



# PLANNING PROTOCOL

October 2020



**EAST DEVON**

*Area of Outstanding Natural Beauty*

## **EAST DEVON AONB PARTNERSHIP**

Protocol for how the AONB Partnership engages in the planning process

# East Devon AONB Partnership - Planning Protocol

## Purpose

This protocol outlines the relationship between the East Devon Area of Outstanding Natural Beauty (AONB) Partnership, East Devon District Council and Devon County Council on planning applications affecting the East Devon AONB.

## Background

Local planning authorities are the primary mechanism for the control of development in the AONB. Since the AONB Partnership does not currently have a statutory planning function, this protocol serves to frame an agreed way of engaging in planning consultations falling in or impacting on the AONB.

Although the Partnership and Team are hosted by East Devon District Council, in undertaking its role, the Partnership maintains an independent position in commenting on specific developments in the AONB.

The primary objective of AONB designation is to conserve and enhance the natural beauty of the landscape of the East Devon Area of Outstanding Natural Beauty. 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, agricultural operations, recreation pressures, housing, mineral and road development, 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.

## Local authority development responsibilities

There are two levels of local authority responsibility for planning in East Devon – District and County. In East Devon AONB these are carried out by East Devon District Council and Devon County 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** 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), Forestry Commission and the Environment Agency and Historic England.

### Development Plans

County councils are responsible for preparing Minerals and Waste Plans and district/borough councils for 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. It outlines the management framework for the AONB. The planning 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.

## Mechanisms

In pursuing the above policies, the AONB Partnership will use the following approaches:

- Ensure effective involvement at the policy making level (e.g. development plans/local regional policies and strategies) to ensure that the right framework is in place
- Work with partners in order to enhance their understanding of AONB objectives, producing guidance and advice documents to aid good development
- Engage in pre-app advice as appropriate with East Devon District Council planning officers under the terms of the AONB Advice Policy
- Respond to development control consultations which meet the agreed criteria or are of such significance by virtue of the size or potential to set a precedent

## Process

*On behalf of the AONB Partnership, the AONB Team will:*

- (a) Comment, as workloads permit, on applications on behalf of the AONB Partnership other than those under item (d) below
- (b) 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 the agreed time periods (or longer by agreement with the appropriate case officer)
- (c) Keep a record of any comments made
- (d) Advise and liaise with the Partnership on any cases felt to warrant wider consultation and comments from the Partnership as one body.
- (e) Consult with AONBs and the national body of AONBs and other parties where necessary
- (f) Explain to those who lobby the Partnership for comments on particular applications that they will only do so where there is likely to be a significant<sup>1</sup> impact on the landscape character of the AONB.
- (g) 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.
- (h) Engage in pre-app or other advice in line with the AONB Planning Advice Policy, charging for AONB officer time as appropriate.

## East Devon District Council will:

- Consult and liaise with the AONB Partnership on applications meeting the agreed category level and:
  - likely to have a significant impact on the AONB or,
  - likely to set a precedent in the AONB
- If the District Council does not receive a substantive response within 21 days of the date of the consultation letter (or longer by agreement), 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.
- Engage the AONB Partnership in pre-app advice where requested under an agreed process.

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<sup>1</sup> See page 5 for details

### Devon County Council will:

- Consult with the AONB Partnership on applications listed below to be determined by the County Council that fall within the AONB or where the planning officer considers that the proposal may impact adversely on the AONB landscape, features or setting.
- The consultation letter will provide the link to the application details on the planning pages of the Devon County Council website.
- If the County Council does not receive a response within 21 days, it will consider that there are no comments on the proposal.
- In the event that comments are received the planning officer will take these into account in the determination of the application.
- If additional information is requested by the AONB Partnership this request will be forwarded to the applicant and, when the information is received a further consultation will be undertaken.
- Notify the AONB Partnership of decisions made and provide a link to where the decision notice is available.
- Notify the AONB Partnership of any planning appeals made in relation to planning applications it has commented on and provide a link to where the appeal decision is available.
- Devon County Highways should consult the AONB Partnership with regard to any road improvement schemes within the designated AONB requiring planning permission and other schemes by agreement.
- Engage the AONB Partnership in pre-app advice where requested under an agreed process.

### Category Levels

The AONB Partnership would like to be consulted on planning applications in the AONB or in the setting of the AONB which fall into the following categories **and** are thought to potentially impact on the AONB landscape/coastline features.

**Residential development:** applications within settlements involving 10 or more dwellings, 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 or development of agricultural/rural buildings that are of a scale and nature that is likely to impact on the landscape character.

**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 equine-related development, except where the proposal is associated with domestic use or is otherwise small-scale.

**Renewable Energy Development:** All “non-domestic” applications submitted within the designated AONB and other applications, outside the designated area, that the LPA considers affects the setting of the designated AONB

**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 development and waste management:** 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, mobile phone/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.

### AONB response

Any representations made will be based around the published objectives and policies contained in the East Devon AONB Partnership Plan 2019-24 and Landscape Character Assessment for the District in the context of local and national planning policies including the NPPF, adopted Local Plans and ‘Made’ Neighbourhood Plan policies.

The AONB 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. Therefore, a lack of comment from the AONB Partnership on any development should not be taken as approval, it may fall into the category above or be due to limited capacity.

Agreement

This protocol has been endorsed by:

**Name**  **Position** AONB Manager **Date** 30 October 2020  
*Representing East Devon AONB Partnership*

**Name**  **Position** Service Lead- Planning Strategy and  
Development Management **Date** 30 October 2020  
*Representing East Devon District Council*

**Name**  **Position** Chief Planner **Date** 2 November 2020  
*Representing Devon County Council*