



**Cornwall Area of  
Outstanding Natural Beauty  
Partnership's Engagement with  
Local Development Framework**

**June 2006**

# **CORNWALL AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP'S ENGAGEMENT WITH LOCAL DEVELOPMENT FRAMEWORK**

## **1. INTRODUCTION**

### **1.1 The Brief**

The brief was to advise the Cornwall Area of Outstanding Natural Beauty (AONB) Partnership on planning issues and the specific tasks outlined below were undertaken:

- 1. An audit of existing AONB policies within current Local Plans, identifying strengths and weaknesses and recommendations on how they might be improved when considered as part of the Local Development Framework (LDF) process.*
- 2. Identification of a timetable of involvement for Cornwall AONB unit in the Local Development Scheme (LDS) for each of the Districts.*
- 3. Recommendation of how policies can be strengthened when the AONB Unit responds to relevant LDF consultations.*

### **1.2 Background**

Prior to embarking on these tasks research was undertaken on the work of other bodies on planning advice in other AONB's. The reports/documents that were of particular value, which will be referred to in this report, were:

- Area of Outstanding Natural Beauty Management Plans and the Planning and Compensation Act 2004 prepared by David Tyldesley and Associates on behalf of Suffolk Coast and Heaths AONB, and Dedham Vale AONB (Document 1);
- South Downs Planning Guidelines – Policies and development control criteria that will be advocated by The South Downs Joint Committee (Document 2); and
- South Downs Local Plan Analysis (Document 3).

The other documents referred to in this report are listed in Document 4.

## **2. ASSESSMENT OF CURRENT POLICIES**

### **2.1.1 North Cornwall District AONB Policy**

The North Cornwall District Council Local Plan (April 1999) includes Policy ENV 1 for "Protecting the Countryside and Landscape Character" (Chapter 5 - The Environment). This is a strongly worded policy which provides a good framework for development control decision in the AONB. In addition, the

policy justification provides an appropriate context to this policy, dividing the District into four distinct areas; The Coastal Zone, Bodmin Moor, Camel Valley and The Tamar Valley, referring to their characteristics and pressures. The work that had been undertaken on landscape character assessment is also referred to in the supporting text (para 5.35). However, the level of policy guidance is disappointing. The policy states that development proposals will not be permitted “where they adversely affect the character and amenity of these areas”, but guidance is not provided on the characteristics of the area which require conservation. Also, no criteria are provided against development proposals and there is no guidance on enhancement.

### **Protecting the Countryside and Landscape Character**

#### **Policy ENV 1**

1. In the Areas of Outstanding Natural Beauty and the Heritage Coast, the main priority will be the conservation of the natural beauty of the landscape. Development proposals within, or near to, the Areas of Outstanding Natural Beauty or the Heritage Coast will not be permitted where they adversely affect the character and amenity of these areas unless the development is required in the proven national interest and no alternative sites are available.

2. Development proposals in the countryside elsewhere will only be permitted where they are allowed under other policies in the Plan and they do not have a significant adverse affect on the amenity or landscape character of the area. Protection of landscape character will be particularly important in the Areas of Great Landscape Value which are defined on the Proposals

The following specific guidance is provided in the reasoned justification to the policies which could form part of a criteria based policy:

- “All major development proposals in an AONB should be accompanied by an environmental assessment.” (para 5.31)
- “It is necessary, therefore, to give very careful consideration to all development proposals not only within but also just outside the AONB boundary.” (para 5.32) Going onto provide specific advice on distances “as a general guide any development within 1 kilometre of the AONB or Heritage Coast will be examined particularly carefully although major developments may require closer scrutiny over greater distances.”
- “Within AONBs and the Heritage Coast, outline planning applications are not acceptable and the submission of details showing the design, siting and materials of proposals is required.” (para 5.34)

These shortcomings could be a result of the level of information/evidence available on landscape character assessment and management policies for the

AONB at the time when the Local Plan was prepared and could be addressed in the emerging policies in the Development Plan Documents (DPD's).

The Local Plan also contains Policy HSG 3 (Intensification of Residential Use), HSG 12 (Gypsies), ECN 10 (Tourist Attractions and Facilities), ECN 11 (Serviced Accommodation), ECN 12 (Purpose Built Holiday Accommodation), ECN 13 (Caravan and Camping), ECN 14 (Improvement to Existing Holiday Sites), SAF 8 (Golf Courses), TRU1A ((Roadside Facilities), TRU4 (Wind Power) and DVS1 (General Design and Amenity Considerations). Generally these policies set down a presumption against specific forms of development that materially harm/have an adverse impact on the character of the AONB or are criteria based. These policies address some of the concerns listed above and provide an extra level of protection for specific forms of development.

## 2. 1.2 Penwith District Council AONB Policy

Penwith Local Plan is the most recently adopted in February 2004. The preamble to the policy concentrates on the Coast and Countryside, of which the AONB covers 46 %. There is a welcomed positive emphasis that goes beyond protection onto the management and improvement of the AONB. A dual approach is promoted and policy CC-1 and CC-2 below are adopted to meet this requirement.

### **POLICY CC-1**

**DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD SIGNIFICANTLY HARM THE LANDSCAPE CHARACTER, AMENITY, NATURE CONSERVATION, ARCHAEOLOGICAL, HISTORIC OR GEOLOGICAL VALUES OF THE COAST AND COUNTRYSIDE OF PENWITH.**

### **POLICY CC-2**

**PROPOSALS WHICH MAINTAIN, ENHANCE AND FACILITATE THE ENJOYMENT AND UNDERSTANDING OF LANDSCAPE CHARACTER, AMENITY, NATURE CONSERVATION, ARCHAEOLOGICAL, HISTORIC AND GEOLOGICAL VALUES IN THE COAST AND COUNTRYSIDE WILL BE PERMITTED**

The supporting statement to the AONB policy provides a good description of the main characteristics. Reference is made to the AONB Management Plan, which is described as complementary and will “provide valuable support in implementing, reviewing and developing policy.” This is welcomed. There is also an emphasis on “the importance of such matters as scale, location, design and materials in assessing the impact of development proposals throughout the District” with particular care to be taken “so that where development is considered acceptable it reflects, and is in harmony with, the special character and national importance of the AONB.” It is disappointing that this guidance is not embodied in policy CC-3, as outlined below. In addition, development

adjacent or close to the AONB itself is also referred to, but is not part of the specific wording of the policy. It is emphasised that, “care must also be taken to avoid the erosion of the character of the AONB through the cumulative effect of development, including small scale development”, but guidance under the policy is lacking.

**POLICY CC-3: PROPOSALS FOR DEVELOPMENT  
CONFLICTING WITH THE OBJECTIVE TO CONSERVE AND  
ENHANCE THE AREA OF OUTSTANDING NATURAL BEAUTY  
WILL NOT BE PERMITTED**

As with North Cornwall Local Plan there are some policies in place that provide guidance on the control of specific forms of development. These include policies Policy H17 (Gypsy Sites), TM10 (Tourist Facility and Attraction), TM12 (Conversions), R8 (Water Related Recreation), CS10 ((Wind Turbines) and CS11 (Telecommunications). Once again these policies provide an extra level of protection for specific forms of development.

### **2.1.3 Kerrier District Council AONB Policy**

Kerrier District has no adopted District Wide Local Plan that forms part of the “saved” plans. On the 4<sup>th</sup> February 2004 KDC adopted the pre-inquiry changes to the Local Plan Revised Deposit Draft. These policies and proposals are a material consideration in the determination of planning applications. The policies in this document will be referred to as part of this assessment.

Again a significant part of the District’s landscape lies within the AONB; over 40% of the District, a reference is made to special landscape designations under the supporting text on “The Countryside”. Reference is also made to the Cornwall Landscape Character Assessment. Descriptions are provided and they are illustrated on maps. It is stated that “they will form the basis of further design guidance to conserve their local distinctiveness”. This approach is reflected in policy in the new policy ENV 1a as outlined below:

**POLICY ENV 1a:**

**LANDSCAPE CHARACTER AREAS**

**DEVELOPMENT THAT WOULD SIGNIFICANTLY HARM THE LOCAL CHARACTER, DIVERSITY AND DISTINCTIVENESS OF THE NATURAL, HISTORIC, OR BUILT ENVIRONMENT OF A CHARACTER AREA EITHER:**

- i. IN ITS LOCATION, USE, SITING, LAYOUT, DENSITY, FORM, DESIGN, USE OF MATERIALS, RETENTION OF IMPORTANT FEATURES OR**
- ii. IN ITS LACK OF PROVISION FOR IDENTIFIED LOCAL SOCIO-ECONOMIC OR AFFORDABLE HOUSING NEEDS WILL NOT BE PERMITTED.**

The statutory duty to conserve and enhance the natural beauty of the AONB landscape is emphasised in the supporting text in paragraph 3.13 to 3.27. Two policies are drafted to control development within the AONB. Policy ENV 2 provides the presumption against development that does not conserve or enhance the natural beauty of the landscape, with specific criteria for controlling major development. Policy ENV 3 sets down the criteria that would need to be adhered to when the development meets this test. Reference is also made in the supporting text to greater control over minor development being achieved through removing permitted development rights.

**POLICY ENV2: LANDSCAPE - THE AREA OF OUTSTANDING NATURAL BEAUTY**

**DEVELOPMENT THAT DOES NOT CONSERVE AND ENHANCE THE NATURAL BEAUTY OF THE LANDSCAPE OF THE AREA OF OUTSTANDING NATURAL BEAUTY WILL NOT BE PERMITTED, (INCLUDING CONSIDERING THE IMPACT OF (i) PROPOSALS NEAR TO THEIR BOUNDARIES, AND (ii) ANY OTHER PROPOSALS AND EXISTING DEVELOPMENT IN CLOSE PROXIMITY) UNLESS THE ENVIRONMENTAL HARM IS OUTWEIGHED BY THE NEED FOR DEVELOPMENT AND THE BENEFITS TO THE ECONOMIC AND SOCIAL WELLBEING OF THE AREA.**

**MAJOR DEVELOPMENT WILL NOT BE PERMITTED UNLESS IT IS IN THE PUBLIC INTEREST AND WHERE:**

**(i) THERE IS A NEED FOR THE DEVELOPMENT IN TERMS OF NATIONAL CONSIDERATIONS AND ITS IMPACT ON THE LOCAL ECONOMY;**

**(ii) ANY DETRIMENTAL EFFECT ON THE ENVIRONMENT AND THE LANDSCAPE CAN BE MODERATED SO THAT THE ENVIRONMENTAL HARM IS OUTWEIGHED BY THE BENEFITS TO THE PUBLIC INTEREST; AND**

**(iii) THERE IS NO ALTERNATIVE SITE IN TERMS OF THE COST OF, AND SCOPE FOR, DEVELOPING ELSEWHERE OUTSIDE THE AREA OR MEETING THE NEED FOR IT IN SOME OTHER WAY.**

**POLICY ENV3: LANDSCAPE - SITING AND DESIGN IN THE AREA OF OUTSTANDING NATURAL BEAUTY**

**DEVELOPMENT THAT IS SITED AND DESIGNED TO CONSERVE AND ENHANCE THE NATURAL BEAUTY OF THE LANDSCAPE OF THE AREA OF OUTSTANDING NATURAL BEAUTY WILL BE PERMITTED WHERE:**

**(i) IT INTEGRATES INTO THE DISTINCTIVE LANDSCAPE CHARACTER OF THE LOCALITY, IS IN KEEPING WITH THE CHARACTERISTIC PATTERNS OF SETTLEMENT AND THE DEGREE OF EXPOSURE;**

**(ii) IT INCORPORATES LOCALLY DISTINCTIVE TRADITIONAL BUILDING FORMS, STYLES, SCALE, COLOUR AND MATERIALS; AND**

**(iii) THERE IS A SCHEME OF LANDSCAPING AND PLANTING INCORPORATING LOCALLY ACCEPTABLE AND NATIVE SPECIES**

These policies can be described as the most comprehensive and they are accompanied by some policies relating to the control of specific developments within the AONB, including policy CS7, CS9 and BEN15 (para. 4.106)

#### **2.1.4 Restormel Borough Council AONB Policies**

The Local Plan policy and supporting statement are both brief. This may be a reflection of the small percentage of the District that is designated as an AONB. That is the least in the County with just under 11%. It may also be due to the date the plan was adopted, which was October 2001. The duty to protect the AONB and its status were unlikely to have been taken into consideration and less importance was attached to the work emerging on Landscape Character Assessment.

Policy 13, outlined below, is the only policy specifically covering the AONB. This provides guidance on the priority in the AONB to preserve and enhance the natural beauty, but no specific guidance is given elsewhere in the Local Plan on criteria to be adopted to control development whether major or minor. The supporting statement in paragraph 5.22 states that:

“In assessing the level of harm which developments cause to AONB’s, the Council will pay particular attention to the materials proposed and how the development will respect the character of the area.”

The policies in the Local Plan that provide further guidance on these considerations do not provide any specific guidance for the AONB.

**Policy 13**  
**Within the Area of Outstanding Natural Beauty and Heritage Coast priority will be given to the preservation and enhancement of natural beauty. Development will not be permitted that would conflict with this objective.**

The only policies that provide additional guidance are policy 10 (renewable energy) and policy 99 (golf courses). Policies 12 and 18 are referred to in the text in the context of the Heritage Coast where the emphasis is on “conservation, protection and enhancement, but with the additional objective of facilitating their enjoyment, appropriate management and taking into account of the needs of the local community”. There is significant overlap with the AONB, so that this guidance will effectively provide more control over development within parts of this designated landscape.

#### **2.1.5 CARRICK DISTRICT COUNCIL AONB POLICIES**

Carrick District Wide Local Plan was adopted in April 1998. The specific policy for the control over development within the AONB is robust, promotes

enhancement as well as preservation and distinguishes between the major and minor development that are suitable within the designated landscape.

**Policy 3AD**

**The District Planning Authority will seek to preserve and enhance the natural beauty of the AONB. Development which conflicts with this objective will not be permitted. Major industrial or commercial development proposals will be inconsistent with the aims of designation and planning permission will not be granted for them unless it is shown that they are in the national interest and no alternative site outside the AONB is available. Other small scale development may be permitted where it would be well related to an existing settlement and be in sympathy with the landscape quality of the area.**

Other policy guidance includes a section on “Building design in the Area of Outstanding Natural Beauty/Area of Great Landscape Value” which provides good guidance on design as outlined in policy 4O, (see below), 4Q (shop fronts), and 4R (advertisements) A section is also included on environmental enhancement.

**Policy 4O**

**In the designated Area of Outstanding Natural Beauty, Areas of Great Landscape Value and the Heritage Coast, any new development should be sited and designed so as to respect the distinctive character of the area, with particular regard to traditional building styles, scale and local features, materials, finishes and colour, characteristic patterns of settlement and the degree of prominence**

There is also a section on “residential development in settlements within the AONB and/or Heritage Coast” setting down policy 6E that provides additional criteria for residential proposals in settlements in the AONB, which will provide an additional level of protection for the character of these villages. In addition the guidance on rural workshops (policy 9E), garden centres (policy 9F), tourism development in Flushing (policy 10M), golf courses (policy 10V), renewable energy (policy 13B/C) and telecommunication (13D) provide extra protection for these specific developments in the AONB.

Accordingly, although the main policy protecting the AONB is not as comprehensive as some, it is robust. In addition the suite of policies accompanying this guidance, which control a significant number of specific forms of major development, promotes a high standard of development/control for these developments.

## 2.1.6 CARADON DISTRICT COUNCIL AONB POLICIES

Caradon Local Plan was adopted in December 1999, and currently a Local Plan Alteration is under preparation. This is limited in scope focusing mainly on housing and employment. The Local Planning Authority will commence on the preparation of the Local Development Framework following adoption.

The adopted Local Plan sets down two policies, policy CL6 and CL7 specifically for the control of development in the part of the Cornwall AONB that lies within the District and the Tamar Valley AONB. Policy CL6 controls development within, and policy CL7 controls development near the AONB's. The purpose of policy CL6 is to minimise the impact of the development on the protected landscape. Reference is also made to the protection of its distinctive character and the need to respect the traditional building styles and local materials.

<b>POLICY CL6</b>	<b>DEVELOPMENT IN THE AONB'S AND HERITAGE COAST WILL NOT BE PERMITTED UNLESS THE DEVELOPMENT:</b> <b>(i) IS SITED AS TO MINIMISE ITS VISUAL IMPACT ON THE LANDSCAPE,</b>  <b>(ii) IS DESIGNED SO AS TO REFLECT LOCALLY DISTINCTIVE CHARACTER, TRADITIONAL BUILDING STYLES AND LOCAL MATERIALS,</b>  <b>(iii) CONFORMS WITH THE LOCALLY CHARACTERISTIC PATTERNS OF SETTLEMENT</b>
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Policy CL7 provides specific guidance for the protection of the areas "peripheral" to the AONB's that are of "considerable quality". The "buffer zone" is not defined, but as a general guide it is described in the reasoned justification (para. 7.32) as "any new building within 1 km of a designated AONB".

**POLICY CL7 IN CONSIDERING PROPOSALS FOR DEVELOPMENT NEAR THE DESIGNATED AREA OF OUTSTANDING NATURAL BEAUTY, OR THE HERITAGE COAST, ATTENTION WILL BE GIVEN TO THE IMPACT IT COULD HAVE ON THE CHARACTER AND APPRECIATION OF SUCH AREAS. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH:**

- (i) WILL BE UNDULY PROMINENT FROM VIEW POINTS WITHIN SUCH AREAS;**
- (ii) WILL ADVERSELY AFFECT THE VIEW TOWARD SUCH AREAS FROM ROADS, FOOTPATHS, BRIDLEWAYS AND OTHER PUBLIC PLACES;**
- (iii) WILL CREATE EXCESSIVE NOISE, DUST, SMOKE FUMES WHICH COULD INTERFERE WITH THE ENJOYMENT OF SUCH AREAS.**

There is also a policy (CL10) covering the coastal zone, which cover the coastal and estuarine components of the AONB's. Criteria are listed which sets down the form of development that is acceptable within the coastal zone outside the development limits of settlements.

The other guidelines for the control of development within the AONB are policy H15 (Gypsy Sites), policy TM1 (Tourist Attractions and Facilities), policy TM2 (Static Holiday Caravan Sites), policy TM3 (New Touring Caravan and Tent Sites), policy TM5 (Chalet and Holiday Flats), policy R8 (Golf Courses) and policy REN2 (On Shore Wind Turbines).

## **2.2 AUDIT OF AONB POLICIES WITHIN ADOPTED DISTRICT WIDE LOCAL PLANS**

An audit of the current Local Plan policies has been undertaken using the criteria adopted by The South Downs Joint Committee (Criteria listed in Appendix 1). The Joint Committee has established criteria to assess whether the Local Plan policies set down to protect the countryside, specific to the AONB, complied with the Planning Policy Guidance (PPG's). This method was used to make an objective assessment of the strengths and weaknesses of the relevant policies found in the Local Plans covering Cornwall. It is recognised that the PPG's are now being replaced by the Planning Policy Statements, and where this has occurred reference is made in Appendix 1. However, the criteria are still considered to be appropriate for the assessment of Local Plan policies, because these policies were drafted in accordance with this guidance.

The findings of this assessment are shown in Appendix 2 and demonstrate that the requirement:

- to “favour conservation of the natural beauty of the landscape” (AONB1) has been met in all the Local Plans;
- to “conserve and enhance the natural beauty and distinctive character of the AONB” (AONB2) has not been met in all Local Plans. This is a particular concern in the context of the lack of guidance on enhancement in North Cornwall and Caradon Local Plan;
- to “protect the natural beauty, amenity, character and quality of the AONB”(AONB3) was only specifically met within policy ENV2 of Kerrier District Council, but in the other Local Plans the policies that were related to the control of specific development met these requirements;
- The Local Plans that have a suite of policies to protect specific development were North Cornwall Local Plan, Penwith Local Plan, Carrick Local Plan and Caradon Local Plan;
- Kerrier Local Plan has some policies linked to controlling specific developments. In addition, their AONB policy ENV2 did meet the criteria of AONB 6 and AONB 8, with the only other Local Plan to meet these criteria being Caradon;
- Of all the Local Plans with policies relating to specific development North Cornwall and Carrick were the most comprehensive.

The audit of existing Local Plan policies was considered generally by the Planning Officers to be an appropriate way of testing policies. Although the AONB Management Plan was not in place at the time of the drafting of the Local Plans, they now felt that it should be taken into account.

### **2.3 PLANNING OFFICERS RESPONSE TO AUDIT**

Liaison has been undertaken with Forward Planning Officers from all the Districts/Borough Councils as part of this project. As part of the audit of the current Local Plan policies the following questions were asked:

1. *How do the Officers view their own current AONB policies:*

*What strengths and weaknesses have been found?*

2. *An audit of existing Local Plan policies is being prepared and tested against criteria set down by the South Downs Joint Committee :*

*Is this considered to be an appropriate way of testing current policies?*

Generally the Officers were satisfied that the current policies provided appropriate guidance for their section of the Cornwall AONB and where the policies supported the Local Planning Authorities position in the Planning Appeals they were found to be robust.

The other responses were as follows:

- Policy guidance not specific enough. No policy guidance on aims for AONB in terms of conservation and enhancement. Lack of criteria to test development proposals against;
- No link between landscape and biodiversity is made in some AONB policies, whilst they are intrinsically linked. This also applies to the historic landscape.

### **3. TIMETABLE OF INVOLVEMENT FOR CORNWALL AONB UNIT IN THE LOCAL DEVELOPMENT FRAMEWORKS**

3.1 The third task of the planning project was to identify a timetable of involvement for Cornwall AONB unit in the Local Development Framework's for each of the Districts. A summary table of Local Development Schemes for the Cornwall AONB was compiled in August 2005; this was updated following discussions with the District/Borough Planning Officers (Appendix 3). As anticipated there has been slippage.

3.2 The Summary table lists all the Development Plan Documents that are currently being prepared by the Districts. As a general guide the current position countywide on Development Plan Documents can be described as follows:-

*Statement of Community Involvement* – Work largely undertaken

*Local Development Scheme* – Work largely undertaken

*Core Strategy*- Preferred Options have been subject to public consultation. To be submitted to the Secretary of State during 2006

*Generic Policies* – Work currently being undertaken

Note: Caradon and Penwith are at an early stage in their work programme - Caradon is continuing with the First Alteration and Penwith has relatively recently adopted its Local Plan.

It is recognised that this does not provide a comprehensive list of all the Development Plan Documents that are currently being prepared, but as outlined below these are the documents that the Unit will concentrate on.

3.3 In the context of this planning project it has been decided to concentrate on the guidance provided within the Core Strategies and Generic Development Control Documents for the following reasons:

- The main strategic and generic policies controlling future development in the AONB's will be found within these policies;
- It is prudent to concentrate on this area of work because these policies are currently being drafted; and

- There is the need to prioritise because the AONB Unit does not have the necessary resource to become involved in all aspects of the emerging Local Development Framework, and therefore must concentrate on the policy areas most likely to impact on the conservation and enhancement of the AONB.

If specific issues are raised in the context of other Development Plan Documents this position will be looked at again in the context of the specific development pressure.

#### **4. OPPORTUNITIES TO STRENGTHEN POLICY GUIDANCE ON THE CORNWALL AONB IN THE DEVELOPMENT PLAN DOCUMENTS**

##### **4.1. The Relationship between the Areas of Outstanding Natural Beauty Management Plans and the Local Development Framework.**

4.1.1 Cornwall Area of Outstanding Natural Beauty is a landscape that is of a quality that has warranted its national designation. It is now a statutory duty to prepare a Management Plan and the first plan for the Cornwall AONB was published for the period 2004-2009 in 2004. The review of the Cornwall AONB Management Plan (CMP) will commence in 2007. Currently Development Plan Documents are being prepared by the Local Planning Authorities, which once adopted, will replace the Districts Local Plans. The opportunity to look at these two processes has to be undertaken in order to ensure appropriate and complementary management and planning guidance is in place that achieves the conservation and enhancement that this special landscape requires.

4.1.2 David Tyldesley and Associates report on the ‘Areas of Outstanding Natural Beauty Management Plans and the Planning and Compulsory Purchase Act 2004’ (Document No. 1) seeks to “identify whether the two new systems of plan offer opportunities to co-exist in a more beneficial way in terms of policy gains accrued by the AONB’s, but also in terms of public participation and process efficiencies”.(to be referred to as David Tyldesley’s report) The recommendations in the report that are considered to be of value, in the context of the Local Development Frameworks being brought forward in Cornwall and the specific policy requirements of the Cornwall AONB, have been taken forward in this project.

4.1.3 The opportunities for linkage between the AONB Management Plan objectives and the new development plan system that are of most relevant and warrant further consideration are as follows:

- ***Policy Synergy*** – *Complementary policy regimes between AONB Management Plans and the LDFs would clearly serve to strengthen the likelihood of the policy objectives for each type of plan being achieved, or moved towards.*
- ***Process Efficiencies*** - *the integration of plan making programmes.*

- 4.1.4 In terms of policy synergy the Development Plan Documents would need to provide not only negative guidance for the control of development, but also positive advice/guidance that would provide the parameters for appropriate change. That is generic policy guidance that discourages inappropriate development that would harm the character of the AONB. Combined with a “permissive approach” to development that is required to meet the needs of the economic or social fabric of the AONB; that is appropriate development that would bring acceptable change to the landscape.
- 4.1.5 An example of how Management Plan policies and Development Plan Document policies can combine to provide the framework for appropriate development can be considered in the context of the need to secure a sustainable rural economy. Under the theme “Working Landscapes” policy WL 4 of the Cornwall Management Plan is to “support and encourage the development of businesses that complement the features of the outstanding landscape character of the AONB”. Schemes that support local food production and sourcing that benefits the rural economy would be supported with policy guidance provided in the LDF that sets down the requirements for this form of development. The development would need to meet specific criteria that promote/ensure the conservation and enhancement of the AONB.
- 4.1.6 Accordingly, in terms of policy synergy the two processes are considered to be complementary, and as outlined below (para 5.2.6) an essential component of the emerging requirement for “spatial planning”. This aspect has been explored in further detail in the meetings with the District/Borough Planning Officers and their responses and conclusions are outlined below in paragraph 5.2.9.
- 4.1.7 Process efficiencies are considered more difficult to achieve at present. As outlined above, the Cornwall Management Plan has recently been prepared and the Local Development Frameworks are currently under preparation. In addition, all the local planning authorities have different timetables as listed in Section 3. However, when the review of the current Management Plan is undertaken the opportunity for policy integration should be examined again. Where evidence/data is collected on the different parts of the Cornwall AONB, this information should be considered as part of the monitoring process required under the new development plan scheme to assist in establishing the extent to which policies in the Development Plan Documents are being achieved (See section 5.2.10 on monitoring below).

## **4.2 Current Work on Landscape Policies in Cornwall**

- 4.2.1 Currently work on landscape policies are being undertaken by most of the Districts/Borough in the preparation of their Development Plan Documents that will provide development/generic policies. Baker Associates have provided Restormel Borough Council and Carrick District Council advice on policies generally, with specific advice for landscape policies. In addition, The Living Landscapes Project is currently undertaking specific work on landscape policies as part of the Cornwall and Isles of Scilly Landscape Character Assessment.

4.2.2 Cornwall Landscape Character Assessment -The Living Landscapes Project in conjunction with White Consultants are currently undertaking the Cornwall Landscape Character Assessment and have prepared a report on Landscape Policies (Appendix 4). This provides an example policy guidance for the Cornwall AONB. The Chichester Core Strategy Submission Development Plan Document has a comprehensive approach to the protection of the AONB, with a specific policy outlined below promoting its protection. Reference to the AONB MP being a material consideration in the determination of planning applications (para 58) and a summary is provided of the key spatial the policies in the South Downs Management Plan.

### **Policy Env1: Landscape**

The District's valued landscapes must be protected and enhanced. Development harmful to the landscape will be refused.

Development within Areas of Outstanding Natural Beauty will be refused unless it:

- facilitates the economic and social well-being of the area;
- is small-scale; and
- is suitably located; and
- is suitably designed; and
- preserves or enhances the natural beauty of the Area;

Within AONBs, and elsewhere, the amelioration of harm caused by existing developments, and the enhancement of landscapes that are of a poor quality, will be encouraged.

Outside AONBs, development will be refused if it is harmful to landscape character or landscape features worthy of retention, particularly local distinctiveness. The AONBs are shown on the Key Diagram.

- 4.2.3 Baker Associates - Baker Associates have prepared generic planning guidance for Restormel Borough Council and Carrick District Council that are being taken forward in their Development Plan Documents on “Generic Development Control Policies”. This guidance also provides another example of development control guidance for the Cornwall AONB (Appendix 5). Restormel Borough Council has used this work to generate the following policy for the Preferred Option Report on their generic planning guidelines.

**Preferred Option DC**  
**Policy Framework 1b - Landscape character:**

Planning permission will be permitted where proposals protect, conserve and enhance the:

- Sensitivity, setting, natural beauty and special landscape and seascape qualities of the Plan area.
- Important elements of a landscape, historic character area, including natural and historic features that add to local distinctiveness, such as natural and semi-natural habitats, pattern of field boundaries, woodland, trees, and other features, as well as through design and materials.
- Cultural and ecological value of the character area, including its tranquillity.
- View corridors, the setting of prominent buildings or significant landmarks and respecting the topography of the landscape, including skylines, hillsides and geological features.
- Special qualities of:
  - Coasts, including cliffs, rough ground, dunes, beaches and their surroundings.
  - Estuaries, rivers, waterways, wetlands and their surroundings.

In the “summary of options” more and less restrictive policy guidance is explored, as outlined below:

#### More restrictive policy

- Include policy criteria or separate policy relating specifically to AONBs. This option was not chosen as it was felt that the protection and enhancement of AONBs is covered by national policy and the Core Strategy.
- The policy was merged with 'historic environment' after the issues stage, to take into account the work being completed by the County, in relation to the joint landscape and historic characterisation project. However, it was felt that the historic environment designations were not sufficiently covered by the revised policy and the historic environment was not given sufficient weight, therefore two policies were recreated, 'landscape character' and 'historic environment'.

#### Less restrictive policy

- It was a possibility to take out the ecological references in this policy. However, this has been included as it is seen as integral to the holistic landscape character approach and follows the approach of current landscape assessment work, being completed in Cornwall.

4.2.4 It is not considered to be appropriate or necessary for one policy or a suite of policies to be promoted as the policy guidance that should be adopted for the whole of the Cornwall AONB. As the audit of the Local Plan policies have shown many different policy approaches can be used and be effective. The essential component is that all the necessary criteria are met. Therefore specific policies should only be referred to as examples of good practice.

## **5 INVOLVEMENT OF THE AONB UNIT IN THE LDF PROCESS**

### **5.1 CURRENT OPPORTUNITIES FOR INVOLVEMENT**

#### **5.1.1 Liaison with District Planning Officers**

As part of this planning project discussions have been undertaken with District/Borough Planning Officers currently involved in the preparation of Development Plan Documents. Appendix 6 provides the proforma used to structure the discussion and brief notes on the meetings with the officers.

5.1.2 The findings/conclusions from these discussions have informed the recommendations outlined below. The responses were very encouraging in that there is a genuine regard amongst the Officers for the landscape that constitutes the Cornwall AONB and a desire to award it the appropriate policy guidance that would sustain and enhance its quality and diversity. However, there was also the recognition that the new development plan process brings its own pressures/constraints that could affect the level of policy guidance that is achieved for the Cornwall AONB.

- 5.1.3 The new planning system is promoting the preparation of concise/brief documents. Para 2.28-2.30 of Planning Policy Statement 12 (PPS 12) states that:

***Generic development control policies***

*2.28 The local development framework should contain a limited suite of policies which set out the criteria against which planning applications for the development and use of land and buildings will be considered. Such policies will ensure that development accords with the spatial vision and objectives set out in the core strategy.<sup>16</sup> These policies may be included as part of the core strategy or in a separate development plan document.*

*2.29 Local planning authorities should avoid producing a compendium of use-related development control policies, which can be repetitive and quickly become out-of-date. The focus, instead, should be on topic-related policies such as protecting residential amenity; protecting landscape and natural resources; nature conservation; addressing accessibility; highway and transport issues; protecting vitality and viability; and addressing visual impact etc.*

*2.30 Generic policies should not repeat national planning policy statements but should explain how they apply to the local area. Policies should define clearly the circumstances in which planning permission will, or will not, be granted and should focus on achieving the outcomes required to meet the authority's spatial vision.*

A companion guide to PPS 12 under the guidance on “Generic Development Control Policies” reinforces this position stating that “*There should be a limited range of policies which set out the criteria against which planning applications should be considered*”.

- 5.1.4 It is therefore essential that the AONB Unit engage with the emerging Development Plan Documents in order to ensure that criteria based policies, for the conservation and enhancement of the Cornwall AONB, are as comprehensive and robust as the current policies in the Local Plan.

***RECOMMENDATION:***

***The AONB Unit should engage with the emerging Development Plan Documents in order to ensure that criteria based policies, for the***

*conservation and enhancement of the Cornwall AONB, are as comprehensive and robust as the current policies in the Local Plans.*

### **5.1.5 Adding Value**

The Local Planning Authorities are under significant pressure, with relatively limited resources, to produce the suite of Development Plan Documents (DPDs) required to provide future planning guidance for their Districts/Borough. It is therefore essential that the AONB Unit should 'add value' to the process and be focused so that their involvement is linked to their responsibilities.

5.1.6 In the discussions with the Planning Officers they welcomed and endorsed this position. The specific advice that was given was that:

- The AONB Unit should set down criteria that should be met within the policy guidance for the Cornwall AONB;
- Examples of good practice should be highlighted;
- There is a need for consistency amongst DPDs policies covering the Cornwall AONB. This would not need to be identical policies, but specific advice should be found within all policies;
- Undertake research on the work that has been undertaken in other parts of the country/county and give examples of good practice;
- AONB policy should be linked to Landscape Character Assessment, which includes biodiversity and historic landscape ;
- Need an AONB Design Guide linked to Local Authority Design Guides - could be a Supplementary Planning Document (SPD) on design;
- Make AONB Management Plan suitable for adoption across Local Authorities (LA's) and policy referral to Management Plans;
- AONB Partnership can provide examples and guidance to the LA's on how linking between the AONB MP and the LDF can be done; what the benefits are, what the pitfalls are and how monitoring can take place. If the Cornwall AONB Management Plan is to be adopted as SPD issues such as consultation and sustainability appraisal need to be addressed.

#### ***RECOMMENDATION:***

*The AONB Unit should follow the Planning Officers advice on its future engagement on the Development Plan Documents, and as a priority set down a set of criteria that should be met within the future policy guidance for the Cornwall AONB.*

### **5.1.7 Timetable**

In section 3 on the timetable of the LDF's it is clear that at present the main opportunities for involvement in the emerging Development Plan Documents will be in the generic development control policies. The response from the Planning Officers was to encourage the AONB Unit to be more proactive, in the light of the front loading nature of the current plan making regime, to get their position clearly understood at an early stage.

**RECOMMENDATION:**

***The AONB Unit will concentrate on engaging with the Local Planning Authorities on the Core Strategies and the Generic Development Control Policies, with the latter being the main priority.***

**5.2 LONG TERM OPPORTUNITIES FOR INVOLVEMENT**

**5.2.1 Relationship with the Cornwall AONB Management Plan** – As outlined above David Tyldesley and Associates have prepared, on behalf of Suffolk Coast and Heaths AONB and Dedham Vale AONB, a report on ‘AONB Management Plans and the Planning Compulsory Purchase Act 2004’. In this context I have looked at:

- the status of the Management Plan in the planning process;
- the role of the AONB management plan policies, which supplement and support the development plan, as material considerations;
- the AONB Management Plan as a spatial planning tool; and
- a complementary process – the linkages between the AONB management plan and the new development plan system.

**5.2.2 The Status Of The Management Plan In The Planning Process.**

David Tydesley’s report provides the following guidance on the legal status of the AONB Management Plan:

- AONB Management Plans are statutory in that local authorities (or Conservation Boards where established) are required by law to produce them.
- An AONB Management Plan should set out the local authorities’ or Conservation Board’s policies for the AONB and also indicate how these will be achieved.
- The importance and role of AONB Management Plans is underlined by the duty on public bodies including local authorities, to have regard to the statutory purposes of AONBs in carrying out their functions.
- AONB Management Plans do not override local development plans but relevant sections of the plan ***can be adopted as Supplementary Planning Guidance (SPG)*** where appropriate.
- AONB Management Plans should ***always seek to link across to other statutory plans, strategies and land management schemes*** which impinge on their geographical area (e.g. Local Transport Plans, Community Strategies, Biodiversity Action Plans) in order to both influence and support them. (in other words, an AONB MP could be viewed as being a ***spatial planning*** tool).

In the discussions with the Planning Officers the future role of the Management Plan was explored, and whether it is appropriate that part should be adopted as a Supplementary Planning Document (SPD). This is not considered to be necessary because, as outlined above, Management Plan's have their own legal status. Also, as outlined below Management Plan policies, that supplement and support the development plan, are considered to be material considerations. Because of this status it is considered that the policies can be used to support local planning decisions on Appeal without the special status of SPD.

### **5.2.3 The Role Of The AONB Management Plan Policies, Which Supplement And Support The Development Plan, As Material Considerations.**

David Tydesley's report also states that "once AONB bodies have adopted the AONB Management Plan (although there is no formal 'adoption' process comparable with the development plan system), those elements which supplement and support the policies set out in the development plan, may be taken as *material considerations* in determining a planning application."(para 22.22) This position is supported in the Planning Inspector's decision on an Appeal against the decision to refuse planning permission for a single turbine at Membury Service Area on the M4 in West Berkshire (Appendix 7).

5.2.4 The current Cornwall Management Plan policies have been considered in the context of this approach (Appendix 8). It is recognised that the Management Plan's approach has been largely strategic; however this shows that most of these policies supplement and support planning policies. Those policies, which can be linked directly to the control of development in the emerging LDD's, are highlighted. It is useful to look at an example which outlines why the MP policy is considered to be a material consideration. Because of the strategic nature of these policies a Core Strategy Policy has been used as an example. Carrick District Council Core Policy 2 (Core Strategy Draft April 2005) states that:

*"Development will be located to minimise energy consumption, the need to travel and use of greenfield sites. Also it will avoid harm to features of acknowledged importance...."*

This position is supported in Management Plan policy VibL 1 which is to:

*"Ensure that housing developments by their location and design do not unnecessarily compromise the local character of the AONB and are effectively tried to be of long term value to the communities in which they are located".*

5.2.5 The Planning Officers were asked for feedback on the current MP, although it was recognised that the guidelines were intended to be strategic, there was a general request that there should be more detailed area based guidance. Other observations were:

- Need for working examples of how management guidelines apply to different areas of the Cornwall AONB;

- Need for areas based guidance that would enable LPA's to make an assessment on pressure and opportunities in their part of the AONB.

Paragraph 5.2.9 outlines the Officers observations on how these and other issues can be addressed in the review of the Management Plan.

### **5.2.6 The AONB Management Plan As A Spatial Planning Tool**

Planning Policy Statement 12: Development Plans in the Planning System states that:

*“Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function (para 1.8).*

and goes onto say:

*“Local Planning Authorities should therefore take account of the principles and characteristics of other relevant strategies and programmes when preparing local development documents and in particular the core strategy.”*

The Planning Advisory Service report on “The LDF learning and dissemination project” defines spatial planning as “Integrated strategy for the future of an area which is rooted in a clear vision, with commitment by all the relevant agencies to its delivery”.

- 5.2.7 The AONB Management Plan clearly fits into the category of providing “other policies and programmes which influence “the nature of places and how they function”. The Management Plan is providing supporting and supplementary guidance that will enable land use policies to be rooted into the activities and management regimes that shape the character of the Cornwall AONB’s landscape.

### **5.2.8 A Complementary Process – The Linkages Between The AONB Management Plan And The New Development Plan System**

The role of the Management Plan in complimenting/supporting the new development plans that are being prepared will be an important consideration in the review of the Cornwall AONB Management Plan. In the discussions with the Planning Officers the need to develop a stronger relationship between the LDD and MP in their future preparation/review is supported. This is seen as a valuable tool in moving towards spatial planning.

- 5.2.9 In order to taken this relationship forward the following opportunities need to be explored:

- The Management Plan would need to work at two levels; the strategic level and the area based level. The former would provide the overall strategic

approach to development in Cornwall AONB, whilst the latter would give management guidelines for the individual area components of the Cornwall AONB.

- In the guidance relating to the different parts of the AONB they would like to see area based objectives and specific guidance on how the landscape character of these areas can be conserved and enhanced.
- They would also like to see more guidance on economic and social criteria. For example where there is a conflict between landscape and economics would like to be able to establish in what circumstances economic justification for change can be substantiated. They would also like to see guidance on sustaining communities in AONB's. How are landscapes to be maintained if farming continues to be put under significant economic pressure?
- Case Studies – Need a greater evidence base on the impact of pressure for development on the different parts of the AONB. Areas of interest were barn conversions and replacement agricultural buildings, caravan sites, redevelopment of hotels, replacement dwellings and extensions to dwellings etc.
- Design Guides – Need to address landscape characterisation and diversity. Visual impact of development on the AONB needs to be incorporated into District Design Guides. Need case studies of good design and local vernacular. Need good and bad examples of development within the AONB.
- Climate Change – The implications of climate change on the different parts of the AONB needs to be addressed. Need to develop an understanding of how the balance is to be achieved between the maintenance of the AONB's character/quality and addressing the changes to meet the challenges of climate change.
- Monitoring – see section below.

***RECOMMENDATION:***

***The Review of the Management Plan should be taken forward so that the opportunities for the Plan to be complementary and support the Local Development Documents are maximised.***

**5.2.10 A Complementary Process - Monitoring**

**Cornwall AONB Management Plan**

The AONB Management Plan provides strategic guidance, identifying the broad issues affecting the AONB, in particular farming and agricultural change, climate change and renewable energy, tourism, and affordable housing and sets down 'action' that needs to be taken to implement these policies. As stated in the Plan a range of partners need to take this forward with, in some cases, the AONB Partnership being the lead body. Section 6 of the Management Plan lists the actions to be taken. Under Policy WL6 the following is set down:

“Develop a monitoring procedure to establish where there are pressure points

on the AONB and how AONB issues are being addressed within each of the local planning authorities”.

Under section 7, which addresses Monitoring and Evaluation, it calls for a list of indicators to provide “a view of change in condition of the landscape and its components over time. In order to enable the effectiveness of the AONB management to be assessed, identify the magnitude of the forces for change and enable accurate identification of priorities”.

5.2.11 Work has been undertaken on the South West Protected Landscapes Forum to find common indicators and in line with this work a draft set of indicators based on preliminary regional research is set down in the Management Plan. The features that are addressed are landscape character, historic environment, land management, biodiversity, water quality, access, awareness, transport, economic, social and access to services.

#### **5.2.12 Cornwall, Tamar Valley and Isles of Scilly AONB Joint Landscape Character Monitoring Project**

In order to take this work forward the Cornwall, Tamar Valley and Isles of Scilly AONB Partnerships have commissioned The Living Landscapes Project to undertake a Joint Landscape Character Monitoring Project.

The key aims of the project are

To develop a set of local landscape indicators for the individual areas of the three AONB’s. The study will use the results of the Landscape Character Assessment of Cornwall and the Isles of Scilly currently being undertaken, to assess the key characteristics of each of the individual AONB areas. These key characteristics will form the basis of a set of indicators for the AONB to be consulted upon by stakeholders.

The project will develop a set of condition criteria for the indicators and attempt to establish a condition baseline over 06-07. Once the baseline is recorded on an established database, the project will then examine a survey methodology, integrated with the Landscape Character Assessment, Landscape Description Units that should enable the monitoring of the unique elements of the landscapes of the AONB’s over time

#### **5.2.13 Monitoring within the Local Development Frameworks**

Planning Policy Statement 12: Local Development Frameworks provides guidance on review and monitoring of Development Plan Documents. An annual monitoring report is required to assess:

- i. the implementation of the local development scheme; and*
- ii. the extent to which policies in local development documents are achieved.*

The purpose of the annual monitoring report is to review actual plan progress. To meet this requirement local planning authorities have to develop

monitoring systems to assess the effectiveness of Development Plan Documents. The Local Development Framework Monitoring Guide sets out core local development output indicators, against which authorities have to monitor policy implementation.

#### 5.2.14 Complementary Processes

Monitoring is now being taken forward in the new Development Plan Documents and the AONB Management Plans. In the context of Cornwall AONB both of these processes are at an early stage in their development, and as outlined above, work has been commissioned to establish appropriate indicators for the AONB. Monitoring by some LPA's was considered to be fraught with difficulties, often quantitative, and genuinely difficult to achieve good qualitative indicators. Also there was considered to be insufficient work undertaken/guidance on targets that were appropriate and practical. An example of the approach to monitoring in the Local Development Frameworks that is currently being undertaken is shown below in Restormel Borough Council's Core Strategy – Preferred Option (May 2005).

Core Strategy Policy 4 – Quality Living Environmental a) Safeguard the countryside of the Borough Indicator – Number of major developments in the AONB
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The AONB Partnership could add real value to this process by working together with the local planning authorities on developing comprehensive and consistent indicators of landscape change for the whole of the Cornwall AONB.

**RECOMMENDATION: The AONB Unit will work with the Local Planning Authorities to establish complementary monitoring arrangements/indicators, based on the work currently being undertaken by The Living Landscape Project, for the Cornwall AONB Management Plan and the Development Plan Documents.**

## **6. RECOMMENDATIONS**

### **RECOMMENDATION 1:**

*The AONB Unit should engage with the emerging Development Plan Documents in order to ensure that criteria based policies, for the conservation and enhancement of the Cornwall AONB, are as comprehensive and robust as the current policies in the Local Plans.*

### **RECOMMENDATION 2:**

*The AONB Unit should follow the planning officers advice (outlined in paragraph 5.16) on its future engagement in the Development Plan Documents, and as a priority to set down a set of criteria that should be met within the future policy guidance for the Cornwall AONB.*

### **RECOMMENDATION 3:**

*The AONB Unit will concentrate on engaging with the Local Planning Authorities on the Core Strategies and the Generic Development Control Policies, with the latter being the main priority.*

### **RECOMMENDATION 4:**

*The Review of the Management Plan should be taken forward so that the opportunities for the Plan to be complementary and support the Development Plan Documents are maximised.*

*The specific areas of work that need further consideration are:*

- *Consultation and publicity that reflects the Management Plan status in the context of the Development Plan Documents;*
- *Preparation of area based guidance for the separate parts of the AONB;*

- *Preparation of case studies in order to provide an evidence base on the impact of pressure for development on the different parts of the AONB;*
- *Design Guides – Need to address how visual impact of development on the AONB needs to be incorporated into District Design Guides. Need to consider case studies of good design and local vernacular with good and bad examples of development within the AONB.*

***RECOMMENDATION 5:***

*The AONB Unit will work with the Local Planning Authorities to establish complementary monitoring arrangements/indicators, based on the work currently being undertaken by The Living Landscape Project, for the Cornwall AONB Management Plan and the Development Plan Documents.*

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