

Shaping Our Place 2026

Local Development Framework

Core Strategy

Policy Direction Paper  
Areas of Outstanding Natural  
Beauty / Landscape.

January 2010



## **CORE STRATEGY POLICY DEVELOPMENT**

Core Policy Area (s): AONB / Landscape

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### **Preferred Policy Direction**

National and Regional policies already provide a considerable level of protection for the natural beauty of the AONB.

The results of the Developing Options consultation 2008 and the evidence base have provided an emerging preferred direction for local distinctiveness. The preferred policy would:

1. Provide an overarching policy to conserve, protect, enhance and restore local distinctiveness in the county;
2. Recognise the value and significance of landscapes and their contribution to the planning process as promoted by the European Landscape Convention.
3. Provide a location and a criteria based policy to encourage the application of green infrastructure principles, promote and learn from the work of AONB partnerships, recognise and conserve the historic environment, biodiversity, geodiversity and encourage quality design.
4. Have regard to the studies and evidence that support or will be needed to support these elements, such as the county's Green Infrastructure Strategy, AONB Management Plans, Biodiversity Action Plans, Historic Characterisation Studies, Conservation Area Appraisal and Management Plans and Buildings at Risk Surveys.

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### **1.0 Introduction**

1.1 This report provides background information and evidence to support the policies directions that will form part of the Core Strategy Place Shaping Paper. The full policy wording will form part of the pre-submission Core Strategy.

1.2 The Core Strategy will set out the vision and objectives for the Herefordshire Local Development Framework (LDF), together with the 'place shaping

policies' at a strategic level, explaining how the county as a whole is expected to develop up to 2026.

1.3 The remainder of this report seeks to address the following questions:

- What is the current situation (issue)?
- What is the national, regional and local policy framework?
- What is the available evidence base indicating?
- What can the Core Strategy do?
- What were the results / indications for the Developing Options Consultation?
- What further consultation has taken place?
- What conclusions can be drawn?
- What happens next?

## **2.0 The need for the policy.**

2.1 The State of Herefordshire Report 2009 and the Core Strategy Developing Options Paper June 2008 reflect local distinctiveness in the county being important in making Herefordshire the place that it is today. The role of the Core Strategy is to achieve a successful balance between protecting the County's environmental assets and enabling the further growth required. Potential policies on local distinctiveness should be specific to Herefordshire and reflect national or regional policy whilst not repeating it.

2.2 National legislation and regional policy requires our natural and built environment to be conserved, protected and enhanced. Paragraph 21 of PPS7 (Sustainable Development in Rural Areas), states that AONBs have the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies.

2.3 The State of Herefordshire Report describes the county as supporting a diverse range of flora and fauna. The county occupies 17% of the region but has 31% of the region's ancient semi-natural woodland. The ash/lime woods of the Wye Valley are of international importance. The county has a strong hedgerow pattern associated with ancient landscapes and many historically important veteran trees. Combined with the county's resource of ponds,

traditional orchards and parkland there is much to be proud of; much of this remains dependent on continued sensitive agricultural management.

### **3.0 The policy framework**

#### **European Landscape Convention (ELC)**

- 3.1 The UK is a signatory to the European Landscape Convention (ELC). The ELC, which came into force in March 2007, encourages governments to identify and assess landscape types, with the active participation of communities and to draw up programmes for their protection and management. The ELC defines landscape as ‘an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’. It encourages a joined up approach in all areas of land use, development and management, including the recognition of landscape in law.

#### **Planning Policy Statement 7: Sustainable Development in Rural Areas**

- 3.2 The policies within this statement apply to the rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 3.3 As discussed above, paragraph 21 discusses “the nationally designated areas comprising National parks, the Broads, The New Forest Heritage Area and Areas of Outstanding Natural Beauty, have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.”
- 3.4 Paragraph 22 states that: “Major developments should not take place in these designated areas, except in exceptional circumstances, because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination.” It also states that planning authorities should ensure that any planning permission granted for major developments in these designated areas should be carried out to high environmental standards through the application of appropriate conditions.

- 3.5 In addition, PPS7 also recognises that there are areas of landscape outside nationally designated areas that are particularly highly valued locally, the Government believes that criteria based policies in LDDs and utilising tools such as landscape character assessment should provide sufficient protection for these areas.
- 3.6 The Regional Spatial Strategy for the West Midlands (January 2007) details the need “to conserve and enhance those areas of the Region, where exceptional qualities should be reinforced by sustainable use and management, including ... the five Areas of Outstanding Natural Beauty” (Policy QE1), and “protect and enhance the distinctive character of different parts of the Region as recognised by the natural and character areas and associated local landscape character assessments”, (Policy QE1). Policy QE1 was due to be reviewed as part of the Phase 3 revisions of the Regional Spatial Strategy in 2009, but any changes will now (January 2010) be taken forward as part of the replacement of the RSS with a single Regional Policy in due course.

#### Malvern Hills AONB Management Plan

- 3.7 The primary purpose of designation as an AONB is to conserve and enhance natural beauty. Legislation states that in pursuing this primary purpose:
- Account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities;
  - Particular regard should be paid to promoting forms of social and economic development which themselves conserve the environment;
  - The demand for recreation should be met insofar as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.
- 3.8 The meaning of the term ‘natural beauty’ has evolved since AONBs were first proposed under the National Parks and Access to the Countryside Act (1949). Section 99 of the Natural Environment and Rural Communities Act (2006) provides an up-to-date legislative reference. Recent government guidance provides the following interpretation of natural beauty:

*“The natural beauty of AONBs encompasses everything – ‘natural’ and human – that makes an area distinctive: geology, climate, soil, plants,*

*animals, communities, archaeology, buildings, the people who live in it, past and present, and the perceptions of those who visit it". (Countryside Agency, 2001)*

- 3.9 The purpose of a management plan is to help all those in managing the AONB to:
- Conserve its special qualities;
  - Manage the pressures on these qualities;
  - Where possible, improve the AONB for current and future generations of people who live in and visit the area.
- 3.10 The plan provides importance guidance to all those organisations and individuals involved in managing land in the area, as well as those who live and work there and who have an interest and involvement in the AONB.
- 3.11 The Malvern Hills AONB management plan has been produced following a detailed review of the previous AONB management plan (2004-2009). The plan incorporates the views of local people, as well as a range of public, private and voluntary sector bodies.
- 3.12 Under Section 89 of the Countryside and Rights of Way Act (2000), this management plan formulates local authority policy for the management of the Malvern Hills AONB and for carrying out of local authority functions in relation to that policy.
- 3.13 The Malvern Hills AONB Management Plan identified that:
- Change is inevitable in the landscape, however change should be managed in a way that maintains and enhances the core elements of landscape character;
  - Landscape Character Assessments should be used to improve understanding of the landscape and the processes of change within the landscape, and to inform decision-making and strategic planning;
  - Development control should be guided by emerging characterisation studies including Landscape Character Assessments, Historic Landscape Characterisation and vernacular design studies, together with relevant capacities studies;

- Development within the AONB should be subject to high standards of design and sustainability that reflect local character;
- There should be a presumption against the loss of traditional orchards through their use for infilling developments within settlements or changes to other uses.

### Wye Valley AONB Management Plan

3.14 Management of the Wye Valley AONB is co-ordinated through the AONB Management Plan. The management plan sets out the vision and strategic objectives for the area and the priorities for its management. Five main themes were established in the AONB Management Plan 2004-2009. Following the review of that Plan the five themes have been continued in this Management Plan for 2009-2014. These are:

- Our Unique Landscape – conserved and enhanced
- Development & Transport – planning and protection
- Vital Communities – living and working in the AONB
- Enjoying the AONB – sustainable tourism, recreation and appreciation
- Achieving Together – effective management of the AONB

3.15 For each of the above themes strategic objectives have been developed, these include:

- Promote and develop policies and initiatives to protect, conserve, restore or enhance the features and elements that create the special qualities, landscape character and natural beauty of the AONB;
- Promote and encourage the use of the Landscape Character Assessments to inform local distinctiveness;
- Ensure that a consistent and coherent framework of planning policies relating to the protection, conservation and management of the AONB is fully reflected in the statutory land use planning policies and monitor their effectiveness;
- Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments;
- Promote the recognition and reinforcement of local character and distinctiveness in design, scale, setting and materials used in all development in the AONB;

- Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB.

3.16 The plan complements a range of plans, strategies and programmes that cover other aspects in the administrative areas covering the Wye Valley AONB.

### Community Strategy

3.17 The Community Strategy<sup>1</sup> sets out the county's aspirations up until 2020 and its vision is that:

*“Herefordshire will be a place where, organisations and businesses working together within an outstanding natural environment will bring about sustainable prosperity and well being for all.”*

3.18 The key issues relevant to landscape and AONBs which were identified in partnership with local people are: a safe and pleasant environment to live and work in and protecting the environment.

3.19 Five guiding principles, within the Community Strategy, aim to work towards the county becoming more sustainable and address these key issues. These principles are to:

- Realise the potential of Herefordshire, its people and communities
- Integrate sustainability into all our actions
- Ensure an equal inclusive society
- Build on the achievement of partnership working and ensure continual improvement
- Protect and improve Herefordshire's distinctive environment

3.20 The Community Strategy has themes and the most relevant to landscape and AONBs is: developing stronger, more inclusive communities and creating a safer and greener place to live, work and visit.

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<sup>1</sup> The Herefordshire Partnership, The Community Strategy for Herefordshire “A Sustainable Future for the County”, 2006

- 3.21 The Local Area Agreement (LAA)<sup>2</sup> is agreed through partnership working and aims to demonstrate how the county's priorities will be addressed to aid a better life. It has the same themes as the Community Strategy with an additional theme on the environment following the decision to split the combined theme "safer and stronger communities". The priority relevant for landscape and AONBs under these themes in the LAA is to: encourage thriving communities where people are able to influence change and action to improve their area, regardless of their background;.
- 3.19 In order to avoid a policy direction vacuum until the Local Development Framework is adopted the Council has submitted proposals to save appropriate UDP policies. This process suggests that the policies related to landscape and AONBs, this includes policy LA1, LA2 and RST2 set out in the UDP should be saved<sup>3</sup>.

#### **4.0 Evidence base**

##### **Green Infrastructure**

- 4.1 The natural environment is being driven by a new regional concept of green infrastructure. This aims to integrate places through holistic, appropriate and co-ordinated approaches to the challenges facing our environment today.
- 4.2 The Green Infrastructure Strategy will seek to identify issues and opportunities that lie within the resources of the county. It is critical when planning for the future growth of the county that an understanding of the existing resource is made clear in the first instance. Such resources as geology; hydrology; topography; biodiversity; land use; access and movement; archaeology, history and culture; landscape character; and designated open space, which have over many generations shaped the places around us. These are all complex areas, which under the new concept of a green infrastructure can intrinsically identify and guide future development in the most appropriate way that will benefit both the community and the wider environment in which they are part.

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<sup>2</sup> The Herefordshire Partnership Herefordshire Story of Place Local Area Agreement 2008-2011

<sup>3</sup> 15<sup>th</sup> May 2009 Planning Committee Report, Herefordshire UDP Saved Policies

## Landscape Characterisation Assessment

4.3 The Landscape Characterisation Assessment aims to move away from a dependence on regional and local designated areas and take a holistic approach to the issues of land use change. The planning system needs to accommodate change, whilst retaining and where possible, strengthen the pattern and diversity of the landscape. This does not mean things cannot change, just that new ways need to be found that manage the countryside more effectively, and also guides and controls the change. In essence the landscape characterisation assessment is a tool that can be used to prevent the destruction of inherent landscape character or take advantage of opportunities to strengthen the character and thus enhance local distinctiveness.

### 5.0 What can the Core Strategy do?

5.1 The Core Strategy, Developing the Vision and Objective background paper, January 2010<sup>4</sup> sets the vision for the county as seeking "...interdependence of...economic prosperity and environmental quality with the aim of increasing the county's self-reliance and resilience." A policy on local distinctiveness should relate to this in order to address the key issues, also set out in the January 2010 paper, of "providing for the needs of all generations", "ensuring high quality, locally distinctive sustainable design and construction", "protection and enhancement of environmental assets", "addressing the impacts of climate change, including flooding" and "better use of resources".

5.2 Objectives 8, 10, 11, and 12 also set out in the January 2010 paper, provide the opportunity for local distinctiveness policies to be created. These should integrate green infrastructure, landscape, historic environment and biodiversity and geodiversity networks that comprise the protection, enhancement and creation of quality of place.

5.3 The Core Strategy can develop policy to direct land use change in ways that will prevent the destruction of the inherent character of the county or take

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<sup>4</sup> The Core Strategy Developing the Vision and Objective background paper January 2010 is available at

[http://www.herefordshire.gov.uk/docs/Vision\\_and\\_Objectives\\_January\\_2010\(1\).pdf](http://www.herefordshire.gov.uk/docs/Vision_and_Objectives_January_2010(1).pdf)

advantage of opportunities to strengthen its character and thus enhance local distinctiveness. This would assist in the guidance of future housing and employment allocations and help develop criteria on which planning decisions will be made.

- 5.4 Policies in the Core Strategy will aid future DPDs or SPDs to be specific in terms of the detail that green infrastructure, landscape/AONBs, archaeology, historic built environments and biodiversity and geodiversity require for area or site level. This will ensure the most is achieved from these assets to thrive and be integrated into the townscape successfully.

## **6.0 Developing Options Consultation Results**

- 6.1 Public engagement is an important element of developing the Core Strategy and a Developing Options consultation took place through the summer of 2008 in order to help the council decide upon which options to look at in more detail.

- 6.2 The consultation period ran from 16<sup>th</sup> June to 8<sup>th</sup> August 2008 and the people of Herefordshire, along with statutory consultees and key stakeholders, were encouraged to examine and comment upon (amongst other things), the council's draft spatial vision and objectives.

- 6.3 The Developing Options consultation question 59<sup>5</sup> on the natural and built environment asked:

How should we protect/conserv/enhance our locally distinctive features/assets?

1. Rely on national/regional policies only;
2. Develop specific policies;
3. Ensure relevant policies include environmental criteria

- 6.4 The most favoured option was option 2, the least favoured option is option 1, to rely on national and regional policies only.

Number of respondents: 591

Option 1: 6%

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<sup>5</sup> Core Strategy Developing Options Results Report Survey Report July 2008, January 2009

Option 2: 56%

Option 3: 38%

Number of no opinion / answer not provided: 391

6.5 There were 198 additional comments<sup>6</sup> on the natural and built environment section that suggested improvements to the options. The comments that relate to landscape and AONBs include:

- Protect greenspace, open views and orchards;
- Natural and built environmental issues should guide other policy considerations;
- Ensure nothing is damaged by development;
- Raise greater awareness of the key natural and built environmental issues, in particular climate change;
- Preserve the balance between landscape, biodiversity and the historic and built environment.

6.6 The Campaign to Protect Rural England (CPRE) commented that they anticipate that new or extended Areas of Outstanding Natural Beauty will be introduced, together with the agricultural land classification and policies to protect rural tranquillity. The Wye Valley AONB unit commented that they were seeking specific policies for the protection of the two Areas of Outstanding Natural Beauty that cover part of Herefordshire.

6.7 There did not strictly appear to be an identifiable alternative to the options raised by the responses to the Developing Options consultation.

6.8 The Sustainability Appraisal<sup>7</sup> showed that for Q59, all three options are considered favourably in sustainability terms. In terms of Habitat Regulation Assessment<sup>8</sup> options 3 & 3 are likely to be more effective in delivering improvements on air and water issues. No clear alternatives from the SA or HRA assessment process were identified.

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<sup>6</sup> Core Strategy Developing Options Analysis Schedules March 2009

<sup>7</sup> Core Strategy Developing Options Paper Sustainability Appraisal June 2008 (amended March 2009)

<sup>8</sup> Core Strategy Habitat Regulation Assessment June 2008 (amended March 2009)

## **7.0 Further consultation undertaken and Sustainability Appraisal**

- 7.1 The established preferred policy direction for the Core Strategy, will be available for consultation within the Place Shaping Paper in January 2010.
- 7.2 It is proposed to consult the following organisations in developing the policy wording, Wye Valley AONB and Malvern Hills AONB, Campaign to Protect Rural England (CPRE), Natural England, National Farmers Union, Environment Agency, English Heritage, Hereford and Worcester Farming and Wildlife Advisory Group with involvement of the council's Development Management, and Conservation sections and the Herefordshire Partnership.
- 7.3 SA and HRA assessments will be undertaken to assist in developing the policy wording further.

## **8.0 Conclusion**

- 8.1 National and Regional policies already provide a considerable level of protection for the natural beauty of the AONB. In addition, many other issues that affect the area – such as the management of transport, tourism, recreation and biodiversity – are dealt with in individual strategies and plans. Therefore, there may be no need to repeat these overarching policies within the Core Strategy but to provide a level of protection for the landscape in general and refer to the two AONB Management Plans for further clarification for these two special protected areas within Herefordshire.
- 8.2 The developing options consultation identified the need to develop specific policies to protect/conservate and enhance our locally distinctive features/assets. There was also the need to protect the rural nature of the county, whilst continuing to deliver housing growth and ensure development does not compromise open views and important landscapes.

## **9.0 Way forward**

- 9.1 The emerging understanding upon Herefordshire's local distinctiveness is that a holistic and integrated approach will be required, which is first set at the strategic level through the Core Strategy. Whilst the particulars for each interrelated variant will need to be addressed in more specific detail in terms of design, layout and similar considerations at both the area and site levels,

the relationship between policy direction areas also needs to be taken into consideration. This includes policy direction on the natural, built and historic environment; open space, sport and recreation; green infrastructure; renewable energy; flood risk; tourism and culture; and design. Design is vital to the success of this policy area and as such the requirement for a future SPD would need to be strongly considered.

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