

PLANNING GUIDANCE

A guidance document to assist proposals for development that may affect the special qualities or character of the East Devon AONB





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Purpose

This document has been developed by the East Devon AONB Partnership as a guide to assist individuals, organisations, businesses and developers involved in preparing or considering proposals for development in the East Devon AONB that are of a scale or nature that they may impact on the special qualities or character of the AONB.

Much of the detail applies to all AONBs but information relating to protocols and local roles are specific to East Devon and particularly the AONB Partnership.

The East Devon Local Plan, produced by East Devon District Council (EDDC), translates national policy to the local level and first and foremost is the key document (along with the Villages Plan) used in determining planning applications in East Devon.

This guidance document is therefore not a policy document, but it does relate to the relevant planning policy documents in respect of development in East Devon namely:

- The National Planning Policy Framework and associated National Policy Statements
- Devon Mineral and Waste Plans
- East Devon District Council's Local Plan
- Neighbourhood Plans (produced by parish or town councils)



Map of East Devon

East Devon District and Areas of Outstanding Natural Beauty in context



Development pressures in or affecting AONBs

The East 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 and when coupled with the Blackdown Hills AONB, covers c66% of East Devon District.

Development proposals in or affecting the AONB must have regard to the conservation and enhancement of its natural beauty.

They 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 National Planning Policy Framework (NPPF).

The pressure for development in AONBs is well evidenced in reports and landscape character assessments¹. 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 for property driving up both land and property values, making AONBs attractive and profitable places in which to secure planning permission for development.

¹ Bibby "Land use change in protected landscapes 2000-2010" (University of Sheffield, 2012)

Statutory Local Authority development responsibilities

There are two key levels of statutory local authority responsibility for planning in East Devon – District and County, although parishes do have some statutory functions. In East Devon AONB these key roles are carried out by East Devon District Council and Devon County Council.



EAST DEVON DISTRICT COUNCIL

East Devon District Council is the determining authority for the majority of planning applications, for example:

- House extensions and alterations
- Residential development
- Employment, leisure and shopping development
- Engineering operations
- Telecommunication and energy schemes
- Agricultural buildings
- Change of use of land or a building (other than for development for which the County Council is responsible)

The District Council also deals with related local plans, applications and work, such as:

- Town/parish council produced Neighbourhood Plans
- Work to listed buildings
- Conservation area consent
- Outdoor advertisements
- Hedgerow removal and tree work
- Enforcement (other than for development for which the County Council is responsible)

DEVON COUNTY COUNCIL

Devon County Council is the determining authority for the following types of development and is also responsible for monitoring and enforcement relating to minerals and waste development:

Minerals: including mineral exploration, extraction, processing, tipping of mineral waste, construction or erection of plant or buildings at a minerals site, oil and gas exploration and development, variation of conditions attached to a minerals consent, consolidation of one or more planning permissions, review of old mineral permissions.

Waste: including scrap yards, clinical and other types of waste incinerator, landfill and land raising sites, waste storage facilities, sewage treatment plants, dredging tips, recycling and waste reception centres, GRP kiosks which house equipment for sewage undertakers, composting schemes, waste processing and composting plant, concrete crushing and blacktop reprocessing facilities (unless the district council is the applicant in which case that council can be the local planning authority)

Development by the County Council: in cases where the County Council intends to develop land of that authority it may determine the planning application.

This includes development such as new local authority schools or additional classrooms in schools, multi-use games areas, floodlighting at County Council facilities, development at County farms, any new buildings for County Council staff, gypsy and travellers sites, facilities for people with mental/physical difficulties, libraries, recycling centre sites and highway schemes including new roads, cycle routes and bridges.

Other Regulatory Bodies

A number of activities in rural areas, including the use of land for agriculture and forestry, are not covered by the Town & Country Planning system but are subject to other regulations governed by other bodies such as Department for Environment, Food & Rural Affairs (DEFRA), the Forestry Commission, the Environment Agency and Historic England.

As the statutory local planning authorities, East Devon District and Devon County Councils offer a pre-application advice service that applicants may find beneficial.

In using this service, applicants will be dealing directly with planning and other professionals from the planning authority/the body that will determine applications.



EAST DEVON DISTRICT
PRE-PLANNING ADVICE



DEVON COUNTY
PRE-PLANNING ADVICE



Landscape comments on development proposals in the AONB

STATUTORY

Natural England is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide.

Natural England is an executive non-departmental public body, sponsored by DEFRA. It is the statutory consultee under a range of planning and transport legislation and provides landscape advice on land use planning.

They respond to consultations on Environmental Impact Assessments and also other development in AONBs if requested by local planning authorities.

Natural England is also able to offer pre-application advice on planning applications.

Historic England (HE) has a regulatory role with regard to Scheduled Monument Consents and certain Listed Building Consents, as well as being a statutory consultee on matters affecting a wider range of nationally designated assets (Scheduled Monuments, Listed Buildings, Registered Parks) and their settings.

The East Devon AONB has a large number of such designated assets, which contribute greatly to its 'natural beauty'.

Historic England also has a formal role in the consenting of marine developments.



NON-STATUTORY – East Devon AONB Partnership's role

Whilst not a statutory consultee, the AONB Partnership is an important locally-knowledgeable body that will comment on applications where appropriate and resources allow, under an agreed protocol.

In doing so, it often liaises with Natural England, Devon County Council and East Devon District Council.

When considering an application, the AONB Partnership 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 impact.

When commenting on proposals, the AONB Partnership will utilise the current Landscape Character Assessments for the area to reference its comments and will take into account any proposed avoidance and mitigation measures and whether they are likely to be effective in conserving and enhancing the AONB.

It will also, where relevant, consider in-combination and cumulative effects on natural beauty and the integrity of the AONB as a whole.

THE AONB PARTNERSHIP APPROACH:

commenting on planning applications and providing advice

The AONB Partnership planning protocol

We will comment on applications where appropriate and resources allow, under an agreed protocol.

This protocol is agreed with East Devon District and Devon County Councils and can be viewed on the AONB website: eastdevonaonb.org.uk

Our development/landscape advice

Although not a statutory consultee, the AONB Partnership is also able to offer advice on development and landscape proposals. We charge for this service where appropriate.

We are in discussion with the East Devon District Council as to how our advice, particularly on pre-applications, could better align with their processes.

Planning policy of relevance to AONBs

The National Planning Policy Framework (NPPF) was originally published by the UK's Department of Communities and Local Government in March 2012, consolidating over two dozen previously issued documents called Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) for use in England. It was revised in 2018 and 2019.

- ▶ In addition to the key Policy Paragraph 172, other highly relevant policies to AONBs include 170, 171, and 173 (Heritage Coasts) and 174-177 (Habitats and Biodiversity).
- ▶ Other key policies that help conserve the AONBs special qualities i.e. 180 (b)- protect tranquil areas and 180 (c) limit impacts of light pollution on inherently dark landscapes and nature conservation. Historic environment and cultural heritage are particularly relevant as covered in Section 184-202.

NOTE:

The following sections highlighted in green are the main planning policy references to AONBs. Proposals **will need** to consider all other relevant policy requirements at national, local and AONB level, including in Neighbourhood Plans

NATIONAL PLANNING POLICY FRAMEWORK PARAGRAPH 172

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads.

The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development² other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

Consideration of such applications should include an assessment of:

- a. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b. the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

² Footnote 55 in NPPF - Footnote 55. For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined



DEVON WASTE PLAN POLICY W12: LANDSCAPE AND VISUAL IMPACT

1. The scale, design and location of all waste management development should be sympathetic to the qualities, distinctive character and setting of the landscape.

Development proposals should be supported by Landscape and Visual Impact Assessment that is proportionate to the nature, scale and location of development, in order to convey likely significant effects and demonstrate:

- a. how the siting, scale and design of proposals respond to the landscape context and can be integrated into the landscape without harming its distinctive character or valued qualities;
- b. how any potential adverse visual impacts on sensitive receptors will be avoided or minimised to acceptable levels within a reasonable period; and
- c. the opportunities that are being taken to improve the character and quality of the area and the way it functions.

In taking landscape into account, reference should be made to relevant landscape character assessments.

2. Waste management development will not be permitted where it will have an adverse effect on the natural beauty, distinctive landscape character and special qualities of Dartmoor National Park, Exmoor National Park or their settings.
3. Waste management development will only be permitted within an Area of Outstanding Natural Beauty (AONB), or at locations that would harm the special qualities or the setting of that AONB, where it can be demonstrated that:
 - a. there are no deliverable alternative sites outside the AONB and its setting; and
 - b. any impacts on the special qualities of the AONB can be avoided or adequately mitigated to acceptable levels; and/or
 - c. the environmental, social and economic benefits of the proposal outweigh the adverse impacts on the AONB; and
 - d. in the case of major development, exceptional circumstances have been demonstrated.
4. Waste management development that would maintain the character of the undeveloped coast, including areas defined as Heritage Coast, will be permitted.

DEVON MINERAL PLAN POLICY M18: LANDSCAPE AND VISUAL IMPACT

1. The scale, design layout and operational practices of all mineral development will take into consideration the valued or special qualities, distinctive character and features of the landscape. Development proposals must be supported by Landscape and Visual Impact Assessment that reflects the nature, scale and location of development, in order to convey likely significant effects and demonstrate:
 - a. how the siting, scale, design and operation of proposals respond to the landscape context and can be integrated into the landscape without harming its distinctive character, features or valued qualities; and
 - b. how any potential adverse landscape and visual impacts on sensitive receptors will be avoided, minimised to acceptable levels within a reasonable period, or compensated for; and
 - c. the opportunities that are being taken to improve the character and quality of the area and the way it functions.
 2. In taking landscape into account, regard must be had, and evidenced, to the relevant landscape character assessments, and weight must be given to relevant local landscape designations.
 3. Mineral development must give great weight to conserving and enhancing the landscape and scenic beauty, historic assets, distinctive landscape character and special qualities of an Area of Outstanding Natural Beauty or National Park, and its setting, and will only be permitted where it can be demonstrated that there are no practical alternative sites with a lower level of impact on the designated area or there is no scope for meeting the need in another way; and
 - a. any impacts on the special qualities of the National Park and/or the Area of Outstanding Natural Beauty can be avoided or adequately mitigated to acceptable levels; or
 - b. the environmental, social and economic benefits of the proposal outweigh any adverse impacts on the National Park and/or the Area of Outstanding Natural Beauty.
- In the case of major development, exceptional circumstances and public interest should be demonstrated.
4. Mineral development that would maintain the character of the undeveloped coast in the locality of the site, including areas defined as Heritage Coast, will be permitted.
 5. Proposals for mineral development that would make a positive contribution to local character, distinctiveness and the natural environment by complying with the Devon Landscape Character Assessment will be encouraged.

EAST DEVON LOCAL PLAN - STRATEGY 46 - LANDSCAPE CONSERVATION AND ENHANCEMENT AND AONBS

Development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty. Development will only be permitted where it

- a. conserves and enhances the landscape character of the area;

- b. does not undermine landscape quality; and
- c. is appropriate to the economic, social and well-being of the area

When considering development in or affecting AONBs, great weight will be given to conserving and enhancing their natural beauty and major development will only be permitted where it can be shown that it cannot be reasonably accommodated elsewhere outside of the AONB.



Landscape Character Assessments

The Devon-wide landscape character assessments provide a shared evidence base on landscape that supports the above policies in development plans.

Those applicable to the AONB comprise:

- Natural England's National Character Area profiles for Devon Redlands (NCA 148) and Blackdowns (NCA 147);
- Landscape Character Types defined within the East Devon and Blackdown Hills and the East Devon District Landscape Character Assessment (2019); and
- Devon Character Areas published by Devon County Council in 2011.

All mapping and profiles can be accessed through Devon County Council's Environmental Maps

[<http://map.devon.gov.uk/dccViewer/>].

These assessments, together with the current Management Plans for the East Devon AONB and Blackdown Hills AONB should be used to inform the siting and design of development and make informed development

East Devon AONB Management Plan – the 2019 'Partnership Plan'

The AONB Partnership Plan is a Statutory plan for the AONB, as required under the Countryside and Rights of Way Act 2000. Adopted by the local planning authorities, it does not repeat Local Plan policy but guides management of the AONB. The Plan is an important material consideration in the planning decision-making process.

THE AONB VISION FOR PLANNING AND DEVELOPMENT

The special qualities of the AONB landscape are protected, enhanced and conserved by planning policies which are robust enough to ensure that development is both appropriate and compatible with the national importance of the landscape.

KEY OBJECTIVE

Planning development and policy protects the special landscape character and tranquillity of the AONB and will enable appropriate forms of social and economic development that are compatible with the landscape, so conserving and enhancing the environment.

POLICIES

P1 Encourage the development of guidelines and design guides to support high quality sustainable development which complements and respects the AONB landscape and historic character.

P2 Provide advice and support on planning policy and development to enable the special qualities of the AONB to be protected, conserved and enhanced.

Examples of this include Equestrian Development Guidance and our involvement/ funding of the Landscape Character Assessment for East Devon and the Blackdown Hills.

Applying the tests and assessments required under NPPF paragraph 172



WHAT IS DEVELOPMENT?³

Planning permission is only needed if the work being carried out meets the statutory definition of ‘development’ which is set out in section 55 of the Town and Country Planning Act 1990.

‘Development’ includes:

- building operations (eg structural alterations, construction, rebuilding, most demolition);
- material changes of use of land and buildings;
- engineering operations (eg groundworks);
- mining operations;
- other operations normally undertaken by a person carrying on a business as a builder.
- subdivision of a building (including any part it) used as a dwelling house for use as 2 or more separate dwelling houses

For more locally relevant detail, more advice on planning matters and what you need to consider, refer to: eastdevon.gov.uk/planning.

WHAT IS MAJOR DEVELOPMENT?

The National Planning Policy Framework (NPPF) does not define or seek to illustrate the meaning of the phrase ‘major development’ in protected landscapes.

Assessing whether a proposed development is a major development for the purposes of paragraph 172 is a matter of judgment for the local planning authority (eg East Devon District Council or Devon County Council) taking into account the proposal in question and the local context. The Local Plan for East Devon does qualify and reference ‘major’.

Footnote 55 from the NPPF:

“Whether a proposal is ‘major development’ is a matter for the decision maker, taking into account the nature, scale and setting [of the proposed development], and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”

Paragraph 172 of the NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas, irrespective of whether or not it is considered to be Major Development.⁴ It makes it clear that development could be granted, but only in exceptional circumstances and where in the public interest.

³ For further details on what constitutes development visit <https://www.gov.uk/guidance/when-is-permission-required>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

HOW TO APPLY THE TESTS AND ASSESSMENTS UNDER NPPF PARAGRAPH 172⁵

If the decision-taker, in our case usually East Devon DC, (but could also be Devon CC or even the Secretary of State in the case of National Strategy Infrastructure Projects) has determined that development in the AONB is 'major development', it will assess the three criteria referred to in paragraph 172 (see page 10).

The decision-taker will have regard to any other relevant considerations and it will 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 and
- demonstration of public interest is in addition to consideration of exceptional circumstances.



WHAT SHOULD THE ASSESSMENTS INCLUDE?

THE NEEDS ASSESSMENT

The assessment in NPPF paragraph 172 sub- paragraph a) should address whether there is a need for the specific development proposed, including any national considerations and the economic impact of permitting or refusing it on the local economy.

THE ALTERNATIVES ASSESSMENT

The purpose of the assessment in sub-paragraph b) of paragraph 172 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'.⁶

The determining authority cannot insist that a developer provide an alternatives assessment. It is an assessment for the determining authority to carry out as decision taker.

However, it is suggested that developers consider covering this for clarity and to aid the decision-making process.

As a guide, assessments of alternative sites could consider the following:

- sites outside the AONB, including those outside the local planning authority's area
- sites that would result in less harm to the AONB
- land of lesser environmental value
- alternative ways of meeting the need in some other way than through the proposed development.

⁵ See page 10 for NPPF 172 details

⁶ Wealden DC v Secretary of State for Communities and Local Government [2016] EWHC 247 (Admin) at paragraph 119,

THE ENVIRONMENTAL ASSESSMENT

The assessment in the sub-paragraph c) of paragraph 172 requires that any detrimental effect on the environment, landscape and recreational opportunities are assessed. For AONBs the effects on the environment and landscape should be the focus.

This applies to development within the AONB and could also apply to major development outside the AONB that could nevertheless erode or harm AONB special qualities, such as quality of views, tranquillity and dark skies.

Such an assessment should be addressed through a Landscape and Visual Impact Assessment (LVIA)⁷ or Appraisal, carried out by a suitably qualified landscape professional and informed by latest best practice.

The LVIA can cross-refer to other assessments such as noise or lighting impact assessments.

The assessment should be made with reference to the AONB's landscape character, special qualities and distinctive characteristics.

The detriment to recreational opportunities will be more relevant, but not exclusive 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 and appropriateness of any suggested mitigation.

In practice we advocate applying the following tests to the proposed mitigation:

- a. Is it appropriate to the character of the area? (For example, a large earth screening bund around a site may not be appropriate to conserving outstanding far reaching views enjoyed across it)
- b. Is it technically achievable? (For example, check if ground conditions would support creation of species-rich grassland which generally requires nutrient-poor soils)
- c. Is it practically deliverable? (For example, would proposed tree planting conflict with underground services)
- d. Can it be sustained for the lifetime of the development? (Where new vegetation/habitats are proposed, these may need ongoing management to sustain their interest - is this in place through a management plan/agreement?)
- e. Would it be effective? Within a reasonable timescale? For example, if woodland creation is proposed to screen a development, how long would it take to be an effective screen? Is this acceptable?



⁷ Refer to Landscape Institute/IEEMA Guidelines for Landscape and Visual Impact assessment 3rd Edition 2013, and associated Technical Information Notes.

SECTION 85 OF THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 (CROW ACT)

What is Section 85?

Section 85 (1) of the CROW Act 2000 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 Area of Outstanding Natural Beauty.

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.

Who are the 'relevant authorities'?

The CROW Act defines relevant authorities as government Ministers, public bodies, statutory undertakers and any persons holding a public office. Public bodies include East Devon District Council, Devon County Council and Parish and Town councils, amongst others.

Statutory undertakers include rail and utilities companies (water and sewerage, electricity, gas, telecoms). These bodies may also be described as the Section 85 authorities.

What is the scope of the duty?

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.

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.



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

WHAT IS NATURAL BEAUTY?

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 everything which makes an 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 East Devon its sense of place. They generally apply to areas smaller than the AONB as a whole.

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 the [AONB Partnership Plan](#) for further details.

WHAT IS HARM?

‘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 East Devon AONB can be 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 or 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 DEVELOPMENT PROPOSALS?

Most development will result in change and have some form of impact on the AONB. Development can happen, at least on some sites, in ways that are not harmful and may actually be beneficial. It is a matter of judgement based on an understanding of environmental sensitivity, capacity and impact.

It is important to consider impact on the AONB's natural beauty, special qualities and distinctive characteristics, or to the perception of its natural beauty. Whilst generally, larger developments are more likely to cause greater harm, even minor developments have the potential to cause substantial or significant harm.

To aid assessments, consider the natural beauty criterion set out by Natural England in their guidance on the designation of protected landscapes.⁸

Namely, think about how a proposal helps to conserve and enhance the following:

- Landscape quality
- Scenic quality
- Relative wildness
- Relative tranquillity
- Wildlife and biodiversity
- Cultural heritage

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.

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.

A good assessment will clearly communicate the residual effects of a development proposal on the special qualities and distinctive characteristics and features of the AONB.

It is this that needs to be clear to the decision-maker when weighing up the harm against benefits of the development in the planning balance.

⁸ Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England' (Natural England, 2 March 2011).



Addressing Cumulative Effects

WHAT ARE CUMULATIVE EFFECTS?

When lots of little things happen (e.g. individual houses are built) they can, taken in combination, add up, or accumulate, to have a big impact; even if each little one in its own right/in isolation would be of minimal relevance.

Whilst 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:

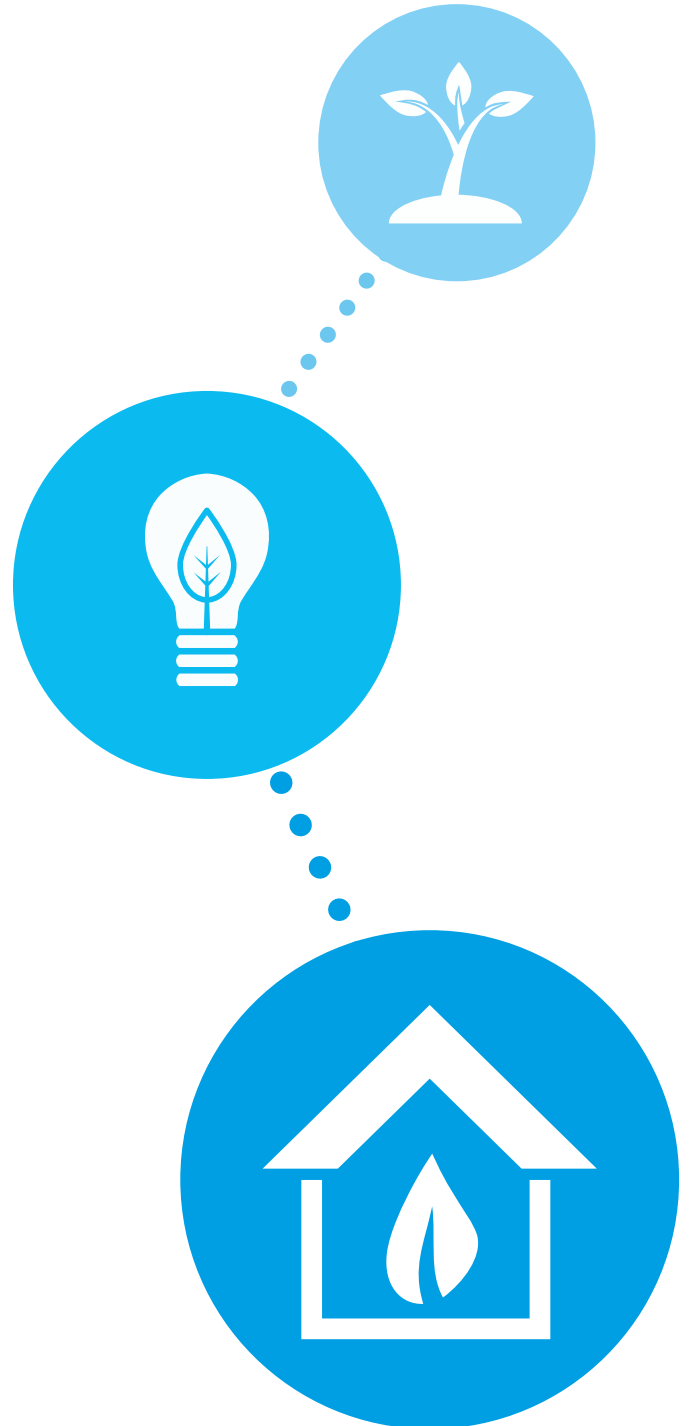
“Impacts that result from incremental changes caused by other past, present or reasonably foreseeable future actions together with the project”.⁹

WHY IS IT IMPORTANT TO CONSIDER THEM?

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.

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.

They should also consider the development in-combination with past, present and reasonably foreseeable development, or other activities and changes, and assess harm on that basis.



⁹ 'Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions within the Environmental Impact Assessment (EIA)' (EC, 1999)



SECURING ENHANCEMENTS

Mitigating adverse impacts

The AONB Partnership will work in conjunction with East Devon District and Devon County Councils to ensure that any Section 106 agreements or planning conditions are used to mitigate adverse impacts on the AONB and secure positive, environmental and sustainable socio-economic benefits which also fulfil the purpose of the designation.



Biodiversity 'Net Gain'

Regarding proposals for biodiversity 'Net Gain'¹⁰ from development proposals, the AONB Partnership will work with the relevant partners to secure the appropriate outcomes.

¹⁰ Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than beforehand. At the time of writing the mechanisms for this are not confirmed.

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

DOCUMENTS TO HELP YOU

Landscape character details and guidelines are available in the [East Devon and Blackdown Hills Landscape Character Assessment](#).

In addition, the [East Devon AONB Partnership Plan](#) sets out the special qualities and distinctive characteristics of the AONB. Make use of the [Devon Biodiversity Record Centre](#) for up to date wildlife and nature information.

Applicants should consider using these documents to identify, describe and evaluate any impacts on the special qualities of the AONB and any measures that can be taken to minimise impact on or indeed conserve or enhance the AONB.

You may like to also consider the 'Think List' (see next page) as a helpful prompt in deciding how to approach your development proposals in the AONB.

This is not intended to be exhaustive and you may have others that can further enhance the quality of your proposals.



APPROACHING DEVELOPMENT PROPOSALS

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 – add to place, don't try to place make

THINK SCALE & 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

Seek to create a net biodiversity gain and 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; consider evidence from sources such as the Devon Biodiversity Record Centre; ([Local Nature Recovery Strategies](#) will be developed to aid this)

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 – innovate and think green

THINK SHORELINE AND FORESHORE

Explain how the development proposals will impact on the shoreline/ foreshore and what actions you are taking to avoid or mitigate impacts;

THINK CULTURAL HERITAGE

Ensure you have considered the historic environment on or in the setting of a proposal and take account of traditional local building design and materials.

THINK CUMULATIVE EFFECTS

Identify, describe and evaluate any cumulative effects on the different natural beauty criteria which although alone may appear to be insignificant, but when considered together could 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)



Well-designed development

Certain forms of well planned, well designed development can and do play an important role in protecting and enhancing the character of the East Devon AONB and the social fabric which underpins this; carefully planned and commensurate in scale to its setting.

New development rightly needs to be subject to careful control and delivered in order for local communities to remain viable and resilient.

If delivered in the right manner, it can bring real and positive change to an area and can represent an opportunity to enhance both the character of the AONB and the wellbeing of its residents.

A checklist to assist general development proposals in East Devon AONB

The checklist opposite is intended to assist in guiding how proposed development takes the AONB designation into consideration. It is not a determinant for approval or objection to applications.

You may also wish to refer to the flow diagram on the next page for consideration of major development in the AONB.

The checklist approach is perhaps most helpful in taking a stepped approach to addressing key questions around development proposals and could be helpful in support of applications (please note this is not a requirement but it may help in explaining the rationale and thought processes you have gone through in developing your proposal).

Clearly this approach will only apply to development proposals of a scale and nature that are likely to impact on the AONB and it is up to applicants to consider its appropriateness accordingly.

- If all the answers are '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 'No' then unless addressed, those matters indicate that the development could lead to a material harm to the AONB and may be unacceptable. 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 'No' then AONB matters indicate strongly that the development is likely to be unacceptable owing to the probable material harm and unsustainable nature of the development.

To note

This checklist approach does not guarantee that the development will or will not conserve and enhance the AONB and it is not intended to be used as a simple tick box exercise for consideration; it is simply a guide.

APPLICATION CHECKLIST

Location & Alternatives	Y	N	Details
If the development is in the AONB, does this specific development need an AONB location?	<input type="checkbox"/>	<input type="checkbox"/>	
For any development, is it located on land of lesser environmental value, with lesser harm to the AONB?	<input type="checkbox"/>	<input type="checkbox"/>	
Mitigation Measures			
Has the application taken all reasonable opportunities to avoid and to mitigate harm?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the application set out all necessary avoidance, mitigation and as a last resort, compensatory measures, for all likely effects on the AONB's special qualities and distinctive characteristics?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the proposed mitigation likely to succeed in obviating harm to the AONB? <ul style="list-style-type: none"> Is it appropriate? Is it technically achievable? Is it practically deliverable? Can it be sustained for the lifetime of the development? Would it be effective? 	<input type="checkbox"/>	<input type="checkbox"/>	
Applying Section 85 Duty			
Will the development conserve the AONB's natural beauty with regards to its special qualities and distinctive characteristics?	<input type="checkbox"/>	<input type="checkbox"/>	
Will the development enhance the AONB's natural beauty with regards to its special qualities and distinctive characteristics?	<input type="checkbox"/>	<input type="checkbox"/>	
Conformity with Local Plan Policy & Objectives	Y	N	Details
Does the development meet all of the relevant criteria in the local Mineral, Waste and Development Plans?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the development in conformity with the appropriate policies in the relevant Neighbourhood Plan, if one is made/in production?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the development in conformity with relevant policies in the AONB Partnership Plan 2019-24?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the development support the achievement of the objectives for the AONB, as set out in the AONB Partnership Plan 2019-24?	<input type="checkbox"/>	<input type="checkbox"/>	
Applying NPPF 172			
Will the development conserve the AONB's landscape and scenic beauty?	<input type="checkbox"/>	<input type="checkbox"/>	

Flow diagram for helping to consider landscape impact of development proposals in East Devon AONB

– please note each question may require further assessment/evaluation

