



England's statutory landscape designations:

a practical guide to your duty of regard

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England's statutory landscape designations:

a practical guide to your duty of regard

Guidance for relevant authorities whose activities affect Areas of Outstanding Natural Beauty, National Parks and the Norfolk and Suffolk Broads

Left: Looking over Swainby, Whorl Hill and the Cleveland Hills, from the Cleveland Way at Scarth Wood Moor, North York Moors National Park. © Natural England/Mike Kipling

Part 1 – General guidance

Introduction

Areas of Outstanding Natural Beauty (AONBs), National Parks and the Norfolk and Suffolk Broads are statutorily protected landscapes, recognised by Government to be of the very highest quality. In all, there are nine National Parks and 34 AONBs in England which, together with the Broads, represent about 24 per cent of the country's land area (see map opposite).

The purposes of these designations are subtly different, but they share a common aim of conserving and enhancing the natural beauty of the English landscape, not just for the present, but also for future generations. Whilst the Broads is not a National Park, it has equivalent status and, unless otherwise indicated, references in this guidance to National Parks should be taken to include the Broads.

In the legislation, these purposes are defined as:

- AONBs (under the Countryside and Rights of Way Act, 2000): to conserve and enhance the natural beauty of the area¹. Like all local authorities, AONB managing authorities (including Conservation Boards) have responsibilities to foster the social and economic wellbeing of local communities².
- National Parks (under the Environment Act, 1995): to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and to promote opportunities for understanding and enjoyment by the public of the area's special qualities³.
- The Broads (under the Broads Authority Acts 1988 and 2009): to conserve and enhance the natural beauty, wildlife and cultural heritage of the Broads; to promote opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and to protect the interests of navigation.

¹Conservation Boards have an additional responsibility to increase public understanding and enjoyment of the special qualities of the AONB, with greater weight on conservation if there is a conflict.

²In pursuing National Park purposes, National Park Authorities also have a duty to seek to foster the social and economic wellbeing of local communities. The Broads Authority has a similar responsibility.

³In cases where the purposes conflict irreconcilably, the first purpose takes precedence, commonly known as the 'Sandford principle'.



Areas of Outstanding Natural Beauty, National Parks and the Broads



The scope and purpose of this guidance

Current legislation requires that ‘in exercising or performing any functions in relation to, or so as to affect land’ within these designated landscapes, a ‘relevant authority shall have regard to’ their statutory purposes. The pertinent Acts are:

- AONBs: Section 85 of the Countryside and Rights of Way Act 2000.
- National Parks: Section 11A(2) of the National Parks and Access to the Countryside Act (1949) as amended by Section 62(2) of the Environment Act (1995) (sometimes, erroneously, referred to as the ‘S62 duty’).
- The Broads: Section 17A of the Norfolk and Suffolk Broads Act 1988 (as inserted by Section 97 of the Countryside and Rights of Way Act 2000).

In March 2005, Defra published a guidance note on ‘Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads’⁴. Its aim is to improve awareness and understanding of these duties amongst relevant authorities, to indicate how these authorities can demonstrate compliance, and to outline the process by which they will be monitored.

Defra’s 2005 guidance note still stands. This complementary publication aims to build on the Defra guidance by explaining in greater detail the nature and purpose of the ‘have regard to’ duty and, by providing practical examples based upon case studies of good practice, to show how it can be fulfilled in a meaningful and positive way.

This first part explains:

- which organisations are ‘relevant authorities’;
- what is meant by a ‘duty’;
- which ‘functions’ of a relevant authority the duty applies to;
- what is meant by ‘have regard to’; and
- the approach taken to monitoring compliance with the duty.

The second part contains 19 case studies illustrating how relevant authorities across England have contributed to the delivery of AONB and National Park purposes, often with the specific aim of fulfilling this duty. These examples have been chosen because they have the potential for replication elsewhere and may, therefore, inspire and enthuse other authorities to follow their lead.

This guidance only considers the duties under the three Acts, but relevant authorities should be aware that there is also a ‘Biodiversity Duty’, which is covered by separate guidance⁵.

⁴See: <http://www.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

⁵In May 2007, Defra published two guidance documents to support the implementation of the new ‘Biodiversity Duty’ under Section 40 of the Natural Environment and Rural Communities Act 2006 – one specifically for local authorities and one for public authorities as a whole. These can be found respectively at: <http://www.defra.gov.uk/environment/biodiversity/documents/la-guid-english.pdf> and <http://www.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>

To whom does the duty apply?

In each of the above Acts, the term 'relevant authority' is defined as including any Minister of the Crown, any public body, any statutory undertaker and any person holding public office. Each of these is defined in the appropriate legislation. The Defra guidance provides an indicative list of relevant authorities but it is 'not exhaustive'...and...'in the final event, only the Courts can determine who is bound'.

The duty applies primarily to 'relevant authorities' operating within the boundaries of an AONB or National Park. In some cases, however, the activities of authorities operating outside these protected landscapes may have an impact within them and, in such circumstances, the duty still applies.

The duty clearly applies to parish councils. However, Defra is of the view that it does not apply to parish meetings, except where there is no parish council and the meeting acts through 'parish trustees'.

What is a 'duty'?

Use of the word 'duty' in the legislation means that having regard to AONB/National Park purposes is something all 'relevant authorities' must do: it is not discretionary. This point is reinforced by use of the word 'shall' rather than, for example, 'may'. The legislation is also clear in identifying the circumstances in which this duty must be fulfilled, ie 'in exercising or performing any functions in relation to, or so as to affect land' in an AONB or National Park.

Which 'functions' does the duty apply to?

The range of individuals and organisations covered by the duty illustrates the diversity of functions, performed at national, regional and local levels that need to have regard to AONB/National Park purposes. The Defra guidance makes it clear that the duty applies to all decisions and activities that may affect land within an AONB or National Park and not just to those that relate to planning, countryside and related environmental issues. It should be noted that activities undertaken outside AONB/National Park boundaries may affect land within them.



What is meant by 'have regard to'?

The meaning of 'have regard to' lies at the heart of this duty. This phrase appears in a very wide range of legislation and government guidance, from the Law of Property Act 1925 to the Education Act 1997 and the Gambling Act 2005.

Dictionary definitions focus on interpretations such as 'to consider' and 'to take into account' and, perhaps taking a stronger line, 'to heed'. These are consistent with a view expressed by the Attorney General, Lord Goldsmith, at a meeting of the Lord's Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006). At one point, the debate centred on the environmental impact of a company's activities and of decisions made by company directors. An amendment was put forward which would permit directors to make a judgement as to the significance of these impacts 'having regard to the size and complexity of the business'. In considering this issue, Lord Goldsmith commented "*What is meant by 'have regard to'? It means what it says. You have to have regard to the considerations. As I have indicated, however, it may be a rapid consideration in certain circumstances, leading to the conclusion that that particular factor does not change the decision at all – there is no effect on the environment, or whatever it may be. It is right, however, that such matters should be considered; regard should be had to them.*"

These comments provide a useful guide as to what the Section 11A(2)/17A/85 'have regard to' duty means in practice, ie:

- Decisions and actions taken by relevant authorities will invariably require a wide range of factors and issues to be taken into account.
- The duty requires that this process should include consideration of potential impacts on AONB/National Park purposes – with the expectation that adverse impacts will be avoided or mitigated where possible.
- Provided this is done, the duty has been met, irrespective of whether or not the decision ultimately taken conflicts with AONB/ National Park purposes.

⁶See p.5 of Defra's guidance note, paragraph 11 'Monitoring'.

We consider it good practice that a body:

- considers the duty of regard at several points in any decision-making process or activities, including during initial thinking, at more detailed planning stages, and at implementation; and
- provides written evidence that they have had regard and considered whether it is or is not relevant.

Monitoring

As the Defra 2005 guidance note explains⁶, any breaches of compliance with the duties will be monitored by AONB management bodies, National Park Authorities and the Broads Authority. Where they have been unable to resolve any issues of non-compliance through discussion, they will refer the matter to Natural England who may, where the circumstances warrant it, undertake additional investigation. Natural England will provide an annual summary report on significant cases to the relevant Minister.

Whilst this guidance is primarily about encouraging compliance with this duty, it should be recognised that there are many opportunities for organisations to take a proactive approach to supporting AONB and National Park purposes. In this context, it is important to see these areas as living, working landscapes that have the capacity to accommodate change, particularly in sustaining and supporting the social and economic wellbeing of their local communities. Compliance with the duty of regard is part of wider Government expectations of engagement by relevant authorities with AONBs and National Parks at all levels. This is seen very much as a two-way responsibility.

AONB Partnerships and Conservation Boards, National Park Authorities, the Broads Authority and Natural England are keen to work with partners and stakeholders in safeguarding these areas for current and future generations. As shown by the case studies that follow, they will be happy to offer advice and guidance or to help you look at the ways in which the work of your organisation can benefit these 'finest landscapes'.

Part 2 – Case studies

The case studies presented below illustrate examples of good practice in which local authorities, public bodies and statutory undertakers have taken a positive and proactive approach to their responsibilities towards AONBs and National Parks. In some cases this has been in direct response to the Section 11A(2)/17A/85 duty; in others it is seen as part of a wider commitment to environmental protection and sustainable development.

It is hoped that these examples will inspire and encourage others to adopt similar initiatives that will help to protect this country's finest landscapes and will improve their own performance in complying with this duty. In each case we have included one or more e-mail addresses for key contacts within the organisations concerned so that readers can obtain further information. Contact details for all AONBs and National Parks are available from <http://www.aonb.org.uk> and <http://www.nationalparks.gov.uk>.

Case study reference list		
Category	Case study	Key players
Raising the profile of AONBs and National Parks	1: 'Stars of the East' – promoting the regional economic benefit of protected landscapes	East of England Development Agency, Countryside Agency and partners
	2: Publishing and disseminating guidance and advice on Section 85 to statutory bodies	Cranborne Chase and West Wiltshire Downs AONB Partnership
Providing training and support to other relevant authorities	3: Providing training to parish councils on planning issues (including Section 11A(2))	Exmoor National Park Authority
	4: Working with Parish Councils in preparing Parish Plans and Village Design Statements	Canterbury City Council and Kent Downs AONB Partnership
Liaison and consultation	5: Formation of a protected landscapes liaison group by a statutory undertaker	Wessex Water and eight protected landscapes in the south west
	6: Developing a consultation process for road signs in the Peak District National Park	Peak District National Park Authority
Policy and practice	7: Maintaining tranquillity in Dartmoor National Park	Dartmoor National Park Authority
	8: Working to ensure policies include the impact on National Parks from developments beyond their boundaries	Northumberland National Park Authority
	9: Developing a planning protocol between an AONB and constituent local authorities	Nidderdale AONB Partnership and Harrogate Borough Council
	10: Developing AONB planning guidelines for adoption by local authorities	North Pennines AONB Partnership and constituent local authorities
	11: Managing land within AONBs and National Parks	Defence Estates
	12: Use of a Landscape Design Handbook to improve the quality of development	Kent Downs AONB Partnership and constituent local authorities

Case study reference list (continued)

Category	Case study	Key players
Joint working	13: Climate change management in the Lake District	Lake District National Park Authority
	14: Joint working to solve a water quality problem in the Norfolk Broads	Broads (2006) Internal Drainage Board
	15: 'Broads Beat' – the Norfolk Constabulary working in partnership with stakeholders	Norfolk Constabulary
	16: Undergrounding of electricity lines in AONBs and National Parks	Ofgem, Electricity North West and United Utilities
	17: Working together to protect and promote special qualities	New Forest National Park Authority
	18: Accords between the Forestry Commission and AONB Partnerships/ National Park Authorities	Forestry Commission (North West) and Lake District National Park Authority
Monitoring performance and compliance	19: Checking performance against AONB Management Plans and Action Plans	Hampshire County Council



Alde Estuary, Suffolk Coast and Heaths AONB

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Raising the profile of AONBs and National Parks

Case study 1

'Stars of the East' – promoting the regional economic benefit of protected landscapes

East of England Development Agency, Countryside Agency and partners

In June 2002, Alun Michael, the then Minister for Rural Affairs, challenged each of the Rural Development Agencies (RDAs) to think about ways in which they could work more constructively with protected landscapes. This led to a joint 'Statement of Intent' in each region, involving the RDAs, AONB Partnerships and the National Park Authorities.

In the East of England, an initiative arising out of this new relationship was the branding of the region's four AONBs, together with the Broads, as the 'Stars of the East', with the strap-line 'Space to prosper with the East of England's finest landscapes'. This was led by the East of England Development Agency and the former Countryside Agency, in collaboration with the AONB Partnerships, the Broads and national and regional agencies. A website and brochure were produced in 2006 which profiled 'headline projects, innovative solutions, profitable enterprises' and outlined how there was 'scope for ingenious new ideas and research projects' (see http://www.naturalengland.org.uk/Images/stars-of-east_tcm6-15161.pdf).

The overall aim of this initiative was to promote these landscapes as regional assets, and to raise awareness of the contribution they make to the regional economy and of the benefits that they bring to businesses and local communities. It also sought to dispel the impression that protected landscapes are areas where things cannot happen and to encourage business leaders to see them as an asset which allows economic development

which respects, and can benefit from, the special qualities of the area.

One of the projects that developed from Stars of the East was a study in 2007 into the value of tourism in the protected landscapes (together with the Brecks) to the region's economy. The research, led by East of England Tourism, found that tourism in these areas was worth over £844 million, accounting for 16 per cent of the total value of tourism to the region. There were over 13 million day and overnight trips to its protected landscapes, and tourism-related employment totalled over 17,000 jobs.

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Case study 2

Publishing and disseminating guidance and advice on Section 85 to statutory bodies

Cranborne Chase and West Wiltshire Downs AONB Partnership

To reinforce the messages contained within the Defra guidance note and target local/regional 'relevant authorities', in 2006 the Cranborne Chase and West Wiltshire Downs AONB Partnership produced its own bespoke guidance on the Section 85 duty in the form of an A5 leaflet explaining:

- the purpose of an AONB;
- the nature of the duty placed upon relevant authorities by Section 85;
- the expectations that the AONB Partnership has of relevant authorities;
- what is 'natural beauty';
- which bodies are considered to fall within the definition of 'relevant authority' (it is acknowledged that this is not exhaustive);
- how AONB staff can help relevant authorities to fulfil this responsibility.

Under this last heading, the leaflet emphasises that AONB staff are happy to provide further advice and guidance if necessary; they can organise special training sessions to cater for the needs of individual relevant authorities; and they want to hear about examples of good practice which can be promoted as an 'inspiration to others'. The Partnership is updating the leaflet and will be re-issuing it early in 2010.

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Cranborne Chase and West Wiltshire Downs AONB Partnership is one of the very few AONB Partnerships or National Park Authorities to have produced its own guidance for relevant authorities on the 'have regard to' duty.

Providing training and support to other relevant authorities

Case study 3

Providing training to parish councils on planning issues (including Section 11A(2))

Exmoor National Park Authority

In 2001, a Best Value Review undertaken by the Exmoor National Park Authority (NPA) highlighted the need for the Authority to improve its relationship with parish councils in dealing with planning and development control issues. Concerns focused on the misunderstandings that appeared to be arising in the small minority of cases where the NPA's decision in relation to a particular application was contrary to the views expressed by a parish council.

In 2003 and 2004, the Authority ran a series of six workshops for parish councils across the Park with the aim of improving their knowledge and understanding of the planning system and clarifying the respective roles of parish councils and the NPA in dealing with planning applications. The implications of Section 11A(2) were included in the workshop programme to ensure that councils were aware that the duty applied to their activities and that National Park purposes should be taken into account in framing their response to consultations on planning applications.

Councillors from 35 of the 41 parishes in the Park attended the workshops, with the total attendance approaching 150. The workshops were well received and it was evident in the subsequent responses on planning consultations that the level of awareness of the S11A(2) duty had been raised with a greater understanding of the planning process by parish councils. In addition, relationships and communication links between the NPA and parish councils have improved, with the Authority providing better feedback on development control decisions, especially in contentious cases. Also, by bringing the parish councils together, the workshops helped to make them aware that they each had different ways of dealing with planning applications and that they could learn best practice from each other. The NPA is currently repeating the exercise with parish councils in a more informal way.

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Almsworthy Common, Exmoor National Park

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Case study 4

Working with Parish Councils in preparing Parish Plans and Village Design Statements

Canterbury City Council and Kent Downs AONB Partnership

The administrative area of Canterbury City Council lies towards the eastern end of the Kent Downs AONB. The AONB designation is seen by the Council as giving deserved recognition to the quality and character of this landscape and the Local Plan includes robust policies for its protection.

One of the Council's corporate objectives is to help villages and parishes within the City become actively engaged in the planning process. In 2003, the Council decided that one way of achieving this goal would be by helping parish councils, village groups and local communities to prepare village appraisals, Parish Plans or Village Design Statements (VDSs). Such documents are widely regarded as an effective means of improving the quality of design and encouraging people to become involved in planning at the local level. Where they are produced within AONBs, they can help encourage a greater understanding and awareness of the AONB's special qualities and how they can be conserved and enhanced.

To take this forward, the City Council and the Kent Downs AONB Partnership jointly ran a workshop to provide guidance to communities on these types of initiative and to encourage them to get involved. Of the 40 parishes that were invited, about 20 attended and the event was widely seen as being a valuable and useful exercise.

Three communities have since produced VDSs which have all been adopted as Supplementary Planning Guidance. The Council places considerable weight on such documents, which include guidelines on the use of appropriate materials, housing styles, landscaping, open spaces and protection of

important views. Another parish has a draft VDS out for consultation, and two further communities are considering doing one. Changed requirements in the new planning system mean these cannot easily be adopted in the same way, but are more likely instead to be adopted as a 'material consideration' for development control.

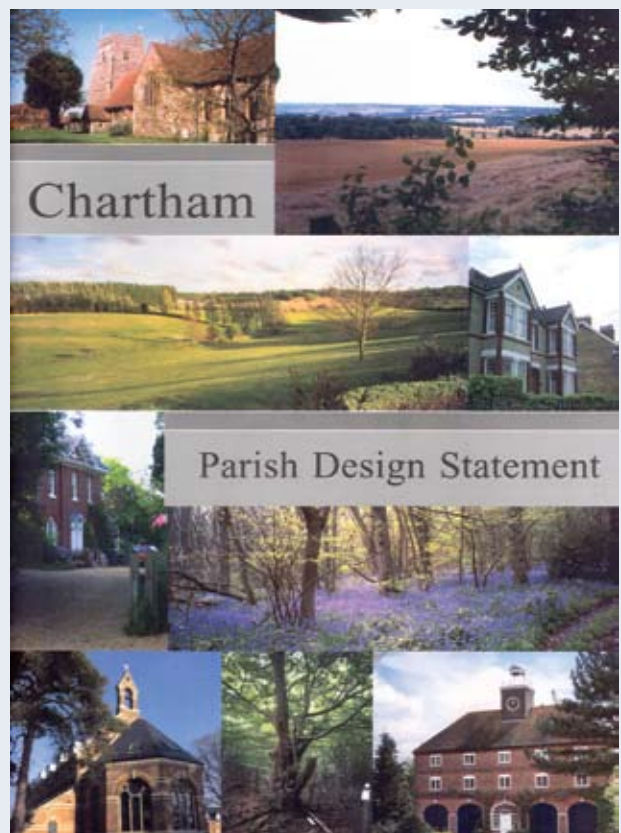
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© Canterbury City Council / Chartham Parish Council / Chartham Society

Canterbury City Council and the Kent Downs AONB Partnership organised a workshop to encourage local villages and parishes, such as Chartham, to produce a Design Statement for their area

Liaison and consultation

Case study 5

Formation of a protected landscapes liaison group by a statutory undertaker

Wessex Water and eight protected landscapes in the south west

The area covered by Wessex Water encompasses all or part of seven AONBs (Blackdown Hills; Cotswolds; Cranborne Chase and West Wiltshire Downs; Dorset; Mendip Hills; North Wessex Downs and Quantock Hills) and a small part of one National Park (Exmoor). Prior to 2005, the company liaised with each of these protected landscapes on an individual basis, as and when the need arose. Whilst reviewing its operational procedures, Wessex Water recognised that a more effective and meaningful relationship might be established through the formation of a Liaison Group, comprising representatives of Wessex Water and each of the protected landscapes, to discuss, on a planned and regular basis, issues of common interest and concern. In taking this view, the company was especially keen to raise awareness amongst landscape managers of the role and responsibilities of Wessex Water and to establish a more formal mechanism through

which they could seek their views on the potential impact, at a strategic and programme level, of the company's management and development plans.

The first meeting of the Liaison Group took place in 2005. The consensus from both Wessex Water and protected landscape managers is that the Group is successful in providing an opportunity for networking and in improving understanding of their respective roles, responsibilities and priorities. In particular, it has helped to strengthen Wessex Water's links to staff within the different protected landscapes and improve communication in relation to their day-to-day work on landscape surveys, environmental assessments, planning applications and estate management.

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© Dave Jones/Wessex Water

Wessex Water's Hawkridge Reservoir, lying partly in the Quantock Hills AONB

Case study 6

Developing a consultation process for road signs in the Peak District National Park

Peak District National Park Authority

There have been many efforts in designated landscapes over recent years to declutter road signs. One example is in the Peak District National Park, a large amount of which falls within the administration of Derbyshire County Council. One of the Council's key responsibilities is looking after highways, including erecting and replacing road signs.

In 2007, the Peak District National Park Authority (NPA) had noticed an increase in complaints about the number and size of road signs in the National Park. Replacement road signs were larger than pre-existing ones, and there seemed to be more new signs being erected. The visual intrusiveness of the signs was felt by members of the NPA, local residents, Campaign to Protect Rural England, and others to be having an adverse effect on the special qualities of the National Park's landscape.

The NPA negotiated with Derbyshire County Council to develop a consultation process whereby the impact of road signs on the

landscape could be taken into consideration in decision-making. The Council now consults the NPA formally on each road sign case. These range from an individual sign to larger scale changes, such as signs required where a speed limit is changing. The discussions involved have led to a very positive working relationship with shared principles.

The consultation process has already resulted in a visible reduction in the number and size of signs in the National Park, compared to initial designs that Derbyshire County Council drafted, and a reduction in the number of letters of complaint to the NPA on this issue. Since 2007, the NPA has had discussions with the five other local authorities who have responsibility for highways in the National Park, and have successfully introduced the same consultation model to some of them.

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The A515 between Buxton and Ashbourne, where the introduction of unsympathetic signs in 2006/7 prompted discussions between the Peak District NPA and Derbyshire County Council on a consultation process for considering the impact of road signs on the landscape.

© Peak District National Park
Authority/Ray Manley

Policy and practice

Case study 7

Maintaining tranquillity in Dartmoor National Park

Dartmoor National Park Authority

In 2008, an application was made to Teignbridge District Council for a music and entertainment license for an arts, film and music festival with 3–4,000 attendees. This was to be held on a farm within the boundary of Dartmoor National Park. The festival had been held in previous years on a much smaller scale under events permissions limited to 500 attendees.

There was considerable public resistance to the festival going ahead, due to concerns about the increase in traffic, noise and disruption that it would entail. Dartmoor National Park Authority (NPA) was consulted by Teignbridge District Council licensing authority, and the NPA raised concerns about the proposed license on the grounds that the festival would be detrimental to tranquillity, identified as a special quality in the National Park Management Plan. Tranquillity would also have been adversely affected by increased traffic in what is a gateway route into the National Park.

Section 4 of the Licensing Act 2003 states that the general duty of a licensing committee is to carry out its functions with a view to promoting the four licensing objectives, namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children and young persons.

Furthermore, the Act requires the Licensing Committee to disregard any representations which are not 'relevant representations'. This is defined in Section 18 as those which are about the likely effect of the grant of a premises license on the promotion of these licensing objectives.

Despite this, at the Licensing Committee hearing in May 2008, Dartmoor NPA was able to successfully show that the Section 11A(2) duty applied to the licensing authority because of its overarching nature. As such, the impact of the event upon tranquillity was directly relevant.

The license was not granted, and no appeal has been lodged. The decision was a very popular one and local residents were pleased that the NPA was prepared to take a stand against inappropriate activities and protect the special qualities of the National Park. The hearing was followed by a lot of positive publicity which has in turn fostered greater public understanding of the purposes of the National Park.

The case has also proved extremely beneficial in terms of greater understanding of the Section 11A(2) duty by the licensing authority, which may include reference to the duty in future licensing policy guidance.

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Case study 8

Working to ensure policies include the impact on National Parks from developments beyond their boundaries

Northumberland National Park Authority

Development that takes place outside of National Park boundaries can still have the potential to impact on the special qualities of National Parks, particularly on landscape quality and tranquillity. Northumberland National Park Authority (NPA) has engaged with district councils and other agencies to ensure that these impacts are recognised and mitigated against in written policy.

The NPA commented on the Core Strategy landscape policy of the former⁷ Tynedale Council while the policy was at the 'preferred options' stage of development. Originally there had not been any reference included in the policy to assessing the potential impact on the National Park of new development. The NPA suggested an additional criterion covering the effects of development close to the National Park. As a result, a criterion to 'Ensure that development close to Northumberland National Park does not have an unacceptable adverse effect on its landscape quality, wildlife or geological value' was added to the Core Strategy policy on the Natural Environment. This was included in the submission document sent to Government, and subsequently adopted as policy in October 2007.

The NPA has also been involved in discussions on the Regional Spatial Strategy (RSS) for the North East, prepared by the North East Assembly in December 2004, which included a 'Planning for Renewables' policy. This stated that the 'effect on the region's World Heritage Sites and other national and internationally designated

heritage sites or landscape areas, including the impact of proposals close to their boundaries' should be considered when assessing renewable energy proposals. There was debate at the RSS Examination in Public on whether the policy would create a 'buffer zone' around designated areas contrary to national policy. The NPA and others argued that the policy was not contrary to national policy and was required to protect the special qualities of protected areas given the high number of wind farm proposals close to them in the region. The Inspector's Report found that there was no contravention of national policy arising from the criterion, and it remained in the Proposed Modifications to RSS published in May 2007. However, it was removed in the Further Proposed Modifications to RSS, published in February 2008, prompting objections from the NPA, the North East Assembly and Northumberland County Council. Consequently, it was reinstated in the final RSS (adopted in July 2008), ensuring that impacts on the special qualities of the National Park will be considered in plans for renewable energy developments in the North East.

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⁷ Due to local government reorganisation, the responsibilities of Tynedale District Council have since transferred to Northumberland County Council. However, the planning policies still comprise the development plan for the area formerly known as Tynedale.

Case study 9

Developing a planning protocol between an AONB and constituent local authorities

Nidderdale AONB Partnership and Harrogate Borough Council

In 1995, the Nidderdale AONB Partnership and its constituent local authorities agreed a planning protocol setting out the scope and nature of consultation arrangements in relation to planning applications within the AONB. Whilst the protocol defines the types of planning application on which the AONB Partnership will be consulted, the AONB Officer also has the opportunity to scan the weekly lists and request details of any other applications that are of interest or concern.

To improve the quality and balance of their responses, the Executive Committee of the AONB's Joint Advisory Committee (JAC) advises the AONB Officer who has delegated authority to respond to consultations on behalf of the Committee. The Executive comprises the chair and vice-chair of the JAC, an AONB Parish Councillor, a representative of amenity groups on the JAC and a member of Natural England's staff. In particularly contentious cases, proposals may be referred to the full JAC for comment.

Planning officers within Harrogate Borough Council (which covers over 95 per cent of the AONB) are of the view that this arrangement works extremely well and is of considerable help to the Council in taking an informed and balanced view of the potential impact of proposed developments. In all cases the planning officer's report to the Council's planning committee records the comments of the JAC. On occasions, decisions of the planning committee might not accord with the views of the JAC because the Council has to take a wider range of issues into account, but the JAC's comments are always seen as being very helpful in that they focus explicitly on AONB purposes.

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In 2004, consent for expansion of Pateley Bridge Quarry in the Nidderdale AONB was granted by North Yorkshire County Council, subject to stringent environmental conditions designed to protect the landscape of the AONB.

Case study 10

Developing AONB planning guidelines for adoption by local authorities

North Pennines AONB Partnership and constituent local authorities

The North Pennines AONB Management Plan, published in 2004, includes a range of objectives and actions which are intended in part to inform future policy in matters affecting the AONB and to promote consistency of approach across administrative boundaries.

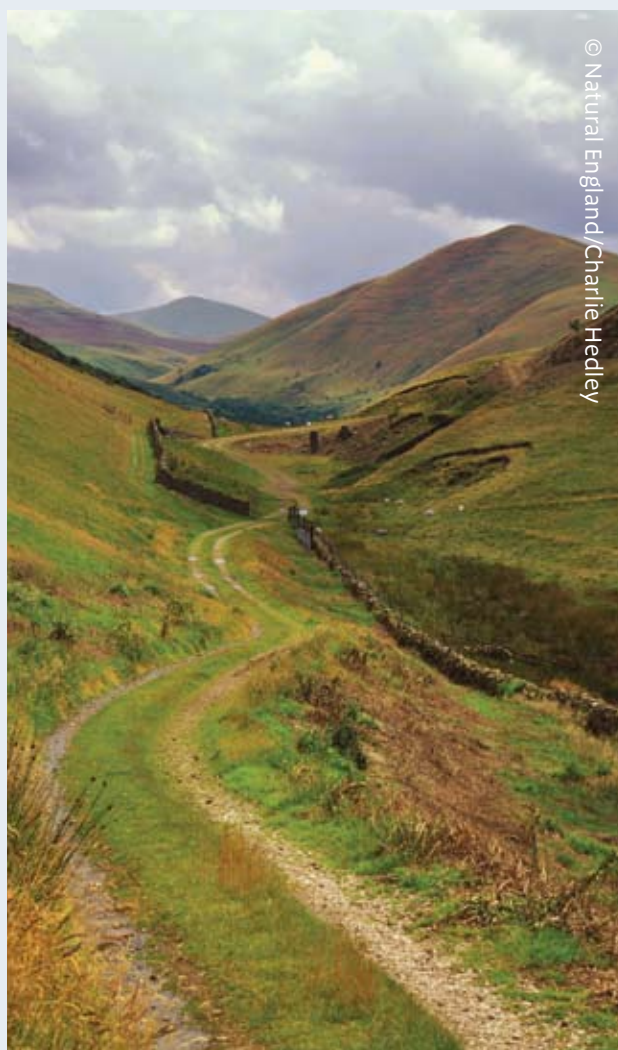
The AONB Partnership and four of its five constituent local authorities have recently agreed that 'Planning Guidance for the North Pennines AONB' will be prepared and that this will be adopted within the Local Development Frameworks as a Supplementary Planning Document (SPD) or as 'supplementary guidance produced by other organisations' in accordance with provisions in paragraph 6.3 of Planning Policy Statement 12. The purpose of this Planning Guidance will be to amplify the Management Plan's objectives and provide the context for consideration of the impact of proposed developments on the wider landscape of the AONB. Whilst the Guidance will be common across these different authorities, it is seen as essential that it reflects the diversity of the North Pennines landscape and the need to respect local distinctiveness. This Guidance will be supplemented by a revised Building Design Guide (also to be formally adopted) which will provide more detail in relation to siting, design, materials etc. for new buildings and conversions.

One of the local authorities that has agreed to this approach is Durham County Council, which has approximately one third of the AONB within its boundaries. The Council is keen to ensure that the Core Strategy of the Local Development Framework contains only a limited number of over-arching policies and avoids being too prescriptive, with the bulk of the policy detail and context being

provided by a range of SPDs and other adopted guidance. In this context, the two documents relating to the North Pennines AONB are seen as very important in articulating the Council's planning policy in relation to this protected landscape and in enabling it to fulfil its Section 85 duty.

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View towards Great Rundle Beck, North Pennines AONB

Case study 11

Managing land within AONBs and National Parks

Defence Estates

Several of England's AONBs and National Parks include sites occupied by the Ministry of Defence. In some cases these can cover substantial tracts of land. For example, the Otterburn Training Area occupies over 20 per cent of the Northumberland National Park.

The Ministry of Defence is very conscious that the use and management of its land can impact on natural beauty, biodiversity and public access. In addition to statutory requirements they have adopted a number of policies and practices to mitigate these impacts and promote sensitive management, within the constraints imposed by defence requirements. The Secretary of State's Policy Statement on safety, health, environment and sustainable development provides the overarching framework for the management and use of the estate, and all establishments are required to have an Environmental Management System based on ISO 14001. Integrated Rural Management Plans have been prepared for major training estates and are under development at many smaller training areas and at establishments that have large areas of open space. These plans integrate local environmental, social and economic issues with military training requirements. Volunteer Conservation Groups with representatives of public, private and voluntary sector interests have also been established at most sites to advise on conservation management.

Estate Surveyors and specialist Environmental Advisers take forward specific issues and projects. For example, Otterburn Training Area in the Northumberland National Park has a dedicated Access and Recreation Officer to facilitate opportunities for the public to enjoy and appreciate the area. Improvements have been made to public information including an updated website

www.access.mod.uk and site leaflets, and achievements are reported through the Annual Stewardship Report and Sanctuary Magazine.

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© Walk Magazine/Chris Ord

The Access and Recreation Officer at Otterburn Training Area in the Northumberland National Park helps to improve opportunities for the public to enjoy and appreciate the area.

Case study 12

Use of a Landscape Design Handbook to improve the quality of development

Kent Downs AONB Partnership and constituent local authorities

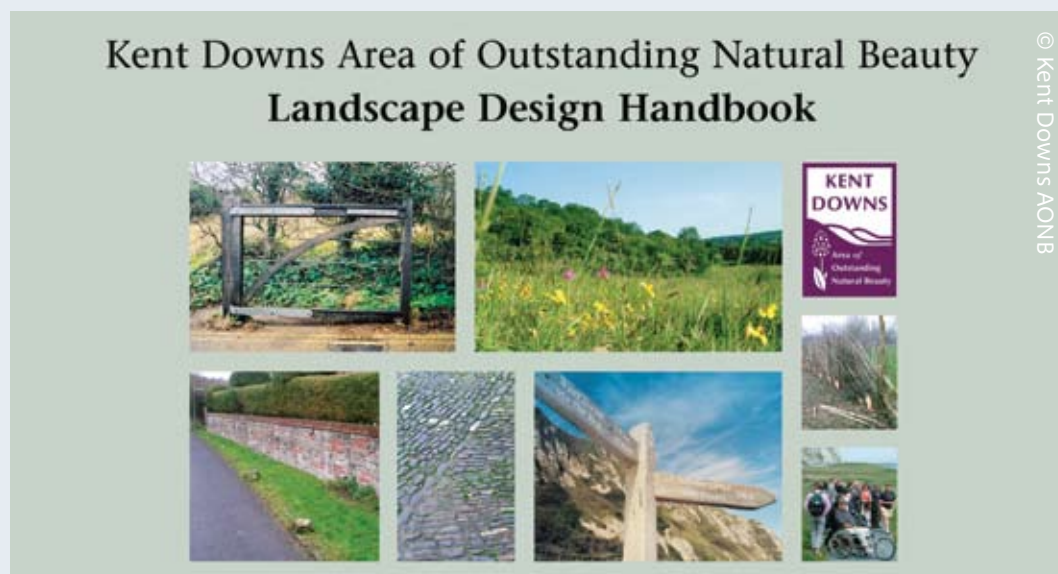
The Kent Downs AONB Partnership published a Landscape Design Handbook in 2005 to provide 'practical, readily accessible design guidance to contribute to the conservation and enhancement of the special characteristics of the AONB...and provide a sound framework and information basis from which sympathetic design and management can be developed'. The Handbook places a strong emphasis on the fact that the Kent Downs is a large and diverse AONB and that design should support and reflect local distinctiveness.

The Handbook was prepared in close consultation with the 12 local authorities who have the AONB as part of their jurisdiction. Whilst it could not be adopted as a Supplementary Planning Document because it partly preceded changes to the planning system, several of the individual authorities have adopted it as a 'material consideration', including Canterbury City Council and Gravesham Borough Council.

The AONB Partnership advocates the use of the Handbook as a simple and practical way that public bodies and statutory undertakers can take Section 85 forward, and has ensured that all such bodies within the AONB received copies. It is complemented by a detailed web-based Land Manager's Pack containing practical management and maintenance advice. The Handbook forms part of a trilogy of guidance. The AONB's Highways 'Streets and Lanes' Design Guide has been adopted as policy by the Highways Authority, and work is about to begin on the third design guide which is on buildings and settlement.

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The Landscape Design Handbook for the Kent Downs AONB was prepared in close consultation with the 12 local authorities who have the AONB as part of their jurisdiction and has been adopted by several of them as a 'material consideration'.

Case study 13

Climate change management in the Lake District

Lake District National Park Authority

Climate change management, perhaps more than any other aspect of National Park management, demands a co-operative approach. The decisions of organisations and businesses in adapting to climate change, mitigating its impact or, worse, ignoring it, directly affect land management and the achievement of National Park purposes.

In the Lake District, 20 key national, regional and local organisations and authorities have formed the Lake District National Park Partnership⁸. In 2006, one of the Partnership's agreed high priority delivery aims was to assess the impacts of climate change and prepare action plans, coordinated by the National Park Authority (NPA). Since then:

- All partners have contributed to the preparation of a county-wide Climate Change Strategy and Delivery Plan.
- The NPA has completed the Carbon Trust's Carbon Management Programme, committing it to measure and report on carbon reduction targets and performance. It has a Carbon Management Plan, which is managed by a full-time Carbon Reduction Adviser.
- With partners' support, the NPA has established a Low-carbon Lake District Initiative. As part of this, the NPA is assessing carbon stores within the National Park and providing the underpinning scientific knowledge needed to map and predict the effects of climate and land use change on Lakeland soil and forest carbon storage. The project is proceeding in collaboration with the

Centre for Ecology and Hydrology, the Earthwatch Institute, Lancaster Environment Centre, Imperial College London, the University of Aberdeen and Natural England.

- Through proactive partnership work with Natural England on the *Fix the Fells* project and the NPA Environmental Land Management Service, National Park Rangers have been carrying out practical management work to improve the condition of blanket bog and reduce peat erosion. This will restore the ability of these peat soils to store carbon.
- The NPA has commissioned a report on the potential for small scale hydro within the Park and is working with the Forestry Commission and Cumbria Woodlands to explore the potential for wood fuel. It offers funding for local micro-renewables projects and feasibility studies through its Sustainable Development Fund.

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⁸Also see case study 18.

Case study 14

Joint working to solve a water quality problem in the Norfolk Broads

Broads (2006) Internal Drainage Board

In England there are some 200 internal drainage boards. These are independent bodies, created under statute to manage land drainage in areas of special drainage need.

The Broads (2006) Internal Drainage Board covers an area that includes much of the Norfolk Broads and it accords a very high priority to the conservation of the special qualities of this landscape. Given the complexity of environmental issues in the Broads and the wealth of national and international conservation designations, this means that the Board often has to work closely with organisations such as the Broads Authority, the Environment Agency and Natural England. This approach helps it to meet its own obligations, particularly to farmers, landowners and developers, whilst also taking due account of biodiversity and landscape interests.

The Board has instigated the formation of a partnership group involving conservation bodies, public authorities, landowners and local people. Its purpose is to find a solution to the challenge that the pumping station at Brogave, in the Norfolk Broads, is introducing

saline water and ochre into a previously freshwater broad (Horsey Mere) and the Upper Thurne river system. Ochre, whilst occurring naturally, is exacerbated when deep drainage is carried out. The benefit of involving a wide range of stakeholders has proved to be well worthwhile in that it has alerted the Board not only to the environmental impacts of this problem but also to the knock-on effects upon the local economy (eg farmers, reed cutters, thatchers, tourism providers). The work is being informed by a partnership programme of research through five PhDs.

Building on this partnership approach, the Board also works closely with the Broads Authority's Water Quality Partnership, which works to coordinate local actions to deliver improved water quality in the Broads catchments and achieve Water Framework Directive objectives.

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The Broads (2006) Internal Drainage Board is working with partners, including the Broads Authority, to find a solution to the challenge of saline water and ochre being introduced into Horsey Mere by the Brogave Pumping Station.

Case study 15

‘Broads Beat’ – the Norfolk Constabulary working in partnership with stakeholders

Norfolk Constabulary

Since about 1820, police patrols along the Broads waterways had formed an intrinsic part of operational duties for officers of the Norfolk Constabulary. However, in the mid- 1980s, with patrol boats needing to be replaced and officers being deployed to more intensive policing duties, the Broads patrols were brought to an end.

In response to concerns about the loss of this police presence on the Broads, an innovative sponsorship arrangement was set up in 1995 which allowed the re-instatement of police patrols in the peak season between May and October. This long-standing collaborative venture between the Norfolk Constabulary, the Broads Authority and local businesses, enables the sponsors to provide funding to help towards the purchase of a boat and other equipment, whilst the Constabulary provides two ‘Broads Beat’ officers. Currently, there are about ten sponsors, including the Broads Authority, holiday companies, marine equipment suppliers and boat yards, with

individual contributions ranging from a few hundred to several thousand pounds.

Reflecting the nature of their duties and the conservation value of the Broads landscape, both Broads Beat officers are normally trained as wildlife liaison officers and one is also the coordinator for all wildlife crime officers within the force. As part of these duties, they undertake joint patrols with Broads Authority Rangers and regularly liaise with conservation agencies and bodies such as the RSPB. Broads Beat is now the longest running police/public sponsorship in the country and is seen by the Norfolk Constabulary as a very successful example of how, as part of their mainstream policing work, they can work in partnership with stakeholders in helping to safeguard the local environment.

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Norfolk Constabulary has resumed patrols along the waterways of the Broads thanks to sponsorship of Broads Beat by the Broads Authority and other local businesses.

Case study 16

Undergrounding of electricity lines in AONBs and National Parks

Ofgem, Electricity North West and United Utilities

Under Ofgem's 'Electricity Distribution Price Control Review' (DPCR) of 2004, all Distribution Network Operators (DNOs) are allowed to incur capital expenditure on the undergrounding of electricity lines in AONBs and National Parks for visual amenity purposes. The Review shows that Ofgem's decision stemmed from an awareness of its own environmental responsibilities under the Electricity Act 1989, the 'have regard to' duty in relation to AONBs and National Parks, and 'evidence that customers value visual amenity and are willing to pay for improvements through their electricity bills'. A funding cap means that DNOs are permitted to underground up to 1.5 per cent of the network within the AONBs/National Parks in their areas (assuming an average cost of £100k per kilometre).

In the area of North West England covered by Electricity North West Ltd. (ENW), there are 3,300 km of overhead lines within four AONBs and three National Parks. Under the Ofgem cap, ENW can spend up to £5m on undergrounding these lines. ENW has been keen to take advantage of this opportunity since, even prior to the Ofgem review, it had been working with the Friends of the Lake District (FLD) on developing a methodology for the identification of the most discordant/intrusive overhead lines.

To take this forward, ENW has established a 'Joint Working Group', including representatives of the AONBs and National Parks, together with FLD, Friends of the Peak District, and United Utilities Electricity Services who operate the network on behalf of ENW under contract. This body is responsible for agreeing approaches to the prioritisation/ranking of amenity value, with individual landscape managers identifying preferred locations for undergrounding and

ENW having the final decision on implementation. Each area has initial funding allocated on a pro rata basis depending on the length of line present; however, the Group also has the remit to agree re-allocations between areas.

The first project was undertaken in the Arnsdale and Silverdale AONB where a 1,200-metre length of prominent overhead line alongside Leighton Moss RSPB reserve was placed underground in October 2006 at a cost of £100,000. This has been followed by a further ten projects involving the undergrounding of 12.1km of overhead lines with another seven projects in progress totaling 20.3km. It is anticipated that each of the seven eligible designated areas will have had lines undergrounded by the end of the DPCR4 period (March 2010).

In December 2009, Ofgem published their final proposals for the next Price Control for the period 2010–2015. They have proposed the continuance of the scheme at approximately the same level of funding which will ensure the ongoing delivery of landscape improvements.

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Case study 17

Working together to protect and promote special qualities

New Forest National Park Authority

The New Forest National Park is an oasis of tranquillity in the heart of built-up southern England, surrounded by conurbations from Southampton to Portsmouth and Bournemouth to Poole. Tranquillity has been identified through consultation as a special quality of the National Park, with factors including dark night-time skies seen as crucial to the experience of relative wildness and peacefulness. On satellite photographs the New Forest National Park, covering just under 219 square miles, stands out as a substantially unlit area.

In 2007, Southampton City Council was considering plans for a landmark 'laser gateway' to celebrate the city's maritime heritage. The 'laser gateway' consisted of four laser beams projecting out from a city centre clock tower, representing points of a compass. The New Forest National Park Authority (NPA) and others had concerns about the project because it would have projected beams of light visible up to 15 miles away, including into the National Park's dark night skies. Taking the

Section 11A(2) duty into account in its decision-making, the City Council decided not to proceed with the plans. The Authority welcomed the decision as a positive engagement with National Park purposes, protecting landscape quality for both local people and visitors (many of whom come from the surrounding conurbations).

Following on from the laser gateway decision, the Authority and the City Council have enjoyed increased communication and information sharing, which has led to a very positive relationship and greater awareness of the National Park purposes and special qualities. Southampton City Council and the New Forest NPA are now working together to promote the things that make each place special to their respective visitors via features on their websites and other initiatives.

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The New Forest NPA was concerned that the proposed laser gateway would have projected beams of light into the Park's night skies.

Case study 18

Accords between the Forestry Commission and AONB Partnerships/National Park Authorities

Forestry Commission (North West) and Lake District National Park Authority

The Forestry Commission (FC) has formalised a long-standing relationship with National Park Authorities (NPAs) in England and Wales through an Accord with the Association of National Park Authorities. The purpose of this Accord is 'to provide a framework for the two organisations to work together to enhance the contribution that trees and woodlands can make to society within some of the finest landscapes in England and Wales'. An Accord also exists between the FC and the National Association for AONBs. Its purpose is 'to describe how the National Association for Areas of Outstanding Natural Beauty and the Forestry Commission will work together to meet our shared objectives'.

In many instances, these national accords are underpinned by more local accords between FC Regions and individual AONB Partnerships/NPAs. For example, in the Lake District, the FC and the NPA have a long-standing local accord, which is currently being revised and updated.

At the strategic level, a group of key partners, including the NPA and the FC, has established the Lake District National Park Partnership. Their first success has been to agree a 25-year Vision for the National Park. Lord Clark, Chairman of the FC, is chairing the Partnership, which is now taking forward key aspects of strategy and delivery in order to achieve the Vision.

The collaborative approach envisaged by the accord and the Partnership's Vision for the National Park is reflected in the current work that the FC, the NPA and a range of other partners are undertaking on developing a bid for the area's inscription as a World Heritage

Site under UNESCO's cultural landscape category. This category was developed in direct response to the Lake District's previous bids in the 1980s. The cultural landscape category aims to identify 'important interchange(s) of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design'.

The FC is playing a central role in preparing the 'Nomination Document' for this bid, by leading a partnership Technical Advisory Group, which includes NPA GIS staff. The Nomination Document identifies the Outstanding Universal Values⁹ that will form the basis of a World Heritage Inscription bid. It will identify features including woodlands which will need to be factored into the Park's Management Plan and which contribute to the achievement of National Park purposes and, should the bid be successful, to the World Heritage Site designation.

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⁹See <http://whc.unesco.org/en/criteria>

Monitoring performance and compliance

Case study 19

Checking performance against AONB Management Plans and Action Plans

Hampshire County Council

Hampshire includes all or part of three AONBs (Chichester Harbour; Cranborne Chase and West Wiltshire Downs; and North Wessex Downs) and two National Parks (New Forest and South Downs). Each of the AONB Partnerships aims to produce an annual report setting out progress in delivery of its Management Plan over the previous 12 months. To assist them in this exercise, Hampshire County Council has adopted the practice of providing an annual summary of relevant work that it has undertaken in each AONB.

This task is coordinated by the Council's landscape staff who contact the relevant departments to invite feedback on work that has been done to deliver the objectives and policies of the different AONB Management Plans. The size and complexity of this task is determined primarily by the extent of each AONB lying within the county boundary. In some cases, this task is simplified through the completion of electronic proformas that have been devised and circulated by some of the AONB Partnerships (eg 'Action Delivery' forms produced by the North Wessex Downs).

This initiative has only been running for a few years and procedures for collecting and collating the reports from different departments are still being developed – alongside the AONBs' refinement of their proformas. It is clear, however, even at this early stage, that this is a useful exercise in assembling information on the Council's action in delivering AONB Management Plans, in helping to coordinate activity between

different departments and in raising awareness within the authority of its responsibilities towards these protected landscapes.

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Hampshire County Council produces an annual summary of work it has undertaken in each AONB that has helped towards the delivery of their Management Plans.



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Left: Swyre Head, Dorset AONB.
© Natural England/Mike Williams

Front cover image: View of Cam Long Down and
the Severn Vale from Uley Bury, Cotswolds AONB.
© Natural England/Nick Turner



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