



ANNEX 1 - Draft Tamar Valley AONB Planning Guidance

Please note, the revised National Planning Policy Framework (NPPF) was published in July 2018. The guidance below has been updated from the 2014-19 TVAONB Management Plan. This represents an initial draft incorporating the updated legislation, there maybe other aspects which are pertinent and that have not yet been included, or nuances that have been missed to date. There is also as yet an absence of case law under the revised NPPF. This section may be subject to change during the consultation period and prior to publication as a reflection of evolving interpretation and practice.

This section of the Management Plan provides guidance and supporting tools to 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 an expert meeting with planning officers) the need to provide locally relevant guidance to supplement the National Planning Policy Framework (NPPF) with reference to planning in protected areas. These have been proven valuable tools and with updating have been carried through to the current Management Plan 2019-24.

The principal needs identified were:

1. Setting out a procedure and technical information to enable the objective assessment of impact upon the 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 (ie given the special status afforded to it in the NPPF paragraphs 115 and 116 – now para 172).
3. Considering what should be deemed a ‘major’ planning application within the context of the AONB designation.

Footnote: *text in italics refers to the NPPF*

Statutory duties in relation to AONBs are provided for in Section 85 of the CRoW Act. 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 uses²⁰.

Guidance on Procedures

It is the responsibility of the 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 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 2](#) 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 a 'major' application in the context of the AONB according to the guidance;

2. Assess the likely impact of the proposal on the AONB's special qualities by reference to the list at [Annex 2](#) 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 proposed⁶; 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 Refers to policies in the NPPF and includes '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.

However, 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.

The AONB Partnership considers that the term 'great weight' requires decision-makers to give primary consideration to whether development within the AONB conserves or enhances it. 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 within the AONB or its setting.

This interpretation is considered to echo the guidance contained within the NPPF that seeks to ensure that AONBs should have the 'highest status of protection in relation to conserving and enhancing landscape and scenic beauty.

This level of protection is further enhanced within the NPPF when dealing with major developments, where there is the need to justify such developments as being '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 natural beauty with specific reference to the special qualities of the AONB (as set out in Section 1.5 and Annex 2); 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?].

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 well-being 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 given great weight in National Parks and the Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ 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 one for the rest of the Framework. For the rest of the Framework, 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

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 for designation²¹.
- In the case of AONB designation, there is a single criterion of ‘natural beauty’, determined by a variety of approaches supported by nationally-agreed guidance (e.g. Landscape character assessment²², Natural England AONB designation guidance²³). For each AONB a ‘statement of significance’ sets out the special qualities of the landscape that
- make it worthy of designation. 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 guidance²⁴. In this way, it is distinct from the assessment of landscape character, which describes the landscape in value-less terms.

The Statement of Significance for the Tamar Valley AONB cites five special qualities as the attributes of significance. 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. English Heritage recognises four such values: evidential value, historical value, aesthetic value and communal value²⁵.

'Integrity' and 'authenticity' are concepts central to all aspects of heritage protection, being recognised by UNESCO internationally and English Heritage in England²⁶, 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 example²⁷. The landscape character areas identified for the Tamar Valley AONB area and their selected features of significance are provided in [Annex 2](#), and on the Tamar Valley AONB website, www.tamarvalley.org.uk.

References for draft planning guidance – to be reviewed during the course of consultation process

1. Countryside Agency Areas of Outstanding Natural Beauty: A guide for AONB partnership members (CA24) (2011)
<http://publications.naturalengland.org.uk/publication/45013>
2. Countryside Agency Areas of Outstanding Natural Beauty: A guide for AONB partnership members (CA24), p.6 (2011)
<http://publications.naturalengland.org.uk/publication/45013>
3. Rouse, E. Tamar Valley AONB Service Area: Historic Character Areas (2012)
4. Rippon, S., C. Smart & A. Wainwright Farms, Fields and Mines: an historic landscape analysis of Calstock Parish (2012)
5. Tamar Valley AONB State of the Environment report: An atlas of the Tamar Valley landscape (2012) <http://www.tamarvalley.org.uk/wp-content/uploads/2010/07/Atlas.pdf>
6. Plymouth University Tamar Valley AONB Landscape Monitoring report (2013)
7. Page, K.N. Geodiversity Audit and interpretative review of the mining districts of the Tamar and Tavy rivers in West Devon: Part 1 – Geodiversity Audit and selection of County Geological Sites (2004)
8. Bat Conservation Trust The UK's National Bat Monitoring Programme: Final report (2001)
9. State of Nature (2013) <http://www.rspb.org.uk/ourwork/science/stateofnature/index.aspx>
10. Fox, R., et al The State of the UK's Butterflies (2011)
11. Tamar Valley AONB Orchards in the Tamar Valley Area of Outstanding Natural Beauty: Survey Report 2010-11 (2011) <http://www.tamarvalley.org.uk/wp-content/uploads/2010/07/Orchard-Report-2011-final.pdf>
12. Defra Natural Environment White Paper (2011)
13. Environment Agency River Tamar fish counts can be accessed at <http://www.environment-agency.gov.uk/research/library/publications/131307.aspx>
14. Quotes from: Lewis, J. Sovereigns, Madams and Double Whites: fruit and flower pioneers of the Tamar Valley (2004)
15. For information on the potential of woodfuel as an industry, including in the Tamar Valley AONB, visit the Cordiale online Toolkit: <http://www.cordialeproject.eu/en/toolkit/tools/>
16. Information on ecosystem services available at: <https://www.gov.uk/ecosystems-services>
17. Information on green infrastructure available at: <http://ec.europa.eu/environment/nature/ecosystems/>
18. Information on sustainable intensification available at: <http://sd.defra.gov.uk/2012/08/sustainable-intensification-in-agriculture/>
19. Blue Sail Consulting Plymouth Visitor Plan: Report for Destination Plymouth, p.2 (2011)
20. Countryside Agency Areas of Outstanding Natural Beauty: A guide for AONB partnership members (CA24) (2011)
<http://publications.naturalengland.org.uk/publication/45013>
21. a) European Habitats Directive <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:NOT>
b) Ancient Monuments and Archaeological Areas Act 1979
<http://www.legislation.gov.uk/ukpga/1979/46>
c) English Heritage information on listing and designation <http://www.english-heritage.org.uk/caring/listing/scheduled-monuments/>
22. Countryside Agency Landscape Character Assessment guidance for England and Scotland (2002)
<http://publications.naturalengland.org.uk/publication/2671754?category=31019>
23. Natural England Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England (2011)

- http://www.naturalengland.org.uk/Images/B1DesignationGuidanceMar11_tcm6-26242.pdf
24. Natural England Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England (2011)
http://www.naturalengland.org.uk/Images/B1DesignationGuidanceMar11_tcm6-26242.pdf
 25. English Heritage Conservation Principles, policies and guidance (2008)
<http://www.english-heritage.org.uk/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf>
 26. English Heritage Conservation Principles, policies and guidance (2008)
<http://www.english-heritage.org.uk/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf>
 27. a) Natural England guidance on landscape and the planning system
<http://www.naturalengland.org.uk/ourwork/landscape/protection/planning/default.aspx>
b) English Heritage guidance on the NPPF (National Planning Policy Framework) and Heritage Assets <http://www.english-heritage.org.uk/professional/advice/hpg/decisionmaking/NPPF/>
c) English Heritage PPS5 Planning for the Historic Environment: Practice Guide (June 2012) <http://www.english-heritage.org.uk/publications/pps-practice-guide/pps5practiceguide.pdf>
 28. The Tamar Plan (2013) http://river-gateway.org.uk/catchments/Tamar/Tamar_Plan_121122_1st_Draft_ver_2-1.pdf
 29. European Environment Action Programme to 2020 available at:
<http://ec.europa.eu/environment/newprg/index.htm>
 30. Countryside Commission The Tamar Valley Landscape: a landscape assessment (1992)
 31. Countryside Agency Landscape Character Assessment guidance for England and Scotland (2002)
<http://publications.naturalengland.org.uk/publication/2671754?category=31019>
 32. Note: The LCAs are not confined within the boundaries of the designation and spill over into the surrounding landscape, putting the Valley within its wider context. For this Plan the landscape character descriptions have been edited to summarise the elements that are most characteristic of the AONB.
 33. Tamar Valley AONB State of the Environment report: An atlas of the Tamar Valley landscape (2012) <http://www.tamarvalley.org.uk/wp-content/uploads/2010/07/Atlas.pdf>