

Planning for the South Devon AONB:

Planning Guidance
Version 1



South Devon



Area of Outstanding Natural Beauty

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The AONB at a glance

- South Devon Area of Outstanding Natural Beauty
- Dartmoor National Park
- County / Unitary Authority
- Parish Boundary
- Beach
- Inland Waterbody
- River
- Prominent headlands
- Sea Areas

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Section 1

Introduction



This Planning Guidance is an annex to the statutory South Devon Area of Outstanding Natural Beauty (AONB) Management Plan and provides detailed guidance on how development can conserve and enhance the natural beauty of the South Devon AONB and accord with the requirements of the National Planning Policy Framework to help achieve sustainable development.

This Section sets out the purpose, status and context of the Planning Guidance.

1.1 Purpose of the South Devon AONB Planning Guidance

1. The purpose of this ‘South Devon AONB Planning Guidance’ is to set out the legal framework and national planning policy for Areas of Outstanding Natural Beauty (AONBs) and how it should be properly understood, interpreted and applied so that the local planning process conserves and enhances the South Devon AONB in line with Parliament’s intended approach to these nationally protected landscapes.
2. More specifically, it sets out the South Devon AONB Partnership’s views on how the Government’s National Planning Policy

Framework (NPPF) and its Planning Practice Guidance (PPG) should be properly understood, interpreted and applied in relation to the South Devon AONB in order to achieve sustainable development through planning.

Who is this guidance for?

3. This guidance is principally for the relevant local planning authorities (including Town and Parish Councils) to give advice on how to meet their statutory duty to AONBs when applying national planning policy and practice guidance in relation to or so as to affect the South Devon AONB. It should be used during plan-making (Local Plans and Neighbourhood Plans) and decision-taking (determining planning applications). It also provides advice for developers, including statutory

undertakers, to assist them in preparing applications for planning permission for developments that may affect the South Devon AONB. The guidance seeks to supplement, but does not replace, professional technical advice from the South Devon AONB Unit during plan-making or on individual applications, which should be sought where AONB matters are thought to be relevant.

4. It may also be of interest to community groups or amenity societies and members of the public who wish to better understand how and when the AONB should be considered in the planning process and by whom. It may also be helpful for those wishing to make representations on emerging Local Plans, or comment on individual applications, to the local planning authority. It is not intended to explain how the planning system works, as Government has set this out in a 'Plain English guide to the planning system'.¹

Why is guidance needed?

5. South Devon AONB communities need to be economically viable and have access to adequate housing, employment, amenities and facilities to meet demonstrable local needs. There is an obvious need to manage development pressures in and affecting the South Devon AONB. Successfully achieving sustainable development requires that the AONB is conserved and enhanced whilst supporting a sustainable rural economy which fosters the economic and social well-being of its local communities.
6. The South Devon AONB Planning Guidance seeks to support high quality development in, and in the setting of, the AONB that is consistent with conserving and enhancing its natural beauty, whilst also contributing to the sustainable use and management of the area's rich natural and cultural assets.

7. In 2015 the National Trust commissioned a report² in response to a series of planning appeal decisions where significant development was approved in AONBs around the country, notwithstanding AONB Unit objections. This set out to identify and review 15 planning cases to ascertain whether decisions properly applied national planning policy and law in relation to AONBs. The report found, in these cases, that a fundamental issue was one of 'inadequate attention to national policy and procedure'. In many instances decision-takers had either not applied or had improperly applied NPPF paragraphs 115 and 116 and its tests, or paragraph 14, or exercised the section 85 duty of regard. This leaves the decisions open to challenges on errors of law.
8. Local authority planning officers and elected Members of the Councils should understand and correctly apply the law and policy framework that protects AONBs. This Planning Guidance seeks to inform local planning authorities on how they can exercise their official discretion (the way they make their decisions) in relation to the South Devon AONB in line with Parliament's intended approach to protected landscapes. If they misunderstand or misapply a policy, their decision may be open for challenge. Following the advice given here can help minimise the risk that planning officers and/or elected Members will take decisions which are subsequently exposed to challenge at a Planning Appeal, Examination in Public, or in the Courts.

² 'Development in and affecting Areas of Outstanding Natural Beauty' Green Balance, 2015 (for the National Trust)

1.2 The Status of the AONB Planning Guidance

9. This document is a material consideration in plan-making and decision-taking where these have the potential to affect the South Devon AONB.
10. The South Devon AONB Planning Guidance was developed over an 18 month period involving joint work between the relevant Local Planning Authorities, conversations and consultation with Local Amenity Groups. A draft of the document underwent a formal public consultation lasting 8 weeks during July and August 2016. The outcomes from that consultation and a subsequent peer review process have been used to inform its completion.
11. This Planning Guidance document was formally adopted by the South Devon AONB Partnership as an annex to the South Devon AONB Management Plan in March 2017. As part of the statutory AONB Management Plan this guidance is now a 'material consideration' in planning.³

³ See Department of Communities and Local Government, 'Planning Practice Guidance' Paragraph: 004 Reference ID: 8-004-20140306 Revision date: 06 03 2014 available at <https://www.gov.uk/guidance/natural-environment>

¹ Department for Communities and Local Government, 'Plain English guide to the planning system' (DCLG, 2014) available at <https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>



12. The Local Planning Authorities for the South Devon AONB are:
- Devon County Council
 - South Hams District Council
 - Torbay Council
 - Plymouth City Council
13. It is the ambition of the South Devon AONB Partnership that the Planning Guidance will be formally adopted by the Local Planning Authorities as a Supplementary Planning Document (SPD) as part of a suite of documents that informs Local Plan policy and practice. As an SPD it will have greater weight in the planning process.

1.3 South Devon AONB Partnership's and AONB Unit's Roles in Planning

14. The statutory consultee for planning matters affecting AONBs is Natural England. The South Devon AONB Partnership has a non-statutory advisory role in the planning process. This means that local planning authorities are not legally obligated to consult the AONB Unit, or the AONB Partnership on planning applications. The AONB Partnership's involvement in planning is delegated to the AONB Unit.
15. Under the Planning Protocol agreed with the local planning authorities, the AONB Partnership is involved through the AONB Manager, as a consultee on any planning applications significantly affecting the AONB (whether sited inside the AONB or likely to affect it).
16. The AONB Partnership takes an integrated and holistic approach to understanding and managing the AONB. It is not the AONB Partnership's, nor the AONB Unit's role to comment upon wider planning matters or local political issues.

17. The AONB Unit provides a professional technical analysis of the issues and effects on natural beauty which may result from a proposed development. It does so based on the AONB's special qualities and distinctive characteristics and the adopted policies and objectives in the statutory South Devon AONB Management Plan. The special qualities described in the Management Plan are an accessible means of explaining and understanding what conservation and enhancement of natural beauty means in the context of the South Devon AONB. The AONB Unit can assist the local planning authority with looking for solutions to identified issues and working proactively with applicants to secure development which conserves and enhances the AONB.
18. Although the South Devon AONB Unit is a non-statutory consultee the importance of its expertise in AONB matters was recognised by the Planning Inspector in the Winslade Inquiry⁴ stating that: **“The objections from the AONB Unit support the Rule 6 Parties' case and its analysis should be given great weight.”**⁵ The Secretary of State agreed with Inspector's conclusions. Therefore a local planning authority should give great weight to the analysis of the AONB Unit. It is still entitled to come to its own view on harm to the AONB, but if it disagrees with the AONB Unit's analysis, it should set out clearly the reasoning for its differing conclusion.

⁴ Secretary of State, Call-in Decision: Land at Winslade Farm, Frogmore, Kingsbridge, Devon
Application Ref: 43/2567/13/F 19 January 2017. Available at <https://www.gov.uk/government/publications/called-in-decision-land-at-winslade-farm-frogmore-kingsbridge-devon-ref-3136298-19-january-2017>

⁵ Secretary of State, Call-in Decision: Land at Winslade Farm, Frogmore, Kingsbridge, Devon
Application Ref: 43/2567/13/F 19 January 2017, paragraph 25. Available at <https://www.gov.uk/government/publications/called-in-decision-land-at-winslade-farm-frogmore-kingsbridge-devon-ref-3136298-19-january-2017>

19. South Devon AONB Partnership engages with the planning process in order to:
- (i) Conserve and enhance the natural beauty of the South Devon AONB;
 - (ii) Ensure that the formulation and implementation of planning policies across the South Devon AONB take full account of the purpose of designation and the character and quality of the AONB and its setting;
 - (iii) Ensure consistency and transparency of decision-taking across the AONB, particularly in relation to conserving its special qualities;
 - (iv) Help planning to achieve sustainable development by supporting a sustainable local rural economy within the context of a nationally protected landscape which fosters the economic and social well-being of its local communities, where this is compatible with (i) and (ii).
 - (v) Encourage development activities which underpin or support the ongoing management, conservation and enhancement of the AONB's special qualities as set out in the AONB Management Plan.

1.4 Arrangements for Future Review and Updating of the Planning Guidance

20. The South Devon AONB Planning Guidance is an annex to the South Devon AONB Management Plan. It will be included in the five-year cycle of AONB Management Plan statutory review. The next Management Plan review is scheduled for 2019. However, if the planning or the environmental context changes in the intervening period this Planning Guidance may be reviewed sooner to take account of the impacts of those changes to ensure the continued conservation and enhancement of the AONB.
21. The AONB Unit may, from time to time, produce Position Statements and other materials that explain in more detail any matters raised in this Guidance. Where issued, these should be read in conjunction with this Guidance.

1.5 Further Information Sources

South Devon AONB Management Plan 2014 – 2019

The Management Plan has two elements:

- ‘South Devon AONB Management Plan Part 1 - The Strategy’
- ‘South Devon AONB Management Plan Part 2 - The Delivery Plan’

The Delivery Plan is revised and updated on an annual basis.

Both are available at:

<http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan>



Section 2

The Legal framework for AONBs



The Countryside & Rights of Way Act 2000 provides a statutory framework for all policy, plan-making and decision-taking affecting the AONB by all public bodies, including local planning authorities and government agencies.

This section of the Planning Guidance explains the duties and responsibilities imposed by this primary legislation in relation to planning.

2.1 Statutory Purpose of AONB Designation

What is the main legislative framework for AONBs?

22. Areas of Outstanding Natural Beauty (AONBs) and National Parks were initially established by the National Parks and Access to the Countryside Act 1949. The law for AONBs was subsequently updated and enhanced by Part IV of the Countryside and Rights of Way Act 2000 (CRoW Act).⁶

23. The sole criteria for designation as an AONB is that the outstanding natural beauty of the area makes it desirable that particular protections should apply to it. They are designated by Natural England under the CRoW Act on account of their outstanding natural beauty and with the purpose of conserving and enhancing the natural beauty of the area.

⁶ The Countryside and Rights of Way Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/contents>

2.2 A Statutory Duty towards AONBs

24. The conservation and enhancement of natural beauty in AONBs has been desirable since the National Parks and Access to the Countryside Act 1949. The enhancements made by the CRoW Act 2000 created a clear objective that relevant authorities must have regard to in the discharge of their various functions. This removed any uncertainty over whether authorities should take account of natural beauty when exercising their functions.
25. Section 85 of the CRoW Act places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any functions in relation to or so as to affect land in an AONB. This duty is variously referred to as the 'section 85 duty' or the 'duty of regard' or the 'AONB duty'. The following paragraphs break down the duty and explain the pertinent elements of it.

SECTION 85(1) of The Countryside and Rights of Way Act 2000:

85 (1) "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

Who are the 'relevant authorities'?

26. The CRoW Act defines relevant authorities⁷ as government Ministers, public bodies, statutory undertakers and any persons holding a public office. Public bodies include local authorities, Parish and Town councils, amongst others. Statutory undertakers include rail and utilities companies (water and sewerage, electricity, gas, telecommunications). Persons holding a public office include Elected Members. These bodies may also be described as 'the section 85 authorities'.

What is the scope of the duty?

27. A duty is something that must be done in order to comply with the law. The s.85 duty applies to any functions, not only to those relating to narrowly-defined environmental or countryside matters. It is irrelevant what those functions are intended to achieve. The term 'functions' includes duties and powers, and the s.85 duty applies regardless of whether the function is a statutory or a permissive one. A function will be subject to the s.85 duty in any circumstance where it could be exercised or performed 'in relation to' or 'so as to affect' land in an AONB.
28. The duty applies to all planning functions, covering all aspects of plan-making and decision-taking. The duty applies from the earliest stages of plan-making, and at all stages of decision-taking, including deciding what weight to apply to different planning matters, whether any planning conditions are necessary, and also when considering enforcement action. Natural England⁸ consider it good practice that a local planning authority considers the duty of regard at several points in any decision-taking process or activities, including during initial thinking, at more detailed planning stages, at implementation and that it also provides written evidence that it had regard and considered whether the duty is or is not relevant.

⁷ Section 85(2) Countryside and Rights of Way Act 2000

⁸ <http://webarchive.nationalarchives.gov.uk/20160929000001/http://publications.naturalengland.org.uk/publication/30037>

What does 'in relation to' or 'so as to affect' mean?

29. It may be clear which functions are exercised 'in relation to' an AONB, but perhaps less clear which may be exercised 'so as to affect' land in the AONB. This part of the duty makes it clear that the key consideration as to whether the duty applies, is whether land in the AONB is affected.⁹ It is not relevant where the activity is being carried out, or whether it is being carried out in relation to the AONB. Activities occurring outside of the AONB which may affect it, are subject to the same duty of regard as those carried out within the AONB. The underlying legal principle of the duty is that land in the AONB should be conserved and enhanced regardless of where any affect on it arises from. See 2.4 What is meant by the 'setting' of an AONB?

What does it mean 'to have regard'?

30. The presence of a duty indicates that it is Parliament's intent that the conservation and enhancement of natural beauty is desirable. Parliament's objective in creating this legal duty is for the conservation and enhancement of natural beauty to be a factor in a relevant authority's decision-taking, and for it to be transparent and accountable for this.
31. It requires the decision-taker to consider the scale and nature of the impact that its decision or action (or inaction) is likely to have on the natural beauty of that specific AONB and whether its decision or action (or inaction) will conserve and enhance the AONB. It must be given genuine attention and thought, and such weight as the decision-taker considers appropriate. That Parliament clearly intend for AONBs to be conserved and enhanced should also be at the forefront of the decision-takers mind. The authority should be transparent about the weight it attributes to conserving and enhancing the AONB and to the other factors that are relevant during its

⁹ Seeking advice from the AONB Unit can help clarify whether affects are likely.

considerations and explain its reasoning. The law does not set out how this duty ranks against other duties. This is a judgment only the relevant authority can make. Although the duty itself does not oblige the relevant authority to place a particular weight on conserving and enhancing natural beauty, the Government's National Planning Policy Framework (NPPF) clearly and explicitly states that great weight should be given to conserving landscape and scenic beauty in AONBs, and that wildlife and cultural heritage are important in these areas. See: 4.3 The Requirement to Give 'Great Weight' for further explanation.

32. Where relevant authorities have choices (discretion) in how they perform or exercise their functions the duty gives rise to two considerations, both of which should be addressed:
- (i) Where the impact of a decision or action (or inaction) is likely to be adverse, the relevant authority should consider how it might avoid or minimise that negative impact by, adopting another alternative or adapting the way the action is carried out so as to conserve natural beauty.
 - (ii) Where the impact of a decision or action (or inaction) is likely to be neutral or positive, the duty points them to adapt the way the action is carried out in order to maximise positive impacts through taking opportunities to enhance natural beauty.
33. Defra's expectations of relevant authorities are that they should be able to:
- demonstrate that they have met the duty; and
 - show that they have considered the AONB purpose in their decision-taking.¹⁰

¹⁰ Defra, 'Duties on relevant authorities to have regard to the purposes of National Parks and Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads: Guidance note' (Defra, 2005) paragraph 9.

What does it mean to 'conserve and enhance'?

34. To 'conserve and enhance', is a single duty,¹¹ therefore in exercising the duty both requirements must be addressed in order for the duty of regard to have been properly discharged. Therefore, during plan-making and decision-taking relevant authorities must be mindful of how their proposed decision, action, or inaction, affects natural beauty both in terms of whether it 'conserves' the AONB and whether it 'enhances' the AONB.

What is natural beauty?

35. The duty concerns 'natural beauty' which in law includes, but is not limited to "flora, fauna and geological and physiographical features". In plain English this means plants, animals, rocks and soils, and landform and the processes that create and change them. It can be experienced in and apply to both natural and human influenced landscapes. Clearly the term natural beauty is wider than landscape or scenery and therefore consideration of harm to the natural beauty of the AONB should be made discretely and be discernible in the reasoning process from those addressing the effects on landscape generally. This approach was confirmed in the High Court and later reaffirmed by the Court of Appeal.¹² More detail explaining and defining natural beauty can be found in 2.3 Defining Natural Beauty.

¹¹ Support for this reasoning is found firstly in the fact that relevant authorities have a comparably worded duty towards National Parks, but additionally have a second duty. Secondly, that the Sandford principle which must be applied to resolve any conflict between the carrying out of these National Park two duties, makes it clear that discharge of the first duty overrides the second duty. Since National Parks and AONBs share the duty of regard to 'conserve and enhance' natural beauty, this situation affirms that this is a single duty.

¹² *Bayliss v Secretary of State and Purbeck District Council and Purbeck Windfarm LLP* [2014] EWHC 1612 (Admin), per Hickinbottom J at paragraph 17. Reaffirmed in *Bayliss v Secretary of State and Purbeck District Council and Purbeck Windfarm LLP* [2014] EWCA 347 (Civ), per Sir David Keene at paragraph 19.

2.3 Defining Natural Beauty

36. In summary natural beauty is a broad term, which encompasses many factors and which can be experienced in and applied to both natural and human influenced landscapes. The South Devon AONB Partnership uses the special qualities and distinctive characteristics of the AONB as a means of explaining and describing its 'natural beauty' and for guiding management decisions. See 3.2 Special Qualities of the South Devon AONB.
37. That natural beauty includes "flora, fauna and geological and physiographical features" was established by the National Parks and Access to the Countryside Act 1949 and reaffirmed by The Countryside and Rights of Way Act 2000.¹³ This means in effect that the criteria for natural beauty set out in the law are open-ended and not exhaustive. Therefore other factors may contribute to natural beauty. Natural England in its 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England'¹⁴ sets out an evaluation framework for natural beauty criterion. This lists factors that contribute to natural beauty as:

- Landscape quality
- Scenic quality
- Relative wildness
- Relative tranquillity
- Natural heritage features
- Cultural heritage

¹³ See section 92.

¹⁴ Natural England, 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England' (Natural England, 2 March 2011).

38. Whilst it is easy to appreciate that wild landscapes have natural beauty, it can also be found in landscapes influenced by human activity, and these areas can be considered as being of outstanding natural beauty. The Natural Environment and Rural Communities Act 2006 explicitly states that:

“The fact that an area in England or Wales consists of or includes –

- (a) land use for agriculture or woodlands,*
- (b) land used as a park, or*
- (c) any other area whose flora, fauna or geographical features are partly the product of human intervention in the landscape,*

does not prevent it from being treated, for the purposes of any enactment (whenever passed), as being an area of natural beauty (or of outstanding natural beauty).”¹⁵

That landscapes influenced by humans can also have natural beauty is important in England since very few of our landscapes can be considered to be truly wild.

39. AONBs are internationally significant. The International Union for the Conservation of Nature (IUCN) classifies them as Category V Protected Landscapes which are described as:

“An area of land, with coast and seas as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance & evolution of such an area”.¹⁶

¹⁵ See section 99 Natural Environment and Rural Communities Act 2006.

¹⁶ IUCN Protected Area Categories http://www.iucn.org/about/work/programmes/gpap_home/gpap_quality/gpap_pacategories/gpap_category5/

40. Within the context of South Devon AONB historical land management practices include the ‘casting up’ of material from lanes onto the earth banks, which helped to form the deep cut lanes and corresponding high hedge banks characteristic of South Devon. Its historical aquatic biodiversity management practices include small scale estuarine shellfisheries.

2.4 What is meant by the ‘setting’ of an AONB?

41. Activities and developments outside the boundaries of AONBs may affect land in the AONB. In such cases, section 85 of the Countryside and Rights of Way Act 2000 clearly requires that relevant authorities must have regard to the conservation and enhancement of the AONB’s natural beauty. The underlying principle of the duty is that land in the AONB should be conserved and enhanced regardless of where any affect on it arises from.
42. The law on AONBs does not use the term ‘setting’ it uses the term ‘so as to affect’ land in the AONB. The key consideration is whether the AONB is affected¹⁷ and it is not relevant where the activity is being carried out. The term in ‘the setting’ of the AONB is used to refer to areas outside the AONB within which changes or activities are likely to have effects on the AONB. Setting cannot be definitively described or mapped as it will depend upon local context and the location and specifics of the activity in question. The key here is that the duty is not to protect land ‘in the setting’ per se, but to protect land in the AONB from effects arising from changes or activities occurring in the setting. Therefore, the ‘setting’ does require different treatment through the planning system than other areas of undesignated countryside, but only in so far as it concerns its interrelationship with the AONB.

The duty of regard applies irrespective of where the effects on the AONB originate

¹⁷ Seeking advice from the AONB Unit can help clarify whether effects are likely.



43. The extent of the legal duty upon local planning authorities, when considering development (at the plan-making or decision-taking stage), in the setting of an AONB is identical to that for development within an AONB. In terms of the section 85 duty of regard the only consideration is to whether land in the AONB is affected, and not to where the effect(s) originates. Likewise, great weight should be given to conserving landscape quality and scenic beauty (under paragraph 115 of the NPPF) regardless of whether the development is located within the AONB, or on land outside but so as to affect (i.e. in ‘the setting’ of) the AONB.

2.5 Other duties and powers regarding AONBs

44. Additional duties and powers conferred by the CRoW Act include:
- a duty upon the local planning authority to consult Natural England when preparing its development plan or proposing alterations or amendments to it, and to take into account Natural England’s views;¹⁸
 - a duty on Natural England to provide advice¹⁹ to the appropriate planning authority on the preparation or changes to development plans or individual development applications when asked to do so by the authority;²⁰
 - a permissive power for local planning authorities to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the AONBs in their areas;²¹

¹⁸ As set out in Section 9(1) National Parks and Access to the Countryside Act 1949

¹⁹ Natural England duties with regard to AONBs in England – see: <https://www.gov.uk/government/publications/areas-of-outstanding-natural-beauty-natural-englands-role>

²⁰ Conferred by Section 84(1)(a) of CRoW Act 2000, and set out in Section 6(4)(e) National Parks and Access to the Countryside Act 1949

²¹ Section 84(4) CRoW Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/84>

- a duty to prepare and publish a management plan for each AONB. The duty falls to the local authorities which must act jointly to produce the plan.²² (In the case of the South Devon AONB, the relevant local authorities are: South Hams District Council, Devon County Council, Torbay Council and Plymouth City Council);
- the AONB management plan must formulate the policies of the relevant local authorities for the management of the AONB and for the carrying out of their functions in relation to it;²³
- once adopted by the relevant authorities, and published, the AONB management plan must be reviewed at intervals not exceeding five years.²⁴

2.6 Implications of the duties towards AONBs for the Planning Process

45. The High Court succinctly set out the obligations towards AONBs under section 84 (the permissive power) and 85 (the duty) as:

*“...a planning authority **must take steps to accomplish the purpose of conserving and enhancing the natural beauty of an AONB; and must have regard to that purpose in exercising any function in relation to, or affecting land in, an AONB.**”²⁵ (Emphasis added).*

²² Sections 89(2) and (11) CRoW Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/89>

²³ Section 89(2) CRoW Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/89>

²⁴ Sections 89(9) and (10) CRoW Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/89>

²⁵ R (Mevagissey Parish Council) v Cornwall CC [2013] EWHC 3684 (Admin), per Justice Hickinbottom at paragraph 6.

During plan-making

46. The duty applies when preparing the development plan (Local Plans and Neighbourhood Plans) or proposing alterations or amendments to it. The purpose of AONBs, their special qualities and distinctive characteristics, and the policies and objectives set out in their statutory Management Plans, must be considered when for example:
- setting out the strategic vision, aims and objectives and strategic priorities;
 - preparing any strategic and development management policies (not just those related to protected landscapes or countryside);
 - when generating and deciding on options for the strategic distribution of development;
 - developing reasonable alternatives;
 - choosing strategic site allocations;
 - preparing site-specific policies;
 - deciding whether or not to produce and or adopt Supplementary Planning Documents, and during their preparation; and
 - undertaking the mandatory Sustainability Appraisal, incorporating the requirements of Strategic Environmental Assessment.

During decision-taking

47. Any decision-taking by local authorities or Town and Parish Councils must address the statutory considerations under the section 85 duty as well as satisfying the relevant policies in the NPPF and the Local Plan.

48. The duty applies when determining whether or not to grant permission for development. The duty is itself a material consideration in planning. The key matter to address during considerations is whether land in the AONB could be affected by the proposal, regardless of where the development is located. It applies when for example:
- during pre-application discussions with applicants, formal and informal;
 - during validation of the application deciding what information is reasonably required from the applicant;
 - deciding what supporting information is relevant, necessary and material to the application in question;
 - determining whether or not a proposal is for major development;
 - determining whether or not a proposal is an EIA development;
 - deciding whether full permission or outline is appropriate and whether it is appropriate or not to reserve matters such as ‘landscaping’ ‘appearance’ ‘scale’ and ‘layout’;
 - deciding whether to consult Natural England on the application and when taking its views into account;
 - deciding whether to consult the AONB Unit on the application and when taking its views into account;
 - during the preparation of the planning case officer’s report for the development management committee;
 - during decision-taking, and recording of the decision, by the planning case officer or by the committee;
 - deciding whether planning conditions or planning obligations should be used and what is appropriate to ensure the conservation of the AONB;

- deciding whether or not to amend planning obligations, or to modify a condition once planning permission is granted;
- deciding whether and how to amend proposals that have planning permission;
- deciding whether or not to grant prior approval for some permitted development rights;
- deciding whether or not to issue a lawful development certificate;
- deciding whether to use planning enforcement functions, which may become relevant when conditions or obligations made to secure the conservation and enhancement of the AONB, are not being adequately implemented.

2.7 Further Information Sources

Law

The Countryside and Rights of Way Act 2000 available at:
<http://www.legislation.gov.uk/ukpga/2000/37/contents>

The National Parks and Access to the Countryside Act 1949 available at:
http://www.legislation.gov.uk/ukpga/1949/97/pdfs/ukpga_19490097_en.pdf

Guidance on the AONB duty for relevant authorities

Defra, ‘Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads: Guidance Note’ (Defra, 2005) Available at:
<http://webarchive.nationalarchives.gov.uk/20130402151656>
<http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

Natural England, ‘England’s statutory landscape designations: a practical guide to your duty of regard’ (Natural England, 2010) Available at:

<http://www.ccwwdaonb.org.uk/uploads/docs/Publications/DutyofRegard2010.pdf>

Planning Policy and Practice Guidance

DCLG, National Planning Policy Framework (DCLG, 2012) available at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

DCLG, ‘Planning Policy Guidance – Natural Environment’ available at:

<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/>

Organisations roles in the planning process

‘Areas of Outstanding Natural Beauty: Natural England’s role’ (6 January 2015) available at:

<https://www.gov.uk/government/publications/areas-of-outstanding-natural-beauty-natural-englands-role/areas-of-outstanding-natural-beauty-natural-englands-role>

This information covers:

- Natural England’s statutory duties and powers
- Defra’s powers
- Local authority duties
- Natural England’s wider role with AONBs

International policy context for AONBs

IUCN (World Conservation Union) webpage ‘Category V: Protected Landscape/Seascape’ available at:

<https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-v-protected-landscapes seascape>

SECTION 3

Describing the South Devon AONB



The statutory purpose of AONB designation is the conservation and enhancement of natural beauty. This section explains what ‘natural beauty’ means, and sets out the special qualities and distinctive characteristics that define the South Devon AONB’s natural beauty. These are the factors that must be fully taken into account when designing a development and when determining an application, or when preparing any development plan.

3.1 Defining natural beauty in the South Devon AONB

49. Natural beauty includes “*flora, fauna and geological and physiological features*”.²⁶ This means in effect that the criteria for natural beauty set out in the law are open-ended and not exhaustive. Therefore other factors may contribute to natural beauty. Natural England in its ‘Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England’²⁷ sets out an evaluation

²⁶ See s114(2) National Parks and Access to the Countryside Act 1949 Act and s.92 The Countryside and Rights of Way Act 2000

²⁷ Natural England, ‘Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England’ (Natural England, 2 March 2011)

framework for natural beauty criterion. This lists 6 factors that contribute to natural beauty, which are:

- Landscape quality
- Scenic quality
- Relative wildness
- Relative tranquillity
- Natural heritage features
- Cultural heritage

In summary natural beauty is a broad term, which encompasses many factors and which can be applied to both natural and human influenced landscapes.

50. The South Devon AONB Partnership uses the special qualities of the AONB as a means of explaining ‘natural beauty’ and for guiding management decisions.

3.2 Special Qualities summary of the South Devon AONB

51. The following list summarises the special qualities which define the unique natural beauty for which the South Devon AONB is designated as a nationally important protected landscape:
- Fine, undeveloped, wild and rugged coastline.
 - Ria estuaries (drowned river valleys), steep combs and a network of associated watercourses.
 - Deeply rural rolling patchwork agricultural landscape.
 - Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.
 - Iconic wide, unspoilt and expansive panoramic views.
 - A landscape with a rich time depth and a wealth of historic features and cultural associations.
 - A breadth and depth of significant habitats, species and associated natural events.
 - An ancient and intricate network of winding lanes, paths and recreational routes.
 - Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
 - A variety in the setting to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.





3.3 South Devon AONB Key Facts

Date of designation

The AONB designation for South Devon was confirmed by government on 2nd August 1960.

Extent

The AONB covers 340 square kilometres (131 square miles) of coastline, estuaries and countryside.

Area of land and tidal water

94.5% or 32,123ha of the AONB area is land or enclosed waterbodies. The remaining 5.5% or 1850 hectares of the AONB is made up of tidal estuary waters.

Population

The resident population is 31,197 people.

Administrative areas

98.02% of the AONB lies in the South Hams/Devon County administrative area; 1.95% lies in Torbay; and 0.03% lies in Plymouth City. The AONB spans 43 parishes.

Estuaries

The AONB contains the five estuaries of the Yealm, Erme, Avon, Salcombe-Kingsbridge and Dart. The far west is bordered by Plymouth Sound.

Heritage Coast

The AONB also incorporates the South Devon Heritage Coast covering the 75km (49 miles) of coastline between Wembury Beach and Sharpham Point (77% of the AONB coastline).

Coastline & beaches

The open coastline of the AONB measures 97km (60 miles) and contains 68 beaches ranging from popular amenity beaches to isolated coves. The high water mark forms the seaward boundary of the AONB on the open coast.

Shoreline

A detailed measurement of the length of AONB shoreline in and out of coves at a scale of 1:2,500 along the mean high water mark measures 323kms. 154kms of this are coastal and 169kms are estuarine.

Farmed area

25,094 hectares (74% of the AONB) are farmed. 24,761ha (73% of the AONB) are considered to form the Utilisable Agricultural Area.

Woodland area

2,982 hectares (8.8% of the AONB) are wooded. 74% of the woodland is broadleaved.

Public rights of way

There are 384km (239 miles) of public rights of way: 331km of public footpaths; 38km of public bridleways; and 15km of byways.

Nature conservation designations

A total of six Special Areas of Conservation are found within, overlapping or immediately adjacent to the AONB boundary. Within the AONB there are 2017 hectares of Sites of Special Scientific Interest at 18 sites including two National Nature Reserves. Almost two thirds of these sites extend beyond the AONB boundary.

Historic environment designations

There are 5124 Historic Environment Record entries including: 55 Scheduled Ancient Monuments, 1309 Listed Buildings, 7 Registered Historic Parks and Gardens covering 565 hectares and 39 historic Conservation Areas. There are two Protected Wreck sites off the AONB coastline.

3.4 Special Qualities of the South Devon AONB

52. The tables on the following pages set out in more detail the special qualities of the South Devon AONB and relate them to the factors of natural beauty and to distinctive characteristics. They are taken from the South Devon AONB Management Plan. Some of the terms used have particular technical meanings:
- **Natural Beauty** covers everything which makes the area distinctive, including landscape quality, scenic quality, relative wildness, relative tranquillity, natural heritage features and cultural heritage. It is a high level, over-arching term.
 - **Special Qualities** can be considered a subset of 'natural beauty', distilling out the key attributes that make the area special and worthy of designation as an AONB. They apply to large areas or all of the AONB.
 - **Distinctive Characteristics** are those components that define what it is that gives South Devon its sense of place. They generally apply to areas smaller than the AONB as a whole.
53. Applicants and planning authorities should use these tables to identify the special qualities and distinctive characteristics that are relevant to the development proposal and to help with identifying, describing and evaluating the positive, neutral or harmful effects of the proposal on the AONB's natural beauty.



Fine, undeveloped, wild and rugged coastline	Natural Beauty Criteria						Distinctive characteristics
	✓	✓	✓	✓	✓	✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	
Rationale	<ul style="list-style-type: none"> ■ The scale, extent and continuity of fine undeveloped coastline that provided the primary reason for the AONB designation remains a finite and critically important national asset in its own right today. ■ The AONB coastline provides a distinct and abrupt contrast with the adjoining coastline of Torbay to the east and Plymouth to the west. ■ Many of the natural features exposed at the coast form important qualifying features for nationally important nature conservation designations including Special Areas of Conservation, Sites of Special Scientific Interest, National Nature Reserves and Local Geological Sites. 						<ul style="list-style-type: none"> ■ A natural, dynamic and evolving coastline. ■ A richly diverse intertidal area of sand, shingle, rock and extensive rocky reefs. ■ A largely undeveloped coast where limited development is restricted to historic coastal settlements. ■ Existing small settlements with a strong historic relationship with the sea. ■ The diversity and quantity of geological and geomorphological features represented along the entire coast. ■ Dramatic near-vertical hard cliffs over 100m high contrasting with areas of low soft cliffs. ■ Striking and prominent headlands, secluded coves, bays and beaches providing both scale and contrast. ■ An extensive coastal rights of way network and open access opportunities. ■ Strong perception of being distant from significant habitation and an apparent absence of human intervention. ■ The smells, tastes, sounds and movement of the coast. ■ Exposure to the force of natural weather events and this effect on the senses meaning that character changes dramatically with the weather and seasons. ■ Sense of awe and wonder derived from the seascape – particularly the uninterrupted wide expanse of sea.



Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses	Natural Beauty Criteria						Distinctive characteristics
	✓	✓	✓	✓	✓	✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	<ul style="list-style-type: none"> ■ A consistent high quality and diversity are found throughout the estuarine environment contributing to a strong sense of South Devon. ■ Estuary character changes with the state of the tide and weather conditions. ■ Extensive areas of saltmarsh, mudflat, coastal grazing marsh and reedbed. ■ Steeply sloping land adjacent to the estuaries, often extensively wooded down to the water's edge. ■ Deciduous ancient woodland fringes the estuary sides and sheltered combes. ■ Extensive entirely undeveloped areas of the middle estuaries and smaller creeks. ■ Development restricted to historic settlements in sheltered locations close to estuary mouths, or at inland tidal extremities. ■ Occasional waterside developments and historic features have strong functional relationships with the water. ■ Harbour and boating infrastructure is clustered and largely contained within developed areas. ■ Flood plains close to the main rivers support rough grazing. ■ Combes with rough pasture, dense field boundaries and narrow streams at their bases drain to estuaries or at the coast drain direct to the sea as coastal combes. ■ Small woodland copses on valley sides and tree lined streams emphasise landform.
Rationale							
<ul style="list-style-type: none"> ■ All five of the AONB's estuaries share a very distinct character. Their extent, coherence and continuity are a defining feature of the South Devon AONB. ■ The South Devon AONB estuaries contrast markedly with the much bigger scale and more open and heavily developed nature of the nearby Tamar, Teign and Exe estuaries. ■ The Salcombe-Kingsbridge estuary in particular is a nationally important example of a ria estuary having very little freshwater input, high salinity levels and a large tidal range. Many truly marine plants and animals are found which seldom occur intertidally in estuaries elsewhere. ■ Intertidal rocky foreshore, seagrass beds, mudflats and salt marshes are irreplaceable features associated with each of the AONB estuaries. 							



Deeply rural rolling patchwork agricultural landscape	Natural Beauty Criteria						Distinctive characteristics
	✓	✓		✓	✓	✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	
Rationale	<ul style="list-style-type: none"> ■ The patterned mosaic of predominantly small fields and Devon hedges reflects centuries of harmonious human involvement working in and shaping the landscape. ■ The complexity of the agricultural landscape vividly contrasts with the dramatic coastline and expansive apparent uniformity of the sea. ■ Mixed farming enterprises have been central to shaping the farmed landscape of the AONB and supporting its high nature value. ■ Away from the coast, wide, tall and mature Devon hedges supporting hedgerows enclose land at a very high density. 						<ul style="list-style-type: none"> ■ Elevated land with a pleasing rolling topography. ■ The pattern of wide, deep and mature Devon hedges (hedgerows on banks) makes a substantial contribution to character. ■ A generally small, irregular field pattern on lower and steeper land changes to one of medium to large fields on plateau tops. ■ Sparsely-wooded plateaux with wind sculpted and stunted hedgerow trees prominent in exposed locations near to coast, contrasting with tall mature hedgerow trees further inland. ■ Predominantly mixed farming with pasture on the steeper slopes. ■ Arable cultivation on flatter areas with larger field systems. ■ The sparse but clustered settlement pattern, farmstead layouts and local vernacular building materials make a significant contribution to a distinctive sense of place. ■ Farmsteads are scattered throughout the area, away from ridgelines and nestled in dips often with shelterbelts. ■ Sparsely wooded high ground is often accentuated by hill top copses. ■ Ancient Semi-Natural Woodland and Plantations on Ancient Woodland Sites are found on steeper valley sides. ■ A vivid contrasting tapestry of colours change throughout the seasons from subdued pastels of winter stubble to deep-red newly ploughed soils, the bright yellow of flowering oil-seed rape, deep green young wheat, ripe golden barley, and the pale yellow-white of newly harvested grass.



Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops	Natural Beauty Criteria						Distinctive characteristics
	✓	✓		✓	✓	✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	<ul style="list-style-type: none"> Sharp incisions within the South Devon AONB landscape have been formed by rivers, the network of combes and the flooded former river valleys seen today as ria estuaries. The minor road network is sparse and well hidden generally within sunken lanes bounded with high hedgebanks. The minor road network remains relatively lightly used by traffic. Long views are afforded from plateau edges over the tops of combes or along valleys. A perception of isolation is often quickly achieved by dropping from ridgelines or plateau tops to valley bottoms. Steep valley sides, woodland and tall hedgebanks with mature hedges restrict and constrain views into and out of the combes and give a strong sense of enclosure, seclusion and at times relative isolation. Dense ancient oak woods in sheltered and inland locations add to the sense of enclosure, restricting views, sound travel and light penetration. In valley bottoms a more intimate close-to-hand scale is apparent and historic features become more visually prominent. The sound of running water in the valleys, and the sounds of wildlife, sheep and cattle are all intensified by the more enclosed surroundings and shelter from prevailing winds.
Rationale							
	<ul style="list-style-type: none"> The ability to quickly immerse oneself in the landscape and “get away from it all” is an important and highly valued characteristic of the South Devon AONB. When traversing the AONB, the incisions formed by the five main estuaries, the network of watercourses and their associated combes create a rapidly changing character – a key feature of the South Devon AONB. The intimate and secretive character afforded by valley locations contrasts sharply with that of neighbouring plateau, coastal and urban locations. Ancient woodlands form a finite irreplaceable resource of great importance. 						



Iconic wide, unspoilt and expansive panoramic views	Natural Beauty Criteria						Distinctive characteristics
	✓	✓	✓	✓	✓	✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	<ul style="list-style-type: none"> Coastal locations with high ground offer up to 360 degree panoramas that incorporate expansive seaward views to the horizon at up to 45kms away and contrastingly extensive, complex views inland toward southern Dartmoor and along the coastline. A limited number of high inland locations have steeply falling topography to at least one side and offer up to 270 degree panoramic views, often including the presence of estuary or coastal water. Long framed views are provided along combes, river valleys, estuary creeks, and along green lanes. Views from the estuary waters offer a unique and particularly special perspective on the AONB landscape. Gate gaps at field entrances form important ‘windows’ to the AONB landscape and provide wider views than those possible from within the constrained channels of lanes lined with tall hedgerows and hedgerows. Ridgelines and plateau edges form distinctive, unspoilt and very exposed skylines. Views from the neighbouring inshore waters are dominated by the dramatic and varied AONB coastline and the range of prominent natural and historic built landmarks.
Rationale							
<ul style="list-style-type: none"> Open and uninterrupted panoramic views from high ground offer a real sense of remoteness, wildness and scale. They are a resource of exceptional value. Vantage points with views that only contain natural features that are consistent with landscape character represent a diminishing, highly valued resource that is very highly regarded. 							



A landscape with a rich time depth and a wealth of historic features and cultural associations	Natural Beauty Criteria						Distinctive characteristics
	✓	✓				✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	
Rationale	<ul style="list-style-type: none"> ■ The extent, continuity and coherence of historic landscape character across the AONB is of national significance. ■ The AONB was the threshold to Devon and England for millennia forming the “front door” for movements of people, goods and ideas. ■ Layers of archaeological evidence and historic features reveal the evolution of the South Devon AONB landscape through time. 						<ul style="list-style-type: none"> ■ Prehistoric features include complex field systems, drovers’ tracks, ridge ways, burial mounds, earthworks, hut circles, trading centres, settlement enclosures and hill forts. ■ Later features include farmsteads, field enclosures, orchards, lime kilns, catchmeadows, deer parks, rabbit warrens, quarries and toll houses. ■ Historic defensive features include hillforts, castles, gun batteries, pill-boxes and observation posts. ■ Other historic coastal features include signal stations, navigation marks, lighthouses, coastguard cottages and shipwrecks. ■ Remains of earlier coastal settlements destroyed by storm events and erosion including Hallsands fishing village. ■ Smaller curving fields of medieval origin remain on valley and coastal slopes. ■ Large sophisticated country houses with estates and designed parkland. ■ Naval history associated with Dartmouth Royal Naval College and the former HMS Cambridge gunnery training school. ■ Historic villages and settlements with strong vernacular architecture and use of local materials give a strong sense of time depth. ■ Historic villages and towns are clustered at road crossings, bridging points, tidal limits and strategic waterside locations. ■ Strong cultural traditions associated with orchards remain including wassailing, cider and juice making and the championing of local apple varieties. ■ A packed calendar of estuary and coastal regattas, fairs and local produce remains a central part of South Devon AONB life. ■ A distinctive local dialect and vocabulary.



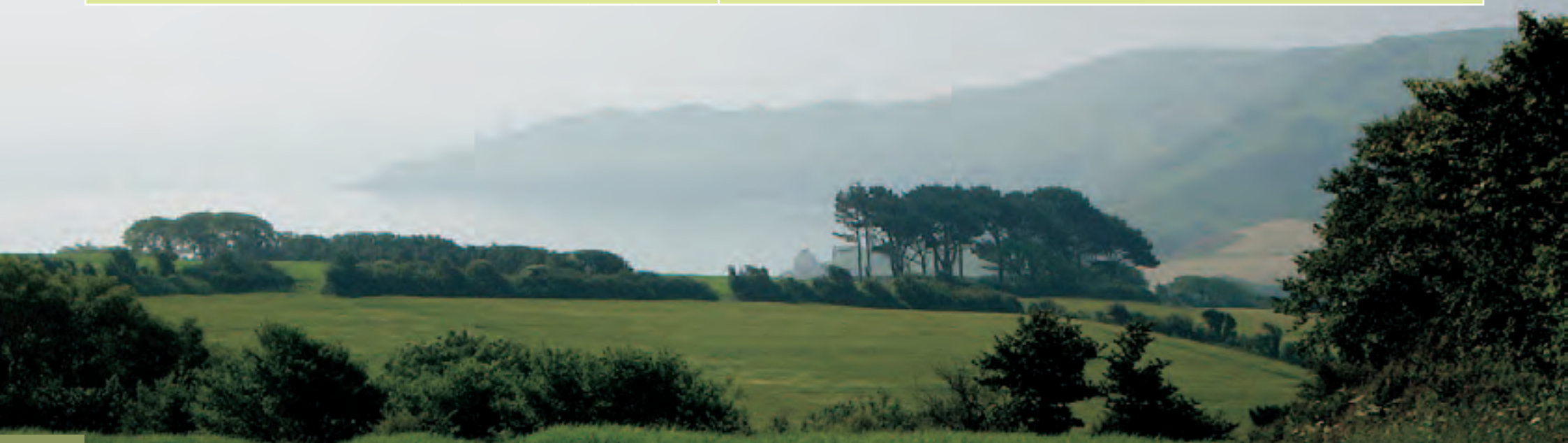
A breadth and depth of significant habitats, species and associated natural events	Natural Beauty Criteria						Distinctive characteristics
	✓	✓	✓		✓		
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	
Rationale	<ul style="list-style-type: none"> The quality and importance of biodiversity features are reflected in the number and range of designated sites including Special Areas of Conservation, Sites of Special Scientific Interest, National Nature Reserves, Local Nature Reserves, Important Plant Areas and Local Sites. The geographical position occupied by the South Devon AONB combined with the diversity of habitats it supports makes the area important for a range of species at the limits of their natural distribution range. The area's coast, estuary, countryside, aquatic and marine environment combine to form a uniquely diverse landscape and seascape providing habitat, niches and conditions for a wealth of species. Of national significance, the combination of natural events makes a major experiential contribution to the South Devon AONB. 						<ul style="list-style-type: none"> Vegetated sea cliffs; dry calcareous grassland and scrubland; sandbanks slightly covered by seawater all the time; large shallow sheltered marine inlets; and exposed and sheltered rocky foreshores are all of European importance. Sea grass beds; mudflats; coastal vegetated shingle; maritime grassland and heathland; hedgerows on banks; traditional orchards; and oak and wet woodlands are all of national importance. Agriculture-related habitats including Devon hedges, arable field margins, lowland species-rich meadows, small deciduous woodlands and hedgerow trees all make an important contribution to the wider ecological network of the South Devon AONB. Shore dock, early gentian, 13 of the 18 species of bats found in Britain, common otter, common dolphin, white beaked dolphin, harbour porpoise, leatherback turtle and grey seal are all of European importance. A significant number of species are now endemic to the South Devon AONB including strapwort, curl bunting, Mediterranean oil beetle, short necked oil beetle, cuckoo bee, long-horned mining bee, and the hornet robberfly. 26 out of the 56 habitats of principal importance in England are found within the South Devon AONB. Species records indicate 286 of the 596 wild British birds are associated with the South Devon AONB. 160 of the 943 species of principal importance in England are recorded as being found within the South Devon AONB. There are 2982ha of woodland including 30% semi-natural ancient woodland. Bird migrations and roosts include barn swallow, guillemots and starling.



An ancient and intricate network of winding lanes, paths and recreational routes	Natural Beauty Criteria						Distinctive characteristics
	<input checked="" type="checkbox"/> Landscape Quality	<input checked="" type="checkbox"/> Scenic Quality	<input type="checkbox"/> Relative Wildness	<input type="checkbox"/> Relative Tranquillity	<input type="checkbox"/> Natural Heritage Features	<input checked="" type="checkbox"/> Cultural Heritage	
Rationale <ul style="list-style-type: none"> ■ The area's relative inaccessibility and reliance on an intricate minor road network means that there is no quick way to cover the ground of the South Devon AONB; it has to be experienced at a slower pace. ■ The South West Coast Path and coastal margin form a nationally significant resource and the primary recreational route of the South Devon AONB. 	<ul style="list-style-type: none"> ■ Narrow, often sunken historic lanes are bounded by tall often stone-faced Devon banks and topped with thick, wide hedges ■ Today's North to South oriented roads derive from drovers' tracks connecting Dartmoor to the coast for trade, transhumance farming and shelter. ■ A collection of historic toll houses, mileposts, bridges and signposts. ■ Views from vehicles substantially restricted by high banks and hedgerows, with glimpsed views through gateways. ■ Road users regularly cross into and out of the designated AONB area when traversing from east to west. The surrounding and linking road network consequently forms an important part of the experience. ■ Users of the area's road system find they frequently have to retrace their routes from estuary and coastal destinations. ■ The more heavily used minor roads typically follow the area's ridgelines. ■ Away from ridgelines, particularly in an east-west direction the minor road network is exceptionally characterful being narrow, steep and winding. ■ The speed of vehicle travel throughout the area is suppressed by the narrow winding intricacy of the road network. ■ The 67km of unmetalled and unclassified county roads often referred to as green lanes make an important contribution to the area's network of routes. ■ Hedge banks and road verges are rich in wildflowers and colourful natural vegetation with the Devon county flower, the primrose, featuring heavily during spring time. ■ The 60 miles of South West Coast Path National Trail provide a stunning walking experience. 						



Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement	Natural Beauty Criteria						Distinctive characteristics
	✓	✓	✓	✓	✓	✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	<ul style="list-style-type: none"> ■ The juxtaposition of coastal, estuarine, riverine, farm, village and woodland environments creates a rich experience of many different features, sounds, smells and textures perceived as being natural and contributing to a sense of tranquillity. ■ Some remote parts of the AONB distant from the primary road network, main population centres and tourist hotspots offer a real sense of high tranquillity at all times of the year. ■ Sections of the coast are wild and rugged offering a sense of remoteness with few signs of human presence and the perception of a strongly natural landscape and seascape. Extensive areas of semi-natural habitat reinforce this perception. ■ The coast provides a powerful experience of exposure to the elements, whether from steep vertiginous drops along cliff sections, the sound of waves, or during periods of strong south-westerly winds or easterly storms. ■ Away from the tightly focussed waterside settlements with harbours, historic cores and areas of moorings, the estuaries remain tranquil, remote and wild with little sense of human activity or presence. ■ Dark night skies can be viewed in locations away from the intrusive skyglow produced by the neighbouring large urban centres of Plymouth and Torbay or the area's market and coastal towns.
Rationale							
<ul style="list-style-type: none"> ■ The spiritual, emotional and physical responses to the landscape, particularly its sense of timelessness, wilderness, remoteness and peacefulness are nationally significant. ■ As a combination of views, movement, sounds, smells, textures and tastes, the way the AONB is perceived is dramatic, yet subtle and varied. ■ The dark sky and natural nightscape resource of the AONB is particularly highly valued. 							



A variety in the setting to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and the southern Dartmoor	Natural Beauty Criteria						Distinctive characteristics
	✓	✓			✓	✓	
	Landscape Quality	Scenic Quality	Relative Wildness	Relative Tranquillity	Natural Heritage Features	Cultural Heritage	
Rationale							
<ul style="list-style-type: none"> The setting to the AONB provided by surrounding areas of land, sea and urban settlement together with the inter-visibility between the AONB and these areas is of great significance. Distant views from locations within the South Devon AONB include many significant features that are not located within the AONB boundary. 							<ul style="list-style-type: none"> Plymouth and Torbay form important components of the South Devon AONB setting at the western and eastern ends of the area and contrast strongly with the deeply rural nature of the AONB itself. Residents from Plymouth, Torbay and other areas of the South Hams choose to visit the South Devon AONB in significant numbers throughout the year for both leisure and business purposes. The reverse is also true with a high dependency of South Devon AONB residents for employment opportunities, goods and services provided by the neighbouring towns and city. Off-shore rocks and small islands lie outside the AONB boundary but make a significant contribution to the coastal landscape setting. In addition to its intervisibility with the AONB, the inshore marine environment is strongly linked to the AONB through centuries of maritime history, and modern day fishing industry, lifeboat services, recreational boating and Royal Navy training. Dartmoor National Park forms a dramatic backdrop and distant skyline to inland views from the South Devon AONB. Away from Torbay and Plymouth City, the principal character of neighbouring inland areas forming the setting of the AONB is one that is sparsely settled and deeply rural in nature. The inland boundary of the AONB is mostly not marked by a distinct change in scenery and the landscape character continues seamlessly into the neighbouring countryside. The hinterland of the AONB – particularly the rural largely undeveloped countryside, farmland and woodland – is particularly significant as a setting for the AONB.



3.5 Landscape and Seascape Character

54. The South Devon AONB has a complex and varied landscape. Its landscape character has been analysed and described at a range of levels in a number of different assessments:

55. National Character Areas

At a national scale, the South Devon AONB lies wholly within National Character Area 151, known as South Devon, and forms 28% of it. For NCA Profile: 151 South Devon see <http://publications.naturalengland.org.uk/publication/1911063?category=587130>

56. Devon Character Areas

Landscape character areas have been defined at a county scale for Devon. Ten character areas overlap the South Devon AONB including the entirety of Bigbury Bay Coastal Plateau and Bolt Tail and Start Point Coastal Plateau. For Devon Character Areas see http://www.devon.gov.uk/index/environmentplanning/natural_environment/landscape/landscapecharacter/

57. Landscape Character Types

Areas with common landscape character have been identified for Devon and Torbay, revealing twelve character types that overlap the South Devon AONB. A finer scaled assessment for the Torbay administrative area provides further detail and identifies Areas of Local Character. See <http://www.southhams.gov.uk/CHttpHandler.ashx?id=2721&p=0> and <https://www.torbay.gov.uk/landscapecharacterassessment>

58. Devon Historic Landscape Characterisation

This assessment enables a greater understanding of how today's landscape relates to its historical development, recognising that all parts of the landscape have historical significance that is the result of human activity and use over the millennia. http://www.devon.gov.uk/index/environment/historic_environment/landscapes/landscape-characterisation.htm

59. Historic Seascape Characterisation

This Seascape Characterisation of the South West Peninsula includes the coast and estuaries of the South Devon AONB. See ArchSearch via www.archaeologydataservice.ac.uk

60. Seascape Character Assessment

A broad scale seascape character assessment is being developed for the South Marine Plan which includes a small part of the South Devon AONB coast from the Dart eastwards. A similar assessment is planned for the remainder of the AONB coast as part of the South West Inshore and Offshore Marine Plan Areas. See <http://www.marinemanagement.org.uk/marineplanning/index.htm>

3.6 Further Information Sources

South Devon AONB Management Plan

'South Devon AONB Management Plan 2014-2019'

<http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan>

Landscape Character Assessment

Natural England, 'An Approach to Landscape Character Assessment' (Natural England, 2014) available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396192/landscape-character-assessment.pdf



Section 4

AONBs and Planning Policy - National



The purpose of planning is to help achieve sustainable development. The National Planning Policy Framework (NPPF) contains policies directly relevant to plan-making and decision-taking affecting AONBs. They should be understood and correctly applied if we are to achieve the Government's aim of sustainable development.

This section sets out national planning policy for AONBs and interprets its implications for the local development process.

4.1 National Planning Policy for AONBs

What is the national planning policy framework (NPPF)?

61. Government policy for planning in England is set out in the National Planning Policy Framework (NPPF) produced by the Department for Communities and Local Government (DCLG).²⁸

²⁸ Department for Communities and Local Government, 'National Planning Policy Framework' (DCLG, 2012) available at <https://www.gov.uk/guidance/national-planning-policy-framework>

62. The NPPF applies to areas above the Mean Low Water Mark. Plan-making and decision-taking below Mean High Water Spring Tide falls under The UK Marine Policy Statement²⁹ covering the whole of the UK Marine Area³⁰ and the relevant Marine Plan(s) for the local area.³¹ Consequently there is an overlap of planning controls in tidal areas where both the terrestrial (land-based) Local Plans and the Marine Plans will be relevant. Both planning processes

²⁹ HM Government, 'The UK Marine Policy Statement: HM Government, Northern Ireland Executive, Scottish Government, Welsh Assembly Government' (The Stationery Office, March 2011)

³⁰ UK marine area includes the territorial seas and offshore area adjacent to the UK. It includes any area submerged by seawater at mean high water spring tide, as well as the tidal extent (at mean high water spring tide) of rivers, estuaries and creeks. See Marine and Coastal Access Act 2009 S42(3) and (4)

³¹ South Devon AONB is covered by four Marine Plan Areas being taken forward as two Marine Plans. These are The South Inshore and Offshore Marine Plan and The South West Inshore and Offshore Marine Plan

should have regard to each other's policies during plan-making and decision-taking. This is especially pertinent to the South Devon AONB firstly, owing to the five ria estuaries which fall within the boundary of the designation. Secondly, because of its extensive coastline 77% of which is also covered by the South Devon Heritage Coast, the boundary of which extends 2km out to sea, which falls firmly within the remit of the Marine Plans.

63. This Guidance relates to planning falling under the National Planning Policy Framework (NPPF) only.
64. The NPPF is a Government policy document setting out rules to guide the way in which officials carrying out planning functions exercise their discretion during plan-making and decision-taking. This helps officials to act in line with the Government's intentions, whilst still being able to take account of local circumstances. National guidance aims to create consistent decisions and increase certainty for those applying for planning permission. If decision-takers choose not to follow the NPPF, clear and convincing reasons for doing so are needed.³²

What is the national planning policy for Areas of Outstanding Natural Beauty?

65. The NPPF provides specific guidance for plan-makers and decision-takers in relation to AONBs. In summary it confirms that:
- that the presence of AONBs can restrict development in order to help achieve sustainable development;
 - 'great weight' should be given to conserving their landscape and scenic beauty;
 - that they have the highest status of protection in relation to landscape and scenic beauty, equal to National Parks;

- that the conservation of wildlife and cultural heritage is important in AONBs; and
- that major development in AONBs should be refused unless it meets specific special tests.

Ministerial Forward to the NPPF

"The purpose of planning is to help achieve sustainable development."

National Planning Policy Framework paragraph 14

*"14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *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; or*
 - *specific policies in this Framework indicate development should be Restricted" (see footnote 9).*

4.2 Restriction on Development affecting AONBs

66. Paragraph 14 of the NPPF explains how the key 'presumption in favour of sustainable development' will normally apply during plan-making and decision-taking. The NPPF clearly sets out through specific policies what could make a proposed plan or a development unsustainable.

*For **decision-taking** this means (see footnote 10):*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *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; or*
 - *specific policies in this Framework indicate development should be restricted" (see footnote 9).*

Footnote 9: *For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*

Footnote 10: *Unless material considerations indicate otherwise."*

³² DCLG, 'Planning Practice Guidance' Paragraph: 010 Reference ID: 21b-010-20140306 Revision date: 06 03 2014

During plan-making

67. NPPF paragraph 14 indicates that during plan-making, AONBs are matters which can restrict development.
68. Paragraph 14 states that local planning authorities should positively endeavour to meet their area's objectively assessed development needs **'unless specific policies in the framework indicate that development should be restricted'**.³³ It is clear from Paragraph 14 and footnote 9 that an AONB can restrict the presumption in favour of sustainable development. This principle is critical to the Government's objective of achieving sustainable development. It acknowledges that there will be some circumstances in which a local planning authority may legitimately not be able to meet its objectively assessed development needs (OAN) within its own administrative area. For example, owing to the need to prevent harm to AONBs which could make development unsustainable.
69. The NPPF provides a clear mechanism, through the statutory Duty to Co-operate,³⁴ for dealing with instances where meeting the development needs within the Local Plan area would be unsustainable. This allows local planning authorities to share the provision of development needs which cannot be wholly met within their own areas, with neighbouring local planning authorities whose areas may have fewer material restrictions and can therefore accommodate development in a more sustainable way, such as with less harm to protected landscapes.
70. In regard to the delivery of homes NPPF paragraph 47 states that local planning authorities should:

³³ DCLG, 'National Planning Policy Framework' (DCLG, 2012) paragraph 14.

³⁴ Set out in section 33A of the Planning and Compulsory Purchase 2004 Act, as inserted by section 110 of the Localism Act 2011.

"Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable homes in the housing market area, as far as is consistent with the policies set out in this Framework...."(Emphasis added).

71. The presence of nationally designated landscapes, such as AONBs, must form part of the evidence base when preparing Local Plans and neighbourhood plans. To achieve sustainable development, plans must be in conformity with policies in the NPPF, including paragraphs 115 and 116 on AONBs. Additionally, the Planning Practice Guidance states that AONB Management Plans contribute to setting the strategic context for development by providing evidence and principles which should be taken into account in Local Plans and neighbourhood plans.³⁵
72. The AONB specific policies in paragraphs 115 and 116 should be taken into account during the preparation of plans. Local Plans can do this by (for example):
- having a specific AONB (or protected landscape) policy which sets out the criteria against which development in or affecting AONBs will be judged;
 - having strategic policies that focus development towards areas where AONBs will not be affected (towards land of least/lesser environmental value);
 - ensuring that policies do not encourage or support major development in AONBs; and
 - not making any allocations for major development in or affecting AONBs;
 - having policies which support small-scale location appropriate development in AONBs to meet local community needs;
 - avoiding policies which encourage or support development in AONBs that is inherently incompatible with their purpose.

³⁵ DGLG, 'Planning Practice Guidance – Natural Environment: Landscape' Paragraph: 004 Reference ID: 8-004-20140306 Revision date: 06 03 2014 available at <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/landscape/>

73. Other policies in the NPPF can be translated to the Local Plan in ways which help support the conservation and enhancement of AONBs, consistent with the duty of regard. Information on how this can be done is in 4.7 Planning positively for the South Devon AONB.

During decision-taking

74. The NPPF reflects that planning law makes the development plan the starting point for decision-taking, unless material considerations indicate otherwise.³⁶ The development plan includes the Local Plan and neighbourhood plans made in relation to the area.³⁷
75. For decision-taking, paragraph 14 makes a distinction between two circumstances:
- (i) where there is an **adopted** development plan, or
 - (ii) where the development plan is **absent, silent or relevant policies are out-of-date**.³⁸ (Emphasis added).

In the first circumstance (i), planning authorities should approve development proposals that accord with the adopted development plan (unless material considerations indicate otherwise³⁹) without delay. Thus it is highly desirable that local planning authorities should have an up-to-date Local Plan in place and that it contains a robust, comprehensive, criteria-based policy on AONBs.

In the second circumstance (ii), the second limb of paragraph 14 (see extract below) indicates that the presumption in favour of sustainable development does not apply if there are specific policies which indicate that development should be restricted.

³⁶ DCLG, National Planning Policy Framework (DCLG, 2012) paragraph 2, footnote 3.

³⁷ DCLG, National Planning Policy Framework (DCLG, 2012) paragraph 2, footnote 2.

³⁸ DCLG, National Planning Policy Framework (DCLG, 2012) paragraph 14.

³⁹ As indicated by footnote 10 to Paragraph 14 of the NPPF

Extract of NPPF Paragraph 14

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- 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; or **[First Limb]**
- specific policies in this Framework indicate development should be restricted” (see footnote 9) **[Second Limb]**

76. The NPPF is clear, by their inclusion in footnote 9, that AONB policies indicate that development should be restricted. Paragraph 14 with its footnote 9 transfers the starting point for assessment of planning applications affecting AONBs to paragraphs 115 and 116 which set out the restrictive policies that apply to AONBs. This means that, where the development plan is absent, silent or relevant policies are out-of-date, planning authorities should apply the NPPF policies on AONBs because the presumption in favour is revoked.
77. Permitting development where the development plan is absent or following one which is silent or out-of-date on relevant matters could lead to unsustainable development if the restrictive policies are not heeded. Doing so would be contrary to the purpose of planning which is to help achieve sustainable development.

Where the development plan is absent, silent or relevant policies are out-of-date, the presumption in favour of sustainable development is revoked regarding developments in or affecting AONBs

Planning Appeals and Court Cases addressing Paragraph 14 and specific policies indicating that development should be restricted

Land at Hunting Butts Farm, Cheltenham Appeal APP/B1605/A/11/2164597

This planning appeal helps interpret NPPF paragraph 14 where specific policies in the NPPF indicate development should be restricted. – The appeal concerned a site situated in Green Belt, which has a specific NPPF policy indicating that development should be restricted, as there is for AONBs. Both designations are specifically mentioned in footnote 9 to Paragraph 14.

The Inspector explained that “...the final part of Paragraph 14 makes it clear that (again, unless material considerations indicate otherwise) where specific policies, including Green Belt policies, indicate that development should be restricted then the presumption in favour of granting permission does not apply.”⁴⁰

⁴⁰ See paragraph 54 of Appeal Decision Letter Appeal Ref: APP/B1605/A/11/2164597 Land at Hunting Butts Farm, Swindon Lane, Cheltenham, Gloucestershire, GL50 4NZ available at <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=2164597>

Forest of Dean DC v Secretary of State Communities and Local Government & Gladmans Development Ltd⁴¹

The High Court clarified that even the more generally worded policies, are policies that can restrict development and nullify the presumption in favour. Since footnote 9 encompasses the entirety of policy relating to AONBs, both paragraph 115 and 116 indicate that development should be restricted. The judge also stated that the restrictions on development set out in the NPPF relating to AONBs are clear-cut.⁴²

The court clarified the approach to the application of footnote 9 policies more fully than before and the case confirms the soundness of the Inspector’s approach in the Hunting Butts Farm appeal.

Additionally, this case confirmed that paragraph 114, which concerns undeveloped coast and Heritage Coast, “...can be regarded as a policy indicating that ‘development should be restricted’ only because the presumption in favour of development may not apply in areas defined as Heritage Coast, in consequence of the operation of paragraph 114.” This is pertinent for the South Devon AONB because these non-statutory designations cover large areas of the AONB and its setting.

⁴¹ [2016] EWHC 421 (Admin) available at <http://www.bailii.org/ew/cases/EWHC/Admin/2016/421.html>

⁴² [2016] EWHC 421 (Admin) at paragraph 43.

4.3 The Requirement to Give ‘Great Weight’

Paragraph 115 - National Planning Policy Framework (2012)

“Great weight should be given to conserving 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 landscape and scenic beauty. The conservation of wildlife and cultural heritage are also important in all these areas.”

78. For the purpose of AONB designation to be properly addressed in the planning process it is critical that ‘great weight’ is applied to conserving landscape and scenic beauty during the evaluation of all proposals. Local planning authorities and inspectors will need to take account of other material considerations, including their legal obligation under the section 85 duty of regard. They should provide reasoned justifications for doing so if other considerations are given even greater weight than the great weight to be given to the conservation of landscape and scenic beauty. The need for transparency about the weight given to different considerations and the decision-taker’s reasoning will be especially important where major development is under consideration.

4.4 How the Courts have interpreted the requirement to Give ‘Great Weight’

How the Courts have interpreted paragraph 115, its application, and the need to give great weight

*R (Mevagissey Parish Council) v Cornwall Council*⁴³

This judicial review case, in relation to Cornwall AONB set out the proper interpretation of NPPF paragraph 115 in determining a planning application. The judge stated that *“the NPPF places the conservation of landscape and scenic beauty of an AONB into a special category of material consideration: as a matter of policy paragraph 115 requires it to be given great weight.”*

It reaffirmed that although the weight to be given is a matter of planning judgement for the decision-taker, *“it must also take into account any policy guidance as to weight, which is a material consideration itself”*. Paragraph 115 clearly requires great weight to be given to landscape and scenic beauty. If the decision-taker departs from this guidance, and gives the factor a different weight, it must give its reasons for doing so.

⁴³ [2013] EWHC 3684 (Admin), Judgement available at <http://www.bailii.org/ew/cases/EWHC/Admin/2013/3684.html>

*Bayliss v Secretary of State for Communities and Local Government and Others*⁴⁴

The Court of Appeal stated that paragraph 115 has to be interpreted in the light of the obvious point that *“the effect of a proposal on an AONB will itself vary: it will vary from case to case: it may be trivial, it may be substantial, it may be major. The decision maker is entitled to attach different weights to this factor depending upon the degree of harmful impact anticipated.”*

This case made it clear that the approach to considering harm to an AONB needs to be one which addresses explicitly and separately the effects on an AONB, as something to be taken into account over and above the impacts on landscape generally. Harm to the AONB should be considered discretely in recognition that such harm is to inherently be given great weight as required by paragraph 115 of the NPPF.

⁴⁴ [2014] EWCA Civ 347 available at <http://www.bailii.org/ew/cases/EWCA/Civ/2014/347.html>

4.5 ‘Major Development’ in AONBs

79. Paragraph 116 only applies to ‘**major development**’ in the AONB, and sets out how major developments in AONBs should be treated.

Paragraph 116 - National Planning Policy Framework (2012)

“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *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 cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

80. Paragraph 116 states that planning permission should be refused, except in ‘exceptional circumstances’ and where it can be demonstrated that development is in the public interest. Both these requirements must be met. Paragraph 116 also sets out matters that must be assessed in the consideration of such applications. Broadly speaking these three assessments cover: the need for development and impacts on the local economy;

alternative locations outside the AONB or ways of meeting the need; and impacts on the environment, landscape and recreational opportunities and if and how these can be moderated. The list is not exhaustive and additional assessments may be required depending on the individual circumstances.

Determining whether development is ‘major’

81. The NPPF does not define or seek to illustrate the meaning of the phrase ‘major development’.
82. Assessing whether a proposed development is a major development is a matter of judgment for the local planning authority, based on an assessment of all the circumstances. In March 2014, Planning Practice Guidance (PPG) was issued in relation to the definition of major development in paragraph 116 of the NPPF. It states:

*“Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable”.*⁴⁵

⁴⁵ See <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/landscape/>
Paragraph ID: 8-005-20140306

83. Planning Practice Guidance is not prescriptive but should be understood as a material consideration in determining applications and appeals. Its guidance reflects the outcomes of considerations of planning appeals by the Courts which confirm that the question of whether a proposal is major development for the purposes of NPPF paragraph 116, is context-specific and dependent on the material facts of the particular application. Following an interpretation given by the courts on any matter (known as case law) is mandatory; to not do so, would be an error of law.

The question of whether a proposal is for major development is context-specific and dependent on the material facts of the particular application.

84. There is no single threshold or factor that determines whether a development is major development or not for the purposes of NPPF paragraph 116. What is clear from the case law and Planning Inspectorate decisions is that the determination as to whether a development is major development or not, is to be considered in the policy context of paragraphs 115 and 116, the intent of which is to conserve landscape and scenic beauty in AONBs. As such the potential for harm to the AONB should be foremost to the determination of whether development is major or not. This will require consideration of a range of site and development specific factors that include (but are not limited to) location, setting, quantum of development, duration, permanence or reversibility of effects.

The potential of harm to the AONB should be foremost in the determination whether a development is major development or not.

Applying the tests and assessments under paragraph 116

85. Once the decision-taker has determined that development in the AONB is major development it must apply the two tests as informed by (as a minimum) the three assessments referred to in the bullet points of paragraph 116. The assessments listed are mandatory, indicated by the use of the word “should” in paragraph 116. More advice on applying the tests as informed by the assessments can be found in 7.2 Guidance for decision-takers.

How the Courts have interpreted paragraph 116, the meaning of ‘major development’, and the approach to the application of the ‘exceptional circumstances’ and ‘public interest’ tests

*Aston v Secretary of State for Communities and Local Government*⁴⁶

This appeal against a permission affecting the Surrey Hills AONB held that the meaning of the phrase ‘major development’ is ‘that which would be understood from the normal usage of those words.’⁴⁷ It is not appropriate to import a definition from other Regulations or guidance, its meaning is to be construed in the context of the NPPF and of policies 115 and 116.⁴⁸ This approach was affirmed in *R (Forge Field Society) v Sevenoaks DC*⁴⁹ which held that whether a proposal is major development is a matter of planning judgement for the decision-maker based on the facts.

*R (Mevagissey Parish Council) v Cornwall Council*⁵⁰

This judicial review case, which considered development in Cornwall AONB, set out the proper application of NPPF paragraphs 115 and 116 when determining a planning application for major development.

The judgement set out the approach by which decision-takers should address the tests in paragraph 116 of the NPPF: “In coming to a determination of such a planning application under this policy, the committee are therefore

⁴⁶ [2013] EWHC 1936 (Admin) Judgement available at <http://www.bailii.org/ew/cases/EWHC/Admin/2013/1936.html>

⁴⁷ [2013] EWHC 1936 (Admin), Judgement at paragraph 94, available at <http://www.bailii.org/ew/cases/EWHC/Admin/2013/1936.html>

⁴⁸ [2013] EWHC 1936 (Admin), Judgement at paragraph 93, available at <http://www.bailii.org/ew/cases/EWHC/Admin/2013/1936.html>

⁴⁹ [2014] EWHC 1895 (Admin) Judgement available at <http://www.bailii.org/ew/cases/EWHC/Admin/2014/1895.html>

⁵⁰ [2013] EWHC 3684 (Admin), Judgement available at <http://www.bailii.org/ew/cases/EWHC/Admin/2013/3684.html>

required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that (i) there are exceptional circumstances, and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest”. This confirms that consideration under 116 is not an ordinary balancing exercise.

It clarifies that exceptional is to be understood as meaning unusual or rare. It also confirmed that even if there are exceptional circumstances generally, such as the need for housing, this does not necessarily equate to exceptional circumstances for a particular development because there may be alternative sites that could result in less harm to the AONB. These can be outside the local planning authority’s area. Thus the proper consideration of alternatives, (with a view to ascertaining if alternative(s) which would result in less harm to the AONB exist), is an essential component of exercising the assessments set out in paragraph 116 correctly.

*Wealdon DC v Secretary of State for Communities and Local Government*⁵¹

In this case the High Court considered in more detail the requirement to consider alternatives in the assessment under bullet two of paragraph 116. The court held that the assessment of alternatives requires that other available alternative sites are assessed, on their merits, as possible alternative locations for the proposed development. This consideration is mandatory, (indicated by the use of “should” in paragraph 116).⁵² Alternatives for meeting the need in some other way should also be considered in this assessment.

⁵¹ [2016] EWHC 247 (Admin), Judgement available at <http://www.bailii.org/ew/cases/EWHC/Admin/2016/247.html>

⁵² [2016] EWHC 247 (Admin), at paragraphs 119-121

4.6 Development in the ‘Setting’ of an AONB

What is meant by ‘setting’?

86. The law on AONBs does not use the term ‘setting’ and this approach is followed in the NPPF. The concept of ‘setting’ is often used to describe areas of land within which activities or changes could affect the associated AONB. The Government’s Planning Practice Guidance draws attention to the concept of ‘setting’ and the section 85 duty to AONBs stating that:

“The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.”⁵³

87. In some circumstances development located outside an AONB is capable of affecting the AONB. In such cases the potential for effects on AONB special qualities and distinctive characteristics will be a material consideration in determining an application. During considerations the planning authority must:

- have regard to conserving and enhancing the AONB (considering all factors of natural beauty under the section 85 duty)⁵⁴ **and**
- give great weight to conserving the landscape and scenic beauty of the AONB (applying paragraph 115 of the NPPF).

This approach must be applied to all development affecting the AONB whether located within or outside the AONB’s boundary and it applies to non-major and major developments. The underlying legal principle is that land in the AONB should be conserved and enhanced irrespective of where any affect on it arises from.

88. The intent of the section 85 duty or NPPF paragraph 115 is not to protect land ‘in the setting’ per se, but to protect land in the AONB from effects arising from changes or activities occurring in the ‘setting’. Therefore, the ‘setting’ does require different treatment through the planning system than other areas of undesignated countryside or landscape, but only in so far as it concerns its interrelationship with the AONB. Therefore the effect of development proposals outside the AONB on views within and views out of an AONB are of particular relevance. However, it is important to remember that adverse impacts might not solely be visual, a development which is noisy, or uses artificial lighting may well impact adversely on tranquillity and sense of wildness even if its not visible from the AONB.

How the Courts have interpreted ‘setting’

*Stroud District Council v Secretary of State for Communities and Local Government & Gladman Developments Limited*⁵⁵

This judicial review case in the High Court set out the proper interpretation of paragraph 115 with regards to its application to views into and out of the AONB. It held that: “... *the question is whether on the proper interpretation of paragraph 115 views of the AONB from outside the AONB fall within its scope. It is my judgment that that is not what policy 115 is intended to cover. It certainly covers the impact on the scenic beauty of the land actually within the AONB. It seems to me that it would be unduly restrictive to say that it could not cover the impact of land viewed in conjunction with the AONB from the AONB. But to go so far as to say that it must also cover land from which the AONB can be seen and great weight must be given to the conservation of beauty in the AONB by reference to that impact reads too much into paragraph 115. [That] would be to give very widespread protection to land outside AONB and not significant in views from the AONB.*”⁵⁶

⁵⁵ [2015] EWHC 488 (Admin) available at <http://www.swdevelopmentplan.org/wp-content/uploads/2013/02/CALA-Homes-APP4-Matter-V.pdf>

⁵⁶ At paragraph 26 of *Stroud District Council v Secretary of State for Communities and Local Government & Gladman Developments Limited* [2015] EWHC 488 (Admin) available at <http://www.swdevelopmentplan.org/wp-content/uploads/2013/02/CALA-Homes-APP4-Matter-V.pdf>

⁵³ Planning Practice Guidance, Natural Environment (Landscape) section, paragraph reference ID 8-003-20140306 <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/>

⁵⁴ Under the duty of regard set out in section 85 Countryside and Rights of Way Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/85>

4.7 Planning positively for the South Devon AONB

89. Paragraphs 115 and 116 relate directly and explicitly to the treatment of AONBs in plan-making and decision-taking. Several other NPPF paragraphs are relevant because they:
- set out policy for and how to consider a factor of natural beauty;
 - refer to matters which can affect or harm AONBs;
 - have direct and important implications for development in or affecting the South Devon AONB; or
 - represent opportunities to plan positively to conserve and enhance the AONB.
90. The different factors of natural beauty are addressed in different paragraphs of the NPPF. The small table below sets out which NPPF paragraphs are the most pertinent to each factor.

Natural Beauty factor ¹	Main paragraphs in the NPPF
Landscape Quality	115 & 116
Scenic quality	115 & 116
Relative Wildness	114
Relative Tranquillity	123, 125
Natural Heritage Features	109 to 125
Cultural Features	114, 126 to 141

91. The following table sets out some of the most relevant paragraphs, why these are pertinent to the South Devon AONB, makes links to Management Plan policies and objectives, and advises on what this means for plan-making and decision-taking. Plan-makers should use this table to help ensure that the plan-making meets the statutory duty of regard. Taking account of the advice given can also contribute to the soundness of the plan. Applicants and decision-takers should use this table to help identify which of the NPPF policies which apply to the development may also have implications for the AONB. Please note that:
- the NPPF policies that will be relevant to an individual proposal in or affecting the AONB must be determined on a case-by-case basis; and
 - the South Devon AONB Management Plan policies and objectives that will be relevant to an individual proposal in or affecting the AONB must be determined on a case-by-case basis.

You will need to refer to copies of the NPPF⁵⁷ and the South Devon AONB Management Plan: Part 1 Strategy⁵⁸ whilst reading the table.

⁵⁷ NPPF available as a pdf here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁵⁸ South Devon AONB Management Plan: Part 1 Strategy available here: http://www.southdevonaonb.org.uk/uploads/files/mp2014/AONB_Management_Plan_2014_2019.pdf

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
Core Planning Principles						
17	<p>Different roles and character of different areas</p> <p>Recognising the countryside's intrinsic beauty</p> <p>Thriving rural communities</p>	✓	✓	<p>Designation as AONB is recognition that the South Devon coast and countryside has intrinsic beauty that has evolved as a living, working landscape and should continue to do so. The AONB has a different role to play in the prosperity of South Hams, Plymouth and Torbay than areas outside it, with a focus on a rural economy that relies on and contributes to a high quality natural environment, supporting the AONB's special qualities and contributing to its future distinctiveness.</p>	<p>Econ/P1-P6 & Econ/O1-O6</p> <p>Acc/P9 & Acc/O1, O6, & O7</p> <p>Plan/P1 & P2</p>	<p>Plan-making and decision-taking should:</p> <ul style="list-style-type: none"> ■ be underpinned by this core land-use planning principle which should be reflected in the development plan's strategic priorities and vision. ■ recognise that development in AONBs should be focused on meeting local community needs and contributing to the positive management of and enjoyment of the AONB.
17	<p>Conserving and enhancing the natural environment</p> <p>Reducing pollution</p> <p>Allocations of land for development should prefer land of lesser environmental value</p>	✓	✓	<p>This core policy reflects the statutory duty towards AONBs.</p> <p>Reducing pollution is important to maintaining the area's high quality environment upon which much of its economic prosperity, particularly related to tourism, relies.</p> <p>Allocating land to areas of lesser environmental value is a key issue for the AONB to ensure that areas with a higher sensitivity to change and lower capacity to accommodate change are avoided.</p>	<p>Plan/P1 & P2</p> <p>Plan/O5 & O6</p> <p>NatRes/P2</p> <p>NatRes/P3</p>	<p>Local Plans should allocate development in such as way as to prefer land outside the AONB. This should certainly be the policy approach to major development. Where land is being allocated within the AONB, to meet its local needs, some landscape character areas and or sites may be able to accommodate development with less harm than others and this should be an important consideration when making allocations.</p> <p>Decision-takers should:</p> <ul style="list-style-type: none"> ■ ensure that there is no land of lesser environmental value, for instance outside the AONB or in a less sensitive AONB location, which would result in less harm to the AONB than the development site ■ ensure that development conserves and enhances the natural environment including that of the AONB, referring to the AONB's special qualities and distinctive characteristics in doing so. <p>Proposals should demonstrate:</p> <ul style="list-style-type: none"> ■ that they have examined whether there is land of lesser environmental value, and can justify the development in this location ■ how the development conserves and enhances the natural environment, and include reference to the AONB special qualities and distinctive characteristics in doing so.

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
3. Supporting a prosperous rural economy						
28	Economic growth in rural areas Sustainable rural tourism & services	✓		The growth of the AONB's green economy can help secure quality of life and local prosperity. Sustainable tourism is a significant contributor to the area's local economy and is based on the AONB's high quality environment provided by its special qualities and distinctive characteristics.	Plan/P1 Econ/P1-P5, Econ/O1-6 LanMan/ P1 & P6, LanMan/O1, O2, O4 & O6 Est/P1-3, Est/O5 Acc/P1-P9 & Acc/O1-O7	Plan-makers should: <ul style="list-style-type: none"> ■ ensure that policies which support the sustainable growth of rural businesses; promote the diversification of agricultural businesses; support sustainable rural tourism, and support local services and facilities identify development types appropriate to the character of the AONB. This may mean applying differing policies to the AONB than to areas outside the AONB. ■ The AONB Management Plan sets out policies and objectives for its rural economy and services as well as access, recreation and tourism which should be used to guide plan-making. The economic policies of Local Plans and neighbourhood plans should be in line with these and support the objectives.
4. Promoting Sustainable Transport						
29-41	Sustainable patterns of development	✓	✓	A legacy of unsympathetically designed highways infrastructure has eroded local distinctiveness and character in the AONB. Modern specifications for infrastructure can have a suburbanising effect which significantly detracts from local character and distinctiveness. These changes are often incremental, appear insignificant when considered isolation, but contribute to cumulative effects which significantly degrade character.	Trans/P1-6 Comm/P2 Plan/P1 & P2	Plan makers should ensure that the Plan's approach to sustainable transport has regard to the rural character of the AONB. And recognises that the approach in the AONB may need to be different. Local Plan polices on infrastructure development associated with sustainable transport provision should ensure that: <ul style="list-style-type: none"> ■ Its use is minimalised to avoid clutter and suburbanising effects either alone or in-combination with other developments; ■ Its design and layout reinforces or promotes local distinctiveness.

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5. Supporting high quality communications infrastructure						
42-46	High speed broadband Telecommunications masts	✓	✓	<p>High speed broadband provision can support a thriving rural economy, and is essential to underpin the prosperity of the micro and small businesses that predominate in the AONB.</p> <p>Radio and telecommunications masts cause harm to the AONB. This harm is not limited to landscape and visual impacts but also impacts on tranquillity and sense of relative wildness. Areas of undeveloped coast or isolated combe valleys and estuaries are particularly sensitive.</p>	Econ/O5 Lan/P5 Plan/P1 & P2	<p>Local Plans should acknowledge the potential for harm to the AONB from telecommunications development within and in the setting of the AONB and its policies should:</p> <ul style="list-style-type: none"> ■ ensure that development prefers the use of existing masts, buildings and other structures; ■ ensure that any new sites are designed and camouflaged in ways which conserve and enhance the AONB taking into account its special qualities and distinctive characteristics. <p>Decision-taker should:</p> <ul style="list-style-type: none"> ■ ensure that the alternatives for using existing masts, buildings and structures are examined to determine whether these would avoid or cause less harm to the AONB; and ■ ensure that the reasons for using a new site is justified after having given the conservation of landscape and scenic beauty of the AONB great weight. <p>Proposals should demonstrate that:</p> <ul style="list-style-type: none"> ■ alternatives for using existing masts, buildings and structures have been examined to determine whether these would avoid or cause less harm to the AONB; ■ the reasons for using a new site is justified after having had regard to the conservation and enhancement of natural beauty under the section 85 duty as statutory undertakers
6. Delivering a wide choice of high quality homes						
47	Housing density Windfall sites Strategic Housing Land Availability Assessment (SHLAA)	✓		<p>The character of many older settlements has been harmed by development that has not respected settlement pattern.</p> <p>Housing development in the AONB has the potential to cause harm. Some areas of the AONB are inherently more sensitive to the changes associated with development and have a lower capacity to accommodate housing development.</p>	Lan/P1, P2 & P7 Plan/P1	<p>Local Plans should:</p> <ul style="list-style-type: none"> ■ set out an approach to housing density in the AONB which respects the AONB's predominantly rural character and its historic settlement patterns. Housing density in the setting should also be addressed to ensure development does not impact on views from the AONB. ■ ensure that the SHLAA has regard to the conservation and enhancement of the AONB and that to applies great weight to the conservation of landscape and scenic beauty

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54	Duty to co-operate Rural exception sites Affordable housing	✓		<p>Affordable housing is an issue for local communities in the South Devon AONB with the vitality of many communities being affected by high proportions of second homes.</p> <p>Given the lower capacity of the AONB to accommodate development, if the local planning authority chooses to allow some market housing to facilitate the provision of affordable housing it must ensure that it is in fact capable of delivering 'significant additional' affordable housing.</p>	Lan/P1, P2 & P7	<p>Plan-making should ensure that market housing to facilitate the provision affordable housing, to meet the needs of the AONB communities, does not result in a quantum of development within the AONB or at specific sites or locations, which harms the AONB either alone or cumulatively. Policies on affordable housing should ensure that any market housing allowed facilitates the 'provision of significant additional affordable housing'. In the AONB it may be appropriate to set higher affordable housing requirements, and to apply these to smaller scales of development, reflecting that the scales of development in the AONB will generally be smaller.</p> <p>Local Plans should:</p> <ul style="list-style-type: none"> ■ contain policies that address rural exception sites in the AONB and its setting. These should ensure that delivery of a site does not result in a quantum of development within the AONB or at specific sites or locations, which harms the AONB either alone or cumulatively. ■ Set policy to resist inappropriate development of residential gardens in the AONB where this would impact on the historic settlement patterns as viewed from prominent locations in the AONB
55	Sustainable development in rural areas Isolated dwellings in the countryside Exceptional design	✓	✓	The village and town network in the South Devon AONB means that services and facilities in one settlement support the communities in other settlements.	Lan/P1-5 & P7 LanMan/P6 Econ/P3 & 5 Plan/P1 & P2	<p>Local Plans should:</p> <ul style="list-style-type: none"> ■ include criteria-based polices on dwellings in the countryside which set out that the special circumstances will need to be demonstrated more robustly where the development is in or affecting the AONB. This should include that 'enhancing the development's setting' pertains to enhancing the natural beauty of the AONB, and the defining characteristics of the area should pertain to the special qualities and distinctive characteristics of the AONB, in addition to landscape character more generally. <p>Decision-takers should when considering whether an exceptional design is sensitive to the defining characteristics of the area refer to and consider the AONB's special qualities and distinctive characteristics and how the design conserves and enhances these, having regard to the section 85 duty and the fact that the conservation of landscape and scenic beauty is to be given great weight.</p>

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7. Requiring good design						
58	<p>Quality of development</p> <p>Responding to local character, reflecting identity of local surroundings and materials</p> <p>Appropriate landscaping</p>	✓	✓	<p>The character of many older settlements has been damaged by development that has not reflected settlement pattern, local materials or design. The cumulative impact of many small scale changes is being strongly felt at a landscape scale across the AONB. Approaches to change that respect distinctive local character are increasingly needed to avoid increasing cumulative impacts.</p>	<p>Lan/P1-7</p> <p>Lan/O2 & O3</p> <p>Plan/P1 & P2</p>	<p>Local and neighbourhood plans should ensure that design policies require development to respond to the AONB’s special qualities and distinctive characteristics as an integral part of responding to local character.</p> <p>Decision-takers should use the AONB special qualities and distinctive characteristics, as well as Landscape and Seascape Character Assessments, and Historic Landscape Characterisation, to evaluate whether or not proposals properly respond to local character.</p>
60	<p>Seeking to promote or reinforce local distinctiveness</p>	✓	✓	<p>Reinforcing local distinctiveness is crucial to conserving the AONB and its promotion will contribute to enhancing the AONB.</p>	<p>Lan/P1-7</p> <p>Lan/O2 & O3</p> <p>Hist/P1, 2 & 6</p> <p>Plan/P1 & P2</p>	<p>Local Plan and neighbourhood plan policies on the quality of developments should:</p> <ul style="list-style-type: none"> ■ refer to the AONB Management Plan policies and it objectives to inform the setting of criteria against which development proposals will be judged ■ require applications to use Landscape and Seascape Character Assessments, as part of the evidence base for responding to local character and history and addressing local distinctiveness. <p>Decision-takers should use the AONB special qualities and distinctive characteristics to evaluate whether or not proposals properly respond to or reinforce local character.</p> <p>Proposals should reinforce local distinctiveness in particular by referring to the special qualities and distinctive characteristics of the AONB as well as Landscape and Seascape Character Assessments,.</p>

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64	Poor design Opportunities for improving character	✓	✓	The local distinctiveness of the AONB has been eroded by past poor design that has not respected local character, settlement patterns, or local materials.	Lan/P1-7 Lan/O2 & O3 Trans/O3 & O5 Plan/P1 & P2	<p>Local Plans should set out that good design requires proposals in or affecting the AONB to take opportunities to enhance the character of the AONB and that permission for development which fails to take the opportunities available will be refused.</p> <p>Decision-taking should consider, by referring to the AONB Management Plan, whether the design of proposals has genuinely taken opportunities to enhance the AONB's distinctive character.</p> <p>Proposals should:</p> <ul style="list-style-type: none"> ■ use the special qualities and distinctive characteristics in the Management Plan to identify opportunities to enhance the character of the AONB ■ use the Landscape and Seascape Character Assessments to identify opportunities to enhance the character of the AONB
8. Promoting healthy communities						
77	Local Green Space	✓	✓	Local green spaces within the AONB	Acc/P3	<p>Plan-makers when considering whether to designate Local Green Spaces in the AONB should do so where they meet the relevant criteria and contribute towards the AONB's distinctive characteristics, including being wildlife rich or tranquil.</p>

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10. Meeting the challenge of climate change, flooding and coastal change						
97 & 98	Renewable and low carbon energy Community-led initiatives	✓	✓	<p>Cumulative effects from renewable energy development in the AONB (or in its setting) include the more obvious harm to landscape and scenic beauty but additionally these can harm its tranquillity and sense of wildness. Taken together these different types of impact cause cumulative harm to its integrity.</p> <p>Large commercial turbines and field-scale solar arrays, particularly with industrial style boundary treatment, cause harm to the AONB, even when located in its setting.</p> <p>Energy supply within the AONB may be delivered more sensitively through small-scale, landscape appropriate, renewable energy than through larger or commercial scale development which cannot be accommodated in the AONB without harm. Community-led initiatives with local ownership, meaning the benefits remain locally, will help support the rural economy.</p>	Lan/P5 NatRes/P6 LanMan/P6 Econ/P2 Comm/P2 Plan/P1 & P2 NatRes/O5	<p>Local Plans should ensure that their approach to renewable energy development takes account of the South Devon AONB Position Statement on Renewable Energy.</p> <p>Decision-taking should consider the cumulative effects on natural beauty as a whole, and not be confined to landscape and visual impacts but in particular consider effects on tranquillity and wildness.</p>
99	Climate change Flood risk Coastal change Changes to biodiversity and landscape	✓	✓	Climate change is already having an impact on the South Devon AONB's special qualities and key features, with its shoreline and intertidal habitats at both the coast and estuaries being especially vulnerable. Habitat squeeze is a particular issue in the AONB's steep sided estuaries.	Est/P4 NatRes/P4 & 7 BioGeo/P2 Plan/P1 & P2 NatRes/O4	In Plan-making and decision-taking the general approach to climate change impacts, such as flooding, coastal change and erosion should principally be to work with natural processes and seek opportunities to enhance biodiversity and landscape. The need for this approach is even stronger in the AONB and should actively seek to conserve its special qualities.

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105	Integrated Coastal Zone Management (ICZM) Marine Plans	✓	✓	<p>The South Devon AONB has a significant coastal zone and the boundary of the South Devon Heritage Coast, which covers 77% of the AONB coastline, extends 2km out to sea. Heritage Coast conserve, protect and enhance:</p> <ul style="list-style-type: none"> ■ the natural beauty of the coastline ■ their terrestrial, coastal and marine flora and fauna ■ their heritage features ■ encourage and help the public to enjoy, understand and appreciate these areas ■ maintain and improve the health of inshore waters affecting heritage coasts and their beaches through appropriate environmental management measures <p>The South Devon AONB Management Plan incorporates policies and objectives which elaborate the objectives and targets for the South Devon Heritage Coast.</p>	Est/P1 Mar/P2 Lan/P6 Hist/P7 Plan/P1 & P2 NatRes/O4	<p>Local Plans should ensure polices in relation to or affecting the coast, particularly those also covered by the South Devon Heritage Coast, are fully integrated with those of the adjacent South Inshore Marine Plan and South West Inshore Marine Plan.</p>

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106 & 107	Coastal Change Management Areas (CCMA)	✓	✓	<p>Stretches of the AONB coast are subject to the impacts of physical changes. Coastal erosion and land instability has an impact on AONB communities as well as having impacts on the AONB.</p> <p>The South West Coast Path and other infrastructure and services will be affected by coastal change and needs to be accommodated further inland or provided by alternative solutions.</p> <p>With more extreme storm events, this creates particular challenges for some coastal locations including Slapton Sands, Beesands, South Milton Sands and Challaborough, where adapting to long term coastal change will require careful management.</p>	<p>Mar/P4</p> <p>NatRes/P4 & P7</p> <p>Plan/P1 & P2</p> <p>NatRes/O4</p>	<p>Local Plans should:</p> <ul style="list-style-type: none"> ■ identify areas likely to be affected by physical changes along the AONB coast as CCMA. CCMA should be identified using the relevant Shoreline Management Plan 2 and other supporting evidence such as studies on coastal change. ■ include a criteria-based policy to provide clarity on what limited development will be allowed, specific to the local circumstance of each CCMA. ■ direct new development away from areas vulnerable to coastal change, to areas outside CCMA, where this is consistent with the conservation and enhancement of the AONB. ■ development should not create a continuing need for flood or coastal defence, or create a future need for coastal defence ■ require engineering solutions to designed to be sensitive to the AONB's character, generally preferring soft solutions over hard <p>Decision-takers should ensure by referring to the AONB's special qualities and distinctive characteristics as set out in the Management Plan that:</p> <ul style="list-style-type: none"> ■ the character of the AONB is not affected ■ the character of the Heritage Coast is not affected ■ the character of the undeveloped coast is not affected

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11. Conserving and enhancing the natural environment						
109	<p>Protecting and enhancing valued landscapes, geological conservation and soils</p> <p>Ecosystem services</p> <p>Net gains for biodiversity</p>	✓	✓	<p>AONBs are valued landscapes. Conservation of geological features is one of the matters included by law in the conservation of natural beauty.</p> <p>The conservation of soils is an important issue in South Devon AONB in order to maintain the farming and land management sector which contribute to the AONB's working landscape.</p> <p>Paragraph 109 applies to land both within and outside designated landscapes so is particularly important to consider it in the setting of the AONB.</p> <p>The AONB's natural capital provides ecosystem services. Examples are set out in Appendix 2 of the AONB Management Plan.</p>	<p>Lan/P3</p> <p>LanMan/P4</p> <p>BioGeo/P6</p> <p>Plan/P1 & P2</p> <p>NatRes/O3</p>	<p>Local Plans should:</p> <ul style="list-style-type: none"> ■ have a policy to give great weight to conserving the landscape and scenic beauty the South Devon ■ acknowledge that valued landscapes can occur outside protected landscapes. In particular they should recognise that the setting of the South Devon AONB is particularly valued for its relationship with and potential to affect the AONB, and as a consequence is more sensitive to development than other areas of the 'ordinary' or undesignated countryside ■ identify and set out criteria-based policies which protect geological features, in a way which recognises that these make an important contribution to natural beauty ■ set policies to ensure ecosystem services are recognised, safeguarded and strengthened in development design ■ set policies requiring developments to create a net gain for biodiversity and contribute to the AONB's natural beauty. <p>Decision-takers should understand that geological conservation and biodiversity assets make an important contribution to the natural beauty of the AONB. As such, any consideration of development affecting geological or biodiversity asset in the AONB will necessitate a distinct assessment of harm to the AONB.</p>
110	<p>Minimise pollution and other adverse effects on the local and natural environment.</p>	✓		<p>Adverse effects on the local and natural environment will impact on the AONB. In order to conserve the AONB it is important to minimise these.</p>	<p>Plan/P1</p> <p>NatRes/P2</p> <p>NatRes/O1 & O2</p>	<p>Local Plans should ensure that harm to the AONB is minimised. It can do this through a number of mechanisms such as:</p> <ul style="list-style-type: none"> ■ having a specific AONB policy to guide development decisions ■ only supporting development in AONBs which can demonstrate that it is to meet local needs ■ discouraging major development affecting AONBs ■ steering development away from AONBs

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110	Plans should allocate land with the least environmental value	✓		The environmental quality and value in the South Devon AONB is high.	Plan/P1	<p>Plan-makers should formulate the strategic distribution of development in Local Plans to steer development away from the AONB and also from areas outside it which could affect the AONB (its setting).</p> <p>Where development is proposed in the AONB, to meet local needs, it still should be directed towards land with least environmental value. This means it should be directed towards land which generates the least impact/harm on the AONB's special qualities and distinctive characteristics.</p>
113	Local Plans must have criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.	✓		<p>As a nationally designated landscape South Devon AONB requires recognition and criteria based policies in Local Plans.</p> <p>The South Devon AONB has many statutory and non-statutory sites for nature conservation and geodiversity.</p>	BioGeo/P1-4 & P6	<p>Local Plans should:</p> <ul style="list-style-type: none"> ■ contain a policy which addresses AONBs. This can be a specific policy or one which covers protected landscapes. The criteria against which developments will be judged should clearly relate to all the different factors of natural beauty. ■ contain a policy which addresses biodiversity and geological conservation. The criteria against which developments will be judged should be clearly commensurate with the status of the sites.
114	A strategic approach for networks of biodiversity and green infrastructure	✓		<p>Networks of biodiversity and green infrastructure are important contributors to the local distinctiveness and character of the AONB as well as part of the area's natural capital.</p> <p>The nationally important South West Coast Path corridor is a significant element of the AONB's green infrastructure, as is the network of distinctive green lanes.</p>	BioGeo/P3 BioGeo/O1 LanMan/P3 & P4 Plan/P1 Plan/O2 Trans/P2	<p>Plan-makers should use the AONB Management Plan, which sets out a strategic approach to the management of natural beauty over its area, to inform the Local Plan on its strategic approach through the setting of priorities and objectives which underpin the management of the AONB. Following this approach will help relevant authorities to demonstrate and meet their duty of regard.</p>

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114	<p>Heritage Coast</p> <p>Maintaining its character, protecting and enhancing its distinctive landscapes.</p> <p>Improving public access to and enjoyment of the coast</p>	✓	✓	<p>A large proportion of the AONB (77% of its coastline) is defined as Heritage Coast covering the 75km (49 miles) of coastline between Wembury Beach and Sharkham Point. The AONB Management Plan incorporates the objectives and targets for the South Devon Heritage Coast.</p> <p>The importance of undeveloped coast to the character and distinctiveness of the area is recognised in both the AONB and Heritage Coast designations.</p> <p>Improving public access to and enjoyment of the coast is one of the purposes of Heritage Coast. This is addressed through the AONB Management Plan.</p> <p>The South Devon AONB Management Plan incorporates policies and objectives which elaborate the objectives and targets for the Heritage Coast.</p>	<p>Mar/P1, Mar/O1, O6 & O7</p> <p>BioGeo/P7</p> <p>Acc/P1-P7 & Acc/O1, O2, O5, O7</p> <p>NatRes/O4</p> <p>Plan/P1 & P2</p>	<p>Heritage Coasts are designations that can restrict development.</p> <p>Local Plans should take into account the AONB Management Plan in policies referring to Heritage Coast.</p> <p>Decision-takers should ensure that considerations of development in Heritage Coast take into account the AONB Management Plan's policies and objectives, which cover the objectives of Heritage Coast. They should take opportunities to seek developer contributions to help support the management of Heritage Coast and the AONB.</p> <p>Proposals in the Heritage Coast should refer to the AONB Management Plan for guidance on maintaining its character and protecting and enhancing its distinctive landscapes by using the AONB's special qualities and distinctive characteristics.</p>
114	Undeveloped coast	✓	✓	<p>South Devon AONB has extensive areas of 'undeveloped' coast and its character makes a significant contribution to its special qualities. Therefore protecting and enhancing its distinctive landscapes underpins the AONB purpose, and that of Heritage Coast.</p>	<p>Mar/P1, Mar/O1, O6 & O7</p> <p>Plan/P1 & P2</p>	<p>Undeveloped coast is a matter that can restrict development.</p> <p>Local Plans should identify and set policies which protect the undeveloped coast, offering protection to that within and outside of the AONB and Heritage Coast. The policies in the AONB Management Plan can be used to help set criteria against which development proposals will be judged.</p>

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
115 & 116	<p>Requirement to give great weight to the conservation of landscape and scenic beauty of AONBs</p> <p>Conservation of wildlife and cultural heritage are important considerations</p> <p>‘major development’ in AONBs</p>	✓	✓	<p>Both these paragraphs apply to all development in or affecting the AONB. Paragraph 116 applies to ‘major development’ in the AONB.</p> <p>More information on the requirements of paragraphs 115 and 116 and what this means for plan-making and decision-taking is set out in this Guidance in sections: 4.2, 4.3, 4.4, 4.5, 4.6 and 7.2</p>	All policies and objectives	<p>AONBs are areas which can restrict development, both during plan-making and decision-taking.</p> <p>Plan-makers should:</p> <ul style="list-style-type: none"> ■ apply great weight to the conservation of landscape and scenic beauty of the AONB throughout plan-making ■ set out a criteria-based policy for how development in and affecting AONBs will be judged. These criteria should relate to the different factors of natural beauty including giving importance to the conservation of wildlife and cultural heritage <p>Decision-takers should:</p> <ul style="list-style-type: none"> ■ give great weight to the conservation of landscape and scenic beauty of the AONB when determining any scale of development in or affecting the AONB ■ Ensure that the conservation of wildlife and cultural heritage is given importance in considerations
117	<p>Biodiversity</p> <p>Geodiversity</p> <p>Ecological networks</p>	✓		<p>The South Devon AONB supports an outstanding range of habitats, species and geological features – ranging from salt marshes, reedbeds and eelgrass to hedge banks, ancient oak woodlands, farmland and coastal grasslands; and from the high energy exposed shoreline with sea arches, wave-cut platforms, crags, cliffs, dunes and shingle ridges to sheltered marine inlets with expansive mudflats.</p> <p>South Devon AONB contains a European site (a Special Area for Conservation) and numerous Sites of Special Scientific Interest (SSSI) and County Wildlife Sites.</p> <p>Ecological networks are important in the South Devon AONB because many of its special qualities and distinctive characteristics are corridors and stepping stones which all make important contributions to the wider ecological network of the AONB.</p>	BioGeo/P1, P2, P3, P4, P6, P7, P8	<p>The presumption in favour of development does not apply to European sites</p> <p>Local Plans should:</p> <ul style="list-style-type: none"> ■ identify and map ecological networks and geological conservation interests ■ plan for biodiversity at a landscape-scale, using the AONB Management Plan to identify key biodiversity to plan for ■ Have policies to promote the protection, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species ■ be clear that development affecting European sites will be refused

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
118 & 119	Biodiversity Geodiversity Ecological networks European sites		✓	<p>The South Devon AONB supports an outstanding range of habitats, species and geological features – ranging from salt marshes, reedbeds and eelgrass to hedge banks, ancient oak woodlands, farmland and coastal grasslands; and from the high energy exposed shoreline with sea arches, wave-cut platforms, crags, cliffs, dunes and shingle ridges to sheltered marine inlets with expansive mudflats.</p> <p>South Devon AONB contains 4 Special Areas for Conservation (SACs) which are likely to be affected by land-use change, and two marine SACs which may also be affected. It also contains numerous Sites of Special Scientific Interest (SSSI) and County Wildlife Sites.</p>	BioGeo/P1, P2, P3, P4, P6, P7, P8	<p>Decision-takers should:</p> <ul style="list-style-type: none"> ■ be aware that the presumption in favour of development affecting the Special Areas for Conservation in the AONB (or other European sites) does not apply ■ undertake an appropriate assessment for any development likely to significantly effect the Special Areas for Conservation (or other European site) and only give consent after having ascertained that it will have no adverse effect on the site’s integrity either alone or in combination with other activities ■ assess whether the proposal has taken opportunities to enhance biodiversity with reference to the AONB’s special qualities and distinctive characteristics ■ assess whether development in that location will impact on the functioning of the ecological network of the AONB, and if and how any negative effects can be mitigated <p>Proposals should:</p> <ul style="list-style-type: none"> ■ use the AONB Management Plan, and the AONB special qualities and distinctive characteristics to identify opportunities to enhance biodiversity and geodiversity as part of the development to achieve a net gain

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
123 & 125	Noise Tranquillity Light pollution Intrinsically dark landscapes	✓	✓	<p>Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement are part of the AONB's special qualities.</p> <p>8% of the AONB experiences truly dark skies at night. Light pollution is one of the easiest forms of pollution to prevent and importantly to reverse.</p>	Lan/P4 Plan/P1 & P2	<p>Plan-makers should address tranquillity to ensure development, either individually or cumulatively, does not degrade the tranquillity of the AONB. Local plans should require developments in the AONB to be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests. Those in the AONBs should adhere to the Institute of Lighting Professionals (ILP) Environmental Zone E1.</p> <p>Decision-takers should ensure that development either individually or cumulatively, does not degrade the tranquillity of the AONB. They should refuse permission for development that would result in an unacceptable impact of light pollution from artificial light on intrinsically dark landscapes and nature conservation.</p> <p>Proposals should:</p> <ul style="list-style-type: none"> ■ use good design and take opportunities to avoid light pollution from artificial lighting adhering to the Institute of Lighting Professionals (ILP) Environmental Zone E1 in the AONB and Zone E2 in its setting. ■ be located and designed to prevent erosion of relative tranquillity and, take opportunities to enhance areas in which tranquillity has been eroded.

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
12. Conserving and enhancing the historic environment						
126-141	Positive strategy for historic environment Conservation Areas	✓	✓	South Devon AONB's long heritage of maritime, trading, farming and military activity has left a rich and diverse legacy of buildings, scheduled monuments, historic places and archaeological remains. Prehistoric features in the AONB landscape include complex field systems, drovers' tracks and ridge ways, burial mounds, earthworks, hut circles, settlement enclosures and hill forts. Further distinctiveness in the rural landscape was added in the medieval period and later, with farmsteads, field enclosures, deer parks, rabbit warrens, quarries and country estates with designed landscapes. Recent aerial survey suggests that catchmeadows were once common in the coastal valleys.	Hist/P1-8 Plan/P1 & P2	Local Plans should incorporate the intent of the policies and objectives for the historic environment, which are set out in the AONB Management Plan, into the plan's strategy. This strategy should include cultural heritage. The local planning authorities are already committed to delivering their functions as set out in the Management Plan. Decision-takers should understand that heritage assets make an important contribution to the natural beauty of the AONB. As such, any consideration of development affecting a heritage asset in the AONB will necessitate a distinct assessment of harm to the AONB.
Local Plans						
156	Strategic priorities in Local Plans should deliver the conservation and enhancement of the natural and historic environment, including landscape.	✓		The South Devon AONB Partnership through the Management Plan has set strategic priorities for the area covering the conservation and enhancement of the natural and historic environment, including landscape. These already have wide public acceptance and organisational commitment.	Hist/P1, P2 & P7 Plan/P1	Local Plans should incorporate the intent of the policies and objectives for these matters, which are set out in the AONB Management Plan, into the plan's strategic priorities. The local planning authorities are already committed to delivering their functions as set out in the Management Plan.
157	Identify land-use designations on a proposals map Identifying land where development is inappropriate because of its environmental or historic significance	✓		South Devon AONB has extensive areas of 'undeveloped' coast and its character makes a significant contribution to the AONB's special qualities. Loss of undeveloped coast would harm the AONB.	Mar/P1, Mar/O1, O6 & O7 Plan/P1	Local Plans should: <ul style="list-style-type: none"> ■ identify the AONB, Heritage Coast and undeveloped coast on a proposals map ■ identify undeveloped coast as an area where development would be inappropriate because of its environmental significance, particular for the South Devon AONB and South Devon Heritage Coast ■ set out the types of development which would detract from its undeveloped character

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
157	Strategy for enhancing the natural, built and historic environment	✓		The natural environment and historic environment are important factors of natural beauty. Having a strategic approach to their conservation throughout the plan area can help to underpin the conservation and enhancement of the AONB.	All policies and objectives	Plan-makers should incorporate the policies and objectives for these matters, which are set out in the AONB Management Plan, into the strategic priorities of the plan area.
165	Up-to-date evidence base for the natural environment Assessment of ecological network Sustainability Appraisal	✓		The Local Plans covering the South Devon AONB are plans which are likely to have a significant effect on the environment and must be subject to a Strategic Environmental Assessment. The ecological network of the South Devon AONB forms an important part of its natural beauty and distinctiveness.	All policies and objectives	Plan-makers should: <ul style="list-style-type: none"> ■ use the AONB Management Plans as part of the evidence base for Local Plans as they provide a strategic context for the protected landscape as well as setting out what is valued (as confirmed by the PPG). ■ ensure that a Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment is undertaken on the Local Plan. A Local Plan can be found unsound if it does not meet these legal requirements. ■ consult the AONB Unit, as a key stakeholder, during scoping and assessment stages in addition to the formal consultation stages. This approach will help ensure that the plan-maker is able to demonstrate its duty of regard during the assessment and plan-making process.
166	Habitats Regulations Assessment	✓		South Devon AONB contains 4 Special Areas for Conservation (SACs) which are likely to be affected by land-use change, and two marine SACs which may also be affected. (NB. The Local Plans in relation to the AONB may also have effects on European sites located outside the AONB or even outside the plan areas).	BioGeo/P1 Plan/P1	Local Plans covering the South Devon AONB are plans which are likely to have a significant effect on European sites and must be subject to a Habitats Regulations Assessment. A Local Plan can be found unsound if it is not accompanied by an appropriate assessment when submitted to the Planning Inspectorate.

NPPF paragraph	Summary of Matters covered	Relevant to plan-making	Relevant to decision-taking	Why is this pertinent to South Devon AONB?	Related AONB policies and objectives	What does this mean for plan-making, decision-taking, and development proposals?
Planning strategically across boundaries						
178 & 179	Duty to co-operate Co-ordinated strategic priorities across local boundaries	✓		The South Devon AONB lies in the administrative areas of 4 local planning authorities. The AONB Management Plan provides a strategic co-ordinated approach to the management of the AONB. To ensure the integrity of the designation as a whole the management of development should also take a co-ordinated approach. Development in the AONB should focus on what is required to meet local needs that cannot be met in elsewhere.	Plan/P1	Plan-makers should co-ordinate their approach to planning in the AONB. The AONB relevant authorities should ensure that their Local Plans when taken together are capable of maintaining the integrity of the AONB as a whole and of conserving and enhancing it over the lifetime of their plans. Development in the relevant local planning authority areas should be directed towards areas outside the AONB. This may be best achieved by using the duty to co-operate, particularly with regards to the sharing of housing needs, or by preparing joint plans.

4.8 Further Information Sources

Planning Policy and Practice Guidance

DCLG, National Planning Policy Framework (DCLG, 2012) available at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

DCLG, 'Planning Policy Guidance – Natural Environment' available at:

<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/>

Case Law

English court judgements can be obtained using the search function on the 'British and Irish Legal Information Institute' (BAILII) website here:

<http://www.bailii.org/>

Guidance on the AONB duty for relevant authorities

Defra, 'Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads: Guidance Note' (Defra, 2005) Available at:

<http://webarchive.nationalarchives.gov.uk/20130402151656/>

<http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

Natural England, 'England's statutory landscape designations: a practical guide to your duty of regard' (Natural England, 2010) Available at:

<http://www.ccwwdaonb.org.uk/uploads/docs/Publications/DutyofRegard2010.pdf>

Organisation's roles in the planning process

'Areas of Outstanding Natural Beauty: Natural England's role' (6 January 2015) available at:

<https://www.gov.uk/government/publications/areas-of-outstanding-natural-beauty-natural-englands-role/areas-of-outstanding-natural-beauty-natural-englands-role>

This information covers:

- Natural England's statutory duties and powers
- Defra's powers
- Local authority duties
- Natural England's wider role with AONBs

Heritage Coasts: definition, purpose and Natural England's role (Natural England, 6 January 2015) available at:

<https://www.gov.uk/government/publications/heritage-coasts-protecting-undeveloped-coast/heritage-coasts-definition-purpose-and-natural-englands-role>

Decisions of the Planning Inspectorate and Secretary of State

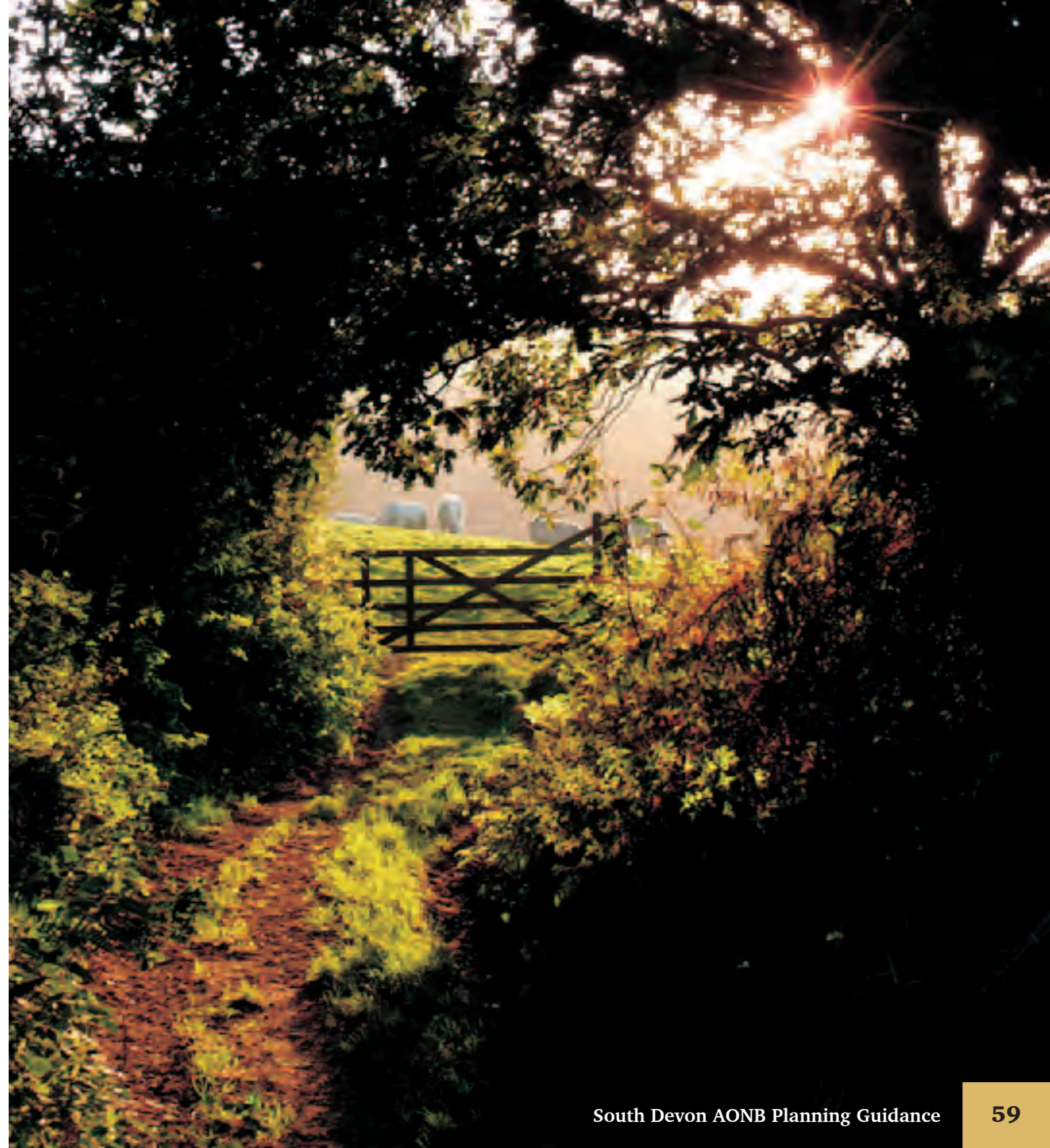
The Planning Inspectorate, 'Appeals Casework Portal' available at:

<https://acp.planninginspectorate.gov.uk>

Evidence

National Trust 'AONBs and Development' (National Trust, 2015) available at:

<https://www.nationaltrust.org.uk/documents/national-trust-areas-of-outstanding-natural-beauty-and-development.pdf>



Section 5

AONBs & Plan-making – Local & Neighbourhood Plans



The National Planning Policy Framework contains policies directly relevant to plan-making in relation to AONBs. It is essential that they are understood and that they are clearly and explicitly interpreted and applied.

In this section we consider how the AONB should be treated in Local Plans and Neighbourhood Plans and considered during their preparation.

5.1 Plan-making and AONBs

92. Decision-taking on planning applications in or affecting the AONB will be made using both the relevant Local Plan and the relevant neighbourhood plan, and any other material considerations. It is therefore important that these plans have taken proper account of the AONB to conserve and enhance its natural beauty and thereby help to achieve sustainable development.
93. The creation of AONBs by Parliament with the purpose of conserving and enhancing them indicates that this objective is of national public importance, not just for the present but also for future generations. With this in mind, plan-making is an opportunity to help secure these areas both now and in the future, and this is one reason why plan-making duties and powers are subject to the section 85 duty of regard. Local planning authorities when preparing Local Plans, Town and Parish Councils or neighbourhood forums (or other qualifying body) when preparing Neighbourhood Plans, must have regard to the conservation and enhancement of natural beauty in AONBs under their 'section 85 duty'. As set out in section 2.2 'A Statutory Duty towards AONBs' of this guidance.

5.2 How should AONB issues be addressed in Local Plans?

94. Guidance relevant to plan-making for Local Plans occurs throughout the NPPF with specific guidance on the plan-making process in paragraphs 150 to 182. The existence of an AONB should be considered at the very outset of plan preparation and its conservation and enhancement should influence all stages of the plan-making process and inform the approach of the Local Plan. The following checklist sets out the matters which should be addressed by plan-makers during preparation of a Local Plan.

Checklist for plan-makers when preparing Local Plans	Tick Box
Gathering Evidence	
Was the South Devon AONB Management Plan, and its supporting documents, which provide a strategic context for the AONB, used to inform the evidence base?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Did plan-makers co-operate with other local planning authorities to address cross-boundary issues or strategic priorities? Such as:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Positive planning for the conservation and enhancement of the natural and historic environment, including the AONB 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Sharing housing allocations to avoid or reduce development in the AONB 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Were up-to-date assessments used to inform the evidence base? (NPPF paragraph 158)	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Landscape Character Assessment 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Seascape Character Assessment 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Historic Landscape Characterisation 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was an assessment of the existing and potential components of the ecological network of the plan area undertaken to inform the evidence base? (NPPF paragraph 165)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Preparing the Strategic Housing Land Availability Assessment (SHLAA)	
Was the South Devon AONB used as an environmental constraint in the SHLAA?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Did the assessment of site suitability identify harm to the AONB from development using the AONB special qualities, in addition to landscape and seascape character assessment?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Did the SHLAA have regard to the conservation and enhancement of the AONB during the assessment of sites?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Plan Preparation	
Strategy, Vision, Aims and Objectives	
Do the strategic vision, aims and objectives reflect the national importance of the South Devon AONB and its conservation and enhancement? Including:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Does it address the significance of the South Devon AONB? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Does it acknowledge the contribution of the high quality environment of the South Devon AONB to the economic prosperity of the plan area? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do the strategic priorities incorporate and support the policy approach and objectives of the South Devon AONB Management Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Formulating strategic and development management policies	
Has plan-making had regard to the AONB during the formulation of all strategic and development management policies, not just those related to protected landscapes or conserving the natural environment? (Section 85 duty) Such as:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Historic environment 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Development outside settlement boundaries 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Development in the countryside 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Rural exception sites 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Renewable energy 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Telecommunications 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Good design 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Rural economy 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Did plan-makers have regard to conserving and enhancing the AONB when generating and deciding on options for the strategic distribution of development? (Section 85 duty)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the strategic distribution of development steer development towards areas outside the AONB, which would cause least harm?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Formulating the AONB policy	
Is the level of protection for AONBs and other valued landscapes, commensurate with their status and consistent with the NPPF? (Paragraph 113)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a criteria-based policy for AONBs?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the policy have criteria-based tests to protect each of the different factors of natural beauty AONB from inappropriate development?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Landscape quality 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Scenic quality 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Relative wildness 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Relative tranquillity 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Natural heritage features 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Cultural heritage 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was the AONB Unit involved in the development of the policy approach for AONBs?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was the AONB Unit involved in the development of the policy approach for other matters pertinent to the AONB's special qualities and distinctive characteristics? Such as policies on:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Heritage Coast 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Undeveloped coast 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Biodiversity 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Geodiversity 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Historic Environment 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Making allocations	
Does the plan avoid allocating major development in the AONB?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If it intends to allocate major development in the AONB, can it demonstrate, that despite having given great weight to the conservation of landscape and scenic beauty in the AONB, that there are exceptional circumstances which justify the allocation(s) and that the specific allocation(s) for development is in the public interest?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the plan allocate land of least environmental value?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Were detailed landscape and visual impact assessments or landscape capacity and sensitivity studies carried out for all the alternatives for strategic allocation sites and did this inform the proposed allocations?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Was an assessment of harm to AONB's special qualities and distinctive characteristics made for each of the alternatives for allocation sites and did this inform the proposed allocations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do the allocation sites represent those which will cause least harm to the AONB, either considered alone, or in-combination?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has the impact of delivering the full OAN on the plan area's environmental designations, including the South Devon AONB been rigorously tested?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was 'great weight' given to conserving the AONB's landscape and scenic beauty when identifying, evaluating and choosing strategic site allocations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the plan set out site-specific policies for allocations in or affecting the AONB?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do site allocations in or affecting the AONB have site specific policies which set out how any development should conserve and enhance the AONB? If so,	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Does each site specific policy identify which special qualities and distinctive characteristics should be conserved and set standards for this? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Does each site specific policy identify which special qualities and distinctive characteristics should be enhanced and set standards for this? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Alternatives	
Did the assessment of reasonable alternatives against national policy include policy on AONBs generally and contained within the NPPF?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Did the selection of any preferred alternatives have regard to the conservation and enhancement of the AONB, and did it give great weight to conserving the AONB's landscape and scenic beauty?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do the reasons for choosing the preferred alternative address the effects on the AONB?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Did plan-makers have regard to conserving and enhancing the AONB when deciding whether or not to produce Supplementary Planning Documents, and the level of detail to be included in them?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Monitoring	
Does the monitoring framework include effects on the AONB from the implementation of the Local Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Preparing the Sustainability Appraisal (SA)	
Was the South Devon AONB Management Plan used to set the framework for the SA?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Were Natural England and the South Devon AONB Unit consulted on the scope and level of detail of the environmental information to be included in the SA/SEA?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Did the mandatory Sustainability Appraisal (SA), incorporating the requirements of Strategic Environmental Assessment (SEA), have regard to the AONB, and its special qualities and distinctive characteristics in its assessment methodology?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the SA appropriately identify, describe and evaluate harm to the AONB in its appraisal of likely significant effects on the environment?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is it possible to discern from the SA Report the likely significant effect of the Local Plan on the integrity of the AONB as a whole?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the SA incorporate the findings of the Habitats Regulations Assessment or Appropriate Assessment of the Local Plan for the relevant European sites?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Consultation(s)	
Were Natural England and the South Devon AONB Unit invited to make representations during all consultation exercises on the emerging Local Plan any associated interim Sustainability Appraisal Report?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Publication Stage	
Were Natural England and the South Devon AONB Unit invited to make representations on the Submission Local Plan and the Sustainability Appraisal Report?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Submission Stage	
Did the Council Members have regard to conserving and enhancing the AONB when making its decision to approve the Draft Local Plan for submission? (Section 85 duty)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has a final Sustainability Appraisal Report been produced?	Yes <input type="checkbox"/> No <input type="checkbox"/>

95. If the answers are affirmative ('Yes') then the plan-making process can demonstrate that it has had regard to the AONB under the section 85 duty and that is likely to be in conformity with NPPF paragraph 115. However, this does not guarantee that the plan will conserve and enhance the AONB. If any of the answers are negative ('No') then it is harder for the plan-makers to demonstrate that they have had regard to the AONB under the section 85 duty and the plan is more likely to fail to conserve and enhance the AONB. The impacts on the plan's soundness will depend upon the individual circumstances, and whether any non-conformity also relates to non-compliance with law or national policy.
96. Further information and advice on what the matters raised in NPPF means for plan-making in relation to the South Devon AONB can be found in section 4.7 'Planning positively for the South Devon AONB.'

5.3 Local Plans in relation to South Devon AONB

97. A Local Plan consists of a suite of strategic and development management policies and allocates sites for different types of development. The Local Plan is drawn up by the local planning authority in consultation with the local community. The adopted Local Plans of the AONB relevant authorities provide the framework for development across the South Devon AONB and set out the strategic priorities for the local authorities' areas, identifying how land is used and determining what will be built and where in the future.
98. The relevant authorities for South Devon AONB that will prepare Local Plans are: South Hams District Council, Torbay Council, Plymouth City Council and Devon County Council. They may do this individually, or by acting jointly.
99. South Hams District Council's (SHDC) administrative area covers the largest proportion of the AONB which correspondingly covers a substantial portion of SHDC's area. Torbay Council and Plymouth City Council cover small areas of the AONB to the east and west respectively, but conversely the AONB forms only a small part of the areas for which they prepare their Local Plans.
100. Devon County Council, as both the Waste Management Authority and the Minerals Authority for Devon (excluding Plymouth, Torbay and the National Parks of Dartmoor and Exmoor) has responsibility for preparing Local Plans on Waste and Minerals. The unitary authorities of Plymouth Council and Torbay Council are the Minerals and Waste Authorities for their administrative areas. Rather than prepare separate Local Plans on Waste and Minerals, Plymouth and Torbay Councils have each chosen to include these policies within their Local Plans.

Local Plans covering the South Devon AONB

NB: The information in this box was correct at the time of publication but is subject to ongoing change as new development plans are prepared and adopted. Users should check the website of the relevant local planning authority for up-to-date information on the current adopted development plan or to check the progress of emerging plans.

Adopted Local Plans

Torbay – Local Plan 2012-2030

Adopted 10 December 2015 it covers the spatial strategy and strategic delivery objectives for each of the three towns Torquay, Paignton and Brixham, policies for managing change and development in the Bay. It allocates areas for investment in tourism, future growth areas for housing and employment and proposed Country Parks, existing and proposed shopping centres and transport hubs, alongside the Countryside Area, Urban Landscape Protection Areas and Undeveloped Coast. In addition, it includes policies for waste and minerals.

<http://www.torbay.gov.uk/newlocalplan>

South Hams Local Development Framework

The Local Development Framework is made up of a number of documents that contain policies to manage development in the District. They are known as Adopted Plans as they have been through a number of statutory processes and formally adopted by the Council.

The adopted South Hams plans include:

- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)

- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas

There are also a number of policies from the saved 1996 Local Plan.

<http://www.southhams.gov.uk/article/3234/Local-Development-Framework>

Plymouth Local Development Framework

The adopted Plymouth Plans include:

- Core Strategy - formally adopted by Full Council on 23rd April 2007
- Waste Development Plan Document 2006-2021
- Central Park Area Action Plan 2006-2021
- Mill Bay and Stonehouse Area Action Plan 2006-2021
- Devonport Area Action Plan 2006-2021
- City Centre Area Action Plan 2006-2021
- Sutton Harbour Area Action Plan 2006-2021
- North Plymstock Area Action Plan and Minerals Development Plan Document 2006-2011

For ease a document containing all the LDF policies for Plymouth can be downloaded here:

<http://web.plymouth.gov.uk/ldf>

The Devon Minerals Local Plan 2004

This sets out the current planning policy for mineral working in Devon. It was due to lapse on 27th September 2007, but the Secretary of State directed that all but two policies (MP1 and MP12) are saved until such time they are superseded by the emerging Devon Minerals Plan. See text below on the Devon Minerals Plan 2011-2031.

The Devon Waste Plan was adopted in December 2014 sets out the current policy framework for waste management facilities in Devon and covers the period to 2031, see:

<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>

Waste Management and Infrastructure Supplementary Planning Document

The SPD provides guidance to local planning authorities and developers to assist in implementation of three of the Waste Plan's policies dealing with waste prevention, waste management infrastructure and the protection of waste management capacity.

The SPD is now a material consideration when determining planning applications in Devon.

<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Plans in preparation

Plymouth and South West Devon Joint Local Plan

This plan is being prepared jointly by South Hams District Council and Plymouth City Council which are both relevant authorities for the South Devon AONB, and West Devon District Council (which has joint working arrangements with South Hams DC, but is not a relevant authority for the AONB).

<http://www.southhams.gov.uk/jointlocalplan>

Devon Minerals Plan 2011-2031

The submission plan went to Examination in 2016 and County Councillors will be recommended to adopt the Devon Minerals Plan in accordance with the Inspector's recommendations shortly. The proposed adoption version of the Minerals Plan can be found here: Devon Minerals Plan Proposed Adoption Version

5.4 What is Neighbourhood planning?

101. The Government's Planning Practice Guidance (PPG) states that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.”⁵⁹

102. Neighbourhood Plans are about the use and development of land and the environmental, social and economic issues associated with this. They cannot deal with non-planning matters. Plans can be simple and focused on only a few issues, or they can be comprehensive. Its complexity will be influenced by the local community's aspirations and the scope and adequacy of the policy in the adopted Local Plan for the area. Areas which do not have an up-to-date Local Plan may want to include more detail. However, if they chose to do this they need to have regard to any emerging Local Plan policies.

⁵⁹ DCLG, Planning Practice Guidance ‘What is Neighbourhood Planning?’ Paragraph: 001 Reference ID: 41-001-20140306 Revision date: 06 03 2014 available at <https://www.gov.uk/guidance/neighbourhood-planning--2>

5.5 How should AONB issues be addressed in Neighbourhood Plans?

103. The ‘section 85 duty’ applies to Parish and Town Councils, neighbourhood forums or community organisations preparing neighbourhood plans within the AONB and to those adjoining the AONB, which lie within the AONB's setting. This means that it must have regard to the conservation and enhancement of the natural beauty in the South Devon AONB during the preparation of its Neighbourhood Plan.

104. The National Planning Policy Framework (NPPF) sets out guidance specifically for Neighbourhood Plan-making in paragraphs 183 to 185. But guidance relevant to plan-making occurs throughout the NPPF.

105. The Planning Practice Guidance states that Neighbourhood Plans should actively set out to demonstrate how communities and partners are contributing to protected landscape purposes.⁶⁰ AONBs are nationally protected landscapes. In order to do this, Neighbourhood Plan makers need to be aware that:

- (i) The purpose of planning is to help achieve sustainable development.
- (ii) Allocations of land for development should prefer land of least/lesser environmental value (paragraphs 17 and 110 of the NPPF).
- (iii) AONBs have the highest status of protection in relation to the conservation of their landscape and scenic beauty and the conservation of wildlife and cultural heritage is important (paragraph 115 of the NPPF).

⁶⁰ DCLG, Planning Practice Guidance, Natural Environment, Paragraph: 004 Reference ID: 8-004-20140306 Revision date: 06 03 2014, available at <https://www.gov.uk/guidance/natural-environment>

(iv) AONB designation is to be given ‘great weight’ in the plan-making and decision-taking processes (paragraph 115 of the NPPF).

(v) Planning permission should be refused for ‘major’ developments in AONBs except in exceptional circumstances and where it can be demonstrated to be in the public interest (paragraph 116 of the NPPF).

(vi) Neighbourhood Plans should acknowledge the special qualities of the AONB relevant to the plan's area and refer to the South Devon AONB Management Plan policies and objectives.

(vii) Neighbourhood Plans should cross-reference the AONB policy from their relevant Local Plan and make reference to relevant Government policy within the National Planning Policy Framework and Planning Practice Guidance in respect of the AONB designation.

106. Information on the South Devon AONB to assist communities preparing Neighbourhood Plans is available on the South Devon AONB website.⁶¹ Pertinent information includes: defining the legally protected status, the AONB Management Plan 2014-2019, relevant planning policies and a wide range of research work, reports and Position Statements. Additionally, the Devon Landscape Policy Group has produced useful guidance on using Landscape Character Assessments in Neighbourhood Planning.⁶²

107. The existence of an AONB should be considered at the very outset of plan preparation and its conservation and enhancement should influence all stages of the plan-making process and inform the approach of the Neighbourhood Plan. The following checklist sets out the matters which should be addressed by plan-makers during preparation of a Neighbourhood Plan.

⁶¹ See www.southdevonaonb.org.uk

⁶² See <http://www.devon.gov.uk/dlpg-advice-note-4.pdf>

Checklist for plan-makers preparing Neighbourhood Plans	Tick Box
Gathering Evidence	
Was the South Devon AONB Management Plan, and its supporting documents, which provide a strategic context for the AONB, used to inform the plan's evidence base?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was an up-to-date Landscape Character Assessment used to inform the evidence base? (NPPF paragraph 158)	Yes <input type="checkbox"/> No <input type="checkbox"/>
For coastal areas, was an up-to-date Seascape Character Assessment used to inform the evidence base? (NPPF paragraph 158)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was an up-to-date Historic Landscape Characterisation Assessment used to inform the evidence base? (NPPF paragraph 158)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Plan Preparation	
Strategy, Vision and Objectives	
Do the plan's strategic vision and objectives reflect the national importance of the South Devon AONB and the need for its conservation and enhancement? Including:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Does it set out the significance of the South Devon AONB? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Does it acknowledge the contribution of the high quality environment of the South Devon AONB to the economic prosperity of the plan area? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do the strategic priorities incorporate the policy approach and support the objectives of the South Devon AONB Management Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Formulating local objectives and development management policies	
Has plan-making had regard to the AONB during the writing of all strategic and development management policies, not just those related to the AONB or conserving the natural environment? (Section 85 duty) Such as:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Historic environment 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Development outside settlement boundaries 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Development in the countryside 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Rural exception sites 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Renewable energy 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Telecommunications 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Good design 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Rural economy 	Yes <input type="checkbox"/> No <input type="checkbox"/>

Does the Neighbourhood Plan set out a policy approach for other matters relevant to the AONB's special qualities? Such as policies on:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Biodiversity ■ Geodiversity ■ Historic Environment 	
Conformity with AONB policy	
Does the Neighbourhood Plan follow the relevant AONB policy in the adopted Local Plan (where this is up-to-date & in conformity with the NPPF)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Is the Neighbourhood Plan consistent with NPPF paragraphs 115 and 116? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ Has the Neighbourhood Plan taken account of any emerging new policy for the South Devon AONB? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Finding sites and Making allocations	
Does the plan allocate land of least environmental value? (NPPF paragraph 110)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Did the appraisal of options consider the potential for harm to the AONB (using the special qualities and distinctive characteristics set out in the Management Plan), and did this inform the choice of proposed allocations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was 'great weight' given to conserving the AONB's landscape and scenic beauty when identifying, evaluating and choosing site allocations? (section 85 duty)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the plan avoid allocating major development in the AONB? (NPPF paragraph 116)	Yes <input type="checkbox"/> No <input type="checkbox"/>
If it intends to allocate major development in the AONB, can it demonstrate, that despite having given great weight to the conservation of landscape and scenic beauty in the AONB, that there are exceptional circumstances which justify the allocation(s) <u>and</u> that the allocation(s) for development is in the public interest?(NPPF paragraph 116)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do the allocation sites represent those which will cause least harm to the AONB, either when considered individually, or all together (in-combination)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the plan set out site-specific policies for allocations in or affecting the AONB, which set out:	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ what type, scale and form of development is considered appropriate? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> ■ the AONB special qualities and distinctive characteristics that should be conserved and enhanced? 	Yes <input type="checkbox"/> No <input type="checkbox"/>

Alternative Options	
Did the choice of any preferred options have regard to the conservation and enhancement of the AONB, and did it give great weight to conserving the AONB's landscape and scenic beauty?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Strategic Environmental Assessment (SEA)	
Was the South Devon AONB Unit consulted on whether the Neighbourhood Plan requires a Strategic Environmental Assessment (SEA)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If an SEA is required:	
<ul style="list-style-type: none"> Was the South Devon AONB Unit consulted on the scope and level of detail of the environmental information to be included in the SEA? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Was the South Devon AONB Management Plan used to set the framework for the SEA (that is the tests against which environmental effects are evaluated)? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Did the SEA have regard to the AONB, and its special qualities and distinctive characteristics in its assessment methodology? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Does the SEA appropriately identify, describe and evaluate harm to the AONB in its assessment of likely significant effects on the environment? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sustainability Appraisal (SA)	
SA is not a requirement for Neighbourhood Plans; however, plan-makers must demonstrate how the plan will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this. If an SA was undertaken	
<ul style="list-style-type: none"> Has the environmental information in the SA included the South Devon AONB? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Was the South Devon AONB Management Plan used to set the framework for the SA (that is the tests against which environmental, social and economic effects are evaluated)? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Did the SA have regard to the AONB, and its special qualities and distinctive characteristics in its assessment methodology? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Does the SA appropriately identify, describe and evaluate harm to the AONB in its assessment of likely significant effects on the environment? 	Yes <input type="checkbox"/> No <input type="checkbox"/>
Consultation(s)	
Was the South Devon AONB Unit notified of consultation exercises on the emerging Neighbourhood Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Submission Stage	
Was South Devon AONB Unit invited to make representations on the Submission Draft Neighbourhood Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Referendum Stage	
Did the local planning authority Council Members have regard to conserving and enhancing the AONB when making its decision to put the Neighbourhood Plan to referendum? (Section 85 duty)	Yes <input type="checkbox"/> No <input type="checkbox"/>

108. If the answers are affirmative ('Yes') then the plan-making process can demonstrate that it has had regard the AONB under the section 85 duty and that is likely to be in conformity with NPPF paragraph 115. However, this does not guarantee that the plan will conserve and enhance the AONB. If any of the answers are negative ('No') then it is harder for the plan-makers to demonstrate that they properly considered the AONB, and the plan is likely to fail to conserve and enhance the AONB.
109. Further information and advice on what the matters raised in NPPF means for plan-making in relation to the South Devon AONB can be found in section 4.7 'Planning positively for the South Devon AONB.'

5.6 Further Information Sources

Planning Policy and Practice Guidance

DCLG, National Planning Policy Framework (DCLG, 2012) available at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

DCLG, 'Planning Policy Guidance – Natural Environment' available at:

<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/>

Case Law

English case law can be obtained using the search on the 'British and Irish Legal Information Institute' (BAILII) website here: <http://www.bailii.org/>

Guidance for Neighbourhood Plan-making

Planning for the Environment at the Neighbourhood Level – Natural England, Environment Agency, English Heritage, Forestry Commission LIT 6524, Version 2:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/lit_6524_7da381.pdf

Devon Landscape Planning Group, 'Using Landscape Character Assessments in Neighbourhood Planning' Available at:

<http://www.devon.gov.uk/dlpg-advice-note-4.pdf?>

Section 6

Using the AONB Management Plan for planning



The South Devon AONB Management Plan is a statutory document setting out the policies of the local authorities for the management of the AONB. It is an important material consideration in the planning process, both for plan-making and for decision-taking.

6.1 The Role of the AONB Management Plan in planning

What are AONB Management Plans?

110. The South Devon AONB Management Plan is a statutory document required by law to set out the relevant authorities' approach to the carrying out of any of their functions in relation to the AONB. These functions include those on plan-making and decision-taking for development management.

The Content of the South Devon AONB Management Plan

- Highlights the special qualities and significance of the AONB
- Presents a vision for the future of the AONB
- Sets out objectives and policies to secure the vision
- Identifies what needs to be done, by whom, and when
- States how the condition of the AONB and the effectiveness of its management will be monitored
- Reflects the views and aspirations of a wide range of AONB 'stakeholders'
- Co-ordinates the work of different partner organisations

111. The Planning Practice Guidance (PPG) produced by the Department for Communities and Local Government states that:

*“Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. As part of this, **local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty**, as these documents underpin partnership working and delivery of designation objectives. The **management plans highlight the value and special qualities of these designations** to society and show communities and partners how their activity contributes to protected landscape purposes.”⁶³ (Emphasis added).*

112. The PPG goes on to state that:

*“...Areas of Outstanding Natural Beauty management plans do not form part of the statutory development plan, but may **contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in the local planning authorities’ Local Plans and any neighbourhood plans in these areas.**”⁶⁴ (Emphasis added)*

⁶³ DGLG, Planning Practice Guidance – Natural Environment: Landscape Paragraph: 004 Reference ID: 8-004-20140306 Revision date: 06 03 2014 <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/landscape/>

⁶⁴ DGLG, Planning Practice Guidance – Natural Environment: Landscape Paragraph: 004 Reference ID: 8-004-20140306 Revision date: 06 03 2014 <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/landscape/>

113. Taken as a whole, the South Devon AONB Management Plan provides guidance on how to conserve and enhance the special qualities, distinctive characteristics and key features of this nationally important protected landscape. A particular role for the AONB Management Plan is to assist relevant authorities to understand and act on their duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The AONB Management Plan helps to translate this duty and illustrates what it means in the context of the South Devon AONB.

114. The Secretary of State confirmed in its called-in Winslade Farm decision⁶⁵ that the South Devon AONB Management Plan, and its policies, is a material consideration when determining proposals affecting the AONB.⁶⁶

115. The PPG also makes it clear that:

“... Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.”⁶⁷

The AONB Management Plan is not just an internal document for the AONB Partnership and AONB Unit: an AONB Management Plan has to ensure outcomes for the protected landscape itself and harness the actions of all who live or work in it, visit it, or otherwise have an interest in it.

⁶⁵ Land at Winslade Farm, Frogmore, Kingsbridge, Devon (APP/K1128/V/15/3136298) 19 January 2017. Available at <https://www.gov.uk/government/publications/called-in-decision-land-at-winslade-farm-frogmore-kingsbridge-devon-ref-3136298-19-january-2017> (Hereafter Winslade Farm)

⁶⁶ Winslade Farm Paragraph 13.

⁶⁷ DGLG, Planning Practice Guidance – Natural Environment: Landscape Paragraph: 004 Reference ID: 8-004-20140306 Revision date: 06 03 2014 <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/landscape/>

6.2 Management Plan Policies relevant to the Planning Process

116. The ‘South Devon AONB Management Plan Part 1 Strategy’ contains 95 policies for and 81 objectives for the AONB. These are not in themselves planning policies, but many of them do have a bearing on planning and development and they do represent the adopted policies of the Local Planning Authorities for the management, conservation and enhancement of the AONB. These are the evidence and principles, for the South Devon AONB, which the Government’s Planning Practice Guidance refers to. They have the status of ‘material considerations’ in planning.

117. Within the AONB Management Plan:

Policies are the AONB Partnership’s position and approach to particular issues, providing a framework to guide delivery plan projects and initiatives;

Objectives are what it wants to achieve for the AONB, supported by the Delivery Plan of actions and projects.

118. The policy approach to planning and the objectives it should seek to achieve in relation to the AONB are set out in its section on ‘Planning and Development’. Following are the most pertinent AONB Management Plan policies for consideration in the planning process.

Planning & Sustainable Development

Policies

Plan/P1 Plan-making

Planning policies will give ‘great weight’ to the purpose of conserving and enhancing the natural beauty and special qualities of the South Devon AONB, while supporting small scale development that is appropriate to its setting, is in keeping with its character, and meets the economic and social needs of local communities.

Plan/P2 Decision-taking

Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB.

Plan/P3 Planning protocol

Local Planning Authorities will consult the South Devon AONB Unit on planning policy and significant planning applications following the agreed planning protocol, and use the South Devon AONB Management Plan as a material consideration to inform plan-making and decision-taking.

Plan/P4 Representations

The South Devon AONB Unit will provide representations to Local Planning Authorities preparing Local Plans, Neighbourhood Plans and Minerals and Waste Development Frameworks; and to the Marine Management Organisation in respect of Marine Plans; to ensure that they:

- have had regard to the purpose of conserving and enhancing the natural beauty of the South Devon AONB throughout the plan preparation process;
- secure consistent and robust policies giving great weight to conserving and enhancing the natural beauty and special qualities of the South Devon AONB.

Plan/P5 Consultees

Natural England will continue to be the principal statutory consultee on planning and sustainable development matters affecting Areas of Outstanding Natural Beauty. The South Devon AONB Unit will continue to provide a local perspective on the sensitivity to change in specific locations of the South Devon AONB’s natural beauty and special qualities.

Plan/P6 Providing advice

Advice on development proposals will increasingly be provided through standing advice and supporting documents including the South Devon AONB Planning Guidance document.

Objectives

Plan/O1

To ensure that great weight is given to the purpose of the Area of Outstanding Natural Beauty in setting planning policies and making development management decisions.

Plan/O2

To use the process of green infrastructure planning to ensure that suitable opportunities and priorities for green infrastructure are identified and secured.

Plan/O3

To develop positive mechanisms for the off-site mitigation of the impacts of development, and to be pro-active in seeking developer contributions.

Plan/O4

To develop and publish detailed planning guidance as an annex to the AONB Management Plan that will offer positive guidance on how Management Plan policies should be applied. [This Guidance document]

Plan/O5

To support development that is appropriate and proportionate to its location and supports the vitality of communities within the AONB provided that such development is compatible with the pursuit of conserving and enhancing natural beauty.

Plan/O6

To ensure that development outside the AONB boundary respects the special setting of the AONB.

Landscape Character

Policies

Lan/P1 Character

The special qualities, distinctive character and key features of the South Devon AONB landscape and seascape will be conserved and enhanced.

Lan/P2 Technical assessments

The use of Landscape and Seascape Character Assessments and Historic Landscape and Seascape Characterisation will be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance the special qualities of the South Devon AONB.

Lan/P3 Landscape condition

Opportunities will be sought to strengthen landscape character by improving the condition of existing landscape features in poor condition and reinstating landscape features identified as missing or fragmented.

Lan/P4 Tranquillity

Levels of tranquillity throughout the South Devon AONB will be maintained and, where practicable enhanced, in order to ensure this special quality is not further devalued.

Lan/P5 Skylines & visual intrusion

The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought together with improvements to reduce the visual impact of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure, external lighting that creates night time scenic intrusion, and visually dominating buildings that are inconsistent with landscape character.

Lan/P6 Seascape

The open undeveloped seascape seen from the coast forms a defining setting for the South Devon AONB: the long uninterrupted views, wild character and natural horizons will be protected and sustained.

Lan/P7 Setting to the AONB

The deeply rural character of much of the land adjoining the AONB boundary forms an essential setting for the AONB and care will be taken to maintain its quality and character.

Objectives

Lan/O2

To prevent the deterioration in condition of those special qualities of the South Devon AONB landscape and its setting that are under threat from visual intrusion.

Lan/O3

To manage and improve the condition of those special qualities of the South Devon AONB landscape recognised as having been degraded or that are in poor condition.

Natural Resources and Climate

Policies

NatRes/P1 Natural resources

The environmentally sustainable management of natural resources within the South Devon AONB will be promoted and any plans for their management will have due regard for South Devon AONB purposes and work with physical processes that are resilient to climate change.

NatRes/P2 Water quality

The highest standards of water quality will be secured throughout the South Devon AONB. The effective integration of land, freshwater and estuary management will be sought at a river catchment scale, to address sustainable soil, waste and nutrient management, point source and diffuse pollution, and the abstraction, supply and use of water.

NatRes/P3 Pollution

Effective contingency planning will be maintained to guide emergency responses to pollution incidents affecting land, sea and air.

NatRes/P4 Climate change

Communities will be assisted to develop resilience in adapting to climate change whilst ensuring that the special qualities of the South Devon AONB are conserved and enhanced.

NatRes/P6 Energy

Initiatives will be supported that reduce energy usage and carbon dioxide emissions, increase energy efficiency and the use of renewable heat and power sources, particularly from woodfuel, where these initiatives conserve and enhance the special qualities of the South Devon AONB and promote the principal of good environmental stewardship of resources.

Biodiversity and Geodiversity

NatRes/P7 **Flooding & erosion**

Approaches to flood risk management and erosion control which work with natural processes, conserve the natural environment and improve biodiversity will be advocated and supported.

Objectives

NatRes/O1

To meet the water quality targets for the Bathing Water Regulations and Water Framework Directive.

NatRes/O2

To maintain the South Devon AONB free from environmental pollution.

NatRes/O3

To manage and conserve the South Devon AONB's soil resources sustainably.

NatRes/O4

To understand and respond to the impacts of predicted climate change on the natural beauty, special qualities and landscape of the South Devon AONB.

NatRes/O5

To provide guidance on the types and scales of energy efficiency measures and renewable energy technologies that are consistent with conserving and enhancing the special qualities of the South Devon AONB.

Policies

BioGeo/P1 **Designated sites**

Designated sites of international, national and local importance for biodiversity and geodiversity will be protected from damage, be managed effectively to achieve their conservation objectives, and be better linked to the wider habitat network.

BioGeo/P2 **Priority species**

Priority species (legally protected species, species of principal importance and other significant species for South Devon AONB) will be protected and conserved. Targeted action will be taken to support the recovery of priority species whose conservation is not delivered through wider habitat-based measures.

BioGeo/P3 **Ecological networks**

Opportunities will be sought to establish well functioning ecological networks at a landscape scale to improve connectivity and resilience, strengthen landscape character and safeguard, for the benefit of wildlife and people, those services provided by the natural environment. This approach will also provide for the creation, enhancement or planned "migration" of habitats which are under threat from human activity, climate change or sea level rise, using the Devon Nature Map and its Strategic Nature Areas as guidance.

BioGeo/P4 **Geodiversity**

The conservation and enhancement of significant geological and geomorphological features throughout the area will be sought, underpinned by a presumption in favour of sustaining natural processes.

BioGeo/P6 **Positive cumulative impacts**

Opportunities will be sought to maximise the benefits for wildlife from the positive management of all types of land including farmland, private gardens, community spaces and publicly owned land.

BioGeo/P7 **Damage and disturbance**

Increased recreational pressure will be resisted at locations where unacceptable damage or disturbance to vulnerable habitats and species is likely to arise.

Objectives

BioGeo/O1

To develop coordinated and effective landscape scale initiatives and a clearer plan of action for the wider countryside that use Biodiversity 2020, Devon Nature Map and its Strategic Nature Areas to prioritise the improvement of habitat in poor condition, restore and extend priority habitat, and deliver multiple benefits for wildlife and people.

Historic Environment

Policies

Hist/P1 Cultural and historic environment

The identification, protection and active conservation of the AONB's cultural and historic environment will be promoted and supported.

Hist/P2 A heritage asset

The entire South Devon AONB landscape will be regarded as a single unified heritage asset of national importance, given the number and extent of designated and non-designated historic features and the age and complexity of the field, road and settlement pattern.

Hist/P3 Public access

Public access will be encouraged to those archaeological and historic sites that are well protected and managed and able to withstand visitor pressure without undue harm to their nature conservation interests and physical features.

Hist/P4 Statutory protection

Statutory protection together with appropriate management will be sought for the most important historic monuments and buildings.

Hist/P6 Technical resources

The use of Historic Landscape and Seascape Characterisation, the Historic Environment Record, Tithe Maps and other tools and information resources will be promoted in order to inform projects, policies and activities.

Hist/P7 Coastal heritage

Coastal heritage sites will be incorporated into adaptation plans and realignment measures through recording, promoting, understanding and recognising their historic significance and contribution to coastal landscape character.

Hist/P8 Land management

The protection and enhancement of historic environment assets shall be integrated into other land management initiatives in the AONB, such as catchment sensitive farming, habitat improvement projects, river improvement projects etc.

Farming & Land Management

Policies

LanMan/P1 Critical to the AONB's future

A profitable, sustainable and environmentally beneficial farming and land management sector providing high quality food, fuel, timber and benefits to people and wildlife will be fostered as one of the principal means of maintaining the special qualities and distinctive landscape of the AONB.

LanMan/P3 Hedgebanks, trees, woodlands and orchards

The retention and sensitive management of trees and woodlands will be promoted, especially the hedge banks, hedgerow trees, historic parkland trees, ancient woodlands, small woods, orchards, veteran and ancient trees which are of particular importance in the AONB. The planting of orchards, specimen trees and some new woods will be encouraged, subject to existing biodiversity interests and the careful selection of sites and species to reflect and strengthen local landscape character.

LanMan/P4 Environmental land management

High quality environmental land management will be promoted to help conserve and enhance the special qualities and distinctive agricultural landscape of the AONB, including historic environment

and geodiversity features, habitats and species of importance, local breeds of livestock and varieties of plants, and traditional working farmstead buildings.

LanMan/P6 Evolving farms

The evolution of farm types, modernisation activities, diversification enterprises and added value operations that conserve and enhance the South Devon AONB's special qualities will be supported.

Objectives

LanMan/O1

To conserve and enhance the working landscape of the AONB.

LanMan/O2

To retain a network of farms of viable holding sizes, with a mix of enterprise types, contributing to landscape quality and supporting the special qualities of the South Devon AONB through sustainable management practices. The best and most versatile land for agriculture will be protected for food production.

LanMan/O3

To reduce any damaging environmental impacts of managing the working landscape on other natural resources, natural environment services, public health and quality of life.

LanMan/O4

To support farming systems that sustain the area's High Nature Value farmland and woodland.

Coast & Marine Environment

Policies

Mar/P1 Coastal character

The tranquil and undeveloped character of the coast will be protected. Opportunities will be sought for improvements in the condition of degraded sites.

Mar/P2 Coast and marine management

The effective integration of AONB management with the management of the adjoining marine environment will be sought to ensure that the development of Marine Plans for the South and Southwest areas, and access to the coastal margin under the Marine and Coastal Access Act 2009, have regard for the purpose of conserving and enhancing the natural beauty, special qualities and key features of the AONB.

Mar/P4 Coast protection

The South Devon and Dorset Shoreline Management Plan provides a policy framework for the area and covers the next 100 years. For areas identified as requiring no active intervention there will be a presumption that natural coastal processes will be allowed to act. For other policy areas requiring intervention, and wherever practicable, soft engineering solutions that work with natural physical processes will be preferred together with the realignment of coastal infrastructure to more suitable locations where there is space to accommodate it.

Objectives

Mar/O1

To conserve and enhance the natural beauty, special qualities and natural processes of the AONB's coastline and neighbouring areas of sea.

Mar/O6

To improve public awareness, access, enjoyment and understanding of the marine and coastal environment; and minimise the negative impacts of people's activities.

Mar/O7

To maintain and improve the quality and appearance of the most heavily used coastal destinations, particularly focusing on urban fringe sites that act as gateways to the AONB where they are experiencing intense recreational pressure or are at risk from marine erosion.

Rivers & Estuary

Policies

Est/P1 Estuary character

A thriving maritime economy contained within the existing developed harbour areas will be promoted, complimented by high quality boating facilities and infrastructure. The more remote parts of the estuaries will be managed for their tranquil and unspoiled character and safeguarded from moorings spread and development.

Est/P2 Maritime services

Boat maintenance, repair and storage facilities will be retained and encouraged within the existing developed harbour areas and the loss of essential shore-side infrastructure by conversion to other uses will be resisted.

Est/P3 Mariculture

Sustainable mariculture enterprises will be retained and encouraged in appropriate estuary locations where they are consistent with environmental designations, both as a traditional feature of the AONB economy and as a "driver" for further improvements to water quality.

Est/P4 Climate change

The adaptation of important habitats and species to climate change and sea level rise will be promoted through sustaining natural processes wherever practicable, while protecting settlements from flooding.

Est/O1

To conserve and enhance the natural beauty and special qualities of the South Devon AONB estuaries, rivers and watercourses.

Est/O5

To develop the maritime economy and recreational enjoyment of the AONB's estuaries where this is compatible with the conservation objectives of protected sites and the special qualities of the AONB.

Access, Recreation and Tourism

Policies

Acc/P1 Recreation, leisure and sports

The quiet enjoyment of the South Devon AONB by the public will be promoted through recreation, leisure activities and sports that respect other users and the area's natural beauty, special qualities and land management.

Acc/P2 Rights of Way

A well-connected comprehensive network of paths and strategic recreational routes including coastal, estuary and riverside trails and green lanes will be sensitively maintained and promoted. Opportunities will be sought to extend them and improve linkages where this is compatible with conserving and enhancing natural beauty.

Acc/P3 Naturally healthy

Opportunities to use the natural environment resource of the South Devon AONB to benefit the health and well-being of residents and visitors will be sought and promoted, particularly where this coincides with opportunities to enhance the area's special qualities.

Acc/P4 Noisy or intrusive recreational activities

In remote and tranquil countryside areas, noisy or intrusive recreational activities will be discouraged. The conservation and enhancement of natural beauty and the protection of vulnerable wildlife will be given priority in the promotion of access and recreation.

Acc/P6 Popular sites

High quality visitor facilities, recreational infrastructure and information will be provided at the most heavily used destinations. Management resources, promotion and marketing will be concentrated on the more popular and developed sites which are best able to accommodate and contain intensive recreational pressure.

Acc/P7 Developer contributions

Where new developments are likely to increase recreational pressures on the countryside, coast or estuaries, developers will be expected to provide suitable recreational facilities on-site as well as contributing to improving carrying capacity and facilities in the surrounding area.

Acc/P9 Tourism

A sustainable, year-round tourism industry which benefits from and contributes to the environmental quality of the area will be supported. The loss of accommodation and facilities for visitors and recreational users will be resisted. Activities and initiatives to extend the main tourism season and to assist in promoting the area to overseas visitors will be supported.

Objectives

Acc/O1

To ensure that access, recreation and tourism occur at sustainable levels that do not exceed the area's carrying capacity and do not damage areas designated for wildlife, geology and natural processes.

Acc/O2

To ensure the South West Coast Path National Trail, the area's strategic recreational routes and the wider public rights of way network are maintained to a high standard and are well used; and link paths are promoted in partnership with landowners especially where these provide opportunities for safer walking, cycling and riding between settlements.

Acc/O3

To support improved health and wellbeing of residents and visitors through increased participation in active outdoor recreation. Particular focus will be given to young people, neighbouring urban populations and those disadvantaged by poor mobility, health or opportunity.

Acc/O4

To promote a safe, respectful and responsible approach to access and recreation by all users particularly in respect of green lanes, bridleways, estuaries, beaches and inshore waters.

Acc/O5

To secure public access rights to the coastal margin, including beaches and the foreshore, through the implementation of coastal access measures under the Marine and Coastal Access Act 2009.

Acc/O6

To strengthen and support the environmental and economic performance of the tourism sector, particularly through the adoption of good environmental management practices and green tourism principles.

Acc/O7

To secure further improvements to green infrastructure particularly in association with sites identified for housing and economic development in local development plans.

Transport & Highways

Policies

Trans/P1 Highway management

Highway network maintenance and improvement (including lighting, signage and verge management) will be undertaken in a manner which is sensitive and appropriate to the rural character of the AONB and compatible with its special qualities.

Trans/P2 Features of the road network

The landscape and cultural features of the AONB's road network will be protected and conserved - including hedge banks, flower-rich verges, and locally distinctive historic highway "furniture" such as mileposts and stone bridges.

Objectives

Trans/O3

To conserve the distinctive character of the rural highways network in accordance with the adopted guidance document Highway Management in Devon's Protected Landscapes.

Trans/O5

To undertake landscape enhancements to car parks.

Rural Economy & Services

Policies

Econ/P1 Green economy

The growth of the area's green economy will be supported where sustainable economic growth and the health of our natural resources sustain each other. Employment sectors having a traditional association with the AONB and which conserve or enhance the AONB's special qualities will be promoted and supported, particularly land management, the arts and crafts, marine industries, fishing, mariculture, forestry, agriculture and food processing.

Econ/P2 Supply chains

Improvements will be sought to the processing and supply chains of products which are sustainably harvested from the land and waters of the AONB; developing nearby markets, revitalising rural incomes and supporting the land management sector. Sustainable initiatives will be encouraged that result in residents, retailers and visitors purchasing locally sourced, high quality food, woodfuel, materials and produce.

Econ/P3 Rural business

Sustainable rural business and farm diversification initiatives will be supported where these maintain or enhance the special qualities or distinctive landscape character of the AONB and contribute to employment and prosperity.

Econ/P4 Environmental performance

High standards of environmental performance by local companies, and the development and use of "clean" technologies which create prosperity and employment with positive impacts on the local environment, will be promoted.

Econ/P5 Local services

The retention and improvement of viable, accessible, essential local services such as shops, post offices and pubs will be sought, together with associated community infrastructure in market towns and villages. The loss of business premises and local services by conversion to other uses will be resisted. Effective use will be made of the Community Asset Register under the Localism Act 2011 to secure the future of valued community facilities.

Econ/P6 Capacity and skills

Economic capacity and skills in the area will be supported through training opportunities, community enterprise, business networking and cooperation especially where these assist businesses to contribute to AONB purposes.

Objectives

Econ/O1

To promote a sustainable rural economy with active business development, adaptation and diversification.

Econ/O2

To strengthen supply chains and distribution networks for local food, wood fuel and materials.

Econ/O3

To support growth of the "green economy" – business activity linked to the AONB's natural resources and environmental quality.

Econ/O4

To improve access to services for local communities.

Econ/O5

To support the roll-out of high speed broadband throughout the AONB.

Community & Culture

Policies

Comm/P2 Sustainable lifestyles

Community-based initiatives that promote sustainable lifestyles, such as energy efficiency and generation, sustainable building and renovation, allotment gardening, community woodland and orchard projects and alternative transport options to the private car, will be supported and promoted where they are compatible with the conservation and enhancement of the AONB.

6.3 Further Information Sources

Planning Policy and Practice Guidance

DCLG, National Planning Policy Framework (DCLG, 2012) available at

<https://www.gov.uk/guidance/national-planning-policy-framework>

DCLG, 'Planning Policy Guidance – Natural Environment' available at:

<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/>

South Devon AONB Management Plan 2014-2019

<http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan>

Landscape Character Assessment

Natural England, 'An Approach to Landscape Character Assessment' (Natural England, 2014) available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396192/landscape-character-assessment.pdf



Section 7

Development Management and South Devon AONB: General Guidance



This section sets out how national planning policy and the principles and evidence set out in the South Devon AONB Management Plan should be applied when designing proposals, making applications for planning permission and when the relevant authority determines those applications.

7.1 Understanding Development Pressure in or affecting South Devon AONB

Development pressures in or affecting AONBs

119. The pressure for development in AONBs is well evidenced.⁶⁸ By definition, the high quality landscapes and scenic beauty of AONBs act as an attractor for residential, tourism and increasingly business development. In addition, coastal AONBs are popular destinations for retirement and second home investments. This generates high demand

⁶⁸ Bibby “Land use change in protected landscapes 2000-2010” (University of Sheffield, 2012)

for property driving up both land and property values, making AONBs attractive and profitable places in which to secure planning permission for development. Affordable housing delivery is often dependent upon market housing to support viability, which leads to a higher quantum of development needing to be accommodated. Conversely, the high quality environment of AONBs inherently has limited capacity to accommodate development without harm to their special qualities.

120. In 2015, The National Trust commissioned a report⁶⁹ because it was concerned by a series of planning decisions around the country that permitted significant development affecting AONBs since the introduction of the NPPF in 2012. The report set out

⁶⁹ Green Balance (for the National Trust) Development in and affecting Areas of Outstanding Natural Beauty (Green Balance, 2015)

to identify and review examples to ascertain whether decisions properly applied national planning policy and law in relation to AONBs. The report analysed 15 case studies in and affecting AONBs. None of these cases involved the South Devon AONB. The report found that:

- in 13 cases the duty of regard was not exercised during decision-taking;
- in 12 cases decision-takers had failed to properly apply the requirement to give ‘great weight’ to AONB interests during plan-making or decision-taking;
- in 3 cases where Members granted permission contrary to the recommendations of the planning officer, no consideration of paragraph 115 was undertaken by Members.

The analysis identified that: *“AONB interests sometimes failed to take precedence when:*

- *Few alternative sites were available (or so claimed).*
- *Previous permissions prompted allowing incremental or cumulative development.*
- *Landscape interests were given limited weight, elevating relative development benefits.”*

The report concluded that: *“The fundamental problem facing planning decisions in or affecting AONBs is one of inadequate attention to national policy and procedure”.*

121. The National Trust summarised the findings and recommendations from the report in its document ‘AONBs and Development’⁷⁰ including nine tests to guide plan-makers and decision-takers. The National Association for AONBs endorses the summary document and the use of the nine tests during plan-making and decision-taking.

Development pressures in or affecting South Devon AONB

122. The South Devon AONB Management Plan recognises development pressures as a force for change in the AONB stating in Plan/F1 Development pressures that:

“The AONB remains under intense pressure for development both inside the boundary and in the adjoining urban and rural settings. The development types currently having most impact include: new housing on green field sites; wind turbines; field-scale solar energy; large scale new farmsteads and barns in open countryside; and the conversion of business, tourism and employment land to other uses.”⁷¹

123. There is a clear need to manage growth both within and in the setting of the South Devon AONB. AONB communities need to be economically viable and have access to adequate and appropriate housing types, employment, services and amenities to meet local needs. To achieve planning’s aim of sustainable development, these needs should be met in ways that conserve and enhance the AONB’s special qualities.
124. Planning law requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.⁷² Therefore, the South Devon AONB Partnership looks to its constituent relevant local planning authorities to appropriately safeguard the AONB within their Local Plans. See SECTION 5 AONBs & Plan-making - Local & Neighbourhood Plans.

7.2 Guidance for decision-takers

125. The South Devon Area of Outstanding Natural Beauty (AONB) is a nationally designated, protected landscape. It receives the highest level of protection under national planning policy, equivalent to a National Park. It is a unique and special area.
126. Decision-taking on development proposals in or affecting the AONB must have regard to the conservation and enhancement of its natural beauty to comply with the law. It must also give great weight to conserving and enhancing the landscape and scenic beauty of the AONB in order to be in conformity with the NPPF.
127. Decision-takers can refer to the relevant tests set out in the National Trust’s ‘AONBs and Development’,⁷³ the use of which is endorsed by the National Association for AONBs.
128. In giving its advice to the relevant local planning authority on a development proposal in or affecting the AONB, the AONB Unit will seek to identify the special qualities and distinctive characteristics that are likely to be affected and make a professional judgement as to the anticipated degree of harm and its significance. In making its analysis it will take into account any proposed avoidance and mitigation measures and whether they are likely to be effective. It will also, where relevant, consider in-combination and cumulative effects on natural beauty and the integrity of the AONB as a whole.

⁷⁰ National Trust, ‘AONBs and Development’ (National Trust 2015)

⁷¹ South Devon AONB Management Plan Part 1: Strategy, page 47.

⁷² Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

⁷³ National Trust, ‘AONBs and Development’ (National Trust 2015)

Key points for decision-takers to remember

129. Decision-takers should be mindful of these key points throughout any decision-taking (including when officers prepare the Committee Report, during planning committee meetings, and in preparing the summary reasons for the decision):

- (i) The AONB duty to have regard to the conservation and enhancement of the AONB applies throughout the decision-taking process as well as the final determining decision;
- (ii) When the Local Plan is 'absent, silent or relevant policies are out-of-date' the 'presumption in favour of development' for development in or affecting AONBs is removed by the application of footnote 9 to NPPF paragraph 14;
- (iii) Considerations of harm to the AONB should be distinct from those on harm to landscape generally;
- (iv) The South Devon AONB Management Plan, its policies and objectives are important material considerations (as are its supporting documents);
- (v) Great weight should be given to the analysis of the AONB Unit;⁷⁴
- (vi) The balancing exercise under NPPF paragraph 115 is not an ordinary/standard balancing exercise, but a weighted one;

- (vii) Paragraph 115 requires great weight to be given to the conservation of landscape and scenic beauty of the AONB, it applies to:
 - **Non-major** development in the AONB;
 - **Non-major** development outside but **affecting** the AONB;
 - **Major** development in the AONB; and
 - **Major** development outside but **affecting** the AONB.
- (viii) When determining whether a proposal is for 'major development' the potential for harm to the AONB should be at the forefront of decision-taker's minds during the considerations, as must the section 85 duty.
- (ix) The balancing exercise under 116 is not an ordinary/standard one, but a weighted one in which the presumption in favour of development has been removed, (because major development in AONBs should normally be refused); and one to which the approach in 115 applies.

What are the key matters to address during decision-taking?

130. These key matters should be addressed during decision-taking (including when officers prepare the Committee Report and during planning committee meetings and in preparing the summary reasons for the decision):

- (i) Is the development in the AONB?
- (ii) If the development is outside the AONB is it by reason of its location, nature, scale or design (or other relevant matter) likely to affect the AONB?
- (iii) If development is in the AONB, is it 'major development' for the purposes of NPPF paragraph 116?

- (iv) Has the application identified, described and evaluated the special qualities and distinctive characteristics likely to be affected by the development?
- (v) Has the application set out avoidance, mitigation, or as a last resort compensatory measures, for any likely effects on AONB special qualities or distinctive characteristics?
- (vi) Are these measures adequate, could harm to the AONB be reduced further?
- (vii) Is the proposed mitigation likely to succeed?
- (viii) Does this specific development need an AONB location?
- (ix) Could it be located on land of lesser environmental value, with less harm to the AONB? (such as outside the AONB)
- (x) Does the proposal meet all of the relevant criteria in the criteria-based policy for the AONB in the Local Plan?
- (xi) Does the proposal meet all of the requirements within the relevant Neighbourhood Plan?
- (xii) Will the development conserve the AONB's natural beauty, with regards to its special qualities and distinctive characteristics?
- (xiii) Will the development enhance the AONB's natural beauty, with regards to its special qualities and distinctive characteristics?
- (xiv) Will the proposed development conserve the AONB's landscape and scenic beauty?
- (xv) After having given great weight to the conservation of the AONB's landscape and scenic beauty does the development help achieve sustainable development?

⁷⁴ Secretary of State, Call-in Decision: Land at Winslade Farm, Frogmore, Kingsbridge, Devon
Application Ref: 43/2567/13/F 19 January 2017, paragraph 25.
Available at <https://www.gov.uk/government/publications/called-in-decision-land-at-winslade-farm-frogmore-kingsbridge-devon-ref-3136298-19-january-2017>

Applying the tests and assessments under NPPF paragraph 116

131. If the decision-taker has determined that development in the AONB is ‘major development’ it must apply the two tests as informed by the three assessments referred to in paragraph 116. The assessments listed are mandatory, indicated by the use of the word “should” in paragraph 116.
132. The decision-taker must first investigate the matters in the three assessments, as well as any other relevant considerations, it must then undertake the weighted balancing exercise, noting that:
- the presumption in favour of development has been removed (because major development in AONB should normally be refused); and
 - great weight is to be given to the conservation of landscape and scenic beauty.

What should the assessments include?

The needs assessment

133. The assessment in the first bullet should address whether there is a need for the specific development proposed.

The alternatives assessment

134. The assessment in the second bullet should assess whether there are there alternatives to the specific development application. Its purpose was set out in the High Court as:

‘Its purpose is to ascertain whether an alternative site may be available so as to avoid development in the AONB. It requires other available sites in the area to be assessed, on their merits, as possible alternative locations for the proposed development.’⁷⁵

⁷⁵ *Wealden DC v Secretary of State for Communities and Local Government* [2016] EWHC 247 (Admin) at paragraph 119, available at <http://www.bailii.org/ew/cases/EWHC/Admin/2016/247.html>

This assessment should consider:

- (i) sites outside the AONB, including those outside the local planning authority’s area
 - (ii) sites that would result in less harm to the AONB
 - (iii) land of lesser environmental value
 - (iv) alternative ways of meeting the need in some other way than through the proposed development
135. In assessing the suitability of identified alternatives (sites and different ways):
- Great weight must be given to the conservation of landscape and scenic beauty; and
 - Regard must be had to the conservation and enhancement of natural beauty

The environmental assessment

136. The assessment in the third bullet of paragraph 116 requires that any detrimental effect on the environment, landscape and recreational opportunities is assessed. For AONBs the effects on the environment and landscape should be the focus. The assessment should be made with reference to the AONB’s special qualities and distinctive characteristics. The detriment to recreational opportunities will be more relevant to assessments of major development in National Parks and the Broads as this informs the second purpose of those protected areas. A key part of this assessment is analysing the extent to which any detrimental effects can be moderated. This should include consideration of the likelihood of success of any suggested mitigation.

The final determination under paragraph 116

137. Paragraph 116 is not an ordinary or standard balancing exercise, which would involve merely balancing the ‘exceptional circumstances’ and ‘public interest’ against the harm to the AONB. But a weighted one in which there is a strong statutory presumption against development and the conservation of the AONB’s landscape and scenic beauty is to be given great weight. And one in which the statutory section 85 duty is a material consideration that further tips the balance in favour of refusal.

Key points for decision-takers to be mindful of when deciding applications under 116

- It is not an ordinary / standard balancing exercise
- There is a strong presumption against development
- The conservation of landscape and scenic beauty is to be given great weight
- The section 85 duty applies to the whole decision-taking process

What the courts have said about decision-taking under paragraph 116

*Wealden DC v Secretary of State for Communities and Local Government*⁷⁶

The High Court described the process for considerations under 16 to be that: “Once the [decision-taker] has investigated and assessed the matters identified in the three bullet points, as well as any other relevant considerations, he must then decide whether “exceptional circumstance” and the “public interest” mean that the presumption against development in AONB is rebutted in the particular case”⁷⁷

*R (Mevagissey Parish Council) v Cornwall Council*⁷⁸

This High Court judicial review case, set out the proper application of NPPF 115 and 116 when determining a planning application for major development. The judgement set out the approach by which decision-takers should address the planning balancing exercise in paragraph 116 of the NPPF, such that: “In coming to a determination of such a planning application under this policy, the committee are therefore required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that (i) there are exceptional circumstances, and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest”.⁷⁹

⁷⁶ *Wealden DC v Secretary of State for Communities and Local Government* [2016] EWHC 247 (Admin) available at <http://www.bailii.org/ew/cases/EWHC/Admin/2016/247.html>

⁷⁷ *Wealden* [2016] EWHC at paragraphs 119-120

⁷⁸ [2013] EWHC 3684 (Admin), Judgement available at <http://www.bailii.org/ew/cases/EWHC/Admin/2013/3684.html>

⁷⁹ At paragraph 51

7.3 Defining and assessing ‘harm’ to the AONB’s natural beauty

What is natural beauty?

138. In summary natural beauty is a broad term which includes flora, fauna and geological and physiographical features and which encompasses many other factors. It can be experienced in and apply to both natural and human influenced landscapes. Special qualities and distinctive characteristics are components of natural beauty and a method by which the complex and broad concept of natural beauty can to some extent be more readily expressed and understood - These terms are explained below:

- **Natural Beauty** covers all everything which makes the area distinctive, including landscape quality, scenic quality, relative wildness, relative tranquillity, natural heritage features and cultural heritage. It is a high level, over-arching term.
- **Special Qualities** can be considered a subset of ‘natural beauty’, distilling out the key attributes that make the area special and worthy of designation as an AONB. They apply to large areas or all of the AONB.
- **Distinctive Characteristics** are those components that define what it is that gives South Devon its sense of place. They generally apply to areas smaller than the AONB as a whole.

139. Special qualities and distinctive characteristics are a means of explaining and describing the AONB’s ‘natural beauty’ and should be used for guiding the preparation of development proposals and the process of decision-taking. See section 3.4 Special Qualities of South Devon AONB.

What is harm?

140. The meaning of harm in its ordinary usage is: *to cause injury to someone or damage to something*.⁸⁰ ‘Environmental harm’ is a complex concept and what constitutes environmental harm is often context specific. It can be generally defined as: *any impact which causes loss, damage or detriment to the environment*. Harm to the South Devon AONB is defined as: **any impact which causes loss, damage or detriment to the AONB’s natural beauty, its special qualities or its distinctive characteristics or to the perception of its natural beauty**. The significance of that harm will depend upon factors such as reversibility, frequency, duration, magnitude and probability of effects/impacts. A ‘significant effect’ is one that is not inconsequential and which is likely to undermine the objective of conserving and enhancing the natural beauty of the AONB.

How to assess if there is harm?

141. All development will result in change and have some form of impact on the AONB. Not all change will fail to conserve and enhance the AONB; it is a matter of judgement based on an understanding of environmental sensitivity, capacity and impact.
142. What matters in assessing whether a proposed development would cause harm to the AONB is its impacts on the AONB’s natural beauty, special qualities and distinctive characteristics, or to the perception of its natural beauty. It is the degree of harm to the AONB rather than the scale of the development that is to be assessed. Whilst generally, larger developments are more likely to cause greater harm, even minor developments have the potential to cause substantial or significant harm.

⁸⁰ Cambridge English Dictionary <http://dictionary.cambridge.org/dictionary/english/harm>

143. Assessments of harm to the AONB should pertain to the natural beauty criterion set out by Natural England in their guidance on the designation of protected landscapes.⁸¹ These are:

- Landscape quality
- Scenic quality
- Relative wildness
- Relative tranquillity
- Natural heritage features
- Cultural heritage

144. Since natural beauty arises from the complex interaction of these factors it is insufficient to assess the effects on these factors individually. The harm to natural beauty as a whole may very well be greater than the sum of the harm to each of these factors individually. Any assessment of harm must consider the interrelationships between these factors and consequential synergistic, antagonistic and cumulative effects for natural beauty as a whole.

Harm to the South Devon AONB is any impact which causes loss, damage or detriment to the AONB's natural beauty, its special qualities or its distinctive characteristics or to the perception of natural beauty

145. The approach being sought from development applications is one that acknowledges any potential impacts of the proposed development and sets out actions to avoid, mitigate, or as a last resort to compensate, for harm to the special qualities and distinctive characteristics of the AONB. For guidance on the types of development which could harm the AONB and what proposals which conserve and enhance the AONB will consider and achieve see: SECTION 8 Detailed Guidance for the Main Development Types.

⁸¹ See Appendix 1 in Natural England, 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England' (Natural England, 2 March 2011).

146. Unless the local planning authority has assessed the potential harm to natural beauty, through evaluating impacts on relevant special qualities and distinctive characteristics, that may result from a development proposal, it could be said to have not exercised its duty of regard correctly.

How the courts have interpreted the consideration of harm to AONBs

It was made clear in *R (Mevagissey Parish Council) v Cornwall Council*⁸² that it is necessary to refer explicitly and separately to effects on an AONB, as something to be taken into account over and above the impacts on landscape generally. Harm to the AONB should be considered discretely in recognition that such harm is to inherently be given great weight as required by paragraph 115 of the NPPF.

⁸² [2013] EWHC 3684 (Admin), [2013] All ER (D) 14 (Dec) Judgement available at <http://www.bailii.org/ew/cases/EWHC/Admin/2013/3684.html>

7.4 Addressing Cumulative Effects

What are cumulative effects?

147. There is no single definition of cumulative effects and sometimes they are referred to as cumulative impacts. A definition that is well used regarding projects is:

*“Impacts that result from incremental changes caused by other past, present or reasonably foreseeable future actions together with the project”.*⁸³

⁸³ European Commission, 'Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions within the Environmental Impact Assessment (EIA)' (EC, 1999) available at <http://ec.europa.eu/environment/archives/eia/eia-studies-and-reports/pdf/guidel.pdf>

Why is it important to consider them?

148. In any assessment of harm to the AONB, the cumulative effects on natural beauty must be considered, both from the development alone, and in-combination with other developments and changes to the AONB.

149. Cumulative effects can be positive as well as negative/adverse so they are also important to address when considering whether a development proposal could enhance the AONB.

150. The importance of considering cumulative effects to prevent harm to AONBs was highlighted at the Winslade Inquiry at which the Planning Inspector stated that:

*“The Application site lies within the AONB which stretches from Plymouth Sound to just outside Dartmouth. Only a modest area of the AONB would be affected by the proposal but that argument could be repeated many times leading to a cumulative detrimental impact. [42]”*⁸⁴

151. The Inspector confirmed that consideration of harm to the South Devon AONB must not be focused only on that occurring from the development alone, but must also consider how that development contributes to the cumulative harm on the AONB. This means considering the development in-combination with past, present and reasonably foreseeable development, or other activities and changes, and assessing harm on that basis.

⁸⁴ Secretary of State, Call-in Decision: Land at Winslade Farm, Frogmore, Kingsbridge, Devon Application Ref: 43/2567/13/F 19 January 2017, paragraph 53. Available at <https://www.gov.uk/government/publications/called-in-decision-land-at-winslade-farm-frogmore-kingsbridge-devon-ref-3136298-19-january-2017>

7.5 Natural Heritage Features

152. The South Devon AONB supports a variety of species and habitats, geological and geomorphological features which are a key part of its special qualities and distinctive characteristics. These natural heritage features make a substantive contribution to the perception of natural beauty in the South Devon AONB.

Protected Sites

153. A key tool for conserving important areas of land, inland water and estuarine and marine waters is through the designation and management of protected sites. These designated sites have special legal protection to conserve important habitats and species. Legal protection prevents damaging activities.

154. The South Devon AONB contains Special Areas for Conservation (SACs) which are of European significance for biodiversity conservation. These sites in South Devon, along with others throughout the UK form part of a larger European network called Natura 2000.

155. For these SACs the presumption in favour of sustainable development (NPPF paragraph 14) does not apply when development requiring appropriate assessment (often termed a 'habitats regulations assessment' under the Habitats (or Birds) Directives is being considered, planned or determined.⁸⁵ The law for the protection of these European sites is contained in the Conservation of Species and Habitats Regulations 2010⁸⁶ and its special tests concerning development overrides the NPPF.

156. At the UK scale sites that are nationally important for plants, animals and geological or physiographical features are protected by law⁸⁷ as Sites of Special Scientific Interest (SSSIs) and Marine Conservation

Zones (MCZs). Development affecting these sites will not normally be permitted. SSSIs are dealt with in paragraph 118 of the NPPF.

157. The impact of development within the South Devon AONB on sites designated for their nature conservation interest is a key issue. These sites make a significant contribution to the area's natural beauty and therefore to the purpose of designation.

158. Information on European sites and nationally designated sites can be accessed via Defra's MAGIC website. This provides authoritative geographic information about the natural environment from across government. It can be accessed at: <http://www.magic.gov.uk/>

Ecological networks

159. Ecological networks or 'corridors and stepping stones' are protected through the EU Habitats Directive⁸⁸ Article 10 of which states that:

*"Member states shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features which are of major importance for wild fauna and flora. Such features are those which by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species."*⁸⁹

⁸⁸ Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora OJ L206/7 22.7.1992. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01992L0043-20130701&from=EN>

⁸⁹ Article 10, Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora OJ L206/7 22.7.1992.

160. The UK Government has set out these obligations in the NPPF in paragraph 117. This policy is important in the South Devon AONB because many of its special qualities and distinctive characteristics are corridors and stepping stones which all make important contributions to the wider ecological network of the AONB. Such as:

- Its five ria estuaries, their extent, coherence and continuity is a defining feature of the AONB
- the estuaries are important nursery areas for a range of fish species
- the pattern of wide, deep mature Devon hedges (hedgerows on banks)
- Ancient Semi-Natural Woodland and Plantations on Ancient Woodland Sites
- hill top copses
- coastal habitats, including coastal grasslands
- Devon hedgerows, arable field margins, lowland species-rich meadows, small deciduous woodlands and hedgerow trees
- Slapton Ley is an important stop over point for migratory birds such as swallows

7.6 Securing Enhancements - Planning Conditions, Community Infrastructure Levy and Mitigation

161. Developers may be asked to provide contributions for infrastructure in several ways. This may be by way of the Community Infrastructure Levy and planning obligations in the form of section 106 agreements. All developer contribution requests need to meet the relevant NPPF and PPG tests and the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.⁹⁰ The AONB

⁹⁰ Statutory Instrument 2010/948, available at <http://www.legislation.gov.uk/ukSI/2010/948/contents/made>

⁸⁵ NPPF paragraph 119.

⁸⁶ Statutory Instrument 2010/490 available at <http://www.legislation.gov.uk/ukSI/2010/490/contents/made>

⁸⁷ See the Wildlife and Countryside Act 1981, and the Marine and Coastal Access Act 2009, for SSSIs and MCZs respectively.

Management Plan will be used as a guide to what is needed to help enhance the AONB and to meet the objectives of designation.

162. Funding for necessary infrastructure and strategic solutions to mitigate likely impacts will need to be set out in each local authority's Infrastructure Delivery Plan (IDP), where one is being prepared. South Devon AONB Partnership will seek additional Community Infrastructure Levy (CIL) rates or Section 106 contributions from new development where appropriate. Local authority partners should include these in their CIL Charging Schedules.
163. The AONB Partnership will work in conjunction with its local planning authority partners to ensure that Section 106 agreements and planning conditions are used to mitigate adverse impacts on the AONB and secure positive, environmental benefits and sustainable social and economic which also fulfil the purpose of the designation. In particular, by supporting identified landscape, ecological and Green Infrastructure projects.

7.7 General Guidance for Development Proposals affecting the South Devon AONB

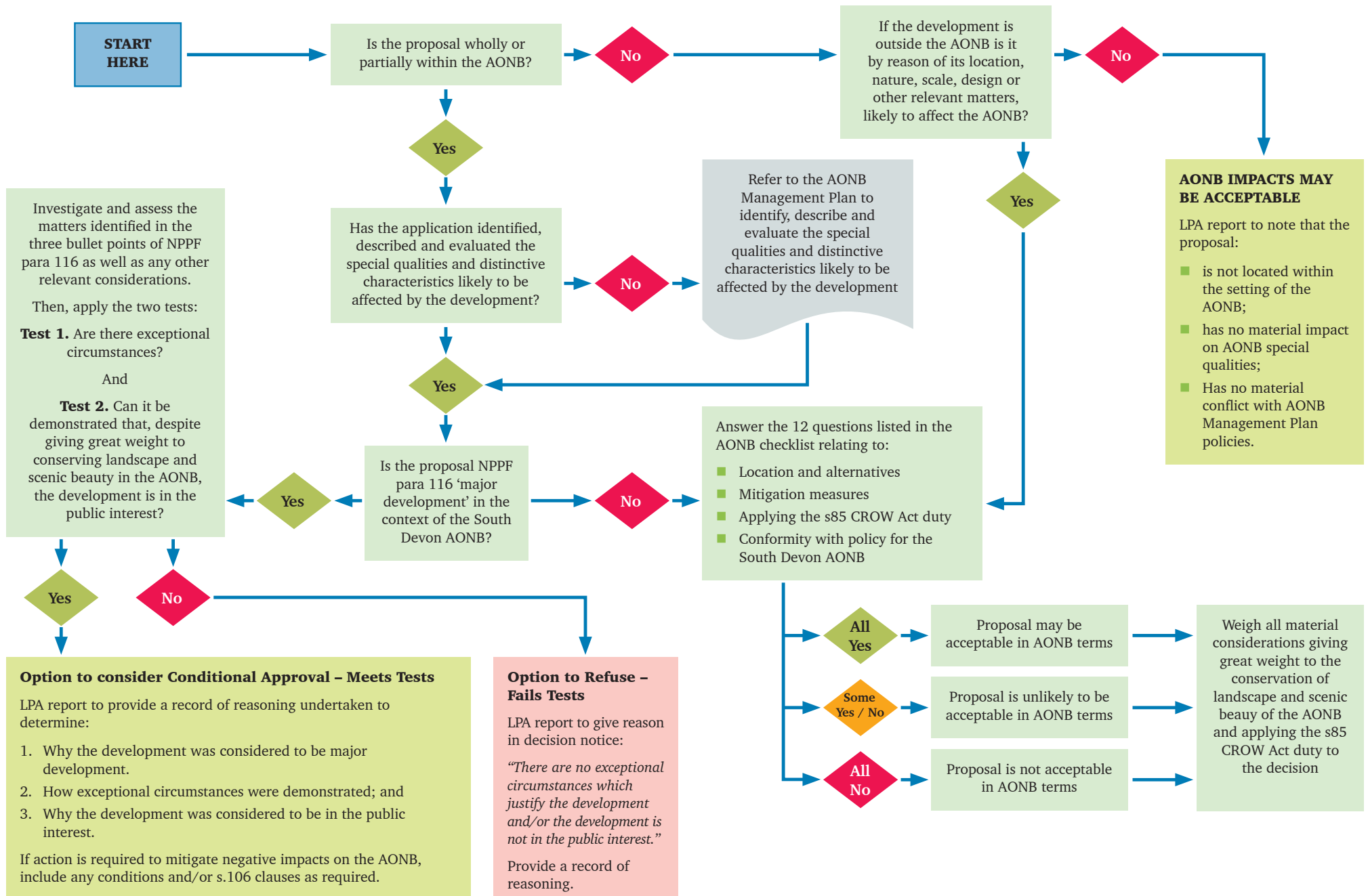
164. As a general principle of good design all proposals should be informed by a clear process of contextual analysis, understanding the site, its features and surroundings. More particularly with regards to the AONB this will require an understanding of how the development affects special qualities and distinctive characteristics and identifying, describing and evaluating any harm that would result. This will include, but is not limited to, analysis of landscape, visual and/or perceptual impacts on the defined special qualities and distinctive characteristics of the AONB, ecological assessments, and assessments of historic environment features. For harm see 7.3 Defining and assessing 'harm' to the AONB's natural beauty.

How can proposals avoid or minimise harm to the South Devon AONB?

165. A clear understanding of the AONB's special qualities and distinctive characteristic is necessary in order to develop proposals which avoid or minimise harm. The AONB Management Plan clearly sets out the special qualities and distinctive characteristics in the tables. See 3.2 Special Qualities of the South Devon AONB. More information on what development proposals should consider is set out in the SECTION 8 Detailed Guidance for the Main Development Types.
166. The AONB Partnership expects applicants to identify describe and evaluate the impacts on the special qualities of the AONB. This demands a deeper appreciation of landscape character than mere compliance with current guidance on Landscape Visual Impact Assessment (LVIA), and requires a more nuanced appreciation of landscape character and its relationship with AONB special qualities.
167. For all development proposals applicants should:
 - **Think Special Qualities** - explain how the development will impact on the special qualities of the AONB and what actions you are taking both to conserve and to enhance landscape, scenic beauty and other factors of natural beauty;
 - **Think Enhancement** - positively set out to 'enhance' the natural beauty of the AONB with your development proposal – be proud of your contribution to this special place;
 - **Think Location** - avoid development that creates incongruous features in prominent and highly visible locations that detract from the open, rolling topography of the AONB. Fit development into the landscape not on top of it;
 - **Think scale and massing** - again this will help reduce harmful impact on the prevailing character of the AONB;

- **Think vernacular** - consider how the development relates to the vernacular style of local building materials and styles;
 - **Think biodiversity** – explain how the development impacts on the biodiversity assets of the AONB and how you will avoid, mitigate, or as a last resort compensate for any residual impacts;
 - **Think dark skies** - consider the need for and impact of artificial lighting. Dark skies are recognised as important elements of tranquillity and contribute to the sense of wildness and remoteness as well as being culturally important;
 - **Think soil, air and water** - explain how the development impacts on these natural capital assets of the AONB and how you will avoid, mitigate, or as a last resort compensate for any residual impacts;
 - **Think shoreline & foreshore** - explain how the development proposals will impact on the shoreline/ foreshore and what actions you are taking to avoid or mitigate impacts;
 - **Think cumulative effects** – identify, describe and evaluate whether there are cumulative effects on the different natural beauty criterion which although alone may appear to be insignificant when considered together have a greater impact on the AONB. Identify and describe whether there are cumulative impacts from your development in-combination with development already in place, or that which is reasonably foreseeable (such as allocated sites and sites with planning permission).
168. Further information and advice on what the NPPF means for applicants and for decision-taking in relation to the South Devon AONB can be found in the section 4.7 on 'Planning positively for the South Devon AONB'.
 169. The following flow diagram is to help the decision-taker to apply NPPF paragraphs 115 and 116 and to properly have regard to the AONB as required by the section 85 duty.

Considerations for decision-taking on Development Proposals In or Affecting the South Devon AONB



Checklist for decision-taking for development affecting the South Devon AONB

Checklist for decision-taking on planning applications affecting the South Devon AONB which are:	
<ul style="list-style-type: none"> ■ Non-major development in the AONB; or ■ Major development outside but likely to affect the AONB; or ■ Non-major development outside but likely to affect the AONB 	Tick Box
Location and Alternatives	
1. If the development is in the AONB, does this specific development need an AONB location?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. For any development, could it be located on land of lesser environmental value, with less harm to the AONB?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Mitigation measures	
3. Has the application set out all necessary avoidance, mitigation and as a last resort, compensatory measures, for all likely effects in the AONB's special qualities, distinctive characteristics?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Has the application taken all reasonable opportunities to avoid and to mitigate harm?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is the proposed mitigation likely to succeed in obviating harm to the AONB?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Applying the section 85 duty	
6. Will the development conserve the AONB's natural beauty with regards to its special qualities and distinctive characteristics?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Will the development enhance the AONB's natural beauty with regards to its special qualities and distinctive characteristics?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Conformity with policy for South Devon AONB

Conformity with the development plan policies on AONBs

8. Does the development meet all of the relevant criteria in the criteria-based policy in the relevant Local Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Is the development in conformity with the relevant policies in the relevant Neighbourhood Plan, if one is made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Conformity with the AONB Management Plan

10. Is the development in conformity with relevant policies in the AONB Management Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
11. Does the development support the achievement of the objectives for the AONB, as set out in the AONB Management Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Considering paragraph 115 of the NPPF

12. Will the development conserve the AONB's landscape and scenic beauty?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Using the Checklist results

- **If all the answers are affirmative** ('Yes') then the development is likely to be acceptable, in AONB terms, *provided that* all the avoidance and mitigation measures (or compensation as a last resort) are implemented as set out in the application proposal and that they are effective in practice.
- **If any of the answers are negative** ('No') then those AONB matters indicate that the development should be refused owing to the likelihood of material harm to the AONB. The degree of likely material harm to the AONB will depend upon which matters, and how many of them lead to an answer of 'No'.
- **If all of the answers are negative** ('No') then AONB matters indicate strongly that the development should be refused owing to material harm to the AONB, which means that the development is not sustainable development.

By addressing each of these questions in its considerations the decision-taker will be able to demonstrate that it has had regard to the AONB under the section 85 duty. However, this does not guarantee that the development will conserve and enhance the AONB.

7.8 Further Information Sources

South Devon AONB Management Plan

'South Devon AONB Management Plan 2014-2019'

<http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan>

Planning Policy and Practice Guidance

DCLG, National Planning Policy Framework (DCLG, 2012) available at

<https://www.gov.uk/guidance/national-planning-policy-framework>

DCLG, 'Planning Policy Guidance – Natural Environment' available at:

<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/>

Guidance on the AONB duty for relevant authorities

Defra, 'Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads: Guidance Note' (Defra, 2005). Available at:

<http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

Natural England, 'England's statutory landscape designations: a practical guide to your duty of regard' (Natural England, 2010) Available at:

<http://www.ccwwdaonb.org.uk/uploads/docs/Publications/DutyofRegard2010.pdf>

Guidance for Neighbourhood Plan-making

Planning for the Environment at the Neighbourhood Level – Natural England, Environment Agency, English Heritage, Forestry Commission LIT 6524, Version 2:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/lit_6524_7da381.pdf

Devon Landscape Planning Group, 'Using Landscape Character Assessments in Neighbourhood Planning' Available at:

<http://www.devon.gov.uk/dlpg-advice-note-4.pdf?>

Landscape Character Assessment

Natural England, 'An Approach to Landscape Character Assessment' (Natural England, 2014) available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396192/landscape-character-assessment.pdf

Devon Landscape Policy Group, 'A Guide to Devon's Landscape Character Assessments: Advice Note 1' (DLPG, 2015) available at:

<https://new.devon.gov.uk/planning/planning-policies/landscape/landscape-policy-and-guidance>

A series of Advice Notes are available from the Devon Landscape Policy Group available at:

<https://new.devon.gov.uk/planning/planning-policies/landscape/landscape-policy-and-guidance>

Evidence

National Trust, 'AONBs and Development' (National Trust, 2015) available at:

<https://www.nationaltrust.org.uk/documents/national-trust-areas-of-outstanding-natural-beauty-and-development.pdf>

Green Balance (for the National Trust), 'Development In and Affecting Areas of Outstanding Natural Beauty' (Green Balance, 2015) Available at:

http://greenbalance.co.uk/sites/default/files/Development%20in%20&%20affecting%20AONBs%20GB%20for%20NT%20Sep15_0.pdf



Section 8

Detailed Guidance for the Main Development Types

This section of the South Devon AONB Planning Guidance provides detailed guidance for the different types of development commonly encountered in the AONB. It aims to promote high quality development, ensure that the purpose of AONB designation is appropriately addressed and that special qualities of the South Devon AONB are conserved and enhanced.

More than one of the themes below may be relevant to any given development proposal.

THIS SECTION: 8 – Detailed guidance for the main development types:

- 8.1 Coastal & estuarine development
- 8.2 Housing development
- 8.3 Community facilities
- 8.4 Commercial and employment development
- 8.5 Tourism development
- 8.6 Agricultural buildings
- 8.7 Equestrian development
- 8.8 Renewable energy
- 8.9 Telecommunications
- 8.10 Development in the setting of the AONB
- 8.11 Waste and Mineral developments

170. The subsections below address location (e.g. coastal and estuarine, in the setting of the AONB) as well as the type of development (e.g. renewable, housing & etc.) therefore applications must address the matters raised in all the subsections that are relevant to that specific application.
171. The list of development types is not exhaustive and is only indicative of development which may be considered by the AONB Partnership to be harmful to the purpose of conserving and enhancing the AONB. All development proposals should be considered on a case-by-case basis.

8.1 Coastal and Estuarine Development

(Including foreshore developments, quays, slipways, pontoons and marinas)

172. South Devon's fine undeveloped coastline and open seascapes are defining features of the AONB. The qualities of wildness, natural scenery, tranquillity, and iconic wide unspoilt and expansive panoramic views are fundamental to the character of the area.
173. The five ria estuaries (drowned river valleys) each with its own special character, all of them providing rich havens of wildlife and tranquillity. Long established maritime traditions contribute to the economic and recreational life of the area.



Left: The Crab Shed, Salcombe

174. Coastal and estuarine developments in the South Devon AONB are subject to particular scrutiny through a number of overlapping layers of national and local planning policy which principally includes policies on AONBs, Heritage Coast and 'Undeveloped Coast'.

Proposals for development located at the coast, near-shore marine, estuary shorelines and waters that have the potential to harm the AONB include:

- Intrusive coastal or marine renewable energy installations;
- Developments that diminish the extent of undeveloped coast or intrude into open coastal views, including views from coastal and estuary waters;

- Developments (and redevelopments) at locations which are unsustainable in the long term, given the predictions of increased storminess and rising sea levels;
- Hard engineered coast defences at locations where coastal erosion is affecting existing buildings and infrastructure located too close to the shore;
- The intensification and extension of coastal tourism developments, resulting in the further loss of undeveloped coastline;
- Developments that intrude into remote, tranquil and undeveloped estuary areas and contribute to the cumulative impact of loss and disturbance to habitats and wildlife;
- The replacement of existing coastal buildings that are out of character with their settings, particularly with larger or more obtrusive structures;

- Of a scale, mass or design that is incompatible with local character;
- Developments which cause, directly or indirectly, the loss or displacement of local fishing, mariculture or marine industries;
- Developments which increase loadings of run-off and nutrients into estuary, or coastal waters.

It is the view of the South Devon AONB Partnership that a development in undeveloped coast or estuary locations will need to demonstrate that exceptional circumstances apply by:

- Clearly demonstrating that the coastal or estuary location is essential and that the development could not reasonably be located elsewhere on land with lesser environmental value or with less harmful impacts on the AONB; and
- Clearly demonstrating that the development is necessary, and will bring wider public sustainability benefits such as opportunities for quiet recreation and enjoyment of the coast or estuary.
- Demonstrating that the development, in that location, clearly outweighs the loss of its undeveloped character, and that harm is avoided and minimised, and or as a last resort harm is compensated for by enhancements to other factors of natural beauty.



A development in the coastal and estuarine zone that conserves and enhances the AONB will:

- Maintain open views and seascapes free of visual intrusion;
- Retain the overall extent and quality of foreshore and tidal habitats;
- Retain the extent and tranquil character of undeveloped reaches of the coast and estuaries and direct any new construction to existing built up areas;
- Respond positively to rising sea levels and climate change by providing for the movement and adaptation of intertidal habitats and the functioning of natural processes;
- Clearly demonstrate in the planning application how a proposed development and its uses will impact on the environment and what measures will be taken to avoid or mitigate any harm, with reference to accurate survey and measurements;⁹¹
- Demonstrate that any new or replacement structures are located where they will not be at risk of future erosion and ground instability or require engineered coast defences to make them viable and will not have an impact on coastal change;
- Reflect and reinforce the scale, character and density of other buildings in the immediate locality, both in terms of the mass of the buildings and in the extent of gardens and grounds around the buildings;
- Design any proposed shoreline structures (pontoons, landings, quays, erosion defences) to have as light a footprint as possible, where possible using materials sympathetic to local character and incorporating habitat enhancements;
- Demonstrate, through a Construction Environment Management Plan⁹², how any construction works will be managed to avoid damage, pollution or disturbance to the foreshore and estuary waters during the building phase⁹³ (including any demolition phases);
- Use sustainable drainage and waste management techniques to attenuate surface water run-off rates and prevent pollution;

⁹¹ With clear and accurate labelling of heights relative to chart datum or ordnance datum

⁹² Submitted with any planning application or subsequently as a planning condition to build on an initial CEMP framework document

⁹³ Including avoiding the use of vehicles along the foreshore, in favour of using barges/vessels to supply materials and extract waste

- Provide facilities for quiet recreation such as walking routes, where these are sited away from the foreshore and avoid damage to sensitive habitats or disturbance to wildlife;
- Where existing buildings, facilities and infrastructure are at risk of erosion, a sequential approach is followed with:
 - Consideration first being given to relocating them further back away from the risk zone;
 - Secondly, where a coast defence is the only viable option, uses “soft” defences of natural materials and vegetation;
 - Thirdly, where engineered coast defences are the only option, that materials and techniques minimise visual intrusion and avoid causing increased erosion to adjoining sites;
- Promote the maritime economy by sustaining marine businesses, boating facilities and related infrastructure in their existing locations, where consistent with the AONB purpose;
- Secure the necessary statutory consent from (as appropriate) the Coast Protection Authority,⁹⁴ Marine Management Organisation,⁹⁵ Natural England,⁹⁶ the Environment Agency,⁹⁷ Harbour Authority⁹⁸ and fundus owner(s).⁹⁹

Good practice examples:

- South Sands Hotel adjacent to old Lifeboat House – South Sands, Salcombe
- Prospect House redevelopment – South Hallsands

⁹⁴ The local authority whose area adjoins the sea

⁹⁵ For any operation below the mean high water springs mark. See www.marinemangement.org.uk/licensing/how/guidance.htm

⁹⁶ For any operation affecting a Site of Special Scientific Interest or Marine Protected Area

⁹⁷ For any operation affecting a watercourse

⁹⁸ For any operation affecting the navigable waters within the area controlled by a harbour authority

⁹⁹ The fundus – or bed of the estuary below mean high water – is usually owned by the Duchy of Cornwall for most South Devon estuary locations, except for the Erme (owned by the Flete Estate) and the Yealm (owned by the Crown Estate).

More information:

Planning Policy

Undeveloped coast policy in the emerging Plymouth and South West Devon Joint Local Plan

The adopted ‘Torbay Local Plan 2012 -2030’ in particular ‘Policy SS8 Natural Environment’

available at: <http://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Other guidance and evidence

Tamar Estuaries Consultative Forum (TECF) ‘Plymouth Sound and Estuaries Coastal Planning Study - Key Guidance’ (9R8241) (TECF, September 2006)

In particular refer to: Table 1 Matrix of development types, potential associated ecological impacts and suggested impact reduction measures

Tamar Estuaries Consultative Forum (TECF) ‘Plymouth Sound and Estuaries Coastal Planning Study - Project Report’ (9R8241) (TECF, September 2006) available at:

Both documents are available at: <http://web.plymouth.gov.uk/homepage/environmentandplanning/natureconservation/natureprojects/tecf/tecfdocumentsandpublications.htm>

South Devon AONB Guidance

South Devon AONB Partnership, ‘Pollution Prevention Guides’ (in preparation)¹⁰⁰

South Devon AONB Partnership, ‘Construction Environment Management Plan (CEMP) Templates’ (in preparation)¹⁰¹

South Devon AONB Partnership, ‘Guidance for schemes not requiring EIA’ (in preparation)¹⁰²

Once prepared these documents will be available at: www.southdevonaonb.org.uk

¹⁰⁰ Document in development with South Devon AONB Partnership

¹⁰¹ Document in development with South Devon AONB Partnership

¹⁰² Document in development with South Devon AONB Partnership see: <http://www.southdevonaonb.org.uk/our-work/publications-resources/>



8.2 Housing Development

175. The economic and social wellbeing of the AONB depends on its resident population being able to meet its housing needs with a choice of housing types and tenures; including affordable housing.

Proposals for housing development that have potential to harm the AONB include:

- Housing development that does not reflect the level of local housing need within the immediate locality;
- Large or major development catering for housing demand from outside the AONB or to meet wider district or housing market area targets, rather than local community needs;
- Large scale individual houses, in prominent locations that are of a mass and design inconsistent with local character;
- Development that damages important wildlife habitats or disturbs protected species, directly or indirectly;
- Development located in open countryside or on a prominent or exposed site or which break an undeveloped skyline or ridgeline;
- Development that results in harm to historic environment features, including traditional hedgerows and hedgebanks, or Veteran Trees;
- Development of a scale which (considered cumulatively with other recent, or already consented house building in the locality) is disproportionate to the size of the existing settlement or to the level of local housing need in the immediate vicinity;

Above: Church Farm Barn conversions Thurlestone

- Development that creates the need for additional local services or facilities (either alone or in combination with other current, planned, or reasonably foreseeable development) which would change the character of settlements, or their surroundings, or that cannot be located elsewhere to avoid harm to the AONB. For example, those that would require additions to or replacement schools to meet place requirements, or to meet requirements for other standards, such as healthcare provision;
- Developments located outside designated settlement boundaries;
- Development that is poorly related to an existing settlement, or fails to respect or reinforce its character, scale and density;
- Developments detracting from the vernacular building style through inappropriate scale, mass or design.

A housing development that conserves and enhances South Devon AONB will:

- Meet the specific and local housing needs of the communities within the AONB;
- Be of a scale that reflects and reinforces the character and density of other buildings in the immediate locality and sits well in its landscape setting;
- Supported by careful choice of design, materials, colour, lighting, glazing and external landscape works;
- Be well related to an existing settlement, and reflect the settlement's character, shape, pattern and density;
- Represent an organic scale of development and gradual evolution of place, where the phasing and number of dwellings (in combination with other current and recent housing developments in the locality) are proportionate to the settlement in which it is located and to the pace of local housing need;
- Respects (in cases of infill development) the prevailing proportion of buildings to gardens and green space;

Right: Affordable housing development at Stoke Fleming





- For edge-of-settlement development, create a gradation in density and layout which improves the interface between settlement and the surrounding countryside, where this is consistent with character;
- Provide well designed landscape works which retain distinctive trees and boundary features and include new structural planting which contributes to the character, biodiversity and amenity value of the area;
- Design glazing and interior and exterior lighting to minimise light spillage into the surrounding countryside to prevent harm to the dark night skies and sense of tranquillity;
- Take guidance from any relevant Conservation Area Appraisal, Village Design Statement or Neighbourhood Plan, and preserve and enhance the character and setting of any Listed Buildings, Conservation Area and undesignated heritage assets;
- Be built to the highest environmental standards to minimise energy consumption and take opportunities

to generate renewable energy on site, where appropriate;

- In the case of larger developments which will increase recreational pressure on the surrounding countryside, provide suitable recreational facilities on site, where this is consistent with character, as well as contributing to improving the carrying capacity and facilities of the wider AONB area;
- In open countryside, individual replacement dwellings are comparable in size to the original and house extensions are sub-ordinate in size to the host building;
- Use sustainable drainage and waste management techniques to attenuate surface water run-off rates and prevent pollution and siltation of watercourses;
- Be mindful of the pressures of on-street parking in small rural settlements and look to provide appropriate parking solutions as part of a high quality design, which do not detract from local character;

- Use a detailed local landscape assessment or design guidance to guide new housing development to suitable sites, especially for larger settlements where housing pressure may be highest.

Good practice example:

- The Layne Fields development at Christow, in Dartmoor National Park

More information:

Torbay Council, 'Torbay Green Infrastructure Delivery Plan' - available at <http://www.torbay.gov.uk/council/policies/environmental/green-infrastructure/>

South Hams District Council, 'South Hams Green Infrastructure Framework' available at <http://www.southhams.gov.uk/greeninfrastructure>

Above: Prospect House at South Hallsands (left) - conversion to apartments of former hotel;
Right: Housing development on the former Homefield Dairy site, Thurlestone





8.3 Community facilities and services

- 176. Thriving and vibrant local communities require good access to services, social and community links, places to meet and interact, places for recreation, good digital connectivity and community activities and engagement.
- 177. The South Devon AONB Partnership, in general, is supportive of new or redeveloped community facilities such as: Post Offices, Pubs/Cafes, Village Halls, including playgrounds, sports and recreation facilities. However, a differentiation should be drawn between new low key facilities for local community use and new commercial facilities.

- Proposals for community facility development that have the potential to harm the AONB include: New community facilities that impact negatively on the character and special qualities of the AONB;
- Development that results in historic features, including remains, traditional hedgerows and hedgebanks or archaeological being damaged or lost;
- Damages or disturbs important wildlife habitats and protected species, directly or indirectly;
- Development located in open countryside or in a prominent or exposed site poorly related to an existing settlement that fails to respect or enhance local character;
- The loss of community facilities through redevelopment, conversion or change of use;
- Increases the need for travel within the AONB to access community facilities.

A community facility development that conserves and enhances South Devon AONB will:

- Be of a scale that reflects and reinforces the character and density of other buildings in the immediate locality;
- Sits well in its landscape setting, avoiding elevated locations;
- Make careful choices of design, materials, colour, glazing and external landscape works;
- Design interior and exterior lighting, including sports pitch floodlighting to avoid light spillage, glare and conspicuousness when viewed from the surrounding countryside to prevent harm to the dark night skies and sense of tranquillity;



- Be well related to the existing settlement, with edge-of-settlement development creating a gradation in density and layout to improve the interface between settlement and the surrounding countryside that is consistent with character;
- Take positive action to minimise noise intrusion and conserve and enhance sense of tranquillity;
- Provide well designed landscape works which retain distinctive trees and boundary features and include new structural planting which contributes to the character, biodiversity and amenity value of the area;
- Take guidance from any relevant Conservation Area Appraisal, Village Design Statement or Neighbourhood Plan, and preserve and enhance the character and setting of any Listed Buildings, Conservation Area and undesignated heritage assets;
- Be built to the highest environmental standards to minimise energy consumption and take opportunities to generate renewable energy on site, where appropriate;
- Secure use and provision of valued community facilities for the longer term, including community owned and run enterprises.



Above: Stoke Fleming Village Hall
Right: Aveton Gifford Community Shop



8.4 Commercial and Employment Developments

178. A strong and sustainable rural economy provides goods, services and employment vital for local communities and visitors to the AONB.
179. The South Devon AONB Partnership, in general, supports high quality commercial and employment development that conserves and enhances the special qualities of the AONB. The growth of the area's rural economy will be supported where sustainable economic growth and the health of our natural resources sustain each other.

Proposals for commercial and employment development that have the potential to harm the AONB include:

- New commercial and employment developments that are located in prominent or sensitive locations, particularly where these are visually intrusive on skylines and ridges and as a result impact negatively on the special landscape character of the AONB;
- Conversions of existing agricultural buildings that damage their architectural character or historic significance;
- Conversions of existing agricultural buildings that effect breeding or resting places for protected species;
- Development that results in harm to historic environment features, including traditional hedgerows and hedgebanks;
- Development that damage important wildlife habitats or disturb protected species, directly or indirectly;
- Increases in HGV traffic movements in rural lanes, urban style highways improvements to accommodate HGVs and increased noise or disturbance that impacts in areas of unspoiled character with high relative tranquillity;
- Developments that create additional loadings of storm water, silts and pollutants into watercourses.

Above: Employment Units, Ashprington

Commercial and employment development that conserves and enhances South Devon AONB will:

- Support the conversion and re use of existing industrial/ agricultural buildings for employment purposes;
- Be appropriately sited and designed purpose built small scale workshops within or adjoining existing settlements;
- Be buildings of an appropriate scale, relatively low, with non-reflective roofs that avoids sky line or other prominent locations;
- Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity;
- Positively connect employment developments with the provision of affordable housing and improvements to public transport links.
- Make appropriate choices of design, materials, colour, glazing and external landscape works
- Use the low-key design language of existing boundaries, openings and surface treatments, avoiding the 'suburbanising' effect of elaborate fences, gateways, signage etc.



Right: Sharpham Creamery, Sharpham Estate



8.5 Tourism and Recreational Developments

(Including camping, caravan and chalet sites, hotels, and catering facilities.)

180. The tourism sector contributes significantly to the Devon economy and provides contribute to the health and wellbeing of residents and visitors alike. Tourism facilities need to be financially viable, of high quality, and updated to meet changing demands and expectations.

Proposals for tourism development that have the potential to harm the AONB include:

- Large new or replacement hotels and leisure complexes which are out of scale with their settings and neighbouring buildings;
- Developments that add to a legacy of outdated and poorly presented tourism facilities that detract from their locations;
- Developments that result in the loss of valued tourism and recreation amenities by conversion to other (non-tourism) uses;
- Developments that create additional noise, disturbance, light spillage or visual intrusion into remote, tranquil or undeveloped countryside, including significantly increased traffic levels on quiet roads and lanes;
- Developments that results in historic features, including, traditional hedgerows and hedgebanks, heritage assets or archaeological remains being damaged or lost;
- Damages or disturbs important wildlife habitats and protected species, directly or indirectly;
- New or extensions to permanent camping, caravan or chalet sites in the countryside, or in prominent or exposed locations.

Above: Stokeley farm shop, restaurant and garden centre



A tourism or recreation development that conserves and enhances South Devon AONB will:

- Be well related to existing settlements or buildings;
- Be located to sit well in their landscape setting; supported by careful choice of design, materials, colours, lighting, glazing, boundary treatments and external landscape works;
- Take a comprehensive approach to improving the presentation, visual appearance and screening across the whole site, where changes to a camping, caravan or chalet site are proposed;
- Demonstrate high quality and distinctive design and materials;
- Use the low-key design language of existing boundaries, openings and surface treatments, avoiding the 'suburbanising' effect of elaborate fences, gateways, signage etc;
- Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity;
- Provide facilities and amenities which support the quiet enjoyment of the AONB, especially for users of the South West Coast Path national trail;
- Be accessible by public transport or sustainable modes of transport like walking and cycling, in cases where facilities are likely to attract significant visitor numbers.

Good practice:

- Hotel development adjacent to former Lifeboat House – South Sands, Salcombe
- Prospect House redevelopment – South Hallsands and
- Torcross Hotel redevelopment.

Above: Café and wine tasting area, Sharpham Vineyard;
Inset: Riverford Farm shop and café, Yealmpton



8.6 Agricultural Buildings

181. The farmed landscape of small fields, hedges, walls, hedgerow trees, woods, orchards and farmsteads, and the farm economy of crops and livestock, are a distinctive and central feature of the AONB.
182. There is a range of exclusions¹⁰³ which apply to permitted development rights for agricultural buildings in England. These covers protected areas known as article 2(3) land: which includes; conservation areas, Areas of Outstanding Natural Beauty, National Parks, the Broads and World Heritage Sites.

¹⁰³ <http://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/3/crossheading/class-q-agricultural-buildings-to-dwellinghouses/made>

Proposals for agricultural building development that have potential to harm the AONB include:

- New industrial scale agricultural buildings that are located in prominent or sensitive locations, particularly where these are visually intrusive on skylines and ridges and as a result impact negatively on the special landscape character of the AONB area;
- Conversions of existing farm buildings that damage their architectural character and historic significance or impact on nesting sites for protected species;
- Development that results in historic features, including archaeological remains, traditional hedgerows and hedgebanks being damaged or lost; or Damages or disturbs important wildlife habitats and protected species, directly or indirectly;

- Development that creates additional loadings of storm water, silts and pollutants into watercourses.

An agricultural building development that conserves and enhances South Devon AONB will:

- Be located with existing farmsteads and buildings unless site constraints or operational requirements clearly dictate that this is not possible;
- Where a new farm building in open countryside is the only available practical option, clearly demonstrate in the planning application how a location has been selected to minimise visual impact and best set the building into its landscape;
- Involve the careful use of materials, colour, landform, screening and external landscape works to assimilate the buildings into their setting;



- Demonstrate a comprehensive approach to the use of the site, detailing the arrangements for external lighting, storage, boundaries, drainage and waste management;
- Retain, renovate or enhance any traditional landscape features on site such as walls, hedges and mature trees, and demonstrate how they will be protected during the development phase;
- Provide additional and alternative breeding or resting places for protected species that may be affected by renovations or demolitions and include them within submitted proposals;
- Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity.

More information:

It is your responsibility to ascertain whether planning permission is required for any development. Contact your Local Planning Authority for pre-application advice before submitting a formal application.

South Devon AONB Management Plan 2014 – 2019 available at <http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan>



8.7 Equestrian Development

183. Horses have long held an important place in the agricultural life of the AONB, but the growing interest in recreational horse keeping is having a significant impact on the landscape in some areas.

Proposals for equestrian development that have potential to harm the AONB include:

- Intrusive recreational horse keeping is cluttering the agricultural landscape in some places with structures, riding areas, fencing, new tracks, external lighting and parked vehicles and trailers;
- Over-stocking of land beyond its carrying capacity, leading to over-grazing, poaching of the ground and weed infestation;
- Developments that results in harm to historic environment features including traditional hedgerows and hedgebanks;
- Development that damages wildlife habitats or disturbs protected species, directly or indirectly.

An equestrian development that conserves and enhances South Devon AONB will:

- Demonstrate a comprehensive approach, clearly set out in the planning application, to the development and future management of the whole site, setting out the intentions for boundaries, field divisions, stocking rate, buildings, hard standings and any lighting;
- Retain the agricultural character of the landscape by avoiding the sub-division of fields and by using hedgebanks, hedge planting, or traditional post and wire agricultural fencing where boundaries or sub-division are required;
- Involve a stocking rate which will protect the pasture from poaching and over-grazing;



- Site stables or shelters within existing farmsteads or buildings; or where this is not an option, carefully locate them in unobtrusive settings, minimising the amount of cut and fill required, and using colours and materials that will blend in with the surroundings;
- Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity;
- Minimise the extent of new tracks or hard standings, using dark coloured stone surfacing and with tracks following the contours;
- Locate horse boxes or trailers off the site;
- Provide breeding or resting places for protected species that may be affected by renovations or demolitions and include them within submitted proposals.

More information:

It is your responsibility to ascertain whether planning permission is required for any development. Contact your Local Planning Authority for pre-application advice before submitting a formal application.

South Devon AONB Management Plan 2014 – 2019 available at: <http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan>

Local Councils for planning policies and other guidance.

Horses, the landscape and you available at: http://www.southdevonaonb.org.uk/uploads/files/past_projects/Horses_the_landscape_and_you.pdf



8.8 Renewable Energy

184. The AONB Partnership, in principle, supports sensitively sited, small-scale renewable initiatives which serve individual homes or farmsteads. The AONB Partnership supports community-led and owned renewable energy projects that reduce energy consumption and/or install new renewable and low carbon energy technologies that are locally appropriate and have widespread local support. Large, commercial scale renewable energy schemes have the potential to harm the AONB's special qualities should be sited outside the AONB and its setting.

Proposals for renewable energy development that have potential to harm the AONB include:

- Industrial and commercial scale renewable energy installations aimed primarily at exporting energy off-site and which should therefore be located outside the AONB;
- Developments that result in cumulative impacts with other installations and structures so that a series of small schemes adds up to create an obtrusive and damaging impact;
- Visually intrusive developments in open countryside, particularly where the topography makes any installation more visually conspicuous by virtue of its size, transmission infrastructure, traffic generation, noise or other characteristics including motion in the landscape;
- Detractions from open skylines and views within, into or out of the AONB;
- Developments that results in historic features, including archaeological remains, traditional hedgerows and hedgebanks being damaged or lost;
- Development that damages important wildlife habitats or disturbs protected species, directly or indirectly;
- Developments that reduces tranquillity, by increasing noise or lighting.

Above: Near Diptford

A renewable energy development that conserves and enhances South Devon AONB will:

- Be small scale, aimed at providing energy for use on site, and operating at an individual farm, household or community scale, with minimal transport or transmission impacts and is unobtrusive in the landscape;
- Be located close to existing buildings, farmsteads or settlements;
- Use the topography and landscape features such as hedges and tree groups to minimise the visual impact;
- Provide robust appraisal with the planning application of the harm to natural beauty by addressing impacts on the special qualities of the South Devon AONB;
- Provide robust appraisal with the planning application of the impacts on landscape character;
- Be ancillary to agricultural enterprises with the energy generation used to off-set farm energy cost, rather than being a primary enterprise in its own right;
- Be small renewable energy installations (solar hot water, photovoltaics, woodfuel, etc) fitted to existing and new buildings, where this can be done without harm to the character of historic structures or the wider landscape.

More information

South Devon AONB Management Plan 2014 – 2019 available at: <http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan>

Renewable Energy in the South Devon AONB: a position statement available at: http://www.southdevonaonb.org.uk/uploads/files/committee_meetings/Renewable_Energy_Position_Statement_Oct_2010.pdf

Right: Near Prawle





8.9 Telecommunications

185. The quality of skylines and open views within and out of the AONB are a critical feature of its natural beauty and special qualities. This must be taken into account as the demand for improved mobile signal coverage continues.

Proposals for telecommunications development that have potential to harm the AONB include:

- Developments that result in cumulative landscape and visual impacts, particularly creating significant intrusion into open skylines, ridges and viewpoints;
- Where the presence of masts and infrastructure erode the wilderness experience of the AONB's special qualities or add an incongruous 'industrial' character in the rural landscape;
- Poorly sited masts and ancillary equipment and fencing or other boundary features inconsistent with local character.

A telecommunications development that conserves and enhances South Devon AONB will:

- Consider the design of the telecommunications network as a whole across the area and choose locations that have the lowest overall impact, including those outside the AONB;
- Use network solutions that favour smaller masts on enclosed lower ground rather than single tall masts on open ground;
- Share masts unless this leads to unacceptable levels of clutter on an individual mast;

Above: Fuge, near Strete

- Avoid prominent skyline locations and particularly rolling, open ridges;
- Choose locations where topography, buildings or vegetation form a backdrop and particularly in views from sensitive or well-used viewpoints – such as by locating masts within or adjacent to existing woodland or tree groups to help assimilate the mast;
- Use advances in technology or developments in the network to remove redundant, prominent or intrusive elements;
- Choose locations within settlement boundaries where possible to help assimilate the mast and reduce the impact of ancillary development such as access tracks and security fencing;
- Use existing buildings and structures where possible to support or contain antennas and equipment, but taking care not to compromise their existing architectural character;
- Choose locations close to existing roads or access tracks to reduce the need for new tracks;
- Use monopoles where possible and modern slim-line lattice towers for taller structures;
- Use non-reflective surface treatments, with light or mid-grey colours for features seen against the sky and recessive browns and olive greens for features seen against rising ground;
- Keep equipment at the base of the mast to a minimum, or screened by existing features such as trees, hedges, walls or buildings;
- Avoid security fencing where possible or be screened by existing features or new native tree planting in a way which respects landscape character and local distinctiveness;
- Route cables underground, where this is compatible with biodiversity, geodiversity and heritage interests.

Right: Phone mast near Stoke Fleming





8.10 Development in the Setting of the AONB

186. The character of the land adjoining the South Devon AONB provides an essential setting for the AONB and care needs to be taken to maintain its quality and character. The potential impact of changes and activities occurring in the setting, on the AONB will be a material consideration to be taken into account in determining planning applications.
187. The setting of the South Devon AONB does not have a hard geographical boundary. The location, scale, materials or design of a proposed development or land management activity and its relationship with and inter-visibility with the AONB will be factors which help determine whether it affects the AONB's special qualities and distinctive characteristics.

Proposals for development in the setting of the AONB that have potential to harm the AONB include:

- Developments that, by virtue of their nature, size, scale, siting, materials or design have a negative impact on the special qualities of the AONB, for example tall, large or otherwise conspicuous developments that are discernible at considerable distances in all or particular weather conditions;
- Developments that block or interfere with views within or out of the AONB, or affect land within those views out of the AONB, particularly from public viewpoints;¹⁰⁴

¹⁰⁴ There are many vantage points either on elevated ground or on the edges of the AONB where there are commanding panoramic views across adjacent landscapes - for example north toward Dartmoor or south west toward the Tamar and Cornwall AONBs - which should be safeguarded

- Developments that result in the deterioration or loss of tranquillity through the introduction of lighting, noise, or additional traffic movement which is visible or audible from land or water in the AONB, or affects flora or fauna in the AONB;
- Developments that result in harm to historic environment features, including traditional hedgerows and hedgebanks;
- Damages or disturbs important wildlife habitats and protected species, directly or indirectly;
- Damages ecological networks or connections between land in the AONB and other important ecological areas outside it.

Above and right: West Buckland Farm Barn conversions, near Thurlestone



A development in the setting of the AONB that conserves and enhances South Devon AONB will:

- Avoid prominent locations for development that would have significant impacts on important views out from or into the AONB;
- Thoroughly assess the positive and negative landscape and visual impacts of development on the special qualities of the AONB;
- For wind turbine development, assess impacts from important and representative viewpoints in the AONB up to the limits of visibility – typically around 25 to 30km;
- Assess cumulative impacts on the experience of the

- AONB as a whole and not just in terms of impacts on individual and sequential views along linear routes;
- Take care over the design, orientation, site layout, height, bulk and scale of structures and buildings;
- Consider not just the site but also the landscape and land uses around and beyond it;
- Carefully consider the colours, materials and the reflectiveness of surfaces;
- Design roofs of buildings to assimilate into the view, for example by avoiding reflective or inappropriately coloured roofs, or by using green roofs instead;
- Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting;

- Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes, nature conservation interests and sense of tranquillity. Those in the setting of the AONB should adhere to the Institute of Lighting Professionals (ILP) Environmental Zone E2 as a minimum;
- Group new structures and buildings close to existing structures and buildings to avoid new expanses of visible development which are out of character or lacking historic context.



8.11 Waste and Minerals Developments

188. For Waste and Mineral Planning the AONB designation is considered an absolute constraint, except for minor local developments, new waste facilities or large scale mineral extractions, should not be located in, or where they might adversely affect South Devon AONB or other national or international designated sites such as Sites of Special Scientific Interest (SSSIs) or Special Areas for Conservation (SACs).

189. The principle of conserving and using all natural resources within the South Devon AONB in the most sustainable way is fundamental to the management of the AONB. Pits, quarries and cuttings deserve particular conservation attention because important sites and their associated wildlife can face potentially harmful activities or management regimes. Harmful practices include the disposal of waste (both large scale domestic and agricultural tipping).

Waste and minerals development have potential to harm the AONB include:

- New, industrial scale waste facilities or large scale mining, quarrying or drilling operations that would harm the natural beauty, character and special qualities of the AONB;
- Developments that result in increased noise and disturbance including increased HGV traffic movements within the AONB;
- Development which would require external lighting;
- Developments for waste or mineral operations within the visual range of South Devon AONB that have the potential to affect the special qualities of the AONB;
- Insensitive restoration and landscaping of worked out quarries.

A waste or mineral development that conserves and enhances South Devon AONB will:

- Protect Geological designations (SSIs, RIGs) and, where possible, enhance designated sites through sensitive restoration;
- Encourage small scale local recycling and disposal facilities subject to approval of location, design and materials use;
- Re-open small, local quarries to provides the stone to maintain and build new structures locally, including historic or vernacular homes;
- In the case of extensions to existing quarries, it may be possible to secure environmental improvements resulting in an overall enhancement of the landscape, by granting an extension.¹⁰⁵

Procedure for assessing new mineral permissions

The need for the particular mineral should be assessed in terms of its international, national or regional significance rather than merely local significance.

It is necessary to assess the impact on the local economy of allowing the development, or refusing it. The mineral operation may be a significant source of employment in a rural area where alternative sources of employment are limited.

It is necessary to establish whether alternative supplies can be made available at reasonable cost, and the possibility of meeting the demand in some other way. It will be for the developer, therefore, to demonstrate that the proposal is the only one possible in the region or nationally.

¹⁰⁵ It may be the case that historic planning permissions within AONBs have inadequate working and restoration conditions, and have developed in a way that has caused, and will continue to cause, problems within the local environment to the detriment of its natural beauty.





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www.southdevonaonb.org.uk