



## ANNEX 1c - Tamar Valley AONB Planning Guidance

This section of the Management Plan provides guidance and supporting tools to all parties in the planning process including planning officers, elected Members and developers as to how the statutory duty should be exercised through the planning system. During the previous Management Plan review (2014-19), the Partnership identified (through a group of constituent Local Authority planning officers) the need to provide locally relevant guidance to supplement the National Planning Policy Framework (NPPF)<sup>1</sup> with reference to planning in protected areas. These have been proven valuable tools and with updating, largely in response to the outcomes of the NPPF review in 2018, have been carried through to the current Management Plan 2019-24.

The principal needs have been identified as:

1. Setting out a procedure and technical information to enable the objective assessment of impact upon the landscape character and scenic beauty (together defined as natural beauty) of the AONB and its special qualities.
2. Providing guiding principles for what sustainable development might mean in the context of the AONB (i.e. given the great weight afforded to it in the NPPF paragraph 172) and the identification of the AONB as a protected area of particular importance in footnote 6 with regard to the application of paragraph 11 of the NPPF.
3. Considering what should be deemed a 'major' planning application within the context of the AONB designation, noting footnote 55 of the NPPF.

**Footnote:** *text in italics refers to the NPPF*

Statutory duties in relation to AONBs are provided for in Section 85 of the Countryside and Rights of Way (CRoW) Act 2000<sup>2</sup>, as amended. Specifically, they state that,

*‘in exercising or performing any functions in relation to, or so as to affect, land in these areas, relevant authorities “shall have regard” to their purposes’.* Natural England has set out the following three aims for AONBs:

- The primary purpose of AONB designation is to conserve and enhance natural beauty.
- In pursuing the primary purpose account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses<sup>3</sup>.

### Guidance on Procedures

It is the responsibility of the Local Planning Authority (LPA) to fully justify its recommendations for development proposals by referring to the criteria for natural beauty and the AONB’s special qualities. By doing this the LPA will meet its duty towards the designation. The AONB Partnership expects all LPAs to comply with this statutory requirement.

Assessment of the impact of development proposals on natural beauty and special qualities should be undertaken following this process, and by reference to Annex 1. These assess the sensitivity of the AONB to developments, ensuring that there is sufficient flexibility to enhance the resilience of the AONB. The specific guidance considering ‘sustainable development’ and what constitutes ‘major development’, as referred to in paragraph 173 of the NPPF, should also be used during assessment of proposals.

The AONB Partnership advise that planning officers state explicitly that this process has been delivered for the avoidance of doubt and to strengthen their recommendations by direct reference to the evidence base for natural beauty and special qualities, e.g. “In making this recommendation, officers have taken into account the sensitivity of the natural beauty and special qualities of the AONB and their component features as documented in [Annex 1a and 1b](#) of the Tamar Valley AONB 2019 -24 Management Plan [or other source]”.

## Process for assessment of development proposals potentially affecting the AONB:

1. Consider whether the proposal should be treated as ‘major development’ in the context of the AONB according to the guidance and therefore to establish if exceptional circumstances and that the development is in the public interest has been demonstrated in addition to steps 2 to 5 below;
2. Assess the likely impact of the proposal on the AONB’s special qualities by reference to the list at [Annex 1a](#) and any other relevant information;
3. Where a potential adverse impact has been identified and/or where the proposal is judged to fail to conserve or enhance the special qualities and features of the AONB, look for opportunities to mitigate the impact;
4. If impact can be overcome and if the application satisfies all other planning considerations, proposal can be considered for approval;
5. If impact cannot be satisfactorily overcome and/or where there are objections based on other planning considerations, the proposal should be considered for refusal.

## Sustainable development

The NPPF defines sustainable development as having three dimensions, they are mutually dependent and should not be considered in isolation:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (NPPF 2018 para 8)*

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

For decision-taking this includes granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 6 specifies the protected areas or assets of particular importance referring to policies in the NPPF relating to 'habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; an Area of Outstanding Natural Beauty, irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63), and areas at risk of flooding or coastal change.

Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations.

Paragraph 170 of the NPPF additionally explains that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other factors) protecting and enhancing valued landscape in a manner commensurate with their statutory status or identified quality in the development plan

The AONB is statutorily protected through the Countryside Rights of Way (CRoW) Act in the National interest, its protection and enhancement is therefore at a national weighting in the overall planning balance.

This commensurate level of protection is reinforced through paragraph 172 terms of 'great weight' and 'highest status of protection' and requires the decision-maker to give primary consideration to conserving or enhancing the landscape character or scenic beauty (combined referred to as natural beauty) of the AONB and its setting. This is not to say that other material planning considerations should be ignored, but that there is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it.

This level of protection is further enhanced within the NPPF when dealing with ‘major developments’ as referred to in footnote 55, where such developments are to be refused other than in ‘exceptional circumstances **and** where it can be demonstrated that they are in the public interest’.

The AONB Partnership considers that in order to ensure a positive approach to both the need for development and the conservation and enhancement of the special qualities of the AONB, then it is useful to outline some guiding principles as to what ‘sustainable development’ means in the context of the AONB.

In order to be considered sustainable, a development proposal should meet one or more of the following criteria:

1. Demonstrate that it conserves or provides enhancements to landscape character and scenic beauty (or natural beauty) with specific reference to the special qualities of the AONB (as set out in Section 1.5 of the Management Plan and Annex 1a); and
2. Meet the economic and social needs of local communities whilst conserving and enhancing the AONB landscape; or
3. Meet the demand for recreational opportunities within the AONB whilst accounting for the natural beauty of the AONB and the needs of agriculture, forestry and other uses.

[Note: these three criteria reflect the guidance from Natural England setting out the purposes of the AONB, see 2.1 Why is the Management Plan Important?]<sup>4</sup>.

The above principles are a refinement of the broader criteria for sustainable development as set out within the NPPF, The 25 year Environment Plan and other government policy on AONBs. These are designed to ensure that development makes a positive contribution to the economic, social and environmental wellbeing of the AONB without compromising the special qualities.

### Considering ‘Major Development’ in the AONB

Paragraph 172 of the NPPF states that:

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be exceptional circumstances.*

*The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

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

In assessing planning applications, major development is now defined within an AONB. Two distinct approaches have been defined, one specifically for the purposes of paragraphs 172 and 173 and a separate one for the rest of the NPPF. For the rest of the NPPF, there is a specific threshold –based definition in the Annex 2 Glossary. Whereas, the approach to evaluate whether a development is major development for the purposes of paragraphs 172 and 173 is set out in footnote 55, which states:

*“For the purposes of paragraphs 172 and 173, whether a proposal is for ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

It is not possible or appropriate to apply a blanket definition for what should be treated as major development in the AONB. Nevertheless, there are some key indicators that would suggest that a development is likely to be major in its effect on the landscape quality:

1. Where the scale of development is likely to have a detrimental visual impact that harms the scenic quality of the AONB, either within the AONB or in its setting;
2. Where the location of development would erode the special qualities and features of the area of the AONB where the development is proposed (landscape, cultural, biodiversity, tranquility, etc);
3. Where the type of development is not directly compatible with its surroundings; and/or
4. Where the development would conflict with the economic and social needs of local communities and the AONB’s guiding principles of sustainable development.

Any major applications that have the potential to generate any of the above should then be considered against the following criteria:

- a. *“the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;” The AONB Partnership would encourage the LPA to request that any such development proposal to be accompanied by a statement of need in the context of national considerations. The impacts of permitting or refusing the development should be clearly identified, including the social, economic and environmental impacts, with specific reference to the impacts upon the natural beauty, special qualities of the AONB, and the economic and social needs of the local communities affected. Such a statement should be based upon objective assessment and clear evidence”.*
- b. *“the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;” The AONB Partnership would encourage any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way. The report should include relevant evidence of the cost of developing outside of the AONB”.*
- c. *“any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

The AONB partnership would expect any such development proposal to be accompanied by a report identifying any detrimental affects upon the environment, the landscape and recreational opportunities. Such a report should relate directly to the special qualities of the AONB as a whole as well as those specific to the development site.

Any mitigation identified to moderate these impacts should be:

- clearly detailed, in line with the duty to conserve and enhance the AONB,
- be compatible with the objectives of the Management Plan, and
- be capable of realisation through robust planning conditions or obligation

As a final point it is important to note that proposals for major development not only have to demonstrate exceptional circumstances and that the proposals are in the public interest, they also have to demonstrate conformity with the wider components of paragraph 172 which applies to all development impacting upon

the AONB, i.e. to apply to great weight and the highest level for protection with regard to conserving or enhancing landscape character and scenic beauty.

### **Landscape Character and scenic beauty, which in combination are referred to as natural beauty and heritage values**

- In the UK, and internationally, it is established practice to designate historic, cultural and natural sites of national importance and significance in order to assist their conservation and protection. Sites are assessed against specific criteria and the designation includes a statement of the importance of a site. This statement sets out which particular attributes of the site (its values) make it stand out. In the case of AONB designation, there is a single criterion of 'natural beauty', determined by a variety of approaches supported by the 'statement of significance' sets out the special qualities of the landscape that make it worthy of designation. It should be noted that the NPPF and other planning policies and guidance often refer to a broader definition of natural beauty, referring to the two principal components that constitute natural beauty, these being landscape character (the landscape as a resource in its own right) and scenic beauty (views and visual amenity as experienced by people).
- As appreciation of landscape is a cultural creation that can fluctuate with changing social values, the statement of significance is necessarily an expert judgement and is recognised as such in national guidance<sup>5</sup>. In this way, it is distinct from the assessment of landscape character, which describes the landscape in valueless terms.

The Statement of Significance for the Tamar Valley AONB cites five special qualities as the attributes of significance:

- A rare valley and water landscape
- A landscape of high visual quality
- A unique wildlife resource
- A remarkable heritage
- A landscape of artistic and public appeal

These special qualities represent an expert judgement of what makes the area distinctive to the extent of being 'nationally important' for its natural beauty. They build on features identified through Landscape Character Assessment and Historic Landscape Character Assessment, but also take account of the heritage 'values' that the features represent. Historic England recognises four such values: evidential value, historical value, aesthetic value and communal value.

'Integrity' and 'authenticity' are concepts central to all aspects of heritage protection, being recognised by UNESCO internationally and Historic England in

England, and being enshrined in international conventions and associated guidance (e.g. World Heritage Convention, 1972) to which the UK is signatory.

**integrity:** wholeness, honesty

**authenticity:** those characteristics that most truthfully reflect and embody the cultural heritage values of a place.

Thus, actions for the conservation and enhancement of the special qualities of the AONB should achieve the conservation of the integrity of the whole area, not just specific locations, attributes, or features. Similarly, the authenticity of the whole area should be conserved, as represented in particular by the stated special qualities of the site.

Designation of an area as an AONB confers a duty upon relevant authorities to 'conserve and enhance' the natural beauty, as defined by the Statement of Significance. This means taking account of both the integrity and authenticity of the natural beauty of the site and also of all the features (both tangible and intangible) that represent those values. A variety of guidance is available with regard to the treatment of natural and cultural heritage in planning, for example<sup>6</sup>. The landscape character identified for the Tamar Valley AONB area and their selected features of significance are provided in **Annex 1b**, and on the Tamar Valley AONB website, [www.tamarvalley.org.uk](http://www.tamarvalley.org.uk).

## References

- 1 Ministry of Housing, Communities and Local Government: Revised National Planning Policy Framework (2018) - <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>
- 2 Countryside and Rights of Way Act 2000 - <https://www.legislation.gov.uk/ukpga/2000/37/contents>
- 3 Guidance for AONB Partnership Members - <http://www.landscapesforlife.org.uk/wp-content/uploads/2015/03/Guidance-for-AONB-Partnership-Members.pdf>
- 4 Natural England Guidance – Areas of outstanding natural beauty (AONBs): designation and management - <https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management>
- 5 Department for Environment, Food and Rural Affairs: 25 Year Environment Plan - <https://www.gov.uk/government/publications/25-year-environment-plan>
- 6 Natural England and Department for Environment, Food and Rural Affairs: Planning and development – Landscape - <https://www.gov.uk/topic/planning-development/landscape>. Historic England: The Planning System - <https://historicengland.org.uk/advice/planning/planning-system/>