 85 of The Countryside and Rights of Way Act 2000 and agree to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

4. **IBC's and SCDC's Emerging Local Plans**

4.1 The Suffolk Coastal Site Allocations and Policies plan already refers to the need for the preparation of a development brief for the proposed economic development allocation Preferred Option SSP18 Ransomes, Nacton Heath, to address a range of
matters including impact on the landscape, including its natural beauty and special qualities.

4.2 The Ipswich Borough Site Allocations plan allocates site IP152 Airport Farm Kennels for employment uses through policy SP5 ‘Land allocated for employment use’. The policy, approved in November 2014, does not currently refer to the need for a development brief. However, the accompanying site sheet at Appendix 3A to the plan, which provides more information about the allocation, indicates that a master plan should be prepared for this site and sites to the north of it, in order to address access issues. The site sheet also refers to part of the site being within the AONB.

4.3 IBC has promoted Pre-Submission Modifications to the Site Allocations Plan which include the following Additional Modification: ‘Add to the allocation and site sheet a note that: significant new landscaping would be required to maintain the view from the A14 across the site.’ The reason is to protect the adjacent AONB.

4.4 IBC agrees to promote through the plan examination process the following amended wording as a further Additional Modification to the site sheet, to replace the above:

‘Development will be subject to the preparation of a development brief, which will be expected to address a range of matters including impact on landscape and the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.’

4.5 In addition, IBC agrees to promote through the plan examination process the following additional wording to be added to the allocation of Site IP152 Airport Farm Kennels through policy SP5:

‘Development will be subject to the preparation of a development brief to address matters including the nationally designated Area of Outstanding Natural Beauty.’

4.6 The requirement for a development brief will enable IBC and SCDC to aid mitigation where required for the development of the Sites (whole or in part), as referred to in paragraph 3.4 above. Further the new policy wording and revised site sheet wording would better reflect the areas of common ground defined above.

Signed: [Signature]

Name: [Redacted] Date: 31 May 2016

Cllr David Wood, Chairman, Suffolk Coast and Heaths AONB Partnership
Ipswich Borough Council

T. A. F. Hunt, Solicitor.

Name: ...................... Date: 2 June 2016

Philip Ridley BSc (Hons) MRTP

Head of Planning and Coastal Management - Suffolk Coastal & Waveney District Councils

Name: ...................... Date: 2nd June 2016
Appendix 1 Map showing the location of proposed development sites – site 2 and site 3.