

## MHCLG Guidance Review July 2019

### Landscape

**All too often we are faced with subtle tweaks to Government guidance, which have little or no effect upon how we go about our professional business. The changes issued on Sunday 21 July 2019 appear to be quite far-reaching and extensive, but will they make a difference to how we undertake our assessments or plan our developments from a landscape perspective? EDP has reviewed the main changes below...**

The first area of change relates to 'conserving and enhancing' landscapes, which reflects terminology used in both the revised National Planning Policy Framework (paragraph 172) and national landscape designatory protection. Whereas previous guidance referenced planning decisions, the revised version only talks about planning policies (although sensibly the two must interrelate).

We have also seen the addition of a second paragraph relating solely to locally valued landscapes, something of a 'hot potato' in the planning appeal world over the last few years. Interestingly, the new guidance is quite specific in stating that (when preparing policies at least) there is a requirement for special characteristics, supported by evidence (and this is the critical point), to be identified. One could take the view that this extends beyond just creating policies and could relate also to defining locally valued landscapes in the context of LVIA.

We also see a nod to landscape assessment and the important role of mitigation within this paragraph, which is a welcome addition given the extensive work we all do in providing well-design and 'landscape-led' developments.

**How can the character of **planning policies conserve and enhance landscapes** be assessed to inform plan-making and planning decisions?**

~~One of the core principles in the~~ **The National Planning Policy Framework is clear that planning plans should recognise the intrinsic character and beauty of the countryside** ~~Local plans should include, and that strategic policies should provide for the conservation and enhancement of the natural environment, including landscape. This includes landscapes. This can include nationally and locally-designated landscapes but also the wider countryside.~~

**Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.**

For landscape character assessment, the guidance now falls short is *requiring* planning authorities to have character assessments, rather suggesting that they 'can' have them. There is also the pragmatic suggestion that sensitivity and capacity assessments are a useful tool in appraising the suitability of development proposals.

**How can the character of landscapes be assessed?**

**For a designated landscape, the relevant management plan will contain further information on the area's particular character and beauty.**

**Where appropriate, landscape character assessments should can be prepared to complement Natural England's National Character Area profiles.** ~~Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change and may be undertaken at a scale appropriate to local and neighbourhood plan making. Natural England provides guidance on undertaking these assessments.~~

See related policy:

- Paragraph 20
- Paragraph 127
- Paragraph 170

To help assess the type and scale of development that might be able to be accommodated without comprising landscape character, a Landscape Sensitivity and Capacity Assessment can be completed.

To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used.

The guidance has seemingly strengthened the role of Management Plans in nationally designated landscapes (National Parks, The Broads and Areas of Outstanding Natural Beauty) and clarified the role of local planning authorities therein. The main changes, however, occur in relation to development.

The guidance for development located within nationally designated landscapes has certainly been softened. Gone is any reference to 'major development' (which has long been a subject of some debate) and the requirement for this to be refused unless the public interest test is passed. Instead, we see a more pragmatic approach that requires development to reflect the high sensitivity of the landscape and be designed accordingly in terms of scale and extent.

This is by no means a carte blanche to development, but it brings it in line with the Framework and general good practice in terms of designing and promoting development.

**How is major development defined in within National Parks, the Broad and Areas of Outstanding Natural Beauty, for the purpose of the consideration of planning applications in these areas be approached?**

Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 172 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 172 is applicable.

The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.

All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 172 of the Framework sets out a number of particular considerations that should apply when deciding whether permission should be granted.

One of the most significant changes in the guidance relates to the 'setting' of nationally designated landscapes. This has previously been an area guidance has sought to avoid, presumably due to the complexities that are eluded to within the new text.

The new guidance addresses the important issues directly and is quite clear in setting out how development in the 'setting' can be harmful. It (quite rightly) steers away from identifying what the setting comprises on the ground but does (very helpfully) clarify the two primary elements that can be tested in this regard; long views in and out of the designated landscape (and their importance), and the extent to which landscape character is complimentary. If nothing else these provide a good starting point for our assessments of schemes in these areas.

**How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?**

Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

And finally, the Green Infrastructure guidance has not changed materially in what it requires, nor what it sees as the key benefits of adopting green infrastructure (GI) as a key part of development proposals. It has however been simplified and incorporates a clearer link to Natural Capital and is more specific with respect to the economic, environmental and social benefits that it can deliver.

In respect of planning decisions, rather than specifying that proposals should incorporate GI in line with local policies (that may or may not exist), it requires that GI should be considered at the earliest stages and be an integral part of development and infrastructure provision; presumably at all times, rather than just when policies dictate.

There is a new requirement that funding should be set out as early as possible, and the inevitable point that local engagement can assist in design and delivery of GI.

## **Green infrastructure**

### **What is can green infrastructure include?**

Green infrastructure is can embrace a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of spaces and assets that provide environmental and quality of life wider benefits. It can, for local communities.

Green infrastructure is not simply an alternative description for conventional open space. As a network it includes example, include parks, open spaces, playing fields, woodlands, but also street trees other areas of open space, woodland, allotments and, private gardens. It can also include , sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals and other water bodies and features such as green roofs and walls. References to green infrastructure in this guidance also apply to different types of blue infrastructure where appropriate.

*Paragraph: 027004 Reference ID: 8-027-2160211-004-20190721*

*Revision date: 11.02.2016-21.07.2019*

### **Why is green infrastructure important to delivering sustainable development?**

Green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure a natural capital asset that provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that. For communities, these benefits are delivered, green infrastructure must be well planned, designed can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and maintained. Green infrastructure should, therefore, be a key consideration in both local plans and planning decisions where relevant the management of flood risk. These benefits are also known as ecosystem services.

*Paragraph: 028-005 Reference ID: 8-028-20160211-005-20190721*

*Revision date: 11.02.2016-21-07 2019*

### **What is a strategic approach to green infrastructure?**

To assist in planning positively for green infrastructure local planning authorities may wish to prepare an authority wide green infrastructure framework or strategy. This should be evidence based by, for example, including an assessment of current green infrastructure provision that identifies gaps in the network and the components and opportunities for improvement. The assessment can inform the role of green infrastructure in local and neighbourhood plans, infrastructure delivery plans and Community Infrastructure Levy (CIL) schedules.

Local Plans should identify the strategic location of existing and proposed green infrastructure networks. Where appropriate, supplementary planning documents can set out how the planning, design and management components of the strategy for the area will be delivered.

This strategic approach to green infrastructure may cross administrative boundaries. Therefore neighbouring authorities, working collaboratively with other stakeholders including Local Nature Partnerships (LNPs) and Local Enterprise Partnerships (LEPs), may wish to consider how wider strategies for their areas can help address cross-boundary issues and help meet the Duty to Cooperate.

*Paragraph: 029 Reference ID: 8-029-20160211*

*Revision date: 11.02.2016*

**What planning goals can green infrastructure help to achieve?** How can green infrastructure help to deliver wider planning policy?

Green infrastructure can help to deliver a variety of planning policies including in:

- **Building a strong competitive economy**

Green infrastructure can drive economic growth and regeneration, helping to create high quality environments which are attractive to businesses and investors.

- **Delivering a wide choice of high quality homes**

Green infrastructure can help deliver quality of life and provide opportunities for recreation, social interaction and play in new and existing neighbourhoods.

- **Achieving well-designed places**

The built environment can be enhanced by features such as green roofs, street trees, proximity to woodland, public gardens and recreational and open spaces. More broadly, green infrastructure exists within a wider landscape context and can reinforce and enhance local landscape character, contributing to a sense of place. Green infrastructure is also an important approach to delivering ecosystem services and ecological networks and natural beauty.

- **Requiring good design**

Well designed green infrastructure helps create a sense of place by responding to, and enhancing, local landscape character. Green infrastructure can also help create safe and accessible environments in new development and the regeneration of brownfield sites in existing built up areas.

- **Promoting healthy and safe communities**

Green infrastructure can improve public health and community wellbeing by improving environmental quality, providing of a neighbourhood with opportunities for recreation and, exercise and delivering, social interaction, experiencing and caring for nature, community food-growing and gardening, all of which can bring mental and physical health benefits. Green infrastructure also helps Outdoor Recreation Value (ORVal) is a useful online tool that can be used to quantify the recreational values provided by greenspace. Green infrastructure can help to reduce health inequalities in areas of socio-economic deprivation and meet the needs of families and an ageing population. It can also help to reduce air pollution, and noise and the impacts of extreme heat and extreme rainfall events.

- **Meeting the challenge of Mitigating climate change, flooding and coastal change**

Green infrastructure can help urban, rural contribute to carbon storage, cooling and coastal communities mitigate the risks associated with climate change shading, opportunities for species migration to more suitable habitats and adapt to its impacts by storing carbon; improving drainage (including the use the protection of water quality and other natural resources. It can also be an integral part of multifunctional sustainable drainage systems) and managing flooding and water resources; improving water quality; reducing the urban heat island effect and; where appropriate, supporting adaptive management in coastal areas. Green infrastructure networks also help species adapt to climate change by providing opportunities for movement. natural flood risk management.

- **Conserving and enhancing the natural environment**

The components of green infrastructure exist within the wider landscape context and should enhance local landscape character and contribute to place making.

High-quality networks of multifunctional green infrastructure provide contribute a range of ecosystem services and can make a significant contribution to halting the decline in biodiversity benefits, including ecological connectivity, facilitating biodiversity net gain and nature recovery networks and opportunities for communities to undertake conservation work.

Related policy:

- Paragraph 81
- Paragraph 124
- Paragraph 91
- Paragraph 148
- Paragraph 170

Paragraph: 006 Reference ID: 8-006-20190721

Revision date: 21.07.2019

### How should **can a strategic approach be taken to green infrastructure?**

Strategic policies can identify the location of existing and proposed green infrastructure networks and set out appropriate policies for their protection and enhancement. To inform these, and support their implementation, green infrastructure frameworks or strategies prepared at a district-wide scale (or wider) can be a useful tool. These need to be evidence-based and include assessments of the quality of current green infrastructure and any gaps in provision. Existing national and local strategies – for example on tree and woodland provision – can inform the approach to **green infrastructure** ~~be planned for the long term?~~; and standards such as the Accessible Natural Greenspace Standard can be applied when assessing provision.

~~As with other forms of infrastructure, green infrastructure requires sustainable management and maintenance arrangements to be in place if it is to provide benefits and services in the long term. Arrangements for managing green infrastructure, and for funding its management over the long term, should be identified as early as possible when planning green infrastructure and factored into the way that it is designed and implemented.~~

The green infrastructure strategy can inform other plan policies, infrastructure delivery requirements and Community Infrastructure Levy schedules. In view of their potential scope and use, authorities need to collaborate with neighbouring authorities and stakeholders such as Local Nature Partnerships, Health and Wellbeing Boards and Local Enterprise Partnerships when developing green infrastructure strategies.

*Paragraph: ~~031~~ 017 Reference ID: ~~8-031-20160211~~ 017-20190721*

*Revision date: 21.07.2019 ~~11.02.2016~~*

### How should **can green infrastructure be considered in planning decisions?**

~~Where appropriate, planning proposals should incorporate green infrastructure in line with local and neighbourhood plan policies and site specific considerations. As a component of sustainable development, green infrastructure should~~ **Green infrastructure opportunities and requirements need to be considered at an early stage of a planning proposal** ~~the earliest stages of development proposals, as an integral part of development and infrastructure provision, and taking into account existing natural assets and the most suitable locations and types of new provision.~~

~~Depending on individual circumstances, planning conditions, obligations, conditions~~ **or the Community Infrastructure Levy may all be potential mechanisms for securing and funding green infrastructure.**

Green infrastructure will require sustainable management and maintenance if it is to provide benefits and services in the long term. Arrangements for funding need to be identified as early as possible, and factored into the design and implementation, balancing the costs with the benefits. Local community engagement can assist with management and tailoring provision to local needs.

*Paragraph: ~~032~~ 017 Reference ID: ~~8-032-20160211~~ 017-20190721*

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