

APPENDIX Tamar Valley National Landscape Planning Guidance 2025

This section of the Management Plan provides guidance and supporting tools to all parties in the planning process including planning officers, elected Members and developers as to how the statutory duty should be exercised through the planning system. During earlier Management Plan reviews the Partnership identified (through a group of constituent Local Authority planning officers) the need to provide locally relevant guidance to supplement the National Planning Policy Framework (NPPF Feb 2025) with reference to planning in protected areas.

The principal needs were identified as:

1. Setting out a procedure and technical information to enable the objective assessment of impact upon the landscape character and scenic beauty (components of natural beauty) of the National Landscape and its special qualities.
2. Providing guiding principles for what sustainable development might mean in the context of the National Landscape (i.e. given the great weight afforded to it in the NPPF paragraph 189) and the identification of the National Landscape as a protected area of particular importance in footnote 7 with regard to the application of paragraph 11 of the NPPF.
3. Considering what should be deemed a 'major' planning application within the context of the National Landscape designation, noting footnote 67 of the NPPF.

Section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-up and Regeneration Act² in December 2023) requires 'relevant authorities', in exercising or performing any function that affect National Landscapes in England, to "*seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.*"

This revised statutory duty is considered to be a strengthening of the previous '*duty of regard*'. Natural England and DEFRA have confirmed this is an active duty and is intended to facilitate better outcomes for England's Protected Landscapes.

DEFRA have provided [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK](#) to explain the requirements of this revised duty. The National Landscapes Association have also provided a [Briefing Note](#) regarding this. Both documents highlight the importance of the evidence base and policies within the Tamar Valley National Landscape Management Plan in discharging this duty.

Natural England has set out the following three aims for National Landscapes:

- The primary purpose of National Landscape designation is to conserve and enhance natural beauty.
- In pursuing the primary purpose account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

- Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

Guidance on Procedures

It is the responsibility of the Local Planning Authority (LPA) to fully justify its recommendations for development proposals by referring to the criteria for natural beauty and the National Landscape's special qualities.

The Tamar Valley National Landscape Partnership expects all LPAs to comply with this statutory requirement for plan-making and development management decisions.

Conserving and enhancing the natural beauty and special qualities of the Tamar Valley National Landscape will normally mean, as a minimum:

- conserving and enhancing the character components or special qualities identified in the Management Plan, and
- supporting the Management Plan Objectives / Policies

It is important to note that both conservation **and enhancement** of the natural beauty of the designated landscape are required and should be reasonable and proportionate in the context of fulfilling the duty and appropriately secured. Natural England has advised that measures that further the purposes are required **in addition to mitigation**. Where harm is identified, 'enhancements' themselves are unlikely to be sufficient to align with the duty, which has the dual consideration of conserving and enhancing natural beauty.

The Management Plan identifies the special qualities that justify its designation as a National Landscape and is a material consideration for planning applications. This combines with adopted Landscape Character Assessments in providing the evidence base against which proposals must be considered.

Development in the Tamar Valley National Landscape should be landscape-led to ensure development makes a positive contribution to conserving and enhancing the local distinctiveness and natural beauty of the landscapes and their settings while meeting the needs of local communities. This requires responding to the needs of the landscape, not exceeding its capacity and not giving rise to harmful or cumulative effects on its functioning or character. It means delivering 'net-gain' for natural beauty which should be integrated in development conception, design, implementation and management.

The specific guidance considering 'sustainable development' and what constitutes 'major development' (as referred to in paragraph 190 of the NPPF) should also be used during assessment of proposals.

Process for assessment of development proposals potentially affecting the National Landscape (within the designated landscape and within its setting):

1. Consider whether the proposal should be treated as 'major development' in the context of the National Landscape according to the guidance and therefore to establish if exceptional circumstances and that the development is in the public interest has been demonstrated in addition to steps 2 to 5 below;

2. Assess the likely impact of the proposal on the National Landscape's special qualities (natural beauty);
3. Where any potential harm has been identified (*through an assessment of impact on purposes, natural beauty (including special qualities), objectives/policies of the National Landscape's statutory Management Plan and relevant Landscape Character Assessments*), it is important to recognise that any proposed measures seeking to mitigate or compensate for harm are expressly separate from measures designed to conserve and enhance of the natural beauty of the National Landscape which are required in addition to this to align with the statutory duty and planning policy. They should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Please refer to practical guidance issued by the National Landscapes and DEFRA referenced above.
4. If harm can be mitigated and measures for conservation and enhancement met (and if the application satisfies all other planning considerations) the proposal can be considered for approval;
5. If impact cannot be satisfactorily addressed (through mitigation or compensation measures (where deemed appropriate)) and measures for conservation and enhancement are not met and/or where there are objections based on other planning considerations, the proposal should be considered for refusal.

Sustainable development

The NPPF defines sustainable development as having three dimensions, they are mutually dependent and should not be considered in isolation:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (NPPF 2024 paragraph 8)

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

For decision-taking this includes granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance area² provides a strong reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the*

benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination ⁹

Footnote 7 specifies that protected areas or assets of particular importance includes National Landscapes.

Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, 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.

Paragraph 187 of the NPPF additionally explains that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other factors) protecting and enhancing valued landscape in a manner commensurate with their statutory status or identified quality in the development plan.

The National Landscape is statutorily protected through the Countryside Rights of Way (CRoW) Act in the National interest, its protection and enhancement is therefore at a national weighting in the overall planning balance.

This commensurate level of protection is reinforced through paragraph 189 terms of ‘great weight’ and ‘highest status of protection’ and requires the decision-maker (the Local Planning Authority) to give primary consideration to conserving or enhancing the landscape character or scenic beauty (combined referred to as natural beauty) of the National Landscape. This is not to say that other material planning considerations should be ignored, but that there is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it.

This level of protection is further enhanced within the NPPF when dealing with ‘major developments’ as referred to in footnote 67, where such developments are to be refused other than in ‘exceptional circumstances and where it can be demonstrated that they are in the public interest’. The Tamar Valley National Landscape Partnership considers that in order to ensure a positive approach to both the need for development and the conservation and enhancement of the special qualities of the National Landscape, it is useful to outline some guiding principles as to what ‘sustainable development’ means in the context of the National Landscape.

In order to be considered sustainable, a development proposal should meet one or more of the following criteria:

1. Demonstrate that it conserves and provides enhancements to landscape character and scenic beauty (or natural beauty) with specific reference to the special qualities of the National Landscape **and**
2. Meet the economic and social needs of local communities whilst conserving and enhancing the National Landscape; **or**
3. Meet the demand for recreation within the National Landscape where they are consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

[Note: these three criteria reflect the guidance from Natural England setting out the purposes of the National Landscape.]

The above principles are a refinement of the broader criteria for sustainable development as set out within the NPPF, The 25 year Environment Plan and other government policy on National Landscapes. These are designed to ensure that development makes a positive contribution to the economic, social and environmental wellbeing of the National Landscape without compromising the special qualities.

Considering 'Major Development' in the National Landscape

Paragraph 189 of the NPPF states that: 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. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Planning permission should be refused for major development 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:

1. 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;
2. the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
3. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In assessing planning applications, major development is now defined within a National Landscape. Two distinct approaches have been defined, one specifically for the purposes of paragraphs 189 and 190 and a separate one for the rest of the NPPF. For the rest of the NPPF, there is a specific threshold –based definition in the Annex 2 Glossary. Whereas, the approach to evaluate whether a development is major development for the purposes of paragraphs 189 and 190 is set out in footnote 67, which states:

“For the purposes of paragraphs 189 and 190, whether a proposal is for ‘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.”

It is not possible or appropriate to apply a blanket definition for what should be treated as major development in the National Landscape. Nevertheless, there are some key indicators that would suggest that a development is likely to be major in its effect on the landscape quality:

1. Where the scale of development is likely to have a detrimental visual impact that harms the scenic quality of the National Landscape;

2. Where the location of development would erode the special qualities and features of the area of the National Landscape where the development is proposed (including all natural beauty components; landscape, cultural heritage, natural heritage, tranquillity, wilderness etc);
3. Where the type of development is not directly compatible with its surroundings; and/or
4. Where the development would conflict with the economic and social needs of local communities and the National Landscape's guiding principles of sustainable development.

Any major applications that have the potential to generate any of the above should then be considered against the following criteria:

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;"* The National Landscape Partnership would encourage the LPA to request that any such development proposal to be accompanied by a statement of need in the context of national considerations. The impacts of permitting or refusing the development should be clearly identified, including the social, economic and environmental impacts, with specific reference to the impacts upon the natural beauty, special qualities of the National Landscape, and the economic and social needs of the local communities affected. Such a statement should be based upon objective assessment and clear evidence.

b. *"the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;"* The National Landscape Partnership would encourage any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the National Landscape and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way. The report should include relevant evidence of the cost of developing outside of the National Landscape.

c. *"any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."* The National Landscape Partnership would expect any such development proposal to be accompanied by a report identifying any detrimental effects upon the environment, the landscape and recreational opportunities. Such a report should relate directly to the special qualities of the National Landscape as a whole as well as those specific to the development site.

Any mitigation identified to moderate these impacts should be:

- clearly detailed, in line with the duty to conserve and enhance the National Landscape,
- be compatible with the objectives of the Management Plan, and
- be capable of realisation through robust planning conditions or obligation

As a final point it is important to note that proposals for major development not only have to demonstrate exceptional circumstances and that the proposals are in the public interest, they also have to demonstrate conformity with the wider components of paragraph 189 which applies to all development impacting upon the National Landscape, i.e. to apply to great weight and the highest level for protection with regard to conserving or enhancing landscape character and scenic beauty.

Landscape Character and scenic beauty, which in combination are referred to as ‘natural beauty’ and heritage values

- In the UK, and internationally, it is established practice to designate historic, cultural and natural sites of national importance and significance in order to assist their conservation and protection. Sites are assessed against specific criteria and the designation includes a statement of the importance of a site. This statement sets out which particular attributes of the site (its values) make it stand out. In the case of National Landscape designation, there is a single criterion of ‘natural beauty’, determined by a variety of approaches supported by the ‘statement of significance’ which sets out the special qualities of the landscape that make it worthy of designation. It should be noted that the NPPF and other planning policies and guidance often refer to a broader definition of natural beauty, referring to the two principal components that constitute natural beauty, these being landscape character (the landscape as a resource in its own right) and scenic beauty (views and visual amenity as experienced by people).
- As appreciation of landscape is a cultural creation that can fluctuate with changing social values, the statement of significance is necessarily an expert judgement and is recognised as such in national guidance. In this way, it is distinct from the assessment of landscape character, which describes the landscape in valueless terms. The Statement of Significance for the Tamar Valley National Landscape cites five special qualities as the attributes of significance:
 - A rare valley and water landscape
 - A landscape of high visual quality
 - A unique wildlife resource
 - A remarkable heritage
 - A landscape of artistic and public appeal

These special qualities represent an expert judgement of what makes the area distinctive to the extent of being ‘nationally important’ for its natural beauty.

They build on features identified through Landscape Character Assessment and Historic Landscape Character Assessment, but also take account of the heritage ‘values’ that the features represent. Historic England recognises four such values: evidential value, historical value, aesthetic value and communal value.

‘Integrity’ and ‘authenticity’ are concepts central to all aspects of heritage protection, being recognised by UNESCO internationally and Historic England in England, and being enshrined in international conventions and associated guidance (e.g. World Heritage Convention, 1972) to which the UK is signatory.

integrity: wholeness, honesty

authenticity: those characteristics that most truthfully reflect and embody the cultural heritage values of a place.

Thus, actions for the conservation and enhancement of the special qualities of the National Landscape should achieve the conservation of the integrity of the whole area, not just specific locations, attributes, or features. Similarly, the authenticity of the whole area should be conserved, as represented in particular by the stated special qualities of the site.

Designation of an area as a National Landscape confers a duty upon relevant authorities to 'conserve and enhance' the natural beauty, as defined by the Statement of Significance. This means taking account of both the integrity and authenticity of the natural beauty of the site and also of all the features (both tangible and intangible) that represent those values. A variety of guidance is available with regard to the treatment of natural and cultural heritage in planning, for example.