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COMMITTEE: **BABERGH CABINET**

VENUE: **BRITTEN ROOM - ENDEAVOUR
HOUSE, 8 RUSSELL ROAD,
IPSWICH**

DATE: **THURSDAY, 12 APRIL 2018
5.30 PM**

Members

Tina Campbell
Derek Davis
Frank Lawrenson
Margaret Maybury

Jan Osborne
Peter Patrick
John Ward
Nick Ridley

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AGENDA

PART 1

ITEM	BUSINESS	Page(s)
1	<u>APOLOGIES FOR ABSENCE</u>	
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3	<u>BCa/17/60 - TO CONFIRM THE MINUTES OF THE MEETING HELD ON 8 MARCH 2018</u>	1 - 6
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7	<u>BCa/17/62 - MATTER REFERRED BY COUNCIL - 20 FEBRUARY 2018</u>	13 - 16

Councillor Luke Cresswell formally moved the under-mentioned

ITEM	BUSINESS	
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Page(s)

Motion for the Cabinet meeting on 12 April 2018:

1. A Babergh District Council access point be set up in Hadleigh to support residents and be a point of contact for the community in central and East Babergh; and
2. This access point to have similar capabilities to the access point in Sudbury and provide support, advice and a facility to scan information to Babergh District Council and or Suffolk County Council; and
3. This access point to be set up and operational without delay.

8	<u>BCa/17/63 - FORTHCOMING DECISIONS LIST</u>	17 - 22
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Please note the most up to date version can be found via the website:

<http://www.babergh.gov.uk/the-council/forthcoming-decisions-list/>

9	<u>BCa/17/64 - FOOD SAFETY SERVICE PLAN</u>	23 - 56
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DATE AND TIME OF NEXT MEETING

Please note that the next meeting is scheduled for Thursday 10 May 2018 commencing at 9:30am in the Britten Room.

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

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Agenda Item 3

BCa/17/60

BABERGH DISTRICT COUNCIL

BABERGH CABINET

MINUTES OF THE MEETING OF THE BABERGH CABINET HELD IN KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON THURSDAY, 8 MARCH 2018 AT 9:30am

PRESENT: John Ward – Chair
Jan Osborne – Vice Chair

Tina Campbell
Jan Osborne
Nick Ridley

Margaret Maybury
Peter Patrick

102 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Parker.

103 DECLARATION OF INTERESTS BY COUNCILLORS

There were none.

104 BCa/17/53 - TO CONFIRM THE MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2018

The minutes of the meeting held on 8 February 2018 were confirmed as a correct record.

105 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

106 QUESTIONS BY COUNCILLORS

None received.

107 MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES

There were no matters referred by the Overview and Scrutiny or Joint Audit and Standards Committee.

108 BCa/17/54 FORTHCOMING DECISIONS LIST

The forthcoming decisions list was noted, however, the following comments were made:

- Whether there was a timeline in respect of reports coming forward for Belle Vue, Hamilton Road and Angel Court. These should be included on the

Forthcoming Decisions list.

- Whether the End of Year report would be brought before Cabinet.

109 BCa/17/55 - CIL EXPENDITURE

- 109.1 Councillor Ward, in the Cabinet Member for Planning's absence, introduced report BCa/17/55 and moved the recommendation. This was seconded by Councillor Osborne.
- 109.2 There was a concern about how to distribute funds fairly and there was disappointment about CIL money not being used for viability studies. However, it was noted community support would be assessed through the application form and the process was subject to review.
- 109.3 Cabinet considered CIL would have huge potential to deliver real infrastructure benefits for the district and would also have a great deal of flexibility built in. It would allow a collaborative approach with parishes as well as allowing money to be spent on cross boundary infrastructure.
- 109.4 Members wished to show their appreciation to Officers, as well as Councillors Arthey and Lawrenson, and their Mid Suffolk District Council counterparts for their hard work in producing a robust framework.

By a unanimous vote.

It was RESOLVED:-

- (1) That the detailed CIL Expenditure Framework (including details of implementation and review) forming Appendices A and E to report BCa/17/55 and the joint CIL Expenditure Framework Communications Strategy (Appendix B) be approved and refer the proposals to Full Council for final adoption. (Appendices C and D comprise the CIL "Regulation 123 lists" and were approved in January 2016 and accompany the other documents for reference purposes only).
- (2) That the Joint Member Panel (alongside Overview and Scrutiny) inform the Review of the CIL Expenditure Framework within the timescales contained in the Appendix E to report BCa/17/55.

Reason for Decision: Community Infrastructure Levy (CIL) monies had been collected since the implementation of CIL in April 2016. There was no prescribed way for Councils to decide upon the spend of money collected through CIL so the Councils had to agree their own approach.

110 BCa/17/56 - FINANCIAL MONITORING 2017/18 - QUARTER 3

- 110.1 Councillor Patrick, the Cabinet Member with responsibility for Finance, introduced report BCa/17/56 and moved the recommendation. This was seconded by Councillor Osborne.

- 110.2 Questions included whether there was a reduction in costs in legal expenditure in planning and did that include two cases recently in which the council lost? It was noted the figures did not include this. Following the movement towards renewable energy and the subsequent increase in costs for maintenance, it was noted this question was difficult to answer without the relevant information to hand and as such the figures would be brought before Cabinet at some stage in the future.
- 110.3 It was noted both BMBS and Voids would be scrutinised in the first instance by the Overview and Scrutiny Committee and were being reviewed on a regular basis.

By a unanimous vote.

It was RESOLVED:-

- (1) That the potential or likely variations in relation to the General Fund, Housing Revenue Account and Capital Programme compared to the Budget be noted.
- (2) That, subject to any further budget variations that arise during the rest of the financial year, the following net transfers of £1,227k be noted;
 - (a) The balance of the General Fund surplus of £943k referred to in section 11.7 of the report be transferred to the Business Rates Equalisation reserve to support the 2017/18 deficit (£1,256k) on the Business Rates Collection Fund;
 - (b) Transfer of £102k, being the favourable variance for Materials Recycling Facility (MRF) to a new earmarked Waste reserve, referred to in section 11.8 of report BCa/17/56;
 - (c) Transfer of £129k, being the £75k favourable variance for Homelessness to the earmarked grants reserve, referred to in section 11.8 of report BCa/17/56;
 - (d) Transfer of £53k, being the favourable variance for Planning legal costs to the earmarked reserve, referred to in section 11.8 of report BCa/17/56;
- (3) That £100k is transferred from the HRA Strategic Priorities reserve to an earmarked reserve called "Big20", referred to in section 11.22 of report BCa/17/56.

Reason for Decisions:

To ensure that Members were kept informed of the current budgetary position for both the General Fund and HRA.

111 BCa/17/57 - PUBLIC REALM TRANSFORMATION PROJECT

- 111.1 Councillor Maybury, the Cabinet Member with responsibility for Communities, introduced report BCa/17/57 and moved the recommendation, which included an

amendment to agree to establish just one Member Task and Finish Group. This was seconded by Councillor Ward.

111.2 Following a question it was noted the Task and Finish Group would be looking at not only the transfer of management but the transfer of the assets themselves.

111.3 A discussion took place and further clarity was required on public toilets, as well as tree policies. It was hoped the Task and Finish Group would have a positive outlook on both of these issues.

By a unanimous vote.

It was RESOLVED:-

(1) That the findings of the Public Realm Review be noted, including the overall conclusions that standards of street cleansing and grounds maintenance are generally good and that the contract with ID Verde in Babergh represents value for money.

(2) To agree the priority actions for 2018/19, set out at paragraphs 13.1 – 13.4 of report BCa/17/57, to take forward public realm provision within Babergh.

(3) To agree the principles for future Public Realm provision in Babergh, outlined at paragraph 12 of report BCa/17/57.

(4) To agree to establish a Member Advisory Task and Finish Group to:

(a) Develop standards and performance measures for Public Realm services;

(b) Establish a policy for the adoption of open spaces and other public realm assets;

(c) Review and extend the policy on trees; and

(d) Develop a policy on public toilets.

(e) To utilise the public realm principles and public realm policies in the development of both the emerging Environment Strategy and the emerging Communities Strategy.

Reason for Decision:

To set out the Council's principles and plans for the future development of public realm services.

112 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

By a unanimous vote

It was RESOLVED:

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during these items, it was likely there would be the disclosure to them of exempt information as indicated against each item. The authors of the reports proposed to be considered in Part II of the agenda were satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

113 BCA/17/58 - BMS INVEST - PERFORMANCE, RISK AND GOVERNANCE

By an unanimous vote

It was RESOLVED:-

(1)The recommendation as set out in report BCa/17/58 be noted.

114 BCA/17/59 - LOCAL TOURISM STRATEGY REVIEW

By a unanimous vote.

It was RESOLVED:-

(1)That the recommendations set out in report BCa/17/59 be approved subject to an amendment.

The business of the meeting was concluded at 11:10am.

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Chair (date)

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Agenda Item 6

BARERGH DISTRICT COUNCIL

From: Babergh Overview and Scrutiny Committee	Report Number: BCa/17/61
To: Babergh Cabinet	Date of meeting: 12 April 2018

CABINET ARE ASKED TO CONSIDER THE RECOMMENDATIONS BELOW FROM THE BABERGH OVERVIEW AND SCRUTINY COMMITTEE HELD ON THE 19 MARCH 2018

1. Recommendations
1.1 That the Five-year Housing Land Supply be formally published yearly unless it can be shown that the requirements have been meet earlier
1.2 That the Five-year Housing Land Supply be reviewed half yearly and a report be provided to the Babergh Overview and Scrutiny Committee
1.3 That the Five-year Housing Land Supply subjective and objective variables be monitored regularly throughout the year
1.4 That the Five-year Housing Land Supply report be recalculated and presented to the Babergh Overview and Scrutiny Committee in April/May 2018 for review
1.5 That Report BOS/17/36 be circulated to all Members.

2.

Title	Location
(a) The Draft BOS Minute for the Five-year Housing Land Supply (BOS/17/36)	To follow

Authorship:
Henriette Holloway
Governance Support Officer

01449 724681
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77 BOS/17/36 FIVE-YEAR HOUSING LAND SUPPLY

- 77.1 The Corporate Manager – Strategic Planning introduced report BOS/17/36 and explained that that the calculation of the Five-year Housing Land Supply was a complex and time-consuming exercise.
- 77.2 Planning permissions granted for developments did not always indicate that building would commence within the timeframe to be included in the calculation for the Five-year Housing Land Supply.
- 77.3 Members queried the role of Councillors in relation to developments in their areas. Officers explained that it was in a response to questions raised during the scoping exercise that they had outlined the possible actions councillor could take. If councillors choose to they could contact developers and liaise about the developments in their communities as long as maintained a professional attitude and worked within their code of conduct to the benefit of their constituency. It was not a recommendation from officers, but it was an option for Members is they felt it was appropriate.
- 77.4 Members raised the concern that the Five-year Land supply was only calculated on an annual basis and would like to receive a regular review of the Five-Year Housing Land Supply to obtain an indication of how the Council was performing throughout the year. They were not expecting a full review but a professional judgement to ensure that the Housing Land Supply was heading in the right direction. This was a sensitive subject in the community and Members felt that a regular review would improve the broader understanding for planning issues in the community.
- 77.5 Officers explained that it was the time it took to accurately validate the date available, and that each development had to be validated individually to provide a robust judgement of deliverable housing. Information had to be gathered from various sources and these were not always up to date. The Council had to rely on this information as developers were not required to supply the council with date on completed housing developments.
- 77.6 Members asked for clarification of which of the two calculations, the Core Strategy calculation of the Strategic Housing Market Assessment (SHMA) (page 12-13) and which was used by the Government to set targets for the Council. Officers respond that the Government use the most up to date calculation and in this instance, it was the calculation for SHMA
- 77.7 Questioning continued, and officers was asked to explain the 20% buffer on the Five-year Land Supply, which in effect added another year to the land supply requirement and what the criteria for only having a 5% buffer were. Officer responded that the Council needed to achieve the annual target of 350 completed houses for a minimum of one year for the buffer to be lowered, as it was a question of actual deliverable houses. This was a simplified explanation of what had to be achieved to meet the required targets set by the Government.

- 77.8 Some of the target were likely to change once the new National Planning Policy Framework was published. Currently the policy was undergoing a consultation process, but the understanding was that the target was going to be reset and that some of the backlog would be readjusted but that the annual target for deliverable houses would be increased. Some Members felt that subjective judgment by experienced officers and appropriate risk assessment of the date provided should be sufficient enough to provide a review of the Housing Land Supply on a more frequent basis.
- 77.9 The total planning permission of 2,320 dwellings were queried in relation to the figure for the land supply between 2017 and 2022, which was 1699 dwellings (page 12 -13). Officers explained that the granting of planning permissions was not the same as the availability of the Housing land supply within the five-year period and that the 1699 was the number of houses judged by officers to be deliverable within the five-year period, where as 2,320 was the total number of planning permissions granted. Developments required a great deal of time to be completed and often only part of the larger developments were completed with the five-year period. It was this form of transparency which the Committee was keen to scrutinise.
- 77.10 The Annual Monitoring report contained the total number of planning permission granted but not yet commenced. The difficulty was that developments did not commence once planning permission had been granted but had to undergo various planning requirements to receive full approval. This process could be lengthy process, depending on the requirements and how quickly the developers responded to the planning conditions. Therefore, commencement of actual building could be up to 24 months or longer after the planning permission had been granted.
- 77.11 Clarification was given for the information available for the calculation for the Five-year Housing Land Supply (page 16, point 10.23). Some of the sources released information up to 3 months later and some only released the information annually. It was therefore a challenge and a time-consuming exercise to gather robust data for regular review of the housing supply.
- 77.12 The Chair then allowed a question from Mr Nigel Farr, a member of the public, and he asked for a breakdown of the 2,320 granted planning permissions and the reason for why they were viable or not and if that information was available to the public.
- 77.13 The Assistant Director – Planning for Growth responded that the figure of 1,699 for the Housing Land Supply was published in the Monitoring Report tin June 2017 and this was available on the Council’s website included an explanation of how this number was achieved.
- 77.14 The Chair ask if it was possible to respond to individual cases outside the Committee and both Mr Farr and the Assistant Director – Planning for Growth agreed to this.

- 77.15 Members discussed the importance of the Local Plan and this would impact on the Five-year Housing Land Supply. The Local plan was currently at the consultation stage and carried some weight in relation to the Five-year Housing Land Supply, as the Local Plan progressed through the consultation and examination stages next year it would increasingly carry more weight with the Five-year Housing Land supply. However, officers advised Members that it was not wise at this early stage of the Local Plan to take it into consideration when decided planning permissions.
- 77.16 Members asked why the Appeal Decision had been included in the papers and officers drew Members attention to the appeal decision page 25, bullet point 12. This was an appeal ruling on an expert judgement exercised by a council and it was felt that the statement highlighted the issues debated at the Committee.
- 77.17 The Cabinet Member for Housing suggested that the report was circulated to all Members as she thought they would find it useful.
- 77.18 She then raised her concerned about Members getting involved with development and though it could lead to challenges for the planning decision made by the council and expressed her concerned. for members getting involved in this process.
- 77.19 The Chair proposed four recommendations to the Committee to enable transparency and indication of the level performance of the Five-year Housing Land Supply.

By a unanimous vote

It was RESOLVED: -

- 1.1 That the Five-year Housing Land Supply was formally published yearly unless it was shown that the requirements had been meet earlier.**
- 1.2 That the Five-year Housing Land Supply be reviewed half yearly and a report be provided to the Babergh Overview and Scrutiny Committee**
- 1.3 That the Five-year Housing Land Supply subjecting and objecting variables be monitored regularly throughout the year**
- 1.4 That the Five-year Housing Land Supply report was recalculated in April/May and be forwarded to the Babergh Overview and Scrutiny Committee for review.**
- 1.5 That Report BOS/17/36 be circulated to all Members.**

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Agenda Item 7

BABERGH DISTRICT COUNCIL

From: Cabinet Member for Organisational Delivery	Report Number: BCa/17/62
To: Cabinet	Date of meeting: 12 April 2018

MOTION

1. Purpose of Report

- 1.1 To consider the proposal of Councillor Luke Cresswell as outlined in a Motion to Council on 20th February as follows:

That:

- 1) A Babergh District Council access point be set up in Hadleigh to support residents and be a point of contact for the community in central and East Babergh; and
- 2) This access point to have similar capabilities to the access point in Sudbury and provide support, advice and a facility to scan information to Babergh District Council and or Suffolk County Council; and
- 3) This access point to be set up and operational without delay.

2. Recommendations

- 2.1 That the Council does not pursue the option of a Hadleigh customer access point with similar capabilities to Sudbury.
- 2.2 Instead the Council identifies opportunities to work in partnership with existing organisations in Hadleigh, to provide self-service facilities, including the provision of scanning information. That consideration be given to the extension of this model should further self-service needs across the district be identified.

Reason for Decision: That an appropriate self-service provision could better meet the aims of the Joint Strategic Plan in a more cost effective manner.

3. Financial Implications

- 3.1 There would be an increased cost to the Council to provide a provision similar to that in Sudbury; as a minimum this would need to include staff costs, and based on location, there may be building and maintenance costs. There would likely be set-up costs in terms of IT, and refurbishment costs dependent on the building's suitability to receive customers. The current annual cost for maintaining the Sudbury customer access point is £74k per annum, which is exclusive of the initial costs associated with building works to the Sudbury office.
- 3.2 If we were to operate a model whereby the focus was on working with partners who already had established facilities, accessible by customers, a self-serve provision would be more cost effective. It is not possible at this current time to state exactly what these costs are, as scoping work is continuing, to understand these. However, we know that technology to

deliver a simplified self-serve facility which allowed customers to scan documentation (which accounts for a significant proportion of in-person visits) could cost in the region of £5k for initial set-up.

4. Legal Implications

4.1 None identified

5. Risk Management

5.1 This report is linked with the following Council risk, reviewed as part of the significant risk register.

Risk Description	Likelihood	Impact	Mitigation Measures
If we do not have more efficient and effective public access and agile working arrangements then we will not be able to tailor the services our customers need and target those in need.	2 Unlikely	2 Noticeable/ Minor	New public access points are up and running in both Stowmarket and Sudbury. Services can be accessed through both; with a range of assisted/self-serve/telephony support available. Further development and review is on-going. We are also developing regular liaison and feedback mechanisms to develop customer satisfaction measures. We have undertaken a staff survey which will inform an action plan in the future, tackling areas of concern.

6. Consultations

6.1 None

7. Equality Analysis

7.1 An initial Equality Impact Assessment was carried out as part of the Future Model for Public Access in September 2016. It is envisaged that any additional provision agreed would be an enhancement to our current service, and would have a positive effect. A further assessment would be carried out.

8. Shared Service / Partnership Implications

8.1 There are no shared service implications. However if we were to develop a model in partnership with other public, charitable, voluntary or community interest groups and organisations this would be in line with the Joint Strategic Plan ambitions of building our communities capacity.

9. Links to Joint Strategic Plan

9.1 As 8.1

10. Key Information

10.1 At the Council meeting on 20th February 2018 a Motion was put to Council by Councillor Luke Cresswell as per paragraph 1.1.

At the Council meeting it was resolved to refer the matter to Cabinet for discussion.

This report is providing the necessary information for Cabinet to consider the matter.

10.2 In September 2016, the Council resolved to vacate the Hadleigh headquarters, and to operate one customer access point in the district. The Babergh customer access point is located in Sudbury, at the Town Hall, and offers in-person as well as self-service facilities for customers to access both County, District and Town Council services.

10.3 Following the closure of the Hadleigh Headquarters we have been monitoring any potential impact on our customers. We are pleased to report increases in the use of our website, as well as high levels of online completion of electronic forms; for example over 80% of Housing Benefit application forms are completed electronically.

10.4 Further development to support customer access to our services has been under review and is illustrated in a refreshed Customer Service strategy which Cabinet will be asked to approve in July 18. The strategy is a 'living' document that needs to meet ours and our customer expectations, and keep abreast of issues that may arise. With this in mind, work had already commenced to understand how to continue to support customers in Hadleigh.

10.5 The Assistant Director for Customer Services has been in contact with the Hadleigh Town Clerk, to seek feedback on the impact of the closure of the HQ, and whether they had seen an increase in the number of customers trying to access services at Hadleigh Town Council. The Town Clerk advised that they had not seen an increase in customer contact, but on the odd occasion when required they had been able to direct customers to our telephony or web services. The premises occupied by the Town Council at the Guild Hall are not particularly accessible for customers and significant works would be required to provide similar facilities as per the Sudbury customer access point.

10.6 Preliminary discussions have been held with South Suffolk Leisure as an existing partner of Babergh Mid Suffolk Councils, to understand any opportunities available to utilise their current accommodation to provide some self-service facilities. South Suffolk Leisure are supportive of the approach and already provide some services to local community groups.

10.7 There are of course other organisations situated in Hadleigh, whom it would also be worth approaching, to understand their level of interest in working with us. Examples could include Suffolk Libraries, and the Co-operative.

10.8 Further more detailed scoping work would be required to make further recommendations on the level of service that we would provide (for example only self –service or assisted self-service) and therefore an appropriate partner to support this provision.

10.9 This approach is becoming more widespread across local authorities, with self-service provisions operating from diverse organisations such as village halls and community centres, Community-owned shops and pubs, as well as mobile based services.

11. Options Considered

11.1 The two options that have been considered are:

- a) To provide an additional customer access point in Hadleigh modelled as per the Sudbury customer access point;
- b) To explore and develop an operating model which focuses on self-service, utilising existing organisations to support our customers and developing communities' capabilities to help themselves.

12. Background Documents

12.1 None

Forthcoming Decisions list (KEY, EXEMPT AND OTHER EXECUTIVE DECISIONS)

April to August 2018 (Published 3 April 2018)

Unique Ref No:	Decision Maker & Decision Date	Subject	Summary	Contacts:		Key Decision ?	Confidential?
				Cabinet Member(s)/MSR	Officer(s)		
CAB19	Council 24/26 April	Review of Babergh and Mid Suffolk Statement of Community Involvement	To update the Statement of Community Involvement in respect of the changes arising from the Neighbourhood Planning Act 2017 and to align with Local Plan making regulations.	David Whybrow Lee Parker	Robert Hobbs 01449 724812 robert.hobbs@baberghmid.suffolk.gov.uk	Yes	No
CAB20	Cabinet 9/12 April	Food and Safety Service Plan	To agree the way services will be delivered as required by the Food Standards Agency Framework Agreement and the Health and Safety Executive National Local Authority enforcement code.	David Burn Tina Campbell	John Grayling 01449 724722 John.grayling@baberghmid.suffolk.gov.uk	No	No
CAB23	Cabinet 12 April	Proposed Extension to Suffolk Coast and Heaths AONB Boundary	To agree consultation response to Natural Englands proposal to extend the AONB boundary.	Tina Campbell	Peter Garrett 01449 724944 Peter.garrett@baberghmid.suffolk.gov.uk	Yes	No
CAB24	Council 24/26 April	Local Development Scheme	To introduce a revised timetable for the preparation of the Joint Local Plan to reflect further consultation on the document, to be able to incorporate	David Whybrow Lee Parker	Robert Hobbs 01449 724812 robert.hobbs@baberghmid.suffolk.gov.uk	Yes	No

			changes to national planning policy, and broadly align the timetable with Local Plan preparation in neighbouring local authorities.				
CAB18	Cabinet 8/10 May	To consider Battery Storage at all the Leisure Sites	To approve the Battery Storage at the Council's Leisure Facilities	David Burn Tina Campbell	Chris Fry 01449 724805 Chris.fry@baberg hmidsuffolk.gov.uk	Yes	No
CAB21	Cabinet 8/10 May	End of Year Risk Progress Report	To provide an update on the Significant Risk Register and progress of risk management during 17/18	Glen Horn Peter Patrick	Claire Crascall 01449 724570 Claire.crascall@baberg hmidsuffolk.gov.uk	No	No
CAB25	Cabinet 8/10 May	BMBS Business Plan	To create visibility around the revised business plan and feedback on the first year's performance	Jill Wilshaw Jan Osborne	Justin Wright-Newton 07990 542087	No	No
CAB26	Cabinet 8/10 May	Quarter 4 - 2017/18 Outturn	To approve the 2017/18 Outturn	John Whitehead Peter Patrick	Melissa Evans 01473 296320 Melissa.evans@baberg hmidsuffolk.gov.uk	Yes	No
CAB29	Cabinet 8/10 May	Supporting Housing Delivery through Developer Contributions: Reforming Developer Contributions to Affordable Housing and Infrastructure	To make Cabinet aware of the content and potential implications of the Government's consultation in order for Cabinet to endorse the response.	Jill Wilshaw Jan Osborne	Christine Thurlow 07702 996261 Christine.thurlow@baberg hmidsuffolk.gov.uk	No	No
CAB30	Cabinet 8 May	Stowmarket Vision for Prosperity	To seek agreement to publish a response to the issues raised in recent public engagement together with an and action plan. To begin work into viability and deliverability pf a town centre regeneration	Gerard Brewster	Andrew McMillan 01449 724931 Andrew.mcmillan@baberg hmidsuffolk.gov.uk	No	No

			project, and marketing/branding strategy.				
CAB22	Cabinet 4/7 June	Quarter 4 Performance Exception Report	To seek agreement that the performance report and the performance outcome information adequately reflects the Councils performance.	Glen Horn Peter Patrick	Karen Coll 01449 724566 Karen.coll@babberghmidsuffolk.gov.uk	No	No
CAB31	Cabinet 4/7 June	Communications Strategy	To approve and agree the approach set out in the Communications Strategy.	Nick Gowrley John Ward	Sara Wilcock 01473 296473 Sara.wilcock@babberghmidsuffolk.gov.uk	No	No
CAB32	Cabinet 4/7 June	Asset Investment Fund	To seek establishment of an Asset Investment Fund and approval of the delegation limits for officers to work within.	Nick Gowrley Nick Ridley	Jill Pearmain 01449 724802 Jill.pearmain@babberghmidsuffolk.gov.uk	No	No
CAB33	Cabinet 12 July	Hamilton Road	To agree	John Ward	Jonathan Stephenson 01449 724704 Jonathan.stephenson@babberghmidsuffolk.gov.uk	No	No
CAB34	Cabinet 9/12 July Cabinet 8/11 October	Joint Housing Strategy	To agree and adopt	Jill Wilshaw Jan Osborne	Gavin Fisk 01449 724969 Gavin.fisk@babberghmidsuffolk.gov.uk	No	No
CAB41	Cabinet 9/12 July	Update to the Joint Policy form dealing with compliments, comments and complaints	That Cabinet agree the change and delegate authorisation for future minor changes to the Senior Leadership Team and Leaders	Glen Horn Peter Patrick	Sara Wilcock 01473 296473 Sara.wilcock@babberghmidsuffolk.gov.uk	No	No
CAB28	Cabinet 9/12 July	Homelessness Prevention Fund Policy	To ensure the Councils are able to fulfil their new statutory obligations under the Homelessness Reduction Act 2017 to	Jill Wilshaw Jan Osborne	Heather Sparrow 01449 724767 Heather.sparrow@babberghmidsuffolk.gov.uk	Yes	No

			prevent homelessness wherever possible.				
CAB35	Cabinet 9/12 July	Customer Strategy Refresh	To approve and agree the approach as set out in the refreshed Customer Strategy.	Glen Horn Peter Patrick	Sara Wilcock 01473 296473 Sara.wilcock@baberghmidsuffolk.gov.uk	No	No
CAB11	Council TBC July 2018 Cabinet 12 July 2018	Regeneration Proposal – Former Mid Suffolk District Council Headquarters Site, Hurstlea Road, Needham Market	For debate by Council, determination by Cabinet	Nick Gowrley	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	Yes	<i>This report will be heard in private as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the Council) with regards to detailed financial information to enable negotiated acquisitions.</i>
CAB12	Council 21 June 2018 Cabinet 9 July 2018	Regeneration Proposal – Former Babergh District Council Headquarters Site, Corks Lane, Hadleigh	For debate by Council, determination by Cabinet	John Ward	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	Yes	<i>This report will be heard in private as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the Council) with regards to detailed financial information to enable negotiated acquisitions</i>
CAB27	Cabinet 6/9 August 2018	Quarter One Budgetary Control 2018/19	To approve the Quarter One Budgetary Control	John Whitehead Peter Patrick	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	Yes	No
CAB14	Cabinet 6/9 August 2018	Review of Housing Allocations Policy	To gain approval for changes to the Housing Allocations Policy	Jan Osborne Jill Wilshaw	Sue Lister 01449 724758 Sue.lister@baberghmidsuffolk.gov.uk	Yes	No
CAB36	Cabinet 6/9 August	Belle Vue	To agree	John Ward	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	No	No
CAB37	Cabinet 10/13 September	Assets Strategy	To approve the approach set out in the Asset Strategy document	Nick Gowrley Nick Ridley	Jill Pearmain 01449 724802 Jill.pearmain@baberghmidsuffolk.gov.uk	No	No

CAB38	Cabinet 10/13 December	Community Strategy	To adopt and agree.	Julie Flatman Margaret Maybury	Jonathan Free 01449 724859 Jonathan.free@baberghmidsuffolk.gov.uk	No	No
CAB39	Cabinet 10/13 December	Joint Parking Policy	To adopt and agree	David Burn Tina Campbell	Chris Fry 01449 724805 Chris.fry@baberghmidsuffolk.gov.uk	No	No
CAB40	Cabinet February 2019	Environment Strategy	To adopt and agree	David Burn Tina Campbell	Chris Fry 01449 724805 Chris.fry@baberghmidsuffolk.gov.uk	No	No

Key:

 Babergh District Council Only
  Mid Suffolk District Council Only
  Joint – Mid Suffolk and Babergh District Councils

If you have any queries regarding this Forward Plan, please contact Sophie Moy on 01449 724682 or Email: Sophie.moy@baberghmidsuffolk.gov.uk

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 If you wish to make any representations as to why you feel an item that is marked as an “exempt” or confidential item should instead be open to the public, please contact the Monitoring Officer on 01449 724694 or Email: emily.yule@baberghmidsuffolk.gov.uk. Any such representations must be received at least 10 working days before the expected date of the decision.

Arthur Charvonia

Chief Executive

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Agenda Item 9

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Cabinet Member for the Environment	Report Number: BCa/17/64
To: MSDC Cabinet BDC Cabinet	Date of meetings: 9 April 2018 12 April 2018

FOOD AND SAFETY SERVICE PLAN 2018/19

1. Purpose of Report

- 1.1 To consider and approve the Mid Suffolk and Babergh Food and Safety service plan for 2018/19. This service plan incorporates the Food Safety and Health and Safety service plans which in previous years have been published as separate documents.

2. Recommendations

- 2.1 That Cabinet approves the Mid Suffolk and Babergh Food and Safety service plan 2018/19.

Reason for decision:

To fulfil the requirements of the Food Standards Agency framework agreement and the Health and Safety Executive National Local Authority Enforcement Code.

3. Financial Implications

- 3.1 The proposed plan is in line with the 2018/19 budget identified for the Food and Safety team.

4. Legal Implications

- 4.1 The service plan has been drafted in accordance with the Food Standards Agency framework agreement and the Health and Safety Executive National Local Authority Enforcement Code and fulfils local authority obligations under guidance issued by the FSA and HSE.

5. Risk Management

- 5.1 This report is most closely linked with the Council's Corporate / Significant Business Risks **2a** 'If we do not understand the needs and aspirations of our businesses we may not focus our interventions and resources in a way which will provide the right support' and **5c** 'If we do not have robust governance arrangements that enable good decisions to be taken that are appropriate for the environment that we are operating in, then we will be unable to operate effectively and will be at risk of potential legal challenge'. Key risks relating to these are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Inability to provide support and guidance to help businesses achieve compliance.	Unlikely - 2	Bad - 3	The allocation of sufficient Food and Safety resources enabling business support alongside appropriate enforcement.
Mandatory service plan(s) not in place	Unlikely - 2	Bad - 3	The service plans, that is the subject of this report, is a significant element of the governance mechanism for the Food and Safety service, and in combination with the corporate enforcement policy ensures that a risk-based approach to regulatory service delivery is followed and proportionate enforcement decision making is carried out.

6. Consultations

6.1 None.

7. Equality Analysis

7.1 Although combined, the type of content and broad structure of the 2018/19 plan does not deviate significantly from the plans of previous years. The conclusion from equality analysis screening is that the proposed service plan is neutral in terms of the elimination of discrimination, harassment or victimisation.

8. Shared Service / Partnership Implications

8.1 The service plan is written for a fully integrated service operating across Babergh and Mid Suffolk where the identified resources are planned to be utilised equally in both districts.

8.2 The Corporate Manager – Food and Safety is working with regulators in Norfolk and Suffolk and the New Anglia LEP in a partnership arrangement to help regulatory services support businesses, through a Better Business for All (BBfA) programme.

8.3 The BMSDC Food and Safety Team continues to work with the SCC Public Health team delivering a healthy catering award to Suffolk known as Eat Out Eat Well (EOEW) and should shortly be similarly involved in the launch of Take Out Eat Well (TOEW) aimed at the fast food element of catering.

9. Links to Joint Strategic Plan

9.1 The work of the Food and Safety service contributes to the strategic outcomes of Babergh and Mid Suffolk District Councils relating to 'Business Growth and Increased

Productivity' by engaging with and supporting businesses to thrive. The service also contributes to 'Community Capacity Building and Engagement' through support for Health and Well Being outcomes.

10. Key Information

10.1 The Food Standards Agency (framework agreement) and Health and Safety Executive National Local Authority Enforcement Code mandate the production of service plans relating to food safety and health and safety respectively. Previously, they have been produced as two separate plans but for simplicity and in anticipation of all service areas of the Councils producing service plans following a new corporate format, this year they are combined.

10.2 The plan includes elements of review of the year just ended as well as setting out a work programme for the coming year.

10.3 To ensure local transparency and accountability the plan should be considered and approved by the appropriate member forum. Members are therefore asked to consider the draft plan at Appendix 1 of this report and offer any comments.

10.4 The following are a few points of note from 2017/18:

- More than 1100 planned food safety inspections and initial food safety interventions were carried out.
- The upward trend of broadly compliant food businesses (equating to a food hygiene rating of 3 or better) has continued to 96.93% from 96.05% in 2016/17.
- 1018 food businesses currently hold a food hygiene rating of 5 which is approximately 60% of the total.
- Formal enforcement action has included the service of four food hygiene and 3 health and safety statutory notices, the administering of five simple cautions for food hygiene failures and one prosecution of a food business which had previously received a simple caution.

10.5 Appendix 2 of this report provides some brief case studies to illustrate the work that the Food and Safety Team as been involved in during 2017/18.

10.6 The year ahead:

- 788 planned food premises interventions including 471 food business inspections.
- Development of a warehouse safety campaign.
- Implementation of new animal welfare legislation in relation to breeders, boarders, pet shops, riding establishments and performing animals.
- Introduction of Take Out Eat Well healthy catering award.
- Continuing to develop improved support for businesses through the New Anglia Better Business for All programme.

Appendices:

Title	Location
(a) Food and Safety Service Plan 2018/19	Appendix 1
(b) Brief Illustrative Case Studies from 2017/18	Appendix 2

11. Background Documents

- 11.1 FSA Framework Agreement on Local Authority Food Law Enforcement; Food Standards Agency Food Law Code of Practice: <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>
- 11.2 HSE National Local Authority (LA) Enforcement Code: <http://www.hse.gov.uk/lau/la-enforcement-code.htm>

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2018-19

Service Plan: Food and Safety

John Grayling
Corporate Manager

Summary

This Service Plan:

- Sets out the key activities the service area delivers;
- Reflects on the key service activity and achievements for 2017-18;
- Sets out the key targets for the service area and the resources allocated to achieve these targets;
- Identifies the main risks and performance measures associated with the delivery of the service;
- Provides a high-level action plan for the service.

Contents

1. Introduction
2. Description of Service
3. Links to the Joint Strategic Plan
4. Resources
5. Service Delivery
6. Performance and Review
7. Challenges to service delivery & Risk Management
8. Service Action Plan

1. Introduction

The Food and Safety Service Plan is an expression of the Councils' continuing commitment to the provision of the Food Safety, Health and Safety and ancillary Services. It covers the key areas of Food Safety and Health and Safety enforcement and the relevant management arrangements and objectives against which Babergh and Mid Suffolk District Councils will monitor service delivery.

It has been compiled both in accordance with the guidance issued by the Food Standards Agency (FSA), including the information required by the Framework Agreement on Local Authority Food Law Enforcement and guidance issued by the Health and Safety Executive (HSE) under the Health and Safety Executive National Local Authority Enforcement Code.

Section 18(4) of the Health and Safety at Work Act etc. 1974 specifically places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the Code sets out what is meant by 'adequate arrangements for enforcement'.

This service plan, agreed by elected members, makes clear the arrangements Mid Suffolk and Babergh District Councils will put in place to ensure that there are adequate arrangements for food safety and health and safety enforcement and how they will take account of local needs whilst contributing to current FSA and HSE priorities.

The plan also identifies other work undertaken by the Food and Safety team and objectives relating to that work.

2. Description of Service

Specific functions undertaken by this service area:

The Food and Safety team provides a range of regulatory services to the business community and the general public as follows:

- **Food Safety.** Sustaining and improving the standards of safety and quality of food manufactured, prepared and supplied in Babergh and Mid Suffolk.
- **Health and Safety.** Ensuring that risks in the workplace for both workers and the public are properly and proportionally managed.
- **Infectious Diseases.** Investigating incidents of infectious diseases to control spread and identify causes.
- **Private Water Supplies.** Assessing risk and sampling water to ensure that supplies do not pose a threat to health.
- **Health Promotion and Education.** Facilitating the Mission Possible programme in schools, providing training for food handlers, running campaigns on food safety and hygiene and a healthy catering award (Eat Out Eat Well) amongst others.
- **Animal Welfare licensing.** Maintaining the standards of animal welfare in premises such as breeding and boarding establishments, pet shops and riding establishments.
- **Our business customers** rely on the food and safety service to maintain a level regulatory playing field in the areas they operate so that non-compliant businesses do not gain a competitive advantage. They expect us to be consistent and fair, providing advice and guidance when it is needed, using enforcement tools when appropriate.
- **The public** expect us to ensure that they are protected and increasingly that they have access to information that allows them to make educated choices about the businesses they engage with.

The service area operates in the following way:

The Food and Safety team is mostly made up of qualified Food and Safety Officers who are required to meet and maintain high standards of training and competency. The team also has a Business Support Officer who works with a number of delivery teams, particularly in respect of systems administration for the environmental health IT database and a Technical Officer role providing support to the team and maintaining some of the project work we do such as 'Mission Possible'.

The members of the team at the time this service plan was written are as follows:

- Senior Food and Safety Officers: Wai Jarvis, Robert McDermott, Emma Richbell and Sara Proctor.
- Food and Safety Officers: Caroline Johnson, Jane Gartland, Vincent Dreau and Jo Wyatt.
- Technical Officer - Food and Safety: Sophia Calderley.
- Business Support Officer: Sally Farthing.
- Corporate Manager: John Grayling.

The service operates through a combination of programmes, interventions and initiatives, endeavouring to ensure that people are encouraged to make healthy choices, have safe food, water and workplaces and that businesses are supported in creating an environment where this is possible.

The team works closely with other organisations, in particular Trading Standards and the Public Health teams at Suffolk County Council, the Food Standards Agency and the Health and Safety Executive.

The key outcomes delivered by the service are year on year improvements in the standards of food businesses and the control of locally identified workplace health and safety risks.

3. Links to the Joint Strategic Plan

In operation, the Food and Safety service supports the stated organisational vision of Babergh and Mid Suffolk District Councils relating to ‘Business Growth and Increased Productivity’ and will continue to ‘Engage with and support businesses to thrive’. The service also contributes to ‘Community Capacity Building and Engagement’ through support for Health and Well Being outcomes.

Food businesses are central to the economy of the two districts and food safety important to the wellbeing of residents, visitors and other consumers of food produced in the area. Additionally, food, drink and agriculture are one of the New Anglia LEP priority sectors and so recognised as having regional importance. Consequently, one of the fundamental purposes of the Food and Safety service is to sustain and improve the standards of safety and quality of food manufactured, prepared and supplied in Babergh and Mid Suffolk. To achieve this, the service works to support individual food businesses and provides a level regulatory playing field for them through advice, risk-based audits, complaint investigation, training and a programme of sampling as well as through the use of formal enforcement when this proves necessary.

The continued use of a publicised national food hygiene rating system (FHRS) will give well run food businesses the opportunity to demonstrate how good they are in relation to others and this continues to help raise standards generally as it becomes increasingly referred to by consumers and valued by businesses. The FHRS helps those consumers make more educated choices over the food they buy and where they eat. The healthy catering award ‘Eat Out Eat Well’ (EOEW) offered in partnership with the County Public Health service and assessed by officers of the Food and Safety team provides an additional mechanism by which catering businesses can differentiate their offer to consumers whilst contributing to a significant public health objective.

The purpose of the service, with regards to health and safety, is to work in partnership with businesses, the Health and Safety Executive, and other local authorities in Suffolk to protect people’s occupational health, safety and welfare. To achieve this, the service will endeavour to ensure that risks in the workplace are properly and proportionally managed through: targeted and risk-based interventions; investigation of complaints; investigation of accidents and dangerous occurrences and; through business support so that businesses are helped to sustainability and resilience through providing safe places to work.

4. Resources

Financial

The service is split 50/50 between Babergh and Mid Suffolk as there are very similar level of service demand and numbers of relevant business premises in both districts. For 2018/19 the Food and Safety service has a budget of approximately £808.5K (including corporate overheads) of which staff costs are approximately 85%. The food safety functions of the Food and Safety service account for approximately £541.5K of the total service budget and the health and safety function £93.0K with the residual £174.0K going to the delivery of the remaining functions and management of the service.

Staffing allocation

For 2018/19 the Food and Safety service establishment is:

1 full time equivalent (FTE) Technical Officer, 1 FTE Business Support Officer, 4 FTE Food and Safety Officers, 3 FTE Senior Food and Safety Officers and 1 FTE Corporate Manager.

All members of the service team carry out food safety related work with an estimated full time equivalent staffing allocation to food law related matters as follows: 2.0 (of 3) Senior Food and Safety Officers; 3.0 (of 4) Food and Safety Officers qualified in accordance with the Food Law Code of Practice and; 0.5 (of 1) Technical Officer not qualified in accordance with the Food Law Code of Practice.

With approximately 471 planned food business inspections in 2018/19 for 5.0 FTE Food and Safety Officers, there will be approximately 94 planned inspections per FTE competent officer. In addition to this there will be advisory visits, particularly for new businesses and revisits as follow up to the planned inspections which will double that total.

The Food and Safety service also carries out 'alternative intervention' work in relation to monitoring any changes to E rated food premises of which there are over 1000. Around 317 need to be checked during 2018/19 and this work will initially be predominantly the responsibility of the Technical Officer. Some of these checks will also result in inspection visits for the Food and Safety Officers.

The full time equivalent staffing allocation to Health and Safety law related matters in the establishment structure is as follows: 0.5 (of 3) Senior Food and Safety Officers; 0.5 (of 4) Food and Safety Officers; 0.1 (of 1) Technical Officer.

The remainder of the staffing allocation, 1.5 FTE Food and Safety Officers and 0.4 FTE Technical Officer is allocated to the other services provided by the Food and Safety team including the investigation of infectious diseases, the monitoring of private water supplies, health promotion and education, animal welfare licensing and broader business support activities.

The Business Support Officer works across the various food and safety services as well as contributing to database provision and support for other services including Sustainable Environment, Private Sector Housing, Public Realm and Customer Services.

5. Service Delivery

i. Food Safety

a. Inspection of food businesses

The Council is committed to carrying out inspections at a frequency that is not less than that determined by the Food Safety Act Code of Practice. The service has approximately 788 routine or initial food safety interventions scheduled for the period 1 April 2018 to the 31 March 2019.

In line with the Food Law Code of Practice interventions other than inspections have been adopted in respect of certain, particularly low risk, premises. For the lowest risk businesses, a telephone call is made to the business in order to assess whether there have been any changes since the last inspection, the extent of the business and the level of food safety control. Many low risk premises may still need to be visited by an officer to gather information regarding food safety. It is possible to use an officer not qualified in accordance with the Code of Practice to do the initial work thereby maximising the use of resources. The information gathered is assessed and a decision made as to what further action is required. This could range from no further action to a full inspection. A visit is likely to be triggered if other contact cannot be made or if the activity of the business has changes

As in previous years, the concentration of activity for qualified officers will be in carrying out all high risk and approved premises inspections due as part of the inspection programme.

Usually, inspections of food businesses do not need a follow up until the next scheduled date which will be in accordance with the assessed inherent risks but revisits will be made where significant breaches of food safety legislation are found at the time of an initial inspection, where there are a large number of minor offences, where there is a history of non-compliance, where there is little or no confidence in the management of the premises and where businesses have requested and paid for an FHRS rescore visit. Revisits are made if an FHRS is 0, 1 or 2 as these are considered non-compliant to the extent that it is not appropriate to leave them until the next scheduled date.

The breakdown of food safety inspections due in 2018/19 is as follows:

Risk Rating	Inspection Interval	Total Number of premises	Number of planned interventions
A	6 monthly	7	14
B	12 monthly	62	47
C	18 monthly	235	126
D	24 monthly	614	284
E	36 monthly	1036	317
Outside scope and unrated		50	N/A
Total		2004	788

There are 2004 food premises recorded on the Babergh/Mid Suffolk database of which 14 are approved under EC Regulation 853/2004.

In addition to food businesses that are based in the two districts, there are a variety of events and occurrences that involve visiting food businesses where the food and safety team need to spend some time ensuring food safety. These include: regular town markets in Stowmarket and Sudbury; farmers markets in Hadleigh, Sudbury, Lavenham, Harkstead, Hartest, Stradbroke, Rickingham, Needham Market and Stowmarket; fairs and; festivals, amongst others.

The risk rating of food businesses determining the frequency of inspection includes the three factors: hygiene; structure and; confidence in management; which are used to determine the Food Hygiene Rating when that applies and also included in the risk rating are the type of food involved and the method of handling it, the method of processing and the type and number of consumers at risk. The nature of the food business determines these things, i.e. at one end of the spectrum a corner shop only selling packaged foodstuffs that require no temperature control and at the other a manufacturer using high risk ingredients for cook-chill meals and distributing internationally. By this process, a business may be very well managed, but we still audit frequently (up to twice a year) due to the inherent risks.

b. Food complaints and complaints about food premises

The Council investigates all complaints it receives relating to food where it is the enforcement authority and will liaise with Home, Primary and Originating Authorities as appropriate. The Food Safety service aims to make a first response to this type of complaint within one working day.

c. Advice to businesses

Officers are committed to building positive working relationships with food business operators (FBOs) and work with them to help them comply with the law and to improve food safety standards. Increasingly officers will point businesses at web-based resources, particularly those produced by the FSA although, as with the change in regulations relating to allergens, when appropriate, printed or emailed information is supplied. Both new and existing businesses are encouraged to contact the service for advice and are obliged by law to tell us when significant changes are made.

d. Training for Food Handlers

The service offers a variety of food hygiene training courses on a cost neutral basis fulfilling the need that businesses and food-handlers have as well as to developing a constructive relationship with food businesses in the districts, identifying the local authorities as a source of help and guidance.

e. Food Hygiene Rating System (FHRS)

The FHRS is a system operated by all English local authorities and continues to create a positive environment where, due to the public nature of the ratings (published on the FSA website at: <https://www.food.gov.uk/business-industry/hygieneratings>), there is a desire on the part of businesses to achieve a good rating.

A change in FSA guidance has allowed local authorities to charge for FHRS rescores and BMSDC have implemented this. The charging regime allows businesses to request a rescore visit as soon as improvements are made, unlike previously, and there is no limit to the number of rescores a business can request.

f. Food inspection and sampling

Food samples are taken either in response to complaints or as part of the Council's proactive surveillance procedures for ensuring that food produced and/or sold in Babergh and Mid Suffolk is safe to eat. The Councils also participate in a regional sampling programme, coordinated from the Eastern Region Coordinated Food Sampling Liaison Group. The national sampling programme comes from Public Health England. Both provide intelligence that can help identify the focus of food safety visits.

2018/19 planned sampling will include proactive sampling from Butchers and Approved Premises. The national surveys are still to be advised but will include current study 64, pastry-based products.

g. Export Certificates

Businesses exporting foodstuffs to non-EU countries often need the local authority environmental health service to certify that the food they are exporting is produced in a safe way. BMSDC provide this certification as a chargeable service.

ii. Health and Safety

Section 18(4) of the Health and Safety at Work etc. Act 1974 places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the two councils have responsibility for the regulation of health and safety in the following types of businesses:

- Retail shops
- Wholesale shops, warehouses and fuel storage depots
- Offices
- Catering, restaurants and bars
- Hotels, camp sites and other short-stay accommodation
- Residential care homes
- Leisure and cultural services
- Consumer services
- Other premises (not classified above)

There are 2512 recorded businesses in the Babergh and Mid Suffolk districts that fall in these categories. The work involved is described below.

a. Proactive Health and Safety interventions

HSE guidance (LAC67/2) gives local authorities the following overarching principle regarding planning regulatory interventions:

LAs should use the full range of interventions available to influence behaviours and the management of risk.

The National Local Authority Enforcement Code (the Code) advises that LAs should achieve targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled and do this by:

- Having risk-based intervention plans focussed on tackling specific risks;
- Considering the risks that they need to address and using the whole range of interventions to target these specific risks;
- Reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed; and
- Using national and local intelligence to inform priorities.

LAC 67/2 states proactive inspection should only be used:

- a) For high risk premises/ activities within the specific LA enforced sectors published by HSE; or
- b) Where intelligence shows that risks are not being effectively managed.

There are 12 activities/issues identified by the HSE where proactive inspections are specifically allowed:

1. Legionella infection.
2. Explosion caused by leaking LPG.
3. E.coli/ Cryptosporidium infection.
4. Fatalities/injuries resulting from being struck by vehicles.
5. Fatalities/injuries resulting from falls from height/ amputation and crushing.
6. Industrial diseases (occupational deafness/cancer/ respiratory diseases).
7. Falls from height.

8. Manual Handling at high volume warehousing/distribution.
9. Unstable loads at high volume warehousing/distribution.
10. Crowd management & injuries/fatalities to the public at large scale public gatherings
11. Carbon monoxide poisoning at commercial catering premises using solid fuel cooking equipment
12. Violence at work at premises with vulnerable working conditions

As is clear from the above, there are significant constraints as to the interventions that the local authorities are permitted to make and combined with resourcing pressures few proactive inspections are now made. Nevertheless, the Health and Safety service at BMSDC has continued to operate proactively where there is a clearly identifiable need as well as providing an appropriate responsive service.

In 2018/19 proactive campaigns in BMSDC are likely to focus on:

- Gas safety in catering premises (continuing programme)
- Warehouse safety (new initiative)

b. Accident Investigations

The law requires employers to report certain types of work related accidents, diseases or dangerous occurrences. Food and Safety Officers will investigate the most serious of these incidents to establish if health and safety law has been broken and also with the aim of preventing similar accidents from occurring and taking any appropriate enforcement action. LAs will, in accordance with their duty under Section 18 of the Health and Safety at Work etc Act 1974, allocate sufficient time and resources to investigate accidents, dangerous occurrences and causes of occupational ill health.

c. Complaints

Complaints from the public and employees concerning unsafe practices, poor working environment, excessive working hours and poor facilities e.g. toilet provision, are investigated. We have a range of legal powers to ensure the necessary improvements are made although it is our stated aim to work, wherever possible, with all parties concerned to achieve these objectives without having to take formal action.

d. Advice to Businesses

Officers are committed to building positive working relationships with business proprietors and work with them to help them comply with the law and to improve health and safety standards. Increasingly officers will point businesses at web-based resources, particularly those produced by the HSE and information is both held on and signposted from the Council website. Both new and existing businesses are encouraged to contact the service for advice.

e. Safety Advisory Group

The Safety Advisory Group (SAG) provides a forum where BMSDC and other agencies may develop a co-ordinated approach to crowd and spectator safety. The Food and Safety team provide advice on event health and safety to the organisers and promoters of events through the SAG.

f. Smokefree

The Food and Safety team enforce the smokefree legislation which since July 2007 has made it illegal for workplaces and indoor public places to permit smoking. Advice is given to businesses and complaint relating to this law are investigated.

g. Registration of skin piercing

Businesses that carry out skin piercing activities, including acupuncture, tattooing, cosmetic piercing, semi-permanent skin-colouring or electrolysis, are required to register both people and premises with the local authority. The Food and Safety service ensure that those operating registered businesses understand what they need to do to prevent the transmission of blood borne diseases.

iii. Infectious Diseases

The Food and Safety service carries out the statutory responsibilities of the two local authorities with regards to infectious diseases. This includes but is not solely in relation to food borne illness so whilst the service will investigate outbreaks of Salmonella and E. coli for example, it will also follow up incidents of Legionella and Hepatitis. The duties include working

with Health Protection England (HPE) to identify sources of disease, reducing the risk of transmission, gathering data, liaising with people suffering from infectious diseases and when necessary taking formal legal action to prevent the spread of disease.

Investigation and control of major outbreaks is undertaken in conjunction with the Consultants in Communicable Disease Control at Public Health England. Investigation, the establishment of an Outbreak Control Team and control measures are all implemented in accordance with the agreed Joint Communicable Disease Incident/ Outbreak Management Plan.

iv. Private Water Supplies

The Water Industry Act requires a local authority to keep itself informed about the wholesomeness and sufficiency of every private water supply within its area. This is achieved through statutory duties which include; risk assessments, investigations, authorisations and monitoring (sampling and analysis). Regulations also make provisions for local authorities to charge fees to the relevant person(s) for conducting these duties.

If through these duties the councils deem a private water supply to be unwholesome and/or insufficient then it has the power to serve notices on the supply in order to mitigate against these.

There are 270 private water supplies in the Mid Suffolk and Babergh districts.

v. Health Promotion and Education

There are a variety of health promotion and Health education activities undertaken by the Food and Safety service as follows:

- **Mission Possible**
This is a project-based activity for year 6 school pupils facilitated by the Food and Safety service across the two districts on a first come first served basis. Fitting in with the national curriculum, it involves a combination of food safety, personal hygiene, healthy eating and awareness of allergens. Children are given equipment to carry out an investigation in their homes and to report on what they find.
- **Eat Out Eat Well**

The service promotes and assesses the Eat Out Eat Well (EOEW) healthier catering award in partnership with the Suffolk Public Health team. The award can give businesses that wish to participate, a way of differentiating themselves and providing an additional selling point as well as contributing to combatting the significant issue of obesity faced by the county and forming one of the Health and Wellbeing board priorities.

- **Take Out Eat Well**
With it in mind that achieving an EOEW award is often difficult due to the nature of the cuisine a healthier catering award for take away businesses has been in development and it is hoped will be fully launched in 2018.
- **FSA campaigns**
Campaigns sponsored by the FSA to promote food safety including Food Safety week are participated in as appropriate.
- **Use of social media**
The Food and Safety service uses Twitter to promote the Food Hygiene Rating System in particular including by publicising businesses achieving a 5 rating as well as supporting the health promotions of other organisations around food safety and healthy lifestyles.

vi. Animal Welfare Licensing

The Food and Safety service is responsible for the administration and enforcement of a number of licenses concerning animal welfare. These are Animal Boarding Establishments, Dangerous Wild Animals, Dog Breeders, Pet Shops, Riding Establishments, and Zoos. Recently, there has been a large increase in the number of applications for home boarding of dogs and dog day-care. License fees are charged on a cost recovery basis.

vii. General

a. Enforcement Policy

The two Councils have adopted a joint enforcement policy. All officers are expected to act in accordance with this policy. The policy is freely available for inspection by the public and local businesses and is posted on the Councils' website. The newest version of the policy, approved by both Councils in December 2016, puts the Regulators Code at the centre of the

Councils' approach to regulating businesses and with that, an explicit commitment to carry out regulatory activities in a way that supports businesses to comply and grow.

b. Home authority and primary authority principles

The Food and Safety service of the two councils supports the Home Authority Principle and will provide advice to businesses where they act as the Home or Originating Authority. Officers have regard to information that they receive from any liaison with Home/Oriinating Authorities and where advice has been received, the relevant Authority will be kept informed of actions taken by this Council.

The Council acknowledges the primary authority system and appropriate adjustments are made to the way in which interventions are made when businesses have entered an arrangement with a local authority as a primary authority.

c. The Food and Safety team will, when appropriate, endeavour to add value to the contact they have with businesses and will work with the New Anglia Better Business for All programme, the New Anglia Growth Hub and the BMSDC Business Account Manager service provided through the Open for Business project with this in mind.

d. Liaison with other organisations and partnership working
Officers represent the Councils at the following meetings:

- Suffolk Food Liaison Group
- Suffolk and joint Norfolk and Suffolk Health and Safety Liaison Groups
- FSA Food Leads Regional Meetings
- FSA FHRS User group
- Suffolk Event Safety Advisory Group
- The Suffolk Healthier Catering Award Steering Group

These Groups offer the opportunity to share information, organise low cost training for our food and safety officers, help to ensure consistent enforcement and provide an opportunity to influence the development of activity across the County. They also enable our professional officers to have access to regional and national food safety and health and safety information.

The joint warranting arrangements across the Suffolk authorities continue to be maintained. This was an initiative taken to counter the likely problems that would occur if there were an extensive problem in Suffolk such as a major food poisoning outbreak or a significant investigation where many witness statements were needed. The agreement enables officer of one council to take an enforcement role in another should that need arise and improves the resilience of the Suffolk services.

The Corporate Manager - Food and Safety is working with regulators in Norfolk and Suffolk and with the New Anglia LEP to develop partnership arrangements which help regulatory services support businesses, through a Better Business for All (BBfA) programme. A project Manager for the New Anglia BBfA programme is currently hosted by BMSDC.

6. Performance and Review

The current performance of the Service is measured and monitored via the Council's performance manager system.

The table overleaf shows the key indicators that the Corporate Manager for Food and Safety is responsible for delivering.

The data in the table only goes up to quarter 3 as the final quarter data was not available at the time of drafting. The key indicator for the service is that relating to the percentage of broadly compliant food businesses which is measured in terms of them achieving a 3, 4 or 5 rating under the FHRS. The figure in the table is 96.55% (taken at quarter 3). In the data below the table, this is given as 96.93% which was the figure mid-March when additional inspections and rating exercises have been completed.

Food & Safety								
Carrying out programmed interventions and investigations to detect, eliminate and/or control hazards by engaging with business communities and the public and applying fair enforcement								
Tracking Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons
T1. No: of inspections carried out in line with the Food Safety Act Code of Practice NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	I1	2017/18		924		Both	Last Update 10/17 A significant amount of time has been taken up with the office accommodation changes which has distracted from service delivery but the team expects to achieve the targeted inspections by year end.	
		Qtr. 2	163					
		Qtr. 3	281					
		Qtr.4						
Tracking Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons
T2. No: of complaints received relating to food where the Council is the enforcement authority NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	I2	2015/16	105			Both		Last Update 10/17 In 2016/17 there were 149 food and premises complaints, these relatively low numbers were up from the previous year of 105, however considering the large number of retail food businesses across both districts are an indication of the good levels of general compliance of our food businesses.
		2016/17	149					
		2017/18						
		Qtr.2	39					
		Qtr.3	80					
Qtr. 4								
Influencing Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons
I1. % of broadly complaint food premises (Food hygiene rating 3, 4, 5) NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	T1	2014/15	93.29%			Both	Last Update 10/17 Please note 2017/18 is figure at Qtr.3	Last Update 10/17 One of the primary purposes of the Food and Safety service is to improve the safety of food produced in BMSDC and whether businesses are broadly compliant is a reasonable indicator of this. Total businesses 1935 at the start of 2017/18
		2015/16	94.35%					
		2016/17	96.05%					
		2017/18	96.55%					
Influencing Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons
I2. No: of food premises achieving 5 ratings NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	T2	2017/18	1015			Both	Last Update 10/17 Please note 2017/18 is figure at Qtr.3	Last Update 10/17 This is a figure that will gain meaning when year on year comparisons can be made

Monitoring arrangements are in place to assist in the quality assessment of the work being carried out by the team as follows:

- Annual peer review of inspections (shadowing)
- Structured quarterly review of a sample of post inspection records
- Regular team meetings
- Individual performance review
- Regular FHRS consistency training exercises with the FSA

2017/18 in numbers

- Food Safety planned interventions carried out - 1100
- Health and Safety proactive interventions carried out - 38
- Number of Food Hygiene notices served - 4
- Number of Health and Safety notices served - 3
- Prosecutions - 1
- Simple Cautions Administered - 5
- Food Businesses rated as broadly compliant (3 rating or greater) - 1863 which is 96.93% of the total (from 96.05% 2016/17)
- Food Businesses with a 5 rating - 1018 which is 60% of the total
- Accidents investigated - 21
- Infectious diseases investigated - 76
- Number of food samples taken - 81
- Number of water samples taken - 123
- Number of licenses issued - 117

Service Standards

The Food and Safety service has adopted the following service standards:

Food hygiene

- Provide an inspection report at the time of inspection clearly indicating required and recommended actions.
- Respond to requests for advice and information about food safety within 3 days.
- Respond to complaints of poor hygiene and unsatisfactory food within 3 days.

Health and safety enforcement

- Respond to complaints of poor health and safety within 3 days.
- Respond to requests for advice and information about health and safety within 3 days.

Infectious diseases - control

- Respond to reports of any notifiable infection where the risk to public health is immediate and significant, including outbreaks, within the same working day.
- Respond to reports of less serious notifiable infections within 3 days.

Until now, measurement against these standards has been made only by failure. The way information is collected on the environmental health database has recently been modified so that in the future, it will be possible to extract the data necessary to measure and report against standards set.

7. Challenges to Service Delivery & Risk Management

Challenges to service delivery

- **Brexit.** The food law currently enforced by local authorities is predominantly based on European regulations and will require reproducing domestically.
- **The FSA Regulating Our Future (ROF) review** includes some proposals that may change the focus of the way we currently regulate food businesses. These are quite complex and still under development and consultation.
- **New animal welfare licensing law** is due to be enacted during 2018 which will simplify and modernise the current multiplicity of licensing acts we enforce.
- **The FSA require Food Safety Officers** to do at least 20 hours food related training (continuing professional development/CPD) each year to maintain competency. Unfortunately, the FSA have stopped providing funding for training so that it will be more difficult to sustain the required CPD.
- **Office Arrangements.** Loss of the offices in Hadleigh and Needham Market has created challenges for the Food and Safety team as a predominantly field based service. Mitigation measures, ensure that touchdown points and interview facilities are all regularly available and accessible. Communication between team members is more challenging with the previous opportunities for informal office conversations now lost.

Risk Management

The Food and Safety service currently has no significant risks identified on the corporate risk register. Identified service level risks relate to resourcing, having appropriate structural elements in place (service planning, enforcement policy and delegation of authority) and to maintaining the level of skills needed within the team (retention and recruitment).

Service level Risks:

No	Risk Description	Owner	Current Risk			Planned Control Measures (including timescale)	Target Risk (after Mitigation)		
			Probability/Likelihood	Impact/Consequence	Risk grading		Probability/Likelihood	Impact/Consequence	Risk grading
1	<ul style="list-style-type: none"> If food and safety team resources are insufficient, then there will be an inability to provide support and guidance to help businesses achieve compliance. 	Corporate Manager - Food and Safety	2	3	6	<ul style="list-style-type: none"> Service planning. Food and Safety service plan to be taken to April 2018 Executive and Strategy Committees. 	1	3	3
2	<ul style="list-style-type: none"> If mandatory service plan(s) not in place, then BMSDC at risk of potential legal challenge 	Corporate Manager - Food and Safety	2	3	6	<ul style="list-style-type: none"> Food and Safety service plan to be taken to April 2018 Executive and Strategy Committees. 	1	3	3
3	<ul style="list-style-type: none"> If team members holding key skills are lost or they do not maintain competency, then some elements of the professional and technical service will be difficult to provide 	Corporate Manager - Food and Safety	3	3	9	<ul style="list-style-type: none"> As far as is possible, all Food and Safety Officers maintain competency across the range of services the team provides and a training matrix for the team is maintained and monitored to identify training gaps. This reduces the impact from the loss of any one individual. Nevertheless, it is impossible for all to maintain the high-level skills needed in every discipline. 	3	2	6

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Impact / Consequence	Disaster	4 (Medium)	8 (High)	12 (Very High)	16 (Very High)
	Bad/Serious	3 (Low)	6 (Medium)	9 (High)	12 (Very High)
	Noticeable / Minor	2 (Low)	4 (Medium)	6 (Medium)	8 (High)
	Minimal	1 (Low)	2 (Low)	3 (Low)	4 (Medium)
		1	2	3	4
	Highly Unlikely	Unlikely	Probable	Highly Probable	
Probability / Likelihood					

8. Service Action Plan 2018/19

- To undertake a food premises intervention programme in accordance with the requirement of the FSA Code of practices to protect the public.
- Continue to engage with the Food Standard Agency on promotion of food safety initiatives.
- Continue to promote and publicise the FHRS.
- Participation in local and national sampling programmes.
- Continue to promote and implement the Eat Out, Eat Well healthier catering award and assist in the launch of the Take Out, Eat Well award for takeaway food businesses.
- Continue to work with schools using the Mission Possible project to improve knowledge of food safety, personal hygiene, healthy eating and allergens.
- Undertake an intervention programme in accordance with the requirements of HSE guidance LAC67/2 and the National Local Authority Enforcement Code to protect people in the workplace and the public. This will include continuing interventions relating to gas safety in catering premises and the planning and initiation of work relating to warehouse safety.
- Continue to engage with the HSE and other Suffolk local authorities on promotion of health and safety initiatives and interventions.
- Continue to improve support for small and medium sized businesses in Babergh and Mid Suffolk in conjunction with other council services, external regulatory services and the New Anglia LEP.
- In partnership with the New Anglia LEP, the Growth Hub and all Norfolk and Suffolk local authorities, deliver a Better Business for All programme for Suffolk and Norfolk as the strategic regulatory approach for those counties.

Document Control

Food and Safety Service Plan 2018/19

Corporate Manager: John Grayling

Date: 01.04.2018

Date

Version

Description/Section Affected

02/03/2018
05/03/2018
07/03/2018
08/03/2018

1.1
1.2
1.3
1.4

First Draft
Revisions 1
Revisions 2
Revisions 3

Brief Illustrative Food and Safety Case Studies from 2017/18

1. Unfit Private Water Supply

The tenants of a farmhouse with a private water supply contacted the food and safety team. They were concerned that the water they were drinking was not fit for human consumption and therefore requested the water be sampled and advice be provided as their water was often cloudy with an orange tinge.

Under the Private Water Supply Regulations BMSDC does not routinely monitor or regulate single dwelling private water supplies, unless requested to do so by the owner or occupier.

Following this request, a visit of the property took place and some samples were taken. It was clear during the visit that the water supply was not fit for purpose; the water had a very strong smell and taste of iron, water storage tanks were not suitable protected and there were evidence of pests around some of the storage tanks.



Water supply with inadequate filtration system



Uncovered storage tank



Dead body of rat by the water tank

The samples of water failed for excess iron concentrations and bacteriological contamination. Following legislative requirements, improvement notices were served on the owner of the supply. Based on the requirements of the notices and advice given by BMSDC the owner undertook some extensive works on the supply. The supply route was simplified, the supply protected from the ingress of contaminants and a new treatment plant was fitted to address the inherent iron issue.

Now deemed a commercial supply BMSDC will continue to regularly monitor the quality of the water provided by the supply.

2. Pest Control Problem in a Food Business

An employee of an outside catering company contacted the Food and Safety team concerned that a rodent problem where they worked was not being dealt with. Officers visited the same day and found a serious rodent infestation which posed an imminent risk to health. The food business operator undertook to voluntarily close the premises and over the following week carried out improvements under the guidance and supervision of Food and Safety Officers and a pest control company. Officers of the Food and Safety team advised the food business operator on the use of temporary

alternative premises, allowing them to cater for some events whilst improvements were underway at their base. The business was rated 0 under the Food Hygiene Rating Scheme because of the infestation.

After a week the officers were satisfied that the premises could re-open, although the food business operator chose to remain closed for a further three weeks to review management systems and staff training. In the meantime, the food business operator was interviewed under caution and admitted a number of food safety offences. Although the offences were very serious, a combination of the previous good level of compliance of the business and cooperation with the Food and Safety team in resolving the issues lead to the food business operator being offered a Simple Caution, rather than facing a prosecution which would very likely have resulted in the business closing.

The food business operator subsequently requested a visit for the score to be re-assessed and achieved a rating of '4 – Good'.

3. Start Up Advice and Guidance for a Community Pub

Prior to the opening of a Community Pub, the Food and Safety team provided considerable advice and guidance. Initially, the operators wanted advice on food hygiene matters as they were new to that kind of operation and meetings were held on site. A pre-inspection was made in anticipation of the bar opening in the summer 2017 and subsequently much advice was given in relation to such things as pest control and staff training.

The kitchen opened at the end of 2017 and after an inspection at the beginning of 2018 a food hygiene rating of 5 was awarded.

4. Legionella Investigation in an Hotel

Towards the end of 2017 Public Health England (PHE) reported three legionella infection cases to BMSDC which, although the individuals concerned were geographically dispersed, were linked by visits to a hotel within the BMSDC districts.

An investigation was carried out at the hotel to ensure that management systems were in place and being implemented for the control of legionella and, with the assistance of the PHE, water samples were taken for analysis.

The investigation found that the business did have management systems in place but as a precautionary measure, some flushing of systems and replacement of old taps was carried out by the business.

Contact with the HSE was made to obtain information about registered cooling towers near the hotel that could have been the source of infection. The HSE were satisfied that the owners of relevant cooling towers had suitable legionella management in place.

None of the 17 samples taken were found to be positive for legionella and the source of infection remains a mystery.

5. Prosecution of a Food Business for Repeated Food Safety Failures

In September 2016 a routine food hygiene inspection of a restaurant was carried out. The inspecting officer found a number of serious contraventions of food hygiene legislation and being aware that the premises had had a poor history of compliance, invited the company director to an interview under caution. The director admitted the offences and subsequently accepted a Simple Caution on behalf of the limited company, thereby avoiding a court appearance and further damage to the business.

Almost exactly a year later the Food and Safety team received a complaint of poor hygiene standards at the same restaurant. An officer visited the same day and found the premises and equipment to be dirty and in poor repair, food at risk of contamination and failure to implement a food safety management system. Of particular concern was the failure to store potentially allergenic foods such as flour and nuts safely, which could have caused a dangerous allergic reaction in a susceptible individual.

Further interviews under caution were carried out and as a result the matter was referred to the legal team. The restaurant subsequently ceased trading but the decision was made to proceed with a prosecution as there was no guarantee that it would not re-open and should it do so, the Food and Safety Manager had very little confidence that the required improvements would be made. In March 2018 the company director pleaded guilty to four charges under the Food Hygiene (England) Regulations 2013. The limited company was fined £2200 and ordered to pay over £600 in costs as well as a £100 victim surcharge.

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Agenda Item 10

BABERGH DISTRICT COUNCIL

From: Cabinet Member for Environment	Report Number: BCa/17/65
To: Cabinet	Date of meeting: 12th April 2018

SUFFOLK COAST AND HEATHS AREA OF OUTSTANDING NATURAL BEAUTY PROPOSED BOUNDARY CHANGES CONSULTATION RESPONSE.

1. Purpose of Report

- 1.1 To endorse the Council's response to Natural England's consultation on the proposed boundary changes to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
- 1.2 To support the proposed changes to the AONB's boundary subject to the Council's consultation response.

2. Recommendations

- 2.1 That Cabinet endorses the Council's response to Natural England's consultation on the proposed boundary changes to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) as detailed in Appendix A.
- 2.2 That Cabinet supports the proposed changes to the AONB's boundary relevant to the areas that cover Babergh District subject to 2.1 above.

Reason for Decisions: To endorse the Council's response to Natural England's proposed boundary changes to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

3. Financial Implications

- 3.1 There are no direct financial implications arising from this report.

4. Legal Implications

- 4.1 There are none associated with this report.

5. Risk Management

- 5.1 The key risks are set out in the table below. There are no risks in the Corporate Significant Risk Register directly associated with this report.

GENERAL FUND			
Risk Description	Likelihood	Impact	Mitigation Measures
Making a consultation response that leads to an error in the designation	2 (Unlikely)	3 (minor)	Officers and Members have taken part in the pre-consultation and consultation exercise and comments only

GENERAL FUND			
Risk Description	Likelihood	Impact	Mitigation Measures
that may result in a claim against the Council.			made against AONB inclusion criteria.

6. Consultations

- 6.1 Officers and Members of the AONB Partnership took part in pre-consultation exercises involving key stakeholders in late 2016 and throughout 2017, which gave an opportunity to shape the consultation.
- 6.2 The formal consultation began on the 26th January 2018 and finishes on the 20th April 2018.
- 6.3 Natural England organised four briefing events on the 12th and 13th February 2018 for Parish and Town Councils, Local Authority Members, Special Interest Groups, local business and landowning interests.
- 6.4 Two further events were held on the 20th and 21st February 2018 for members of the public.

7. Equality Analysis

- 7.1 There are no equality issues arising from this report.

8. Shared Service / Partnership Implications

- 8.1 The Council has been a long-standing supporter of the AONB partnership. The extension of the AONB area (if designated) will strengthen the partnership. It is anticipated that this will result in more organisations joining the partnership. It will also attract more visitors to a wider more dynamic AONB area.

9. Links to Joint Strategic Plan

- 9.1 The environment of Babergh provides a unique resource that our communities, businesses and visitors value. The protected landscape of the AONB and the work of the AONB team and its partners make a significant contribution to the Council vision to create an environment where individuals, families, communities and businesses thrive and flourish.

10. Background Information

- 10.1 For many years there has been a local desire to extend the Suffolk Coast and Heaths AONB southwards into Essex, which was supported by the AONB partnership.
- 10.2 A formal request was put to Natural England by the AONB Partnership proposing a variation to the AONB boundary to extend the designation across the Stour Estuary.
- 10.3 Assessments were made to investigate which landscapes met the legal requirements for inclusion in an AONB and proposals have been developed to designate specific areas.
- 10.4 In addition to the proposed extension towards Essex (which includes parts of Brantham and the Babergh part of the River Stour) there were also two further areas in Babergh that were identified. These are proposed extensions within the Samford Valley (including peripheral areas) and at Freston Brook. Appendix A illustrates the current relevant AONB area and the

proposed extensions within Babergh and Essex. The process of inclusion had respect to areas identified by the Council for both residential and economic growth.

- 10.5 Prior to the formal consultation which began on the 26th January 2018 members of the AONB partnership including officers and Councillors were invited to be part of a number of pre-consultation meetings that helped shape the extension project.
- 10.6 Full details of the consultation are available as background papers and are also available on: <https://consult.defra.gov.uk/natural-england/suffolk-coast-and-heaths-aonb>
- 10.7 The Consultation Document attached as Appendix B summarises the specific proposals within Babergh and the rationale for including each area as part of the AONB expansion proposal referred to on pages 10 to 16.
- 10.8 The AONB Partnership recruited consultants to assess the boundary proposals and their report is included as Appendix C. It is proposed to support the recommendations in the report and reference to this has been included in the proposed consultation response.
- 10.9 The proposed consultation response is attached as Appendix D

11. Background Documents

Suffolk Coast and Heaths Area of Outstanding Natural Beauty: Boundary Review Project: Supporting Documents.

Suffolk Coast and Heaths Area of Outstanding Natural Beauty: Boundary Review Project: Consultation Document and Pack.

These documents are also available online at:

<https://consult.defra.gov.uk/natural-england/suffolk-coast-and-heaths-aonb>

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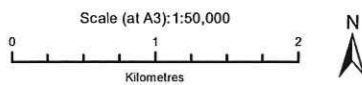
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Suffolk Coast and Heaths AONB
Boundary Variation Project
Statutory Consultation 2017



- Map number
- Existing Designated Landscapes
 - Suffolk Coast & Heaths AONB
 - Dedham Vale AONB
- Proposed Boundary Variation
 - Suffolk Coast & Heaths



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Map 3

Map 1

Map 2

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Suffolk Coast & Heaths Area of Outstanding Natural Beauty: Boundary Variation Project

Consultation Document

A proposal to extend the Suffolk Coast & Heaths Area of Outstanding Natural Beauty

www.gov.uk/natural-england





About Natural England

We are the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide.

Within England, we are responsible for:

- Promoting nature conservation and protecting biodiversity
- Conserving and enhancing the landscape
- Securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment
- Promoting access to the countryside and open spaces and encouraging open-air recreation
- Contributing in other ways to social and economic wellbeing through management of the natural environment.

To find out more about our work visit:

<https://www.gov.uk/government/organisations/natural-england>

This document contains useful information that will help you to comment on a proposed extension to the Suffolk Coast & Heaths Area of Outstanding Natural Beauty.

We recommend that you read it before completing the enclosed response form.

Contents

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What are Areas of Outstanding Natural Beauty?	5
Who looks after Areas of Outstanding Natural Beauty?	5
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What happens next?	18
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Looking east down the Stour estuary

Foreword

Landscape is where people come into direct contact with the natural environment, whether it is the view from our back doors or the majesty of distant mountains. Landscape is how people come to understand the natural environment as a whole, encompassing diverse habitats, rare species, historic features and a whole range of public benefits such as carbon storage and opportunities for recreation. But it is beauty in the landscape that draws and holds the eye.

We are very fortunate to have some fantastic landscapes in East Anglia, with the Broads and several Areas of Outstanding Natural Beauty already receiving protection. For some years there has been discussion about whether additional areas around the Stour estuary should have the same level of landscape protection as the existing Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB). Natural England has now produced proposals for varying the boundary of the AONB, and this consultation seeks your views about these proposals.

We want to hear from everyone who has an interest in the area and cares about its future. If you would like to have your say, please spend some time reading this consultation document and send us your views by completing the enclosed response form. Alternatively you may respond via <https://consult.defra.gov.uk/natural-england/suffolk-coast-and-heaths-aonb>. The consultation ends on 20th April 2018 and you can send us your comments any time before this date. If you would like to speak directly to the team working on this project then please drop in at one of the events we are holding locally in the area (see local press or phone Jonathan Dix on 0208 0265 774 for details).

We will keep everyone informed of progress by publishing the outcome of this consultation later in the year. We look forward to receiving your responses.



Andrew Sells
Chairman of Natural England

Introduction

Natural England is the public body responsible for conserving and enhancing the natural environment in England. One of Natural England's responsibilities is to decide whether an area should be given special status and protection by designating it as a National Park or Area of Outstanding Natural Beauty (AONB). The purpose of AONB designation is to conserve and enhance an area's natural beauty. AONBs are designated by Natural England using statutory powers in the Countryside and Rights of Way Act 2000.

For many years there has been a local desire to extend the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (SC&H AONB) southwards into Essex, which has been supported by the AONB Partnership and local authorities.

A formal request was put to Natural England by the AONB Partnership proposing a variation to the AONB boundary to extend the designation across the Stour estuary including the southern shore. Natural England's Board subsequently approved a partial review of the AONB boundary in the area of the Stour Estuary 'to determine for itself whether it should be varied'.

Assessments to investigate which landscapes meet the legal requirements for inclusion in an AONB have now been completed and proposals have been developed to designate specific areas. We would now like to give all those with an interest in the proposed extensions the opportunity to express their views on whether these areas should be designated.

The purpose of this consultation is to seek your views on whether these areas have the qualities required for inclusion within an AONB, whether they should be designated and whether the proposed boundaries are appropriate.

A response form is enclosed for you to express your views, but please read this Consultation Document first – it contains important information that you will find useful in making your comments.

Further information, expressing the detailed analysis which led to these recommendations, is also available as separate Supporting Documents. Copies of the Supporting Documents can be downloaded from <https://consult.defra.gov.uk/natural-england/suffolk-coast-and-heaths-aonb> or by emailing us at sc&haonbdesignationproject@naturalengland.org.uk or by writing to:

Suffolk Coast & Heaths AONB Boundary Variation project, C/O Jonathan Dix, Eastbrook, Shaftesbury Road, Cambridge, CB2 8DR

The closing date for comments to arrive is 20 April 2018.

Figure 1: Map showing the existing Suffolk Coast & Heaths AONB Boundary

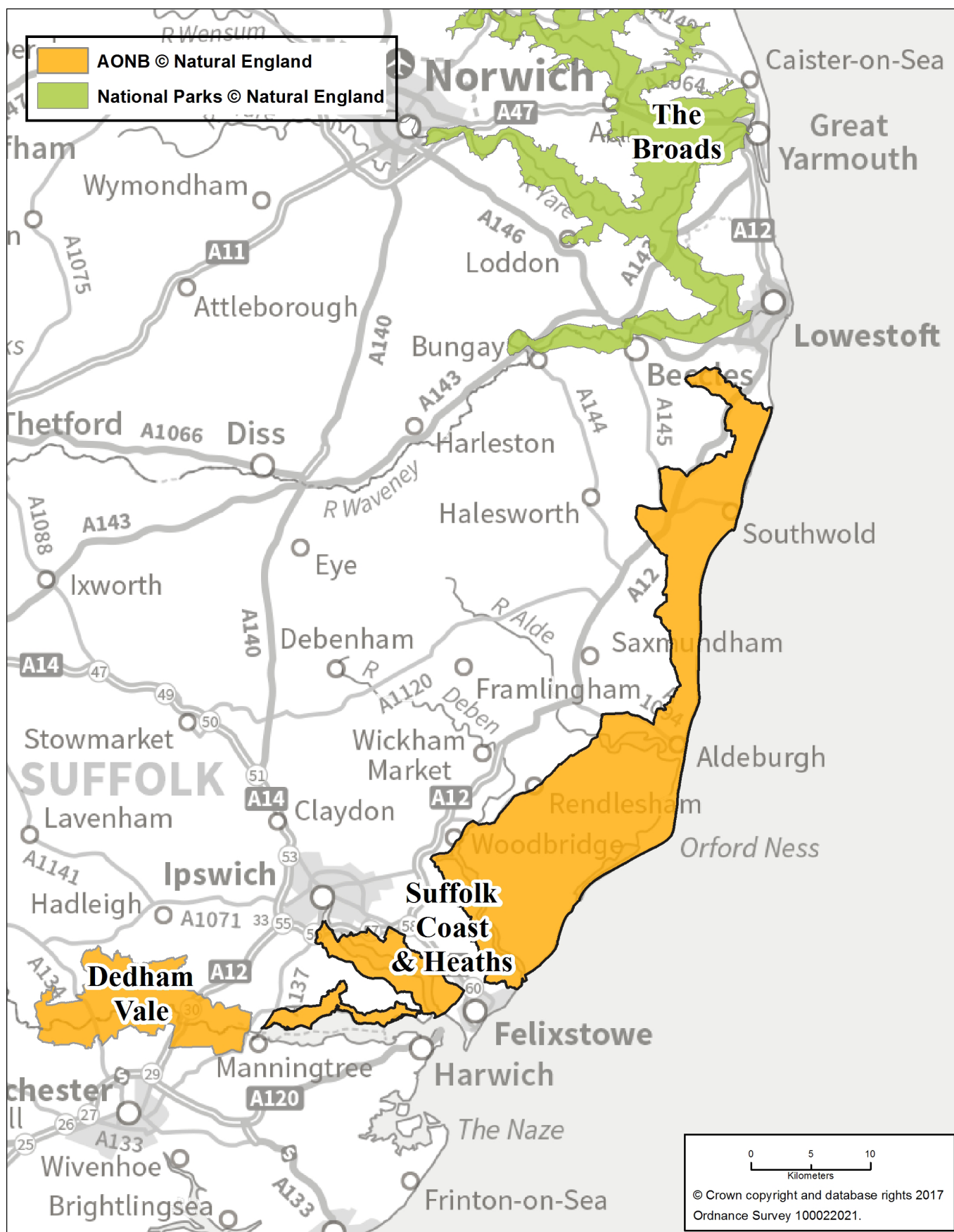
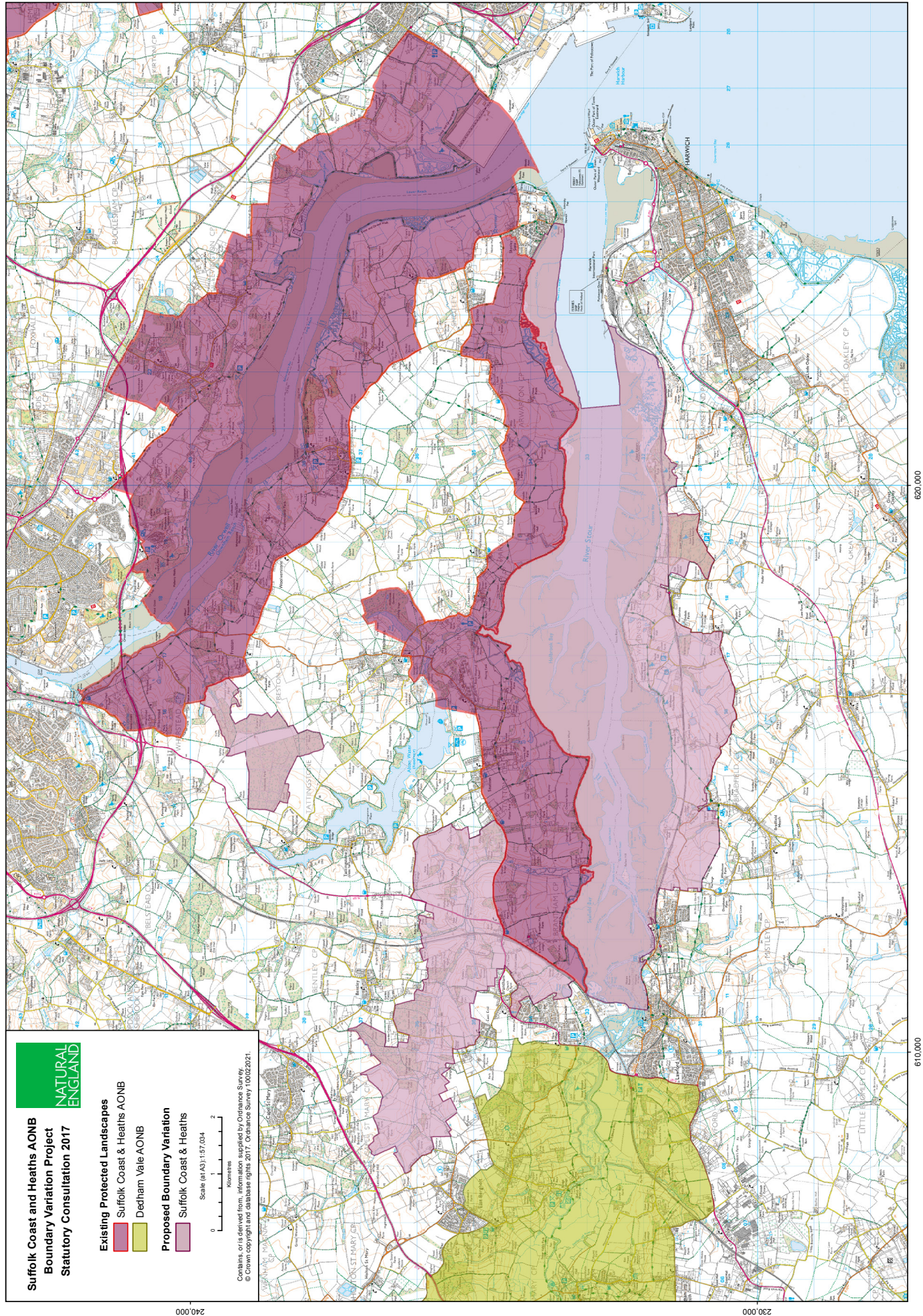


Figure 2: Proposed extension to the Suffolk Coast & Heaths AONB



What are Areas of Outstanding Natural Beauty?

Areas of Outstanding Natural Beauty (AONB) are designated for the purpose of conserving and enhancing their natural beauty. There are 34 Areas of Outstanding Natural Beauty in England including the Suffolk Coast & Heaths AONB and the Dedham Vale AONB. Designation as AONB means giving an area special legal protection.

Once an area has been designated by Natural England, activities relating to the purpose of AONB designation are coordinated and led by local authorities, who also have a legal responsibility to produce a Management Plan for the area. In carrying out their duties they often form wider partnerships with other organisations. Any public body taking a decision or undertaking activity that affects land in an AONB has a duty to have regard to the purpose of the designation when carrying out its work.

AONBs are largely funded by a contribution from the local authorities in the area and a grant from Defra and may also seek additional funding from other sources.

Who looks after Areas of Outstanding Natural Beauty?

Most AONBs have a management team whose activities are overseen by a Joint Advisory Committee (JAC) and whose role encompasses the management of the staff team and its finances.

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 "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 AONB Team co-ordinates, facilitates and delivers certain countryside management functions as set out in the Management Plan.

The local authorities whose area wholly or partly includes land currently designated as part of the SC&H AONB and 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). Planning and development control in an AONB remain the responsibility of the local authorities.

The SC&H AONB team is hosted by Suffolk County Council. Individual posts on the team include the AONB Manager, 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.

How are Areas of Outstanding Natural Beauty designated?

Natural England is responsible for considering which areas in England meet the criterion, set down in law, for being included in an AONB, and also whether to proceed with their designation. To do this Natural England carries out assessments, consults local authorities and people and undertakes the legal process that results in an area being designated. The final decision, however, lies with the Secretary of State. An area only becomes part of an AONB when the Secretary of State confirms a legal order made by Natural England.

What is the legal criterion for designating an Area of Outstanding Natural Beauty?

Natural England has a power under the Countryside and Rights of Way (CRow) Act 2000 to designate land as AONB as set out in Section 82(1) of the Act. In summary this states that Natural England can designate an area in England as AONB if it is satisfied that it has such natural beauty that its designation is desirable for the conservation and enhancement of its natural beauty. Section 83(7) of the same Act gives Natural England the power to vary the boundaries of existing AONBs.

Natural beauty is more than just “beautiful scenery”. The Natural Environment and Rural Communities Act, 2006, clarified that the wildlife and cultural heritage of an area as well as its natural features can contribute to the natural beauty of landscapes. For example the presence of particular wildlife or visible archaeological remains can make an appreciable contribution to an area’s sense of place and heighten perceptions of natural beauty. Natural beauty can also be found in landscapes that have been altered by humans through agriculture, forestry or in parkland.

How are landscapes assessed for designation?

The approach used for the Suffolk Coast & Heaths AONB partial boundary review follows Natural England’s approved “Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England” (March 2011).

To designate an area as AONB, Natural England must answer the questions below:

- Does this landscape have outstanding natural beauty?
- Is it desirable to designate this landscape as an AONB for the conservation and enhancement of its natural beauty?
- Where should the boundary be drawn?

Only if it is considered that there is sufficient natural beauty, will an assessment of desirability be warranted and only if the conclusion of this is positive, will detailed boundary proposals be developed. Having reached this conclusion, the legislation also requires Natural England to consult the relevant county and district councils.

Each of these stages is described briefly below. The full assessments are available as Supporting Documents and accessible via <https://consult.defra.gov.uk/natural-england/suffolk-coast-and-heaths-aonb>.

Identifying a Study Area for assessment

Firstly a decision must be taken on the extent of the area to be assessed for designation. This is in order to make the assessment manageable and to ensure that resources are concentrated on areas which are likely to have potential for designation. This process is guided by the Natural England Board and by initial assessments of an area.

Describing the character of an area

The European Landscape Convention 2000 defines ‘landscape’ as: “An area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.” The first step in understanding what makes any landscape special is to describe it in a relatively neutral way.

Landscape character is defined as a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse. Landscape character assessment is the tool used to define areas of differing landscape character and to describe them in a neutral way. Existing Landscape Character Assessments (LCAs) are used by Natural England (along with other data sets and field assessment) to define ‘Evaluation Areas’ for assessment.

Evaluation stage

The **Evaluation Areas** identified are then tested against the single statutory criterion of ‘outstanding natural beauty’. The outcome of this stage is the identification of areas which are considered likely to meet the natural beauty criterion and which can then be considered as a **Candidate Area** for further consideration in relation to the desirability of designation.

Making judgements about natural beauty

Once an Evaluation Area has been described (with reference to an LCA), it is evaluated to establish whether it has sufficient natural beauty for it to be designated. Natural beauty is a subjective characteristic of a landscape and ultimately involves value judgments. In deciding whether an area has outstanding natural beauty, Natural England must consider the merits of an area in comparison with ordinary countryside.

In order to make this judgment in a transparent and consistent way, Natural England uses a set of factors which are considered to contribute to natural beauty. These are set out in Table 1. A more detailed version of this Table can be found in the Supporting Documents.

Table 1: Factors Related to Natural Beauty

Landscape Quality This is a measure of the physical state or condition of a landscape.
Scenic Quality The extent to which a landscape appeals to the senses (mainly, but not only, the visual senses).
Relative Wildness The degree to which relatively wild character can be perceived in a landscape and contributes to its sense of place. (NB all of England's landscapes have been influenced by human activity over time, which is why we use the term relative wildness).
Relative tranquillity The degree to which relative tranquillity can be perceived in a landscape (ie whether an area appears quiet, remote and relatively free from human influence or development).
Natural Heritage Features The influence of natural heritage on people's perception of the natural beauty of a landscape. Natural heritage includes features formed by natural processes, wildlife, wild flowers and geological features.
Cultural Heritage The influence of cultural heritage (such as buildings, archaeology and designed landscapes) on people's perception of the natural beauty of a landscape and the degree to which associations with particular people, artists, writers or events in history contribute to such perception.

Not every factor listed in Table 1 needs to be present in a landscape in order for it to have sufficient natural beauty. By considering all the factors together a judgement can be made as to whether an area meets the criterion for designation overall. Applying this analysis enables the extent of land likely to meet the statutory criterion to be more precisely defined. These refined areas are called Candidate Areas for designation.

Once an area has been identified as qualifying for inclusion in a Candidate Area, Natural England must determine whether designation of the area is desirable.

Deciding whether it is desirable to designate

An area of land that satisfies the natural beauty criterion is capable of being included in an AONB. However, designation does not follow automatically: it is for Natural England to exercise its judgment as to whether a Candidate Area, which meets the natural beauty criterion should become part of an AONB in order to achieve the statutory purpose of the conservation and enhancement of natural beauty.

To establish whether it is desirable to designate an area as an AONB, Natural England asks the five questions set out in Table 2:

Table 2: Is it Desirable to Designate?

Is there an area which satisfies AONB technical criterion?
Is the area of such significance that the AONB purpose should apply to it?
What are the issues affecting the area's special qualities and understanding and enjoyment?
Can AONB purposes be best pursued through the management mechanisms, powers and duties which come with AONB designation?
Are there other relevant factors which tend to suggest whether it is or is not desirable to designate the area?

Having considered these questions and relevant evidence, it is for Natural England to decide whether or not, a particular area is of such national significance that it should be designated as AONB and managed to achieve the statutory purpose.

Identifying a suitable boundary

A detailed boundary is drawn for each proposed AONB extension area to show where it is desirable for a particular designation to begin and end. Natural England develops proposed boundaries using a suite of principles, including those in Table 3 below.

Table 3: Boundary Setting Considerations

Transition areas: Natural beauty often changes gradually over a sweep of country rather than suddenly from one field to another. In these 'areas of transition', the boundary should be drawn towards the high quality end of the transition in a manner that includes areas of high quality land and excludes areas of lesser quality.
Types of boundary: Wherever possible, a clear physical feature should be chosen.
Other administrative boundaries: Administrative boundaries (such as county or parish boundaries) are often unsuitable because they are hard to see on the ground or do not correspond with the area of high natural beauty. Similarly, land ownership is not itself a reason for including or excluding land from designation – there will often be instances where part of a landholding sits within the designated area and part sits outside.
Inclusion of settlements: Towns and villages at the edge should only be included if they are within and part of a sweep of qualifying countryside.
Splitting of settlements: Towns or villages should not normally be cut in two by an AONB boundary where it can be avoided.
Incongruous development: Unsightly development on the edge of an AONB should generally be excluded unless it is of a temporary or transient nature.
Proposed Developments: Land at the edge of a proposed designation that is identified for development in development plans, or has existing planning permission should normally be excluded. Land should not be included merely to seek to protect it from specific development proposals.
Features of interest: Areas and features of wildlife, geological, geomorphological, historic, cultural or architectural value should be included where practicable.

Applying the approach to the review of the Suffolk Coast & Heaths AONB Boundary

This Consultation Document presents only outline information on the process undertaken for this project and about the three proposed extension areas identified during the process. If you would like more detailed information about these areas or about the initial identification of the Study Area, Evaluation Areas or Candidate Area or the assessment of the desirability of designation or development of the proposed boundaries then please refer to the Supporting Documents.

Defining the Study Area

The Study Area was broadly defined by the Natural England Board decision to undertake a partial review of the boundary of the SC&H AONB 'southward into Essex', but two other factors were also particularly relevant in defining the full extent of land selected for consideration:

- Firstly the inclusion of parts of the Shotley Peninsula and the south side of the Stour estuary within a defined 'Additional Project Area' identified in the SC&H AONB Management Plan, and managed by the AONB Partnership even though it lies outside the existing AONB.
- Secondly the 'Dodnash Special Landscape Area' (SLA) identified by Babergh District Council which also covers parts of the Shotley Peninsula and is supported by specific policy in the local plan.

Since both of these areas have been considered locally to have significant landscape qualities they were included within the Study Area for completeness.

Characterisation stage

The Suffolk Coast & Heaths National Character Area Profile plus local Landscape Character Assessments (LCAs) relevant to the study area were considered. The most up to date local-level LCA, which also follows current LCA Guidance and includes the area under consideration, was the Shotley Peninsula Landscape Character Assessment undertaken by Alison Farmer Associates for the Stour and Orwell Society in March 2013. The classification in this LCA was used as the basis for defining the Evaluation Areas.

Evaluation stage

Evidence from initial desk study, mapping and site visits enabled the Study Area to be refined into Evaluation Areas. Parts of the Shotley Peninsula Plateau character area which lie outside the Dodnash SLA and areas affected by proximity to Ipswich and major infrastructure were excluded. Three discrete areas were subsequently defined to be taken forward to the detailed evaluation stage. They were:

- The Stour estuary and adjacent land on the estuary slopes.
- Tributary valleys bordering the Orwell estuary.
- The Dodnash Special Landscape Area.

These were further subdivided and each of the 11 sub-areas identified was tested against the factors outlined in Table 1. The evaluation included in-depth assessment of published information and data on a wide range of relevant issues. The relevance and significance of this information was also further tested in the field.

Defining a Candidate Area

The evaluation process resulted in the identification of three areas considered to meet the statutory natural beauty criterion:

- The Stour estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes.



- The Freston Brook valley, a tributary of 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.
- The Samford valley, a tributary of the Stour estuary, which extends further inland from the existing AONB boundary at Stutton Bridge and includes some areas of neighbouring Shotley Peninsula Plateau which are well wooded and are important in framing the valley system.

Together these formed a Candidate Area for further consideration.

The Candidate Area

Each of the three areas identified as suitable for inclusion in the Candidate Area is considered separately below. The text below summarises the case for designation of each area in terms of the extent to which the natural beauty criterion is met, the desirability of designation and the proposed boundary.

Proposed Stour estuary extension

Context

This area broadly comprises the whole of the southern shores and open water of the Stour estuary and mudflats and saltmarsh areas in-between. It is contiguous with the existing AONB which includes only the northern valley sides of the estuary. It is defined by the main break in slope between the valley sides and wider plateau landscape beyond and, along with the existing AONB, forms a visual landscape unit with a strong estuarine influence.



Looking north across the Stour Estuary Nature Reserve from Copperas Wood

Extent to which the natural beauty criterion is met

The parts of the Stour estuary which are considered suitable for inclusion within the proposed extension include:

- A small area north-east of Brantham which forms part of the undeveloped northern slopes of the estuary.
- The open water, mudflats and saltmarsh of the estuary.
- The majority of southern valley slopes from east of Mistley to the east of Copperas wood.

Significance

Estuarine landscapes are an important component of the SC&H AONB. The AONB as currently designated includes very significant parts of the four estuaries of the Blyth, Alde & Ore, Deben and Orwell together with the estuary slopes rising above the north side of the estuary, but not the Stour estuary itself or its southern slopes.



This area, along with the northern estuary slopes within the existing AONB, 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.

Issues affecting the area's special qualities

The following issues are currently experienced in this area and are relevant to considering the difference AONB designation may make:

- Management of coastal processes such as sea level rise, the need for managed retreat loss of salt marsh and shoreline archaeology.
- Land management changes such as development, conversion of pasture to arable or pony paddocks, altering attractive landscape patterns.
- Loss of field boundaries due to hedge removal, lack of management or over-trimming and limited take up of environmental stewardship in some areas.
- Introduction of new incongruous elements such as large-scale barns or inappropriate planting which can disrupt patterns and create eyesores.
- Suburbanisation of lanes including changes to hedgerows relating to property boundary treatment.
- Loss of veteran trees due to lack of management and succession management/planting.
- Lack of traditional woodland management resulting in reduced biodiversity and character.
- Weakening of historic field patterns due to boundary management, removal or alteration due to development.
- Loss of traditional wet pastures due to conversion to arable or plantation.
- Development, including conspicuous development and associated light pollution which may adversely affect perceptions of tranquillity within the Stour estuary.
- Development in areas adjacent to but not included in the proposed extension or existing AONB, which may affect views and perceptions of tranquillity within them (such as regeneration schemes and port developments).
- 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.
- Water sports which may cause visual and audible disturbance affecting nature conservation value and perceptions.
- Bait digging which can cause disturbance to wildlife and trespass issues.
- Blocking of views across the estuary or to key landmarks as a result of development or vegetation growth.

The area is closely linked (in visual, natural and cultural heritage terms) with the adjacent northern shores of the estuary which already lie within the AONB. Natural England considers that strategic management of this area as a whole would be beneficial. Including these areas within the AONB would ensure more consistent forward planning and decision making through the focus provided by the statutory duties and powers which would apply. The dedicated purpose of the SC&H AONB Management Plan and the assistance that the AONB team can provide in supporting land managers and others will help to resolve issues affecting the Stour estuary as noted above.



Other relevant factors

Brantham Regeneration Area: The Brantham Regeneration Area has been identified for major re-development and lies in immediate proximity and partially within the proposed extension. The Natural Beauty Assessment concluded that a small area of qualifying land within the Brantham Regeneration Area met the natural beauty criterion and is physically part of a wider sweep of qualifying land. It was therefore included in the Candidate Area. In a subsequent planning application for the Regeneration Area, the land in question was identified as open space offering opportunities for conservation and enhancement. Natural England considers that since the area meets the natural beauty criterion overall and contains a feature of interest (a historic duck decoy), 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. Natural England has therefore concluded that it is desirable that this land is included in the proposed extension.

Mistley Place Park and adjacent recreation area: Land between Manningtree and Mistley forms part of an inland tributary valley and former parkland landscape. The Natural Beauty Assessment concluded that land south of the railway meets the natural beauty criterion but that Mistley Place Park and the adjacent recreation area (which lie closest and is contiguous with the wider estuary landscape) do not meet the natural beauty criterion. In order for the land south of the railway to be included in the proposed AONB variation, the non-qualifying land between The Walls and the railway would need to be 'washed over' (ie included within the national designation).

Natural England has taken relevant factors into account. These included the location, size and effect of the non-qualifying land, whether the non-qualifying 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 concluded however that the qualifying landscape between Manningtree and Mistley 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. This whole area has therefore been excluded from the proposed extension.

The proposed boundary

The proposed boundary has been drawn to include the higher quality land, including areas with a strong estuarine influence and views across the open water of the estuary. It includes the majority of the estuary itself and the slopes rising above it to the edge of the surrounding plateau land. The boundary excludes land of a lower quality such as areas affected by settlements and industrial areas. The head of the estuary has been excluded as the level of natural beauty is in transition and the area is affected by a range of incongruous features as well as adjacent development and derelict land. In addition, the waterway becomes significantly narrower and views of the wider estuary are progressively lost towards the head of the estuary. Manningtree and Mistley and the land in between are excluded from the boundary.

East of Mistley, the boundary largely follows the B1352 and minor roads along the break of slope between the estuary slopes and the surrounding plateau, towards Wrabness village. It also includes Stour and Copperas Woods, before following the Mean High Water Mark to where this joins Mean Low Water Mark at the Carless Oil Refinery. Since there are no physical features to follow across the estuary mouth it follows Mean Low Water and the County Constituency Boundary across the estuary in order to exclude lower quality areas to the east, including the Ramsey valley, Harwich and Shotley Gate.



Proposed Samford valley extension



Context

This area broadly includes the middle and upper reaches of the Samford valley. It extends from the head of the valley to where it meets the existing AONB boundary at Stutton Bridge and includes some neighbouring areas of plateau which retain a strong valley character and high level of natural beauty.

Samford valley from the edge of Grange Country Park looking north towards Great Martin's Hill Wood

Extent to which the natural beauty criterion is met

The area includes:

- The main Samford river valley, running north, then west from the existing AONB boundary at Stutton Bridge to the A12 and several small tributary valleys running into the main valley.
- Some peripheral areas of the Shotley Peninsula plateau in the immediate vicinity of the Samford valley, which play an important role in framing the Samford valley system. These include the cluster of ancient woodlands along the edge of the plateau landscape, some of which spread down onto the valley slopes, eg Dodnash, Holly and Great and Little Martin's Woods; as well as areas which provide views across the main valley or into the head of the tributary valleys, such as at Hill Farm, Manor Farm and Stutton Lane.

Significance

This proposed extension forms a long and complex apparently hidden valley to the north 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.

Issues affecting the area's special qualities

The following issues are currently experienced in this area and are relevant to considering the difference AONB designation may make:

- Intrusion of development beyond the area on the surrounding plateau.
- Pressure for recreation development resulting in caravan park development and increased disturbance and noise.
- Road and rail improvements such as widening, lighting and signage which may impact on tranquillity and rural character.
- Changes in land use which mask topography and traditional valley management practices.
- Introduction of non-native woodland and poplar plantations disrupting traditional patterns.
- Expansion of settlements into undeveloped parts of the valley or affecting the skyline.
- Lack of traditional woodland management such as coppicing.



- Loss of native woodlands which perform an important role in framing views from the valley.
- Erosion of narrow rural lanes due to increased traffic and pressure for road improvements which may have an urbanising effect.

The inclusion over many years of most of this proposed extension within the SC&H AONB's Additional Project Area and its part designation within the Dodnash Special Landscape Area is a recognition of its long held value locally and of the role that AONB management can play in addressing the issues outlined above. Statutory designation as AONB with the immediate application of relevant statutory powers and duties and its formal inclusion in the SC&H AONB Management Plan would strengthen the ability of the AONB team to ensure the future conservation and enhancement of the area's natural beauty and would place a statutory duty on all public bodies to have regard to the area's conservation and enhancement.

Other relevant factors

Boundary complexity: within this 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 to one which would include relatively large areas of non-qualifying land.

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.

Character of the Samford valley: it is recognised that the Samford valley area shares many of its landscape characteristics both with land within the existing SC&H AONB and also with land within the Dedham Vale AONB, both of which are in close proximity in this area.

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 valley extension flows naturally and contiguously from the part of the Stutton Brook which already lies within the SC&H AONB.

The proposed boundary

The proposed boundary provides an appropriate join with the existing SC&H AONB boundary and includes the qualifying higher quality land and woodland along the valley and its surrounding slopes whilst excluding the neighbouring lower quality, non-qualifying plateau. A boundary line has been identified along the rim of the valley, in an area which in several stretches has few continuous clear ground features. The boundary generally extends to the outside edge of woodlands which straddle the valley rim and continues onto the plateau, but not including land beyond the woods with no visual link to the valley system.

After careful consideration Natural England has concluded that the boundary should not be taken further north to the minor road running from Coppey Farm to Dodnash Wood at Hazel Shrub. Whilst this would have resulted in a less convoluted, more pragmatic boundary, it would have included an area of typical flat plateau farmland that did not meet the natural beauty criterion and with no visual links to the Samford valley due to the almost continuous woodland edge which runs along the valley rim, hiding the area to the north from the Samford valley.

To the west, adjacent to the A12, the boundary was drawn back slightly from the edge of the road owing to the localised effect of the A12 on tranquillity and a lack of obvious continuous features to follow that would have enabled the inclusion of an area of fen priority habitat which lies adjacent to, but outside the proposed boundary.



Proposed Freston Brook extension



View north east to Freston Lodge farm from footpath

Context

This area comprises the Freston Brook valley, a tributary of the Orwell estuary which extends inland from the existing AONB boundary westwards and includes some surrounding plateau woodlands which play an important role in framing the valley system. The valley shares the typical short tributary river valley structure of other small streams flowing into the Orwell estuary within the SC&H AONB.

Extent to which the natural beauty criterion is met

The extension includes:

- The two more southerly tributary valleys of the Freston Brook valley system.
- Some neighbouring areas of plateau landscape at the western end of the valley system which play an important role in providing a sense of enclosure around the two tributary valleys, including Holbrook Park and Cutlers Wood. These areas also provide added features of interest to the margin of the valley system in their own right, through their high levels of natural and historic interest, scenic quality and tranquillity.

Significance

The area forms a small hidden valley on the southern slopes of the Orwell estuary. Its 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.

Issues affecting the area's special qualities

The following issues are currently experienced in this area and are relevant to considering the difference AONB designation may make:

- Pressure for wind farm development in the past and current masts and pylons intrude into parts of the Freston Brook landscape. The proposed extension remains vulnerable to the intrusion of development beyond the area on the surrounding plateau.



- Impact of deer on woodlands.
- Introduction of non-native woodland and poplar plantations disrupting traditional patterns.
- Loss of wet pastures due to drainage and loss of water quality due to run-off from surrounding plateau arable farmland.
- Conversion of valley slope pastures to arable.
- Lack of active traditional woodland management such as coppicing.
- Loss of historic features such as wood banks and diversity of ground flora due to lack of management.
- Loss of veteran trees due to lack of management and succession planning.
- Loss of woodlands which perform an important role in framing views from the Freston Valley and reinforcing estate character.

As with the Samford valley, the special qualities associated with the Freston Brook valley include its intimate small-scale and enclosed character. The extensive ancient semi-natural woodlands and habitats, small meadows, streams, narrow lanes and greenways within this proposed extension could all benefit from the broader integrated management and protection that AONB designation would bring. This integrated management and the planning status of AONB designation could also address many of the issues noted above.

Other relevant factors

Size of the proposed extension: 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 as a proposed extension to the AONB. 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 current SC&H AONB boundary in this area however does not reflect the natural beauty of the area. The application of the boundary setting criteria summarised in Table 3 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 it is desirable that more of the land assessed as meeting the natural beauty criterion in this area to be included within the AONB and that a boundary should be sought to include the higher quality land to the west of the existing boundary.

The proposed boundary

The proposed boundary has been drawn to include the higher quality land within the valley system whilst excluding the surrounding lower quality plateau farmland, where there is a clear change resulting from the reduction in the complexity of landscape patterns, topography and vegetation types on the plateau and some higher slopes. The boundary does however include neighbouring areas of ancient woodland at Holbrook Park and Cutlers Wood which lie on the plateau at the south-western end of the valley system and play an important role in providing a sense of enclosure around the two qualifying tributary valleys and masking the transition to plateau farmland.



The area proposed for designation as part of the Suffolk Coast & Heaths AONB

In summary, the area proposed for designation as part of the Suffolk Coast & Heaths AONB includes:

- The Stour Estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes.
- The Samford Valley, a tributary of the Stour Estuary, which extends further inland from the existing AONB boundary at Stutton Bridge and includes some areas of neighbouring Shotley Peninsula Plateau which are well wooded and are important in framing the valley system.
- The Freston Brook Valley, a tributary of 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.

It is important to note that the ultimate decision to extend the SC&H AONB is not taken on the basis of these individual separate areas in their own right but rather on the total area of the proposed designation. Natural England must stand back and consider the area as a whole to satisfy itself whether it is desirable to designate the qualifying areas as part of the SC&H AONB.

Together, the proposed area is closely related to the existing SC&H AONB, forming a largely contiguous area which includes 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. This area shares 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. It reflects qualities found elsewhere within the AONB and forms part of the 'family' of estuaries and their associated tributary valleys within the existing AONB designation. It is thus representative of the existing designated landscape, sharing many of its qualities.

Collectively this area, in association with the existing AONB, comprises an outstanding lowland coastal and estuarine landscape. This area has 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.

The special qualities of the 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 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 the area's inclusion within the SC&H AONB desirable. This is particularly important with regard to the issues noted above in relation to each part of the area and particularly 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.

Designation would formalise activity which has for many years been undertaken by the SC&H AONB team within the qualifying parts of the 'Additional Project Area' in relation to furthering the conservation and enhancement of the area's natural beauty. This is both via direct engagement in management activity and through influencing the work of other organisations with responsibility for activities relevant to the area. It would also formalise activity to conserve and enhance the special qualities of the parts of the Dodnash Special Landscape Area included within the proposed AONB extension should this local designation be removed in future.

In addition the area would benefit from the specific additional planning protection in the National Planning Policy Framework relating to AONBs. Designation would also extend the duty to have



regard to the statutory purpose of the AONB to the many authorities whose responsibilities encompass the Stour estuary and its associated tributary valleys such as the local authorities, the Environment Agency, Natural England and the utilities companies.

Including the proposed extension within the SC&H AONB would ensure a more consistent approach to this nationally important landscape in accessing resources, forward planning and decision making and through the focus provided by the statutory duties and powers which would apply, and in particular through the delivery of the statutory AONB Management Plan and its associated action plans.

Natural England has concluded that the area proposed for designation as indicated on maps accompanying this consultation document has outstanding natural beauty and that it is desirable that it should form part of the AONB and that the proposed new boundary should be subject to statutory and public consultation.

What happens next?

Natural England is required by the Countryside and Rights of Way (CROW) Act, 2000, to consult the County and District Councils affected by the proposed boundary variations. In addition this consultation is being extended to allow everyone with an interest in the proposed extensions to comment on the proposals. At the end of the consultation we will analyse all the responses and review the proposals and if necessary, amend them to take account of any further relevant evidence provided. Depending on the number of responses received this is likely to take around three months. If no fundamental objections arise which cannot be overcome, and assuming no additional land needs to be included as a result of the consultation, the next stage will be to draw up a draft Order and to publish Notice of the Order in the London Gazette and other papers as required by Section 83(2) of the CROW Act.

The Notice period allows anyone who wishes to do so to make representations to Natural England, objecting to, supportive of, or proposing amendments to the Order, and stating the grounds on which they are made.



Looking north across the Stour estuary from the Essex Way west of Bradfield



If however as a result of the statutory and public consultation, additional land needs to be included within the proposed boundary variation, an additional statutory consultation will be required.

Following the Notice period, a further period of response analysis will be required and any further consequent changes made to the draft legal Order. It is worth noting that during the last landscape designation project over 3,500 responses were received, so it is difficult to provide a time estimate for this at this stage. Natural England Board approval will then be sought to allow the Order to be 'made' and submitted to the Secretary of State for confirmation. If there are any unresolved objections, these will be submitted to the Secretary of State with the Order, who has discretion to call a Public Inquiry to consider such objections further, before deciding whether or not to confirm the Order.

The Secretary of State may or may not confirm the Order, with or without amendment. This decision is not made to any specific timescale.

Implications of designation

Designation as AONB would provide formal statutory recognition of the national importance of the natural beauty of the area concerned, and as a consequence, would 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 area, 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 SC&H AONB Management Plan across the proposed area including in the Additional Project Area, the Dodnash Special Landscape Area 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.
- All public bodies, statutory undertakers and holders of public office would have a statutory duty to have regard to the conservation and enhancement of the area brought within AONB.



Copperas Wood spring flora





Front cover image:

Looking north across the Stour estuary from the Essex Way west of Bradfield
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**Suffolk Coast and Heaths Area of Outstanding Natural Beauty
Boundary Variation**

Focussed Review (Confidential)
15 March 2018

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15 March 2018

Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation

15 March 2018

Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation

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Comment Final

This document has been prepared and checked in accordance with ISO 9001:2008.

15 March 2018

Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation

1.0 Introduction

1.1. Background and Appointment

On 13th September 2017 the Natural England Board approved proposed extensions to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and commenced a twelve-week period of consultation (running between 26 January 2018 and 20 April 2018).

The stated purpose of the consultation is to seek views on whether the specific areas included in the proposed extended boundary of the AONB have the qualities required for inclusion within an AONB, whether they should be designated and whether the proposed new boundaries are appropriate.

The proposed AONB extensions are:

- the Stour Estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes;
- The Freston Brook Valley, a tributary of the Orwell Estuary which extends inland from the existing AONB boundary westwards and includes surrounding plateau woodlands; and
- The Samford Valley, a tributary of the Stour Estuary, which extends further inland from the existing AONB boundary at Stutton Bridge and includes some areas of the neighbouring Shotley Peninsula Plateau.

The relevant local authority officers and Suffolk Coast and Heaths AONB Partnership have identified what they consider to be significant issues in respect of the proposed boundary modifications.

LDA Design Consulting Ltd. (LDA Design) has been appointed by the Suffolk Coast and Heaths AONB Partnership to undertake a focussed technical review of the proposed boundary changes to inform its consultation response and those of the relevant local planning authorities.

This report presents the findings of the focussed review undertaken by LDA Design. Its content and recommendations represent those of the consultants and not the Suffolk Coast and Heaths AONB or relevant local planning authorities.

The approach taken combines desk based assessment of maps, data and reports and field survey undertaken in February 2018 by qualified landscape professionals.

For ease of reference, the report findings are presented for five separate assessment areas; three within Essex and two within Suffolk.

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Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation

2.0 Essex

2.1. Wrabness

The proposed boundary extension between Cook's Corner and Wrabness railway station is well placed. It follows an easily distinguishable permanent physical boundary feature which also reflects a broad change in landscape character and areas to the north which are visually associated with the Stour estuary from areas to the south which are not.

The area east of Wrabness station is more complex and the boundary variation positioning reflects this. 'A House for Essex' is a nationally valued artwork and is included within the proposed AONB boundary variation, and the area of landscape north of the railway line within which this artwork is sited is strongly visually associated with the estuary and lies within the Coastal Landscapes landscape character type¹ which is largely included within the proposed AONB boundary variation (refer to **Figure 1**).

The small number of residential properties within this area are currently excluded from the AONB boundary variation. The properties are associated with Wrabness, but the railway line, un-adopted access road and change of character of the settlement create a separation from the core settlement – both physically and in character.

At page 14 the 'Boundary Considerations'² document appears to acknowledge that there is no specific reason to exclude the properties north of the railway line, commenting that:

"Wrabness village has been excluded in its entirety, including several houses north of the railway and Old Rectory House which lie outwith the village settlement boundary. These dwellings have been excluded as they relate closely to the settlement and a suitable boundary which excludes them can be identified."

This justification seeks to exclude these properties rather than considering the benefits of their inclusion. Given their landscape setting, visual relationship to the Stour estuary, proximity to 'A House for Essex', and the detached character of the properties from the core settlement created by the railway line, there are good reasons to extend the designation to cover this small area.

It is recommended that the proposed boundary variation follows the railway line in this section (as it does to either side) which would achieve a notably simpler, more easily distinguishable and permanent physical boundary in this area, as shown on **Figure 2**.

¹ Essex Landscape Character Assessment 2003

² Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation Project, Boundary Justifications, September 2017.

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2.2. Manningtree and Mistley

The lengthy narrative regarding this area in the Natural England documentation reflects the difficulties with identifying a proposed boundary variation here.

We broadly agree with the findings which identify that there are areas of land within the Manningtree and Mistley Conservation Area, to the south of the railway line, which merit inclusion within the AONB, and areas to the north which perhaps do not.

However, in our opinion, the Natural England justification that areas to the north of the railway line should definitely be excluded relies excessively on current landscape condition – which is something that inclusion within the AONB could improve.

With the mind-set that areas to the south of the railway should be included, and areas to the north could be included; a boundary to include part or all of the Conservation Area would be appropriate and in particular those areas with views to, and associations with, the estuary; assemblages of historic buildings and their related parkland; and veteran trees.

Our judgement is that the most appropriate boundary would include the more intact and legible areas of historic parkland associated with the former Mistley Old Hall, surviving features of which are designated Grade II (List Entry 1240275/ 1240276).

The Old Hall was built for the Rigby family in the early 18th century and remodelled for Rt. Hon. Richard Rigby (1722-1788) to the design of Robert Adam in circa 1777. This remodelling is contemporary with the Grade I Listed Mistley Towers, also by Adam (List Entry 1240390 and 1261061) which are also designated as a Scheduled Monument (List entry 1002154) and several other buildings and structures visible in the landscape today. It is noted that the church was to “...stand out strikingly central in the view from the Hall to down to the River Stour³” indicating the importance of the relationship of the River Stour in views. The gardens were described by Rouchefoucauld in 1784 as the best he had seen in England⁴.

The area defined includes:

- Land that forms a legible topographic valley feature formed by a watercourse that that enters the Stour estuary at the Grade II Hopping Bridge (List Entry 1240389).
- Areas with the strongest visual connections to the Stour estuary – both in terms of views towards the estuary and reciprocal views from the water and northern shores.
- Areas which display a parkland character with established trees and copses.
- Grade II Church of St Mary and St Michael, parish church of Mistley with Manningtree c. 1868-70 (List Entry 1074993)
- Groupings of late 18th century Listed Buildings/ structures which have associations with the Rigby family and that are contemporary with Mistley Old Hall and Mistley Towers – notably:

³ Ivan Garwood, *Mistley in the Days of the Rigbys*, 2003 (p. 91)

⁴ Essex County Council Historic Environment Record, HER Number 7477 (received 22 March 2018)

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Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation

- The collection of predominantly agricultural buildings at Dairy House, comprising the Dairy House, Dairy Cottage and attached stables, (List Entry 1260993); lodge, (List entry 1261079); former cowhouse, (List Entry 1240535); former brewhouse (List Entry 1260955) and former dairy and office (List Entry 1240536).
- The collection of buildings at Mistley Green comprising Kowloon (List entry 1240342); White Horse House (List Entry 1261080); Post Office (List Entry 1074931); 1-12 The Green (List Entry 1261081); and East Lodge (List entry 1240341).
- Buildings on the south of the High Street, comprising a shops/dwellings (List Entries 1074929, 1360966, 1074930, 1360967, 1074928, 1360965, 1240280 and 1356640) and terraced dwellings to the north of the High Street (List Entry 1240278 and 1074955).
- Swan Fountain (List Entry 1074959) and adjacent Fountain House (List Entry 1240279) which is reputed to have been built as a Malting Office or assembly room or hotel for the projected spa for Richard Rigby.
- Mistley Quay Wall (List Entry 1413747) designed for Richard Rigby in 1777 by the Duke of Bridgewater.
- Hopping Bridge (List Entry 1240389), designed by Robert Adam for Richard Rigby.
- Features included in the Essex County Council Historic Environment Record (HER)⁵ related to the early evolution of the settlement and that are associated with the Rigby family, including evidence of:
 - the line of the Roman road from Colchester (SMR Number 3233);
 - the previous main road to Mistley that ran close to Mistley Old Hall (SMR Number 7482);
 - the site of a medieval manor, fishponds and deserted village (SMR Number 3206);
 - Mistly Hall (SMR Number 7477) and gardens (SMR Number 74810);
 - The site of the planned industrial (and later spa) settlement of the early to mid 18th century by Richard Rigby (SMR Number 34651).

A significant proportion of the area included in the revised AONB boundary (refer to **Figure 3**) falls within the Manningtree and Mistley Conservation Area. The Conservation Area Review (2006) highlights the important role of the Rigby family in shaping Mistley - both in terms of the hall, park and associated buildings but also commercial and residential properties in the village.

The boundary of the additional area of landscape to be included within the AONB follows easily distinguishable permanent physical features. From the B1352 (The Walls) the boundary follows the settlement edge of Manningtree south to the 'The Park' and continues along the tree-lined footpath path from 'The Park' to follow the southern boundary of Dairy Wood. West and south of Dairy Wood the boundary follows field boundaries adjacent to a public footpath to the B1035 Clacton Road (which also defines the southern extent of the Manningtree and Mistley Conservation Area). The boundary returns north at Beech Wood

⁵ Essex County Council Historic Environment Record (received 22 March 2018)

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to follow the edges of woodland/field boundaries and footpaths northwards towards the railway line. North of the railway line the boundary extends to join 'The Green'; continues along The Green to High Street, turning briefly eastwards and then north to meet the riverside and then westwards incorporate the Swan Basin and collection of Listed Buildings south of Mistley Towers (refer to **Figure 4**).

An argument could be made to include areas within the Manningtree and Mistley Conservation Area west of Dairy House and around Mistley Hall. However, the tree-lined lane which we suggest could form the revised boundary provides a strong separation between the lower-lying areas of more intact parkland and those which are both less intact and are more strongly associated with the plateau to the south. It also excludes the site recently consented for the development of housing north of New Road at the eastern edge of Manningtree (Tendring application 17\00004\OUT, appeal APP\1560\W\17\3176089).

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2.3. Stour Estuary between Manningtree and Cattawade

The proposed boundary variation in this section seems to be generally well-judged, specifically in respect of the exclusion of the land to either side of the river Stour, and the areas west of the railway viaduct which includes power lines, A137 and sluice.

However, the proposed western boundary of the AONB at this point follows a line across the river which is not physically defined, for reasons set out at page 7 of the 'Boundary Considerations' document.

The comment in the boundary justification that "*railway viaducts are not considered to be ground features*" is noted, but this seems an unexpected conclusion in respect of a low-lying, easily distinguished linear structure. A further aspect of the justification seems to derive from the transitional nature of this area and anticipated effects that might arise from the rail depot, however other nearby areas which have been included within the proposed AONB boundary variation that are closer to, and likely to be more affected, by that proposal.

In line with the approach taken to the boundary definition along other sections, where transitional areas are included up to a physical boundary, an easily distinguishable permanent physical boundary could be formed by following the SPA, RAMSAR & SSSI boundary along the river edge on both the north and south sides, and following the eastern side of the railway viaduct, as shown on **Figures 5** and **6**.

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3.0 Suffolk

3.1. Freston Brook Valley

The Freston Brook valley clearly merits inclusion, and the proposed boundary variation to the north and south of the valley is well judged.

As noted at 5.4.3 of the 'Natural Beauty Assessment' document⁶, the plateau landscape which surrounds the valley does not meet the AONB criteria. In our view, the inclusion of the woodland at Holbrook Park, which lies on the plateau, is not truly reflective of the natural beauty and special qualities of the Suffolk Coast and Heaths AONB and has resulted from a desire not to cut across the SSSI/Ancient Woodland designations.

It is judged that a better southwest boundary could have been drawn following the track through the woodland between Broom Knoll and Valley Farm. This follows the outer edge of the valley and would still have achieved the aim of including the woodland areas which play the roles of "*framing the head of the valley system and ...masking the transition to plateau farmland*", as set out at page 29 of the 'Boundary Considerations' document.

As part of this review, specific consideration was given to the potential inclusion of Alton Water and its surrounding landscape context into the Suffolk Coast and Heaths AONB – the area assessed extending from Holbrook in the east towards the A137 in the west, and including the villages of Stutton (north of Holbrook Road), Tattingstone and Tattingstone White Horse.

We agree with the conclusions drawn by Natural England regarding the limited potential for the inclusion of Alton Water and Holbrook Valley within the AONB. However, it was noted that this area has significant potential for landscape enhancement, in particular as a setting for recreational activity at, and in the vicinity of, the reservoir.

3.2. Samford Valley

The difficulties of defining the AONB boundary variation at the Samford valley boundary are clearly described in the Natural England documentation and the process has resulted in a boundary which is complex and in some areas weakly defined.

The problem posed by any extension of the AONB is that the proposed boundary variation already includes areas of land which are transitional and do not in their own right meet the criteria.

In particular, the western extent of the proposed boundary variation would have been better drawn close to the Dodnash Special Landscape Area boundary as beyond this the transitional areas tend to exceed the qualifying areas.

There are no revisions suggested in this area to incorporate additional areas which are judged to meet the criteria. However, considerations relating to the effectiveness of the designation could make boundary revisions desirable in the following specific areas:

⁶ Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation project, Natural Beauty Assessment, September 2017

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3.2.1. West of East End

The proposed boundary variation leaves a narrow strip of undesignated land between the Suffolk Coast and Heaths AONB and Dedham Vale AONB (west of East End and east of East Bergholt). Inevitably any planning proposals within this area will need to be considered with respect of potential effects on the close proximity of these designated areas.

The land within this area is not open plateau, or of such low value and scenic quality that it should definitely be excluded from the Suffolk Coast and Heaths AONB. It is also noted that both the Dedham Vale AONB and the proposed AONB variation boundaries already include land within the Plateau Farmlands landscape character type⁷ (refer to **Figure 7**).

In order to better conserve and enhance the special qualities of both AONBs, the area of land shown on **Figure 8**, is judged appropriate to include within the Suffolk Coast and Heaths AONB. This area is clearly and robustly defined by landscape features comprising Mill Road and Putticks Lane in the west and field boundaries and the edge of woodland in the east.

An area at the eastern edge of East Bergholt (West of Mill Road) has been excluded as this has been identified as potentially suitable for housing development.

3.2.2. West of Stutton

In the majority of areas to the west and north, extending the proposed boundary variation to the nearest road would not result in a simpler boundary as the road pattern is complex and doing so would include land that does not meet AONB criteria.

The exception to this is land to the west of Stutton, where the boundary of the AONB could be beneficially enlarged to follow Bentley Lane as shown on **Figures 9** and **10**. The area of land thus included is of a character already included within both the existing and proposed AONB (i.e. within the Plateau Estate Farmlands landscape character type⁶).

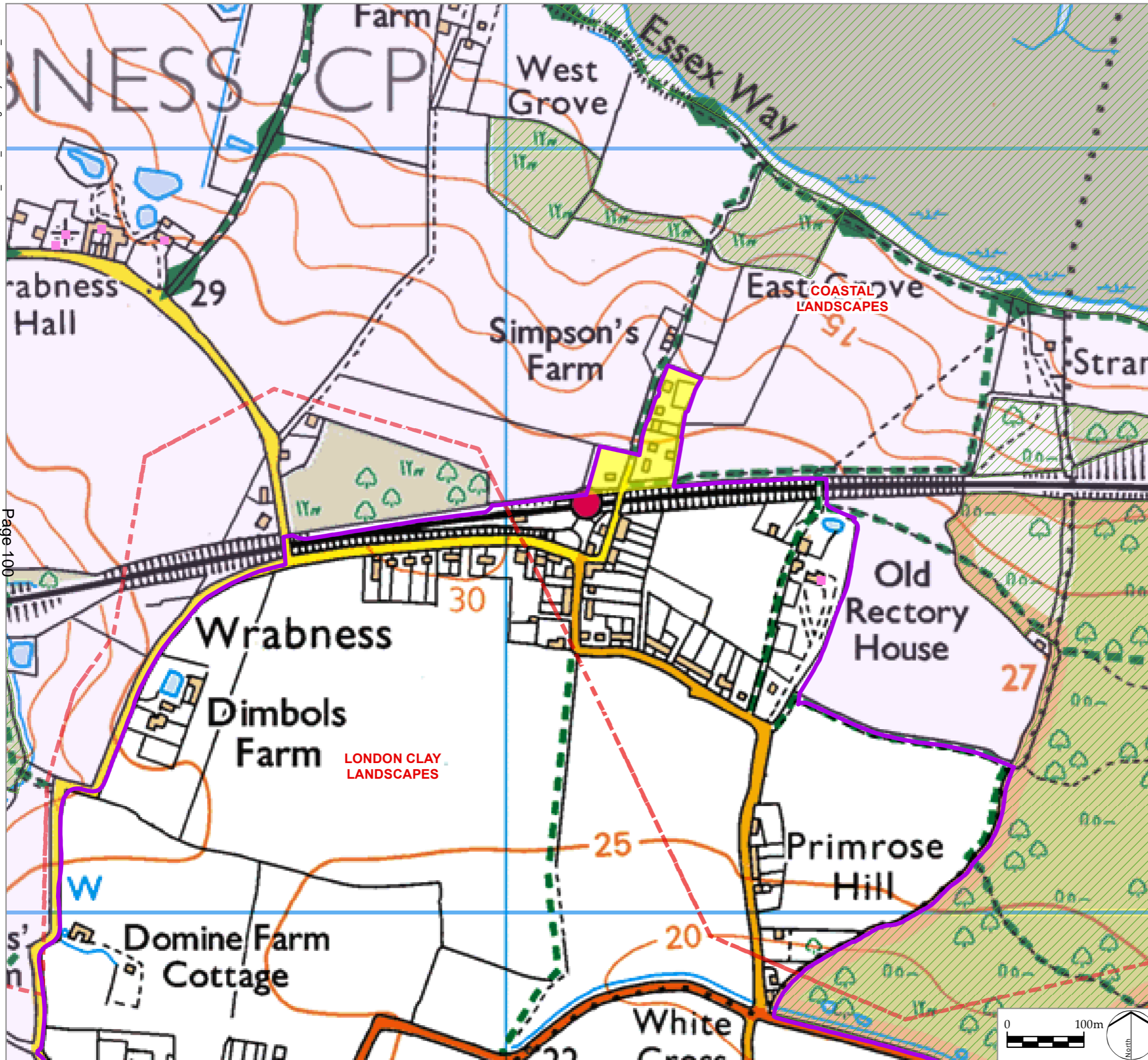
However, the proposed boundary in this location has potentially been defined to accommodate a preference for excluding the few buildings already in this area, or to exclude the area currently subject to a planning application for 14 dwellings (Babergh – DC/17/021111). The proposed local plan identifies this site as having been assessed in the SHELAA to be potentially suitable for development, but not currently developable.

⁷ Suffolk Landscape Character Assessment

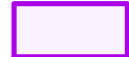





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Suffolk Coast and Heaths Area of Outstanding Natural Beauty Boundary Variation

Appendix 1. Figures



LEGEND

-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB
-  Listed Buildings
-  Conservation Area
-  Ecology Designation
-  Landscape Character boundary (areas labelled)

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PROJECT TITLE
**BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB**

DRAWING TITLE
Figure 1

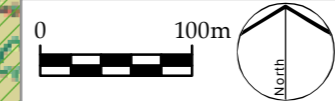
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DATE	Mar 2018	DRAWN MFI
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STATUS	Final	APPROVED IH

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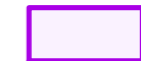

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Sources: Ordnance Survey, Natural England, Historic England,
 Essex Landscape Character Assessment





LEGEND

-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB

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PROJECT TITLE
 BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB

DRAWING TITLE
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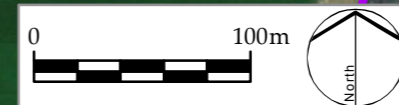
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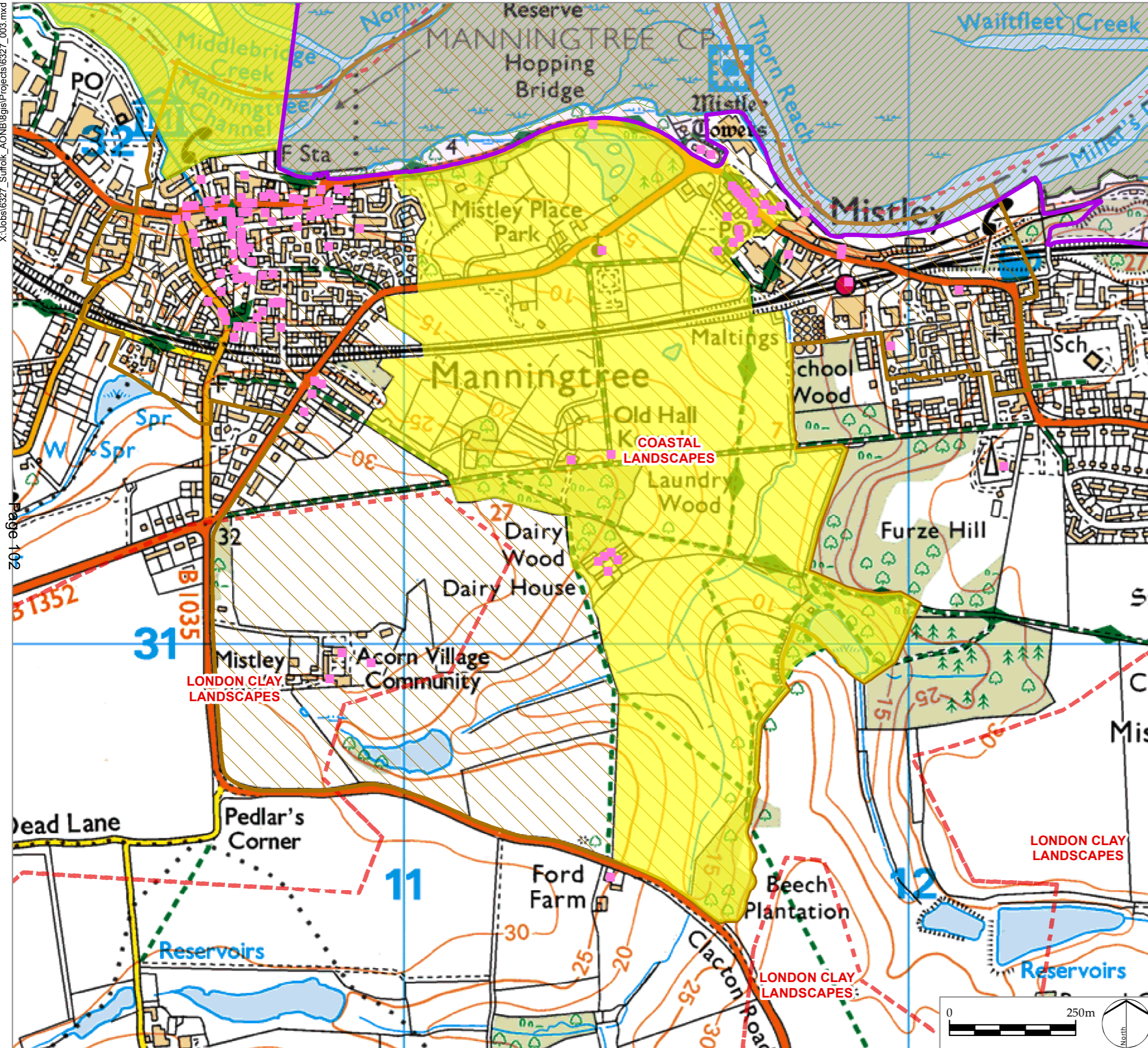
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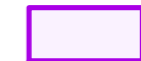





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Sources: Ordnance Survey, Natural England





LEGEND

-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB
-  Conservation Area
-  Listed Buildings
-  Ecology Designation
-  Landscape Character boundary (areas labelled)

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PROJECT TITLE
 BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB

DRAWING TITLE
 Figure 3

ISSUED BY	Oxford	T: 01865 887 050
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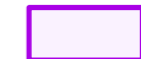

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Sources: Ordnance Survey, Natural England, Historic England,
 Essex Landscape Character Assessment



LEGEND

-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB

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PROJECT TITLE
**BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB**

DRAWING TITLE
Figure 4

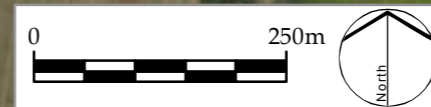
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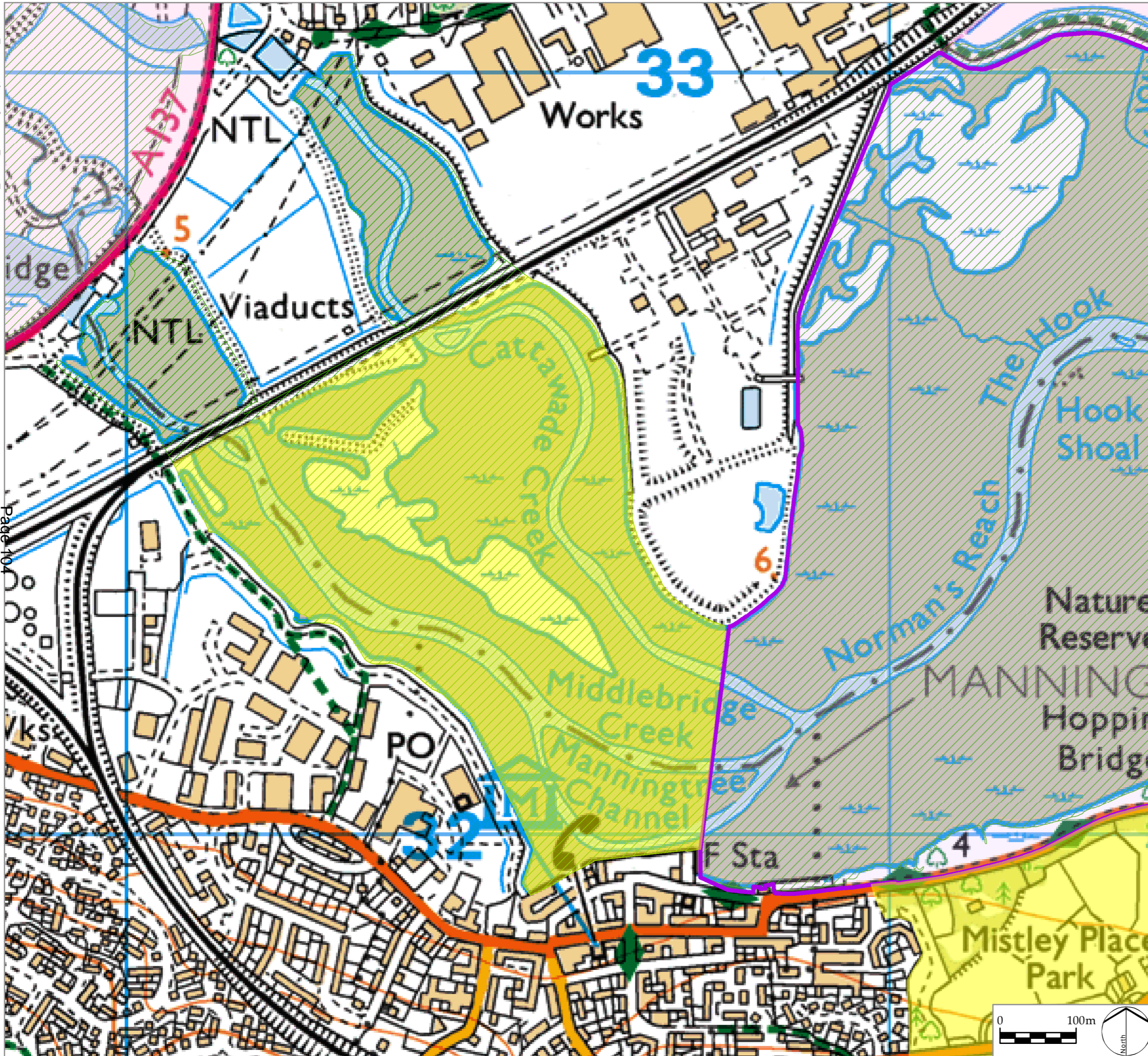
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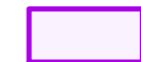


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Sources: Ordnance Survey, Natural England,
 Essex Landscape Character Assessment





LEGEND

-  Area of Outstanding Natural Beauty (current boundary)
-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB
-  Ecology Designation

L D A DESIGN

PROJECT TITLE
 BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB

DRAWING TITLE
 Figure 5

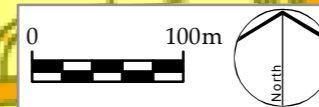
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DATE	Mar 2018	DRAWN MFI
SCALE @A3	1:5,000	CHECKED IH
STATUS	Final	APPROVED IH

DWG. NO. 6327_005

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 Area measurements for indicative purposes only.


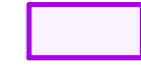

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Sources: Ordnance Survey, Natural England





LEGEND

-  Area of Outstanding Natural Beauty (current boundary)
-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB

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PROJECT TITLE
**BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB**

DRAWING TITLE
Figure 6

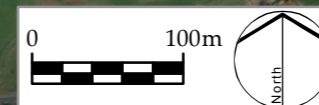
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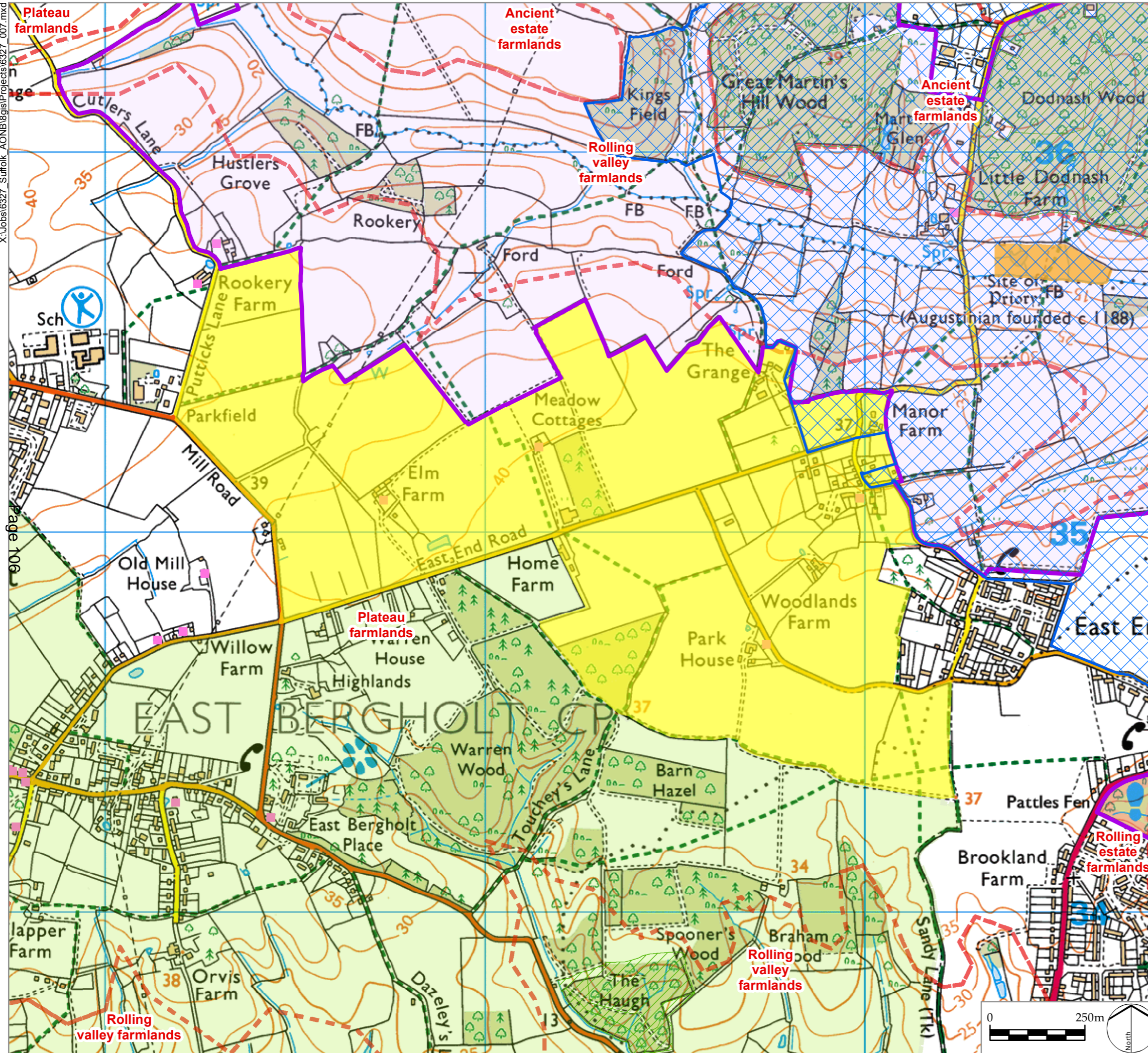
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Sources: Ordnance Survey, Natural England





LEGEND

- Dedham Vale AONB
- Proposed AONB Boundary Variation (NE)
- Proposed Area to Include in AONB
- Dodnash Special Landscape Area
- Listed Buildings
- Scheduled Monument
- Ecology Designation
- Landscape Character boundary (areas labelled)

LDĀ DESIGN

PROJECT TITLE
**BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB**

DRAWING TITLE
Figure 7

ISSUED BY	Oxford	T: 01865 887 050
DATE	Mar 2018	DRAWN MFI
SCALE @A3	1:10,000	CHECKED IH
STATUS	Final	APPROVED IH

DWG. NO. 6327_007

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Sources: Ordnance Survey, Natural England, Historic England,
 Suffolk Landscape Character Assessment



LEGEND

- Dedham Vale AONB
- Proposed AONB Boundary Variation (NE)
- Proposed Area to Include in AONB

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PROJECT TITLE
**BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB**

DRAWING TITLE
Figure 8

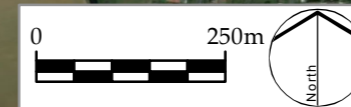
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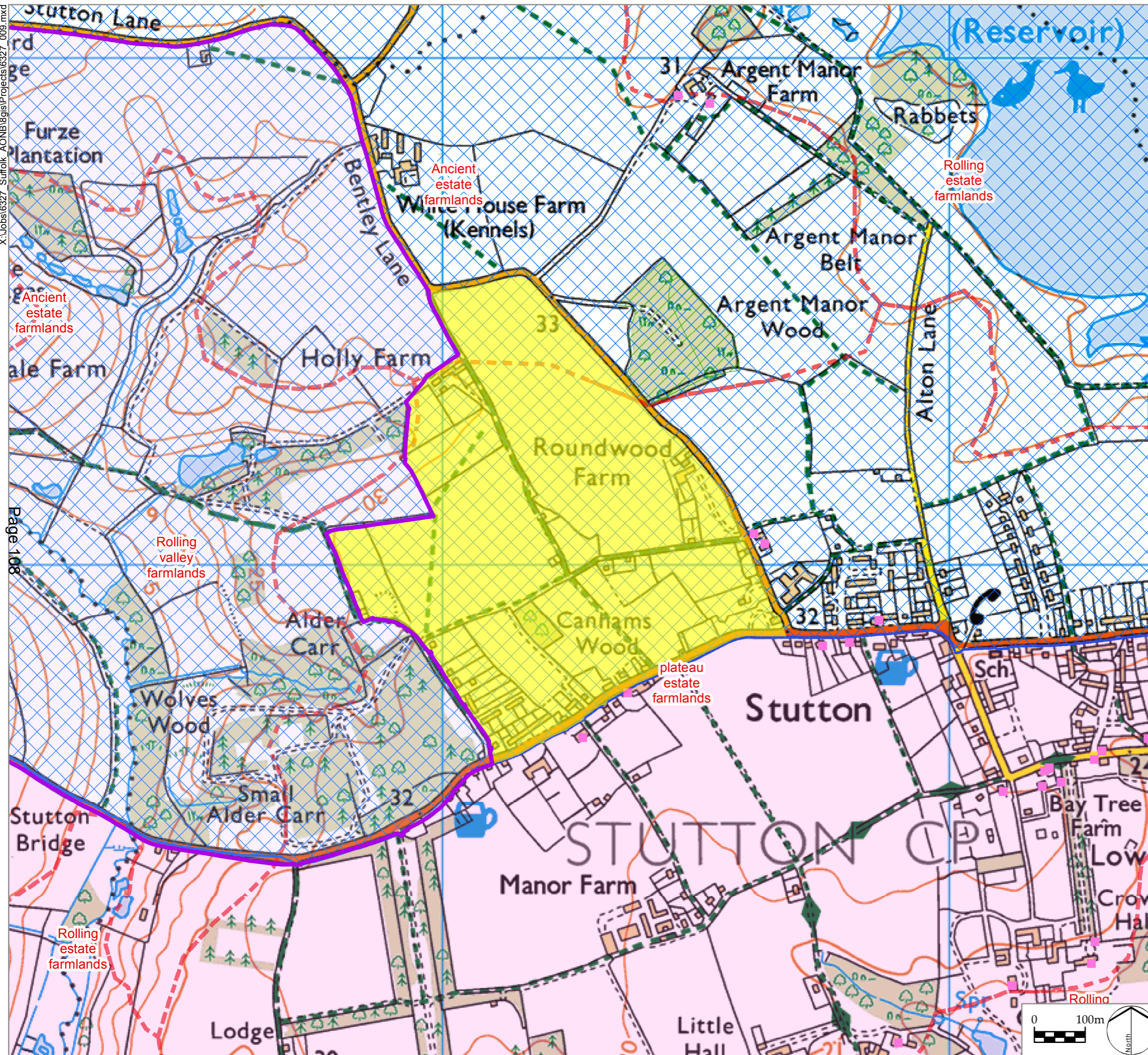
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Sources: Ordnance Survey, Natural England,
 Suffolk Landscape Character Assessment





LEGEND

-  Area of Outstanding Natural Beauty (existing boundary)
-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB
-  Listed Buildings
-  Dodnash Special Landscape Area
-  Ecology Designation
-  Landscape Character boundary (areas labelled)

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PROJECT TITLE
**BOUNDARY VARIATION - FOCUSED REVIEW:
 SUFFOLK COAST AND HEATHS AONB**

DRAWING TITLE
Figure 9

ISSUED BY	Oxford	T: 01865 887 050
DATE	Mar 2018	DRAWN MFI
SCALE @A3	1:7,500	CHECKED IH
STATUS	Final	APPROVED IH

DWG. NO. 6327_009


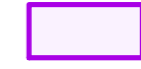

No dimensions are to be scaled from this drawing.
 All dimensions are to be checked on site.
 Area measurements for indicative purposes only.

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Sources: Ordnance Survey, Natural England, Historic England,
 Suffolk Landscape Character Assessment



LEGEND

-  Area of Outstanding Natural Beauty (existing boundary)
-  Proposed AONB Boundary Variation (NE)
-  Proposed Area to Include in AONB

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PROJECT TITLE
REVIEW OF THE SUFFOLK COAST AND HEATHS AONB

DRAWING TITLE
Figure 10

ISSUED BY	Oxford	T: 01865 887 050
DATE	Mar 2018	DRAWN MFI
SCALE @A3	1:7,500	CHECKED IH
STATUS	Final	APPROVED IH

DWG. NO. 6327_010

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Sources: Ordnance Survey, Natural England,
Suffolk Landscape Character Assessment



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APPENDIX D

Proposed consultation to Natural England's Proposed extension to the Suffolk Coast and Heaths AONB Boundary 2018.

The Council welcomes the proposal to extend the boundary of the AONB southwards towards Essex and the inclusion of areas with Babergh.

With respect to the revised extension to the AONB within the Babergh District the Council wishes to make the following comments:

- East of Brantham built up area. With regards to factors related to Natural beauty, it is unclear on the justification for the revised boundary to abut existing development and to continue south to include the decoy pond area near Factory Lane.

The Council objects to the proposed extension of the AONB in this location as it is not considered to be clearly justified (in accordance with the criteria guidance for assessing landscapes for designation) nor is it evident whether the policy and landscape implications of the Brantham regeneration area have been fully considered. The land in question includes part of the Brantham Strategic Policy Area as designated in the Babergh Core Strategy (Policy CS10). The area proposed includes part of the land covered by Planning Application B/15/00263 which is for the employment led regeneration of the area. The land also includes an existing Sewage Treatment Works. At the time of consideration of the application responses received from the Dedham Vale AONB & Stour Valley Project (dated 1 May 2015) and Natural England (dated 1 May 2015 and 7 March 2016) did not raise potential issues or implications relevant to this in the context of the application. There is now a resolution to grant permission for the application. Clarification on the assessment of the inclusion of this area in the proposed extension (taking account of the baseline environment) is required. Should Natural England seek to continue to include this area within the extension the Council seeks clarification from Natural England on the implications on the above stated issues.

Under the heading "Incongruous features" (pg 49), the evaluation mentions the Brantham regeneration Area and planning application but does not satisfactorily take into consideration the implications of the proposed boundary extension on the development site or vice versa.

The report states the decoy pond area was "apparently 'ruined' when the Great Eastern railway cut through its immediate vicinity in the 19th Century.....has since deteriorated in condition, losing its characteristic decoy features".

In the final evaluation the inclusion of decoy pond is justified as "The duck decoy is a significant cultural heritage feature on the margin of the area." This seems in direct conflict with the evaluation.

An additional area has been introduced to the proposed extension since the boundary review in 2016. The Pattles Fen, Brantham, managed by the Woodland Trust provides a narrow corridor of wildlife and interest north of a residential estate and south to the A137. Comments are made regarding the loss of traditional small to medium fields and hedgerows but the proposals still consider this area suitable for inclusion which conflicts with the similar comments justifying the exclusion of the area S1 Harkstead – therefore there is a lack of consistency in the evaluation.

APPENDIX D

- East of the A137, the area including Vale Farm and White House Farm is identified as a good demonstration of the plateau farmland landscape character. The majority of this landscape character which sits within the Babergh District has been included within the proposed extension, There is however a significant area of plateau farmland south of Manningtree which has been excluded. As required in the guidance notes para.6.1 judgements need to be made to whether people are likely to perceive a landscape as having natural beauty. For this part of the extension this judgement does not appear to be consistent or transparent as required.

Furthermore 3.4.1 States that 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)

- The extension includes Holbrook Park, Carters Wood and Freston Lodge arm but does not include any surrounding landscape; In particular there is an area south of Holbrook Park which includes a bridleway that leads down to a lane. The lane rests within a valley setting and would appear to be an important part of the context of the area in which the woods sit and would therefore meet the principles set out in para.6.1 as having sufficient natural beauty.
- With respect to the Focussed Review from LDA Design commissioned by the AONB Partnership the Council supports the recommendations in the report to extend the boundary in Babergh in the following areas:
 - The proposed extension over the intertidal area to the railway line in the Stour Estuary. Consideration should also be made to extend further to include the intertidal area to the northwest of the railway line so that the extension meets the existing boundary of the Dedham Vale AONB along the line of the A137.
 - The additional extension proposed to the west of Dodnash so aligning the boundary with that of the Dedham Vale AONB.
 - The proposed additional extension at Stutton to align with Bentley Lane.