

Dedham Vale AONB Position Statement (revised Nov 2016)

Development in the setting of the Dedham Vale Area of Outstanding Natural Beauty

Introduction

- 1. Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the natural beauty of the finest landscapes in England and Wales are conserved and enhanced. In policy terms they have the same planning status as National Parks.
- 2. The Dedham Vale AONB seeks to conserve and enhance the natural beauty of the Dedham Vale AONB and increase the awareness and understanding of the special qualities of the AONB.

Purpose

- This Statement provides guidance to local planning authorities, landowners and other interested parties regarding the consideration of the impact of development and land management proposals which lie outside the AONB but within its "setting" ("development" includes transport and other infrastructure as well as proposals requiring planning applications; "land management" includes tree planting, energy crops, and drainage schemes).
- 4. The Partnership considers the setting of the Dedham Vale AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the natural beauty and special qualities of the Dedham Vale AONB.
- 5. This Statement expands upon issues raised in the Dedham Vale AONB Management Plan 2016-21, in particular in the following management plan objectives:
 - Land use management decisions demonstrate consideration to the natural beauty and special qualities of the AONB and Stour Valley.
 - The landscape features of the AONB and Stour Valley are conserved and enhance
 - The AONB and Stour Valley's heritage, landscape and wildlife are widely acknowledged and understood.
- 6. The need to consider the impact of proposals within the "setting of the AONB" is set out in Planning Policy Statements, relevant legislation, local planning policies and guidance from Natural England and Historic England.

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- 7. This statement is intended to be used to secure appropriate policies on this issue in Local Plan and other policy documents which relate to the Dedham Vale AONB and assist in the decision making process with respect to proposals for development or land management outside the AONB.
- 8. The need to consider the potential impact of developments within the setting of the AONB on the natural beauty and special qualities of the AONB itself are explicitly referred to in a number of adopted Local Plans in relation to the Dedham Vale AONB. While a development may have an adverse impact, circumstances can be envisaged where a development or changes in land use e.g..tree planting outside the AONB could enhance the AONB by mitigating or removing unsightly existing structures which may adversely impact upon the AONB.
- 9. The Partnership will seek to ensure that the importance of considering the impact of development and land management proposals outside the Dedham Vale AONB on the natural beauty and special qualities of the AONB is made clear in all Local Plan documents and in policies in other relevant documents.
- 10. The Partnership will expect local authorities to be mindful of both the possible positive and negative impacts of a development within the setting of the AONB on the natural beauty and special qualities of the AONB when determining planning applications, and seek the views of the Partnership when significant impacts are anticipated.
- 11. The setting of the Dedham Vale AONB does not have a geographical border. The location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary.
- 12. Examples of adverse impacts will include:
 - Blocking or interference of views out of the AONB particularly from public viewpoints
 - Blocking or interference of views of the AONB from public viewpoints outside the AONB
 - Loss of tranquillity through the introduction of lighting, noise, or traffic movement
 - Introduction of an abrupt change of landscape character
 - Loss of biodiversity, particularly species of importance within the AONB
 - Loss of features of historic interest, particularly if these are contiguous with features within the AONB
 - Reduction in public access to or within the AONB
 - Increase in air or water pollution
- 13. Adverse impacts might not be visual. The special qualities of the Dedham Vale AONB include tranquillity. A development which is noisy may well impact adversely on tranquillity even if not visible from the AONB.
- 14. The staff unit will monitor, comment in conjunction with the Joint Advisory Committee as appropriate, and report significant planning application decisions which relate to the impact of development within the setting of the Dedham Vale AONB on the natural beauty and special qualities of the AONB.

Notes

In accordance with Section 87, Countryside and Rights of Way Act 2000, the Dedham Vale AONB has the statutory duty to pursue the following two purposes:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) to increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the AONB shall seek to foster the economic and social well-being of people living in the AONB.

The governance of the AONB is undertaken by the Joint Advisory Committee, which is made up of appointed representatives from Suffolk County Council, Essex County Council, Babergh District Council, Colchester Borough Council and Tendring District Council. In addition, Braintree District Council and St. Edmundsbury Borough Council are part of the committee because they represent the additional Stour Valley Project Area which is managed alongside the Dedham Vale AONB.

The Dedham Vale AONB was first designated in 1970 and has been extended twice since then. It is one of 35 Areas of Outstanding Natural Beauty in England. It is the fourth smallest AONB, covering 90 sq km.

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APPENDIX A

Policy guidance on the consideration of development proposals within the setting of protected landscapes

National legislation and guidance

- 1. Section 85 of the Countryside and Rights of Way Act 2000 places a statutory duty on all relevant authorities requiring them to have regard to the statutory purpose of AONBs when coming to decisions or carrying out their activities relating to, or affecting land within these areas.
- 2. Guidance on how the implication of this duty and how it may be discharged was issued by Defra in 2005¹. This includes the statement "Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas". The Guidance includes a list of relevant authorities, although this is not definitive.
- Natural England has published more detailed guidance in 2010², including case studies. It includes a case study from the Northumberland National Park regarding "Working" to ensure policies include the impact on National Parks from development beyond their boundaries."
- Planning Policy Statement 22 "Renewable Energy" paragraph 14 states that with respect to renewable energy developments "Regional planning bodies and local planning authorities should not create "buffer zones" around international or nationally designated areas and apply policies to these zones that prevent the development of renewable energy projects. However, the potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining planning applications."
- This concept of the significance of setting has to be recognised with respect to protected landscapes (AONBs and National Parks). NE's published spatial planning position³ considers in Position 5 the protection and enhancement of protected landscapes: "Spatial planning policies and decisions should ensure the highest levels of protection and enhancement for England's protected landscapes, habitats, sites and species." The explanatory text states "Natural England interprets the protection and enhancement of all sites, habitats and landscapes widely. This includes safeguarding their character, qualities and features, including where appropriate, their settings..."

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¹ Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Sufflok Broads. Defra (2005)

² "England's statutory designations: A practical guide to your duty of regard" Natural England NE243 (2010)

³ Natural England's Spatial Planning Position (2009) (http://www.naturalengland.org.uk/Images/PlanningPosition_tcm6-16604.pdf

6. Natural England has published "Making Space for Renewable Energy" – Natural England's approach to assessing on-shore wind energy development". This includes the statement:

"Natural England regards the setting of protected landscapes as being potentially influential on the conservation of the special qualities of the National Park or AONB concerned"

- 7. This guidance continues "Spatial plans should include policies that take into account the sensitivity of the setting of protected landscapes." "The potential for developments to dominate the setting of protected landscapes requires careful consideration."
- 8. The consultation draft Overarching Energy National Planning Statement (NPS) EN-1 includes in the background section⁵ the statement:

Landscape and visual impacts

The Government proposes to retain and clarify the important protection that PPS 7 provides for nationally designated areas. The PPS does not refer to developments outside such areas but visible from them. In these cases outside the remit of PPS 7, the IPC [Infrastructure Planning Commission] will, as now, have to take account of the impact on the landscape but we propose that specifically, the IPC will need to be satisfied that the application will not compromise the objectives which were the basis for designation of the designated site."

- 9. The concept of "setting" is set out in the legislation⁶ and guidance⁷ relating to Designated historic assets. Setting is defined in Annex 2 of Planning Policy Statement 5 "Planning for the Historic Environment" as "The surroundings in which a historic asset is appreciated"
- 10. Helpful guidance on the consideration of the setting of heritage assets is given in the "Historic Environment Planning Practice Guide" published by English Heritage in March 2010.8. Setting is said to be "the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not." The guidance goes on to say that "For the purposes of spatial planning, any development of change capable of affecting the significance of a heritage asset or peoples experience of it can be considered as falling within its setting, " and "Transport proposals can affect the setting of heritage assets".
- 11. A "Heritage asset" is defined in PPS5 as "a building, monument, site, place, area, or landscape positively identified as having a degree of significance meriting consideration in planning decisions". In view of the number, scale, quality and distribution of designated and non-designated historic features in the Dedham Vale AONB, the AONB is a landscape which can be considered a heritage asset under this definition. In addition, the Dedham Vale AONB is unique amongst the English and Welsh family of AONBs in that it was designated for predominantly cultural reasons, in particular the area's association with the artist John Constable. Hence PPS5 is particularly relevant in terms of the Dedham Vale because the landscape is a heritage asset which inspired artists.

⁶ Sections 16 and 66, Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ http://www.naturalengland.org.uk/Images/NEBPU1805Annex2_tcm6-15152.pdf

⁵ http://data.energynpsconsultation.decc.gov.uk/documents/condoc.pdf

⁷ Planning Policy Statement 5 "Planning for the historic Environment" (PPS5) Policy HE.10. ⁸ http://www.english-

heritage.org.uk/upload/pdf/Historic_Environment_Planning_Practice_Guide.pdf?12693650 73

Local Planning

The Dedham Vale AONB sits within three local planning authority areas: Babergh District Council, Tendring District Council and Colchester Borough Council. These councils recognise the AONB in their planning policy, as indicated below. **The sections of text in bold italics are particularly relevant in relation to the setting.**

Babergh District Council: Babergh Local Plan, Chapter 6 - Countryside and Rural Economy

- 6.18. Parts of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty (AONB) lie in the Babergh District. These designations indicate national recognition of the landscape quality on a par with National Parks. Protection of these designated landscapes will be of prime importance. Local authorities have a statutory duty under the Countryside and Rights of Way (CROW) Act 2000, when carrying out their function in relation to, or so as to affect, land in an AONB to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The CROW Act also places a duty on local authorities, acting jointly with other authorities where appropriate, to prepare and publish a plan which formulates their policy for the management of the AONB and for the carrying out of their function in relation to it. This task has been undertaken by the relevant Partnerships to produce the Dedham Vale and Stour Valley, and Suffolk Coast and Heaths Management Strategies respectively. In implementing the policies of the Local Plan, the Council will also seek to implement relevant parts of the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies and Action Plans and will resist development that would conflict with these aims and objectives.
- CR02. The landscape of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty will be safeguarded through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies.
- **6.19**. The provision of public utility services may necessitate the construction of buildings and other installations, often of a large scale such as grid lines and water towers. If it is necessary to site these in Areas of Outstanding Natural Beauty, care should be taken to minimise their Impact.
- **6.20**. Many statutory undertakers and utility providers enjoy permitted development rights, which means that certain types of development required in connection with the particular utility may be erected without the need for a specific planning permission. This may include, for example, certain types of telecommunications developments (see Chapter 2). Where they may have a significant adverse impact on an Area of Outstanding Natural Beauty the District Council will consider whether such permitted development rights should be withdrawn, either by the use of conditions attached to planning permissions, or serving an Article 4 Direction under the Town and Country Planning

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CR03. In considering proposals by statutory undertakers and utility providers for buildings and installations in Areas of Outstanding Natural Beauty, particular attention will be paid to siting, design and landscaping. Major utilities and overhead power lines will be discouraged in Areas of Outstanding Natural Beauty.

Tendring District Council Tendring Local Plan, Chapter 6 – Sustaining our Environment

- **6.23a** The 1949 National Parks and Access to the Countryside Act provides for the designation of Areas of Outstanding Natural Beauty (AONBs). These areas are precious landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to legally safeguard them based upon special policies for controlling development and encouraging proper land management.
- **6.24** The Countryside and Rights of Way Act (CRoW) 2000 strengthened the status of AONBs and placed new duties on local authorities regarding their conservation and enhancement. In planning terms, the designation is now equivalent to that of a National Park.
- **6.25** It is important to the Country's natural heritage that these areas are protected from any development that would be likely to cause harm. The CRoW Act has created a new legal right of access on foot to areas of open, uncultivated countryside. The Act includes measures to protect AONBs, raise awareness of their importance at a national and local level, and places a statutory duty on local authorities to produce a Management Strategy.
- **6.26** There are two AONBs of importance for the Tendring district, and both these AONBs impact upon the management of the landscape and control of development. The first AONB is the Dedham Vale AONB that is located in the north-western part of the district...
- **6.26a** When considering planning applications that will impact on the Dedham Vale AONB and the area within the Tendring district that is proposed for extension of the Suffolk Coast and Heaths AONB, the Council will have particular regard to the Government's advice in PPS7, namely that the primary objective of designation is conservation of the natural beauty of the landscape. The objective of designation as an AONB does not include the promotion of recreation, though the Government considers that these areas should be used to meet the demand for recreation so far as that is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.
- **6.27** In relation to major development, the Government states that developers must demonstrate that the project is in the national interest before it is allowed to proceed, and proposals must include an assessment of the need for a proposal, alternative locational options and whether appropriate mitigation of environmental impact can be achieved. For all development within AONBs, due regard should also be had to the economic and social well-being of local communities.

6.27a In accordance with section 85 of the CRoW Act the Council will have regard to the purposes of conserving and enhancing the natural beauty of the Dedham Vale AONB... In addition, in keeping with Section 89 of the CRoW Act, 2000 the Council recognises that the Dedham Vale and Suffolk Coast and Heaths management strategies are formulated in relation to the management of these areas...

Dedham Vale

6.28 The Dedham Vale AONB was designated in 1970. **The conservation of this** area is important to the County's natural heritage, and it should therefore be protected from any development likely to harm its character. Within the limited resources available, the Council works with other local authorities, the Countryside Agency, statutory undertakers and landowners to protect and enhance this attractive landscape with its considerable historical and cultural associations.

6.30 Dedham Vale falls under the control of three Local Planning Authorities (Tendring, Colchester BC and Babergh DC) and two County Councils (Essex and Suffolk). The boundary of the AONB is shown on the Proposals Map and Proposals Map Insets.

Policy EN5- Areas of Outstanding Natural Beauty (AONBs)

Development which would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB, including views towards it from outside, will not be permitted. Major development will only be approved if there is an overriding national need, and in the absence of any alternative sites outside the AONB.

The Council will have regard to the Dedham Vale Management Strategy when determining applications affecting the Dedham Vale AONB. Conflicting proposals will not be permitted.

Colchester Borough Council: Colchester Local Plan, Section A – Resources, Chapter 5 - Countryside

- **5.4**. The Plan's objectives in terms of the countryside are:
- (a) To safeguard and enhance natural rural resources and to safeguard the historic character of the countryside. In particular, to protect the international, national and local designations of: Special Areas of Conservation and SPAs; valuable agricultural land of grades 1, 2 and 3A; the Dedham Vale Area of Outstanding Natural Beauty; Sites of Special Scientific Interest; Protected Lanes; the Countryside Conservation Areas; nature reserves and Sites of Importance for Nature Conservation. Development proposals may result in conflict between one natural rural resource and another, in which circumstances a balance will have to be reached between any competing natural rural resources;
- (b) To resist non-essential development in the countryside in order to protect its open and undeveloped character;
- (c) To reconcile rural employment, housing and service provision with the need to safeguard the countryside and its character;

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- (d) In reconciling the pressures for development, particular consideration will be given to the sustainability of proposals and their effect on the character of villages and the surrounding countryside.
- **5.9.** The elements of landscape character and landscape form are what interested the Countryside Commission when it produced its Character Analysis Map. This was ultimately published as the Joint Character Map for England, a major exercise carried out together with English Nature's Natural Areas study. Together with the analytical landscape descriptions that accompany it, the map gives a broad national picture of landscape character. This creates the top tier of a three-tier system. The lower tiers consist of a County landscape assessment and a landscape assessment currently being undertaken by the Borough Council. Together with a landscape survey carried out in the Dedham Vale AONB, these three tiers will be a valuable aid in protecting and enhancing the Borough's landscape character.
- **5.10**. The Stour Valley between Wormingford and Cattawade (Brantham) is designated as an Area of Outstanding Natural Beauty (AONB). Within the limited resources available, the Borough Council works with Essex County Council, neighbouring authorities, statutory undertakers and landowners to protect this area of attractive landscape with its historical associations. The Plan proposes that this approach should continue. Detailed policies are set out in the non-statutory management plan prepared by the Joint Advisory Committee of the local authorities and other bodies and adopted as SPG by the Borough Council.

However this document has been superseded by "The Dedham Vale and Stour Valley Management Strategy", which is required as a direct result of the Countryside and Rights of Way Act 2000.

- **5.11**. There may be rare instances where development that would otherwise be unacceptable in the Vale is necessary in the national interest. If the need for such development ceases, due for example to advances in technology or changes to national strategies, it is considered vital to secure its removal in order to protect the long-term landscape quality of the Vale. To this end, conditions will be applied to secure removal of the development and the reinstatement of the site to its original condition at the earliest possible date.
- CO2. Development in or likely to have an adverse impact on the Dedham Vale Area of Outstanding Natural Beauty will be subject to special scrutiny. Where such development could have an adverse impact, directly or indirectly, on the area, it will be acceptable only where an overriding national need for the development in that particular location can be demonstrated and there is a lack of acceptable alternative sites.

Where development proceeds because of an overriding national requirement, removal and restoration of the site will be required in the event of redundancy at a later date.

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APPENDIX B AONB appeal decision examples relating to "the setting"

1. The potential for development to impact on the setting of the Dorset AONB, and hence being a material matter in the consideration of the acceptability of that development, has been affirmed by the Planning Inspectorate In respect to an appeal against the refusal of permission for the "creation of a new static caravan community of 30 bases and a reduction of 30 bases elsewhere on the park". [APP/P1235/A/06/2012807, 2007] the Inspector wrote:

"I consider that the area immediately abutting an AONB will be relevant where the appreciation of the natural beauty of the designated area may be affected by what lies outside it. In my view, this is analogous to development outside of a Green Belt, where Planning Policy Guidance Green Belts (PPG2) advises, at paragraph 3.15, that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. I therefore agree with the Council that the effect on the AONB is a material consideration."

2. Further consideration was given to the issue of "setting" of the Dorset AONB by the Inspector in appeal ref APP/P1235/A/08/2072794, 2008 where he stated with respect to a proposal for the "change of use of land from existing touring caravan site to site for 45 static holiday caravans":

"However, given that the Secretary of State has now published the Proposed Changes to the Draft South West Regional Spatial Strategy (RSS), I attach significant weight to RSS Policy ENV3, which requires particular care to be taken to ensure that no development is permitted outside AONBs which would damage their natural beauty, special character and special qualities – in other words to their setting"

3. Detailed consideration of the adverse impact of the "Construction and operation of a four 100m turbine wind farm for electricity generation, including ancillary buildings and activities. The proposed wind farm will have a maximum rated output of 12MW." on the special qualities of Exmoor National Park was given by the Inspector in appeal ref APP/Y1138/A/08/2084526, 2008:

"I turn now to views south from Exmoor, and the setting on the National Park. Although it was suggested that the evidence presented in opposition to the proposal was tantamount to the creation of a buffer zone to the south of Exmoor, I accept that this is not the case. The special qualities of Exmoor include the description of "a landscape that provides inspiration and enjoyment to visitors and residents alike". In my judgment part of the enjoyment stems from the appreciation of Exmoor in its rural setting, and the land to the south is a significant element in that. The National Park clearly has a setting framed by the land to the south, and proposals must be considered individually or cumulatively in respect of the setting. The definition of setting is difficult to pin down in many instances. For a particular building it might involve hard boundaries such as walls, but for a landscape it involves concepts such as topography, land use, character, vegetation and more."

"So the effect on the character and appearance of the area, and the setting of Exmoor, can be summarised thus. The visual experience will vary from location to location, and will be of a major and substantial intrusion in places. There would be serious harm to landscape character. But from some places there would be levels of visibility and intrusion which would not, in my judgment, be so harmful as to weigh

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4. An Inspector, in dismissing appeal ref: APP/H1840/A/06/2023564, addressed the issue of the proposed development of a haulage depot and storage buildings outside the AONB that impacted adversely on views out from the Cotswolds AONB:

"From the elevated vantage point of the Cotswold Way [within the AONB] the greater density of the development would be readily apparent, as although the site forms part of a vast panorama, it would be towards the front of that view."

And towards the Cotswolds AONB:

"From lower viewpoints ... the breach of the AONB skyline would not be mitigated"

5. The Secretary of State, in dismissing appeal ref: APP/U2235/A/09/2096565 addressed the "setting" issue regarding a proposed freight transport depot adjoining the Kent Downs AONB:

"The Countryside, the Special Landscape Area and the AONB

The Secretary of State agrees with the Inspector's reasoning and conclusions, as set out at IR18.29 - 18.52, regarding the impact of the proposed development on the countryside, Special Landscape Area and the AONB. He agrees that the majority of the appeal site is attractive open countryside and that, whilst the noise of the M20 / HS1 is a negative feature of the area, the site nonetheless has a strongly rural character and atmosphere (IR18.31). He further agrees that, overall, the proposal would cause substantial harm to the open countryside character and appearance of the site and would be in conflict with relevant development plan policies (IR18.34). The Secretary of State agrees with the Inspector's conclusion that the appearance and scale of the development would be alien and out of character with the countryside and the existing built-form of neighbouring settlements, and that it would cause substantial harm to the setting of the AONB (IR18.45). Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees that substantial weight should be given to these matters in the determination of the appeal (IR18.52)."

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APPENDIX C Special qualities of the Dedham Vale AONB

- A predominantly farmed landscape with little evidence of urban sprawl, close to the conurbations of Colchester and Ipswich. As a result, some parts of the area, particularly around Flatford and Dedham, are tourist honey pots sites, attracting in excess of 200,000 visitors per year.
- In many areas within the AONB, the farming follows a traditional pattern of grazing on the valley floor and arable production on the valley sides.
- The river Stour, which winds through the landscape, is a peaceful waterway, flanked by willows and water meadows. However, it is a canalised river, hence it has an interesting industrial heritage.
- Small fields, woodland and hedgerows still feature in the area, making it a quintessential lowland English Landscape.
- The relatively traditional landscape allows for a rich diversity of native flora and fauna, including black poplars, barn owls and otters.
- The landscape was the main inspiration for the artist John Constable, who
 was born in the area in 1776 and who is universally regarded as one of the
 England's foremost landscape painters.
- The small area known as Constable Country, which runs from Stoke by Nayland in the west to Flatford in the east, inspired the majority of Constable's finest paintings, including The Haywain and The Leaping Horse, as well as hundreds of sketches.
- In the area around Flatford, the National Trust manages the landscape to reflect Constable's paintings, a unique example of landscape management.
- Other well known artists have gained inspiration from the area, including Alfred Munnings and John Nash.
- Many fine timber framed buildings in the AONB are evidence of the area's medieval prosperity as a wool producing landscape. Later brick fronted and brick built buildings are indicative of the area's continued agricultural prosperity and early industrialisation.

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