



EAST DEVON

Area of Outstanding Natural Beauty

Planning Protocol

PROTOCOL AGREEMENT

EAST DEVON AONB PARTNERSHIP

Planning protocol

Background

The East Devon AONB Partnership's (**EDAP**) primary objective is conserving the natural beauty of the landscape of the East Devon Area of Outstanding Natural Beauty (**AONB**). AONBs are regarded as equivalent to National Parks in terms of their landscape quality, scenic beauty, and their planning status. All public bodies and statutory undertakers must have regard to the purposes of AONBs in performing their statutory functions.

Landscape character and quality in AONBs is particularly vulnerable to inappropriate and insensitive development. AONBs are under threat from increasing traffic, agricultural operations, recreation pressures, housing, mineral and road developments, and structural change in the rural economy. Protection of the landscape, however, must be balanced with the need to support the social and economic needs of rural communities.

The EDAP recognises that to progress many of the AONB objectives, it must rely on other agencies, ie those that have specific roles, responsibilities and statutory obligations. The local planning authorities are the primary mechanism for the control of development and, since the EDAP does not have any statutory planning functions, its role will be to work with the relevant planning authority in furtherance of those objectives, whilst confirming the independence of the Partnership in any comments it may make on specific developments in the AONB.

Local authority development responsibilities

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

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

- Neighbourhood Plans
- Work to listed buildings
- Conservation area consent
- Outdoor advertisements
- Hedgerow removal and tree work
- Enforcement

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 DEFRA, Forestry Commission and the Environment Agency.

Devon County Council is the determining authority for the following types of 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

County Council Development, which relates to any development required in its function as a County Council, such as, new schools or additional classrooms including temporary buildings, school, multi-use games areas, floodlighting at County Council facilities, pollution control measures on County farms, any new buildings for County Council staff, listed building consent for County Council owned listed buildings, gypsy and travellers sites, facilities for people with mental/physical difficulties, libraries, recycling centre sites, schemes carried out in our capacity as Highway Authority such as cycle routes, bridges, and new highways.

Development Plans

The Planning & Compensation Act 2004 introduced a new development plan system, with county councils responsible for preparing Minerals and Waste Development Frameworks and districts/boroughs producing Local Plans. The development and review of these will require detailed consultation throughout the process. The County and District Councils will consult the AONB Partnership at every stage of developing these strategy documents. The form of this consultation will vary throughout the plan preparation process, and the period of consultation will be specified in a covering letter.

East Devon AONB Partnership Plan

The 2019-24 Partnership Plan is a statutory document produced by the AONB Partnership on behalf of Devon County and East Devon District Councils. This document outlines the management framework for the area. The objectives and policies in the plan are:

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.

Tools

In pursuing the above policies, the EDAP will concentrate on

- Effective involvement at the policy making level (eg development plans/ local regional policies and strategies) to ensure that the right framework is in place to guide development control decisions
- Developing tools which help to define the character of the AONB and what is to be protected, thereby providing practical help for development control decision makers. The AONB will use the Landscape Character Assessment as the framework for responding to all planning application consultations
- Work with all those partners in the AONB concerned with development in order to enhance their understanding of AONB objectives
- Work in development control cases where these are of such significance by virtue of the size or potential to set a precedent, that the views of the EDAP should be made known

Process

The AONB Manager will:

- (a) In consultation with the appropriate case officers, landscape architect/urban designer, arrange site visits and make any written comments on planning applications or consultations received from DCC or EDDC that may have a significant impact on the character of the AONB within 21 days of receipt (or longer by agreement with the appropriate case officer)
- (b) Keep a record of any comments made for reporting back to the EDAP if required
- (c) Refer to the relevant AONB objective or policy applicable to the development in any comments made
- (d) Use the Landscape Character Assessment Management Guidelines and consultation template for responding to consultations (as detailed in Appendix I to this protocol)
- (e) Advise and liaise with the EDAP on any cases felt to warrant wider consultation and comments from the Partnership as one body.
- (f) Consult with the wider regional and national body of AONBs where necessary to provide a united AONB response
- (g) Explain to those who lobby the EDAP for comments on particular applications that they will only do so where there is likely to be a significant¹ impact on the landscape character of the AONB.
- (h) Confirm that comments made on applications other than those under item (e) above are those of the AONB Manager in his/her professional capacity and not of the AONB Partnership as one body.
- (i) Attend appeals or inquiries only when suitably well trained and only where previous AONB comments have been made on the application which is the subject of the appeal/inquiry, unless involvement is otherwise agreed by the AONB Chairman and vice Chairman.
- (j) Engage in pre-app or other advice in line with the AONB Planning Advice Policy, charging for AONB officer time as appropriate.

¹ See page 5 for details

East Devon District Council will:

- Consult and liaise with the AONB Partnership on all applications:
 - likely to have a significant impact on the AONB or,
 - likely to set a precedent in the AONB
- Supply sufficient details from the submitted application to enable informed comments to be made.
- If the District Council does not receive a substantive response within 21 days of the date of the consultation letter, it will conclude that the AONB Partnership has no comments to make on a proposal. This will not be interpreted as supporting or objecting to the application.
- Send copies of decision notices and any subsequent appeal decisions, to the AONB Partnership in relation to applications it has commented on.
- If there are requests for pre-app advice, the District Council will inform the applicant that the AONB Partnership operates a separate Planning Advice Policy and charging process and should be approached separately. The AONB Partnership is able to engage jointly with the Council if the applicant specifically requests it and this is encouraged to encourage more joined up advice.

Devon County Council will:

- Notify the AONB Partnership of every application that falls within the AONB, or for a site outside the AONB that may impact adversely on the AONB landscape and/or features and will send a standard consultation letter, details of an application and associated plans. When the County Planning Authority is unable to send copies of the plans a summary of the development and a site plan will be forwarded to the Partnership.
- The standard 21 day consultation period will apply from the date of receipt of this letter, although in exceptional circumstances (for example for complex or large scale proposals) a longer period maybe agreed with the County Planning Authority. If the County Council does not receive a substantive response within 21 days of the date of the consultation letter, it will conclude that the AONB Partnership has no comments to make on a proposal. This will not be interpreted as supporting or objecting to the application.
- Send copies of decision notices and any subsequent appeal decisions to the AONB Partnership in relation to applications it has commented on.

Level of significance

The EDAP would like to be consulted on planning applications in the AONB or within close proximity to the boundary, which fall into the following categories **and** are thought to be potentially damaging to the AONB landscape and coastline features.

Residential development: applications within settlements involving 5 or more dwellings (or, where the number of dwellings is not indicated, the site area is 0.2 hectares or greater), except where the site is specifically allocated for residential use in an approved plan. Outside settlements, applications involving a smaller number of dwellings (or a smaller site area), or the conversion of agricultural buildings, at the discretion of the planning authority.

Recreation and outdoor sporting facilities: applications for the use of land or buildings for recreational purposes, including tourist accommodation (caravans, camping and the provision of self-catering and other holiday accommodation), the formation of lakes, ponds and other significant landscape features and horse-related development, except where the proposal is associated with domestic use or is otherwise small-scale.

Other major development: applications for non-residential/business development generally but not always involving more than 500 square metres of floor space or where the site area is 1 hectare or more, except, unless significant, where the site is allocated for the proposed use in an approved plan.

Minerals and waste disposal: all applications involving new or extended operational areas, or the restoration of old or existing sites.

Utilities and other infrastructure: all applications for new roads, overhead electricity lines, cross-country pipelines or similar installations, construction of significant water resource or sewage treatment facilities, renewable energy developments, telecommunications masts/towers.

Other development proposals: any proposals which by virtue of their particular characteristics (e.g. prominent site, location or design) are likely to have an effect on the landscape or other special character of the AONB and/or set a precedent.

AONB Criteria

In considering both policies and individual applications, the EDAP's main concern will be the purpose of statutory designation of the AONB – the conservation and enhancement of the natural beauty of the landscape. However, in forming a view EDAP will also bear in mind the economic and social needs of local communities. Any representations made by the EDAP or AONB Officer will be based around the published objectives and policies contained in the East Devon AONB Partnership Plan 2019-24.

The AONB Manager/ Partnership will not concern itself with applications, or aspects of applications, which it regards as relating solely to the private interests of an individual or group of individuals. Even on matters of public interest, it may decide to leave extensive comment to bodies or organisations better placed to provide it.

Agreement

This protocol has been endorsed by

Name **Position** **Date**.....

Representing East Devon AONB Partnership

Name **Position** **Date**.....

Representing East Devon District Council

Name **Position** **Date**.....

Representing Devon County Council

Appendix I – Development /Planning Consultation response template

To	
From	East Devon AONB Partnership
Date	
Site/Reference	
Application Reference	
Nature of response	Consultation

Background to comments, site description/context (a summary of the National, County and District character assessments)

Natural England National Character Area Assessment

NCA No :	NCA Name:
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Key Statements of Environmental Opportunity relevant to this site

- Etc
- Etc
- Etc

Devon Landscape Character Area Assessment	
DCA No :	DCA Name:
Key management guidelines relevant to this site	
<ul style="list-style-type: none"> • Etc • Etc • Etc 	

East Devon and Blackdown Hills AONBs and East Devon District Landscape Character Area Assessment	
LCT No :	LCT Name:
Key management guidelines relevant to this site	
<ul style="list-style-type: none"> • Etc • Etc • Etc 	

Comments

East Devon AONB Partnership Plan 2019-24 policy reference(s)
Further Information
<ol style="list-style-type: none">1. East Devon and Blackdown Hills AONBs Landscape Character Assessment2. Devon Landscape Character Assessment3. Natural England NCA profiles (Devon Redlands and Blackdowns)4. East Devon AONB Partnership Plan (2019-24)