Building a Better Future Plan - Representation Form

Part A - Personal Details

Please indicate whether you are completing this form yourself or if you are an agent completing this on behalf of a client

I am completing this form myself

Part A - Personal Details (Completing form on own behalf)

Please provide the following personal details.
Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.
The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.

Title	Mrs
First Name	Linda
Last Name	Park

[redacted]

Please provide the following details where applicable and/or relevant

Job Title	National Landscape Planning Officer
Organisation	Chichester Harbour Conservancy

Part A - Personal Details (Agent on client's behalf)

If an agent is appointed, please provide the following information:
Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.
The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.

No Response

Please provide the following information about the client for whom you are completing this form on their behalf

No Response

Part B - Your representation(s)

Which part of the Building a Better Future Plan does your representation relate to?
Please provide as much detail as possible.
If you wish to make a change to the Policies Map, please comment on the corresponding policy, and explain what change you would wish to make. If you would be helpful if you could show this in visual form
A full list of policies and allocations can be found in the contents page(s) of the Publication Plan - you can access this document here.

Policy Number	30
Allocation Number	-
Paragraph Number	-
Page Number	253

Do you consider the Local Plan is ...
(Please select as appropriate)

	Yes	No
Legally compliant		X
Sound		X

Please give details of why you consider the Building a Better Plan is not legally compliant o r is unsound. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.

1.0. Is Policy 30 legally compliant? No.

1.1. In May 2026, Officers at Havant Borough Council shared with Officers of Chichester Harbour Conservancy the revised Policy 30 which included the additional wording, "other than where allocated within this Local Plan or where it can be demonstrated that there are" without any prior discussion and before the emergence of Allocation 3 (The Horsefield).
1.2. Chichester Harbour Conservancy believe the revised wording is unlawful because it would create a profound change to Policy 30 without sufficient public consultation to support such a fundamental change.
1.3. The revised wording was not part of the Regulation 18 consultation version (6 May 2025 to 1 July 2025). Chichester Harbour Conservancy believe that Havant Borough Council has failed to properly notify and consult the community and statutory consultees during the mandatory stages of the preparation of the Local Plan, regarding the additional wording. Consequently the Local Plan is not legally compliant.

However, by implementing the modifications as recommended by Chichester Harbour Conservancy, Local Plan Policy 30 can be quickly and easily be revised to be legally compliant.

2.0. Is Policy 30 sound? No.

2.1. Chichester Harbour Conservancy believes that it is unjustifiable to facilitate a major development inside the National Landscape simply because Havant Borough Council cannot meet its target for new dwellings, for the reasons given below.
2.2. Chichester Harbour Conservancy believes this is not an effective solution to the housing shortage. The Council will either not meet its target and harm more than 3 hectares of its National Landscape, or it will simply not meet its target.
2.3. Chichester Harbour Conservancy does not believe that the Local Plan has been positively prepared because the policy protection afforded to the National Landscape has been weakened at this late stage, seemingly solely to facilitate the inclusion of Allocation 3.
2.4. Chichester Harbour Conservancy believes that the additional wording added to Policy 30 makes it inconsistent with national policy (NPPF 2024, paragraphs 11b) i-ii, 189, 190). Whilst paragraph 190 specifically refers to planning permissions, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans. Legal advice provided to the South Downs National Park Authority by Landmark Chambers in 2017 concluded that, "It would arguably amount to an error of law to fail to consider paragraph 116 (now 190) at the site allocations stage of plan making for the National Park. The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF" (source: National Landscapes Association, Planning for Housing in National Landscapes (AONBs) in England, May 2026, enclosed).
2.5. Chichester Harbour Conservancy is concerned with the harmful precedent that would be set if a Local Planning Authority is able to bypass national policy during the preparation of a Local Plan. A site should not be allocated for a major development within a National Landscape before exceptional circumstances have been demonstrated. This is explained in the enclosed Briefing Paper (National Landscapes Association, Planning for Housing in National Landscapes (AONBs) in England, May 2026).

Chichester Harbour Conservancy respectfully asks PINS to:

a) Revise the wording of Policy 30, which will safeguard the integrity of Chichester Harbour National Landscape in accordance with national policy; and
b) Recommend adoption of the Local Plan with modifications to Policy 30 as described and the deletion of Allocation 3.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.
You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modifications required to make the Local Plan legally compliant and sound.

1. Delete the words: "other than where allocated within this Local Plan or where it can be demonstrated that there are".
2. Replace with: "other than in".

To read: "Major development will not be permitted within Chichester Harbour National Landscape other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest."

Reasoned justification:

a) This will make the wording of the Local Plan consistent with wording in the NPPF, both the 2024 (paragraph 190) and 2026 (Policy N4(2)) versions.
b) This will make the wording consistent with other related policies, including Core Strategy Policy CS12 and the Chichester Harbour Management Plan (2019-2024, extended for 2024-25).
c) This will help Havant Borough Council to demonstrate it has fulfilled its duty under the Levelling Up and Regeneration Act of 2023, that relevant authorities, "must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty." (source: National Landscapes Association, Applying the CRoW Act section 85 duty to 'seek to further the purpose' in National Landscapes (AONBs), November 2024, enclosed).

If you wish to upload any documents to support your representation, please do so below. Please note that there is a maximum file size of 50MB and you can upload a maximum of 10 files to include with your form.

- File: NLA-BRIEFING-May-2026-Housing-in-NLs.pdf - Download
- File: 250509_NLA-s85-Briefing-Note-for-RAs_Final-1.pdf - Download

Examination Hearing Session Invitation

If your representation / representations are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?
Please note that while this will provide an initial indication of your wish to participate in examination hearing session(s), you may be asked at a later point to confirm your request to participate.
No details on the examination hearing session(s) have yet been determined and will be made available upon the submission of the Building a Better Future Plan to the Planning Inspectorate.

Yes, I wish to participate in examination hearing session(s)

Examination Hearing Session Invitation (2)

You indicated that you wish to participate in the examination hearing session(s). Please out line why you consider this to be necessary.
Please note the Inspector will determine the most appropriate procedure to adopt to hear th ose who have indicated that they wish to participate in examination hearing session(s). Yo u may be asked to confirm your wish to participate when the Inspector has identified the m atters and issues for examination.

Established by its own Act of Parliament in 1971, Chichester Harbour Conservancy is the Delivery Partner for Chichester Harbour National Landscape, as appointed by Hampshire County Council, West Sussex County Council, Chichester District Council and Havant Borough Council. This arrangement is recognised by Defra. The wording of Policy 30 'Nationally Protected Landscapes' is critically important to conserving and enhancing the natural beauty of Chichester Harbour National Landscape.

Future Notification

Do you wish to be notified of any of the following milestones in the Building a Better Future Plan process?
These milestones include:

The Local Plan has been submitted for examination
The publication on the Inspector's Report
The adoption of the Local Plan

If you indicate that you wish to be notified, the email address you provided in Part A of the f orm will be used by the Council to notify you of these milestones.

Yes, I wish to be notified

Planning for Housing in National Landscapes (AONBs) in England

National Landscapes Association

Guidance for Local Planning Authorities

National Landscapes Association, with the National Landscapes Planning and Placemaking Panel

Briefing May 2026

Supporting LPAs' housing planning decision-making processes

This Briefing[1] has been produced to support local planning authorities in making appropriate decisions about the levels, scale and distribution of housing in National Landscapes[2] in England and their settings. Appropriate decisions support the purposes for which they were designated as nationally important landscapes, i.e. to conserve and enhance natural beauty.

National Landscapes are living, working landscapes and delivering appropriate new housing development that is compatible with the purpose of designation is a key part of local planning policy for local authorities in those National Landscapes. This Briefing intends to give local planning authorities the confidence to plan for an appropriate scale of development within or affecting the setting of National Landscapes. It highlights the evidence that national planning policy does not require development that causes harm to nationally designated landscapes. The Briefing also provides advice on the provision of affordable housing in National Landscapes.

This Briefing aims to offer practical, easy-to-follow guidance and includes:

- **Key messages**
- **Legislative context – an overview**
- **National policy context**
- **Local Housing Need and housing requirement**
- **Assessing & allocating housing sites in a National Landscape**
- **Housing sites in the setting of National Landscapes**
- **Affordable housing in National Landscapes**
- **Information sources**

[1] This Briefing updates and replaces the *Position Statement Planning for Housing within Areas of Outstanding Natural Beauty (AONBs) in England* published by the National Association for AONBs (now National Landscapes Association) on 06 December 2019.

[2] From November 22nd 2023, all AONBs in England are known as National Landscapes. The statutory designation remains an area of outstanding natural beauty (AONB) and is currently referred to as such in legislation. Where appropriate, this document uses the term AONB.

Key messages

National Landscapes are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. The statutory purpose of their designation is to *conserve and enhance the natural beauty of the area*.

National Landscapes are living and working landscapes, and some degree of new housing is likely to be required to meet local needs. It is important that this housing is planned for and delivered in a way that is compatible with – and positively contributes to – the purpose of designation.

The National Planning Policy Framework (NPPF 2024) sets out that:

- **The scale and extent of development in National Landscapes should be limited.[a]**
- **The housing requirement that goes forward in a Local Plan does not necessarily have to be as high as Local Housing Need (calculated using the standard method).[b]**
- **There is a presumption that planning permission should be refused for major development in National Landscapes, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. [c]**

The National Planning Practice Guidance clarifies that:

- **Policies for protecting National Landscapes may mean that it is not possible for Local Plans to meet Local Housing Need in full. [d]**
- **National Landscapes are unlikely to be suitable areas for accommodating unmet needs arising from adjoining, non-designated, areas. [e]**
- **National Landscape Management Plans, whilst not forming part of the statutory development plan, do help to set out the strategic context for development. They provide evidence of the value and characteristics of natural beauty in these areas and contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications. [f]**

[a] NPPF para 189
[b] NPPF para 69 and para 11 (b)(i): where the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area. The assets referred to are listed in footnote 7 and include National Landscapes.
[c] NPPF para 190
[d, e] NPPG Paragraph: 041 Reference ID: 8-041-20190721
[f] NPPG Paragraph: 040 Reference ID: 8-040-20190721

Key implementation advice:

- Local planning authorities should carry out a transparent assessment demonstrating how they have sought to further the purpose of conserving and enhancing the natural beauty of the specific National Landscape in deciding the level of housing provision proposed, the type of homes and the distribution of those homes.
- National Landscape (AONB) Management Plans are key documents for understanding the natural beauty of an area, and therefore what characteristics need to be conserved and enhanced when deciding the location, scale and extent, and design of new development.
- Decisions on allocating sites within National Landscape should be 'landscape-led', based on a robust understanding of landscape including the history and settlement pattern, informed by site-specific landscape and visual sensitivity and capacity studies, Landscape Character Assessments and Historic Landscape Characterisation, for example.
- Local planning authorities also need to consider the cumulative impact of development of proposed sites and such development occurring within multiple Local Plan areas in a National Landscape.
- Housing delivery in National Landscapes should be focused on the provision of affordable housing that meets the needs of local communities.

Introduction

Local planning authorities (LPAs) are tasked with accommodating housing within the context of UK Government aspirations to deliver 1.5m homes by 2029, as part of addressing the range of complex issues with the UK housing market. It is important to recognise that, amidst the continued Government focus on increasing housebuilding, national planning policy on National Landscapes has not been weakened in any way. The National Planning Policy Framework (NPPF) requires that the scale and extent of development within National Landscapes should be limited, and sets out the circumstances in which local housing needs do not necessarily have to be met in full, while the National Planning Practice Guidance (NPPG) also includes clear advice that National Landscapes are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.

National Landscapes are outstanding, iconic landscapes whose distinctive character and natural beauty are so precious that they are safeguarded in the national interest. They are of immense value to the nation, offering a wide range of public goods and services. The NPPF sets out that National Landscapes (along with National Parks and the Broads) have the 'highest status of protection' in relation to conserving and enhancing landscape and scenic beauty. As landscapes protected for their natural beauty, including their distinctive landscape quality, cultural heritage and historical character, it makes sense that the scale and extent of development within these areas should be limited, as set out in the NPPF.

However, appropriate new housing in National Landscapes can make an important and positive contribution to support vibrant and thriving rural communities, and provide affordable housing based on local needs. Local Plans should include strategies to support the delivery of high-quality and landscape-led new housing, of appropriate scale and location, with a mix of housing sizes and types that respond to local needs (including the specific requirements of land-based workers and affordable housing), which is compatible with, and does not compromise, the character and natural beauty of the National Landscape.

Legislative context

The National Parks and Access to the Countryside Act 1949 made provision for the designation of National Landscapes (AONBs) and National Parks to 'preserve and enhance natural beauty'. The Countryside Act 1968 stated that 'the preservation of the natural beauty of an area shall be construed in the same way as references in the Act [1968] to the conservation of the natural beauty of an area.' The Environment Act 1995 updated the statutory language for National Parks to 'conserve and enhance'.

The legal framework for National Landscapes is provided by the Countryside and Rights of Way Act (CRoW) 2000, which confirmed their purpose is to 'conserve and enhance' natural beauty. This Act includes (amongst other sections):

- Section 82, which allows for the designation of an area as an 'area of outstanding natural beauty' for the purpose of conserving and enhancing the natural beauty of the area.
- Section 85 (as amended by the Levelling-Up and Regeneration Act[3] in December 2023), which now sets out that 'relevant authorities', in exercising or performing any function that affect National Landscapes in England, "***must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty***."[4] Relevant authorities are generally all public authorities and statutory undertakers. Within the planning context, relevant authorities include the local planning authorities and the Planning Inspectorate, along with Parish Councils producing Neighbourhood Plans. The duty applies to all aspects of the planning process, including

[3] Levelling-up and Regeneration Act 2023 (section 245).
[4] Countryside and Rights of Way Act 2000 (section 85).

decisions relating to site allocations in Local Plans. More information for LPAs on the section 85 duty is available at CRoW-s.85-duty-guidance-for-LPAs_NLA-Briefing-Nov-24.pdf

National planning policy context

- Paragraph 189 of the National Planning Policy Framework (NPPF) 2024 sets out that **'great weight' should be given to conserving and enhancing landscape and scenic beauty in National Landscapes**, which (along with National Parks and the Broads) '**have the highest status of protection in relation to these issues**'. It also sets out that '**the scale and extent of development within these designated areas should be limited**' and that '**development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas**.'
- Paragraph 190 of the NPPF sets out that within National Landscapes, 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.
- Paragraph 69 of the NPPF sets out that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.
- Paragraph 11 (b) (i) of the NPPF sets out that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area**". The assets referred to are listed in footnote 7 and include National Landscapes (the relevant policies in the Framework are 189 and 190).

Also relevant are:

- Paragraph 187 of the NPPF, which sets out that planning policies and decisions should contribute to and enhance the natural and local environment by [inter alia] protecting and enhancing valued landscapes in a manner commensurate with their statutory status.
- Para 188 of the NPPF, which sets out that planning policies and decisions should distinguish between the hierarchy of international, national and locally designated sites, and allocate land with the least environmental or amenity value, where consistent with other policies in the Framework.

Local Housing Need and housing requirement

LPAs with land in National Landscapes must calculate local housing need using the national standard methodology (as detailed in the December 2024 edition of the NPPF). However, this does not mean that this is the number of homes that should be provided in a local planning authority's area or planned for in its Local Plan. **Local housing need (calculated using the standard method) is not *necessarily* the same as the housing requirement that goes forward in a Local Plan. Specifically, the NPPF sets out circumstances in which the housing requirement figure can be less than the local housing need figure.** (paras 11 and 69)

It is important to recognise that it is mandatory to use the standard method when assessing housing need but it is not mandatory for the Local Plan housing requirement figure to meet, or exceed, the housing need figure.

This was confirmed in the Government response to the proposed reforms to the NPPF (Government response for Questions 1 and 2) published 20th July 2024, which stated:

> "*The standard method identifies the minimum number of homes needed and local planning authorities are expected to plan to meet their housing needs in full. However it is recognised that there may be local constraints on land and delivery that could justify a lower housing requirement figure*." (N.B. Underlining added for emphasis).

That response also clarified that the NPPG had been updated accordingly. The NPPG (Housing and Economic Needs Assessment) confirms that:

> "*The standard method set out below identifies a minimum annual housing need figure, … It does not produce a housing requirement figure*." (Paragraph: 002 Reference ID: 2a-002-20241212)

and that:

> "*The housing requirement is the minimum number of homes that a plan seeks to provide during the plan period. Once local housing need has been assessed, as set out in this guidance, authorities should then make an assessment of the amount of new homes that can be provided in their area. This should be justified by evidence on land availability, constraints on development and any other relevant matters*." (Paragraph: 040 Reference ID: 2a-040-20241212)

This is confirmed in the NPPF, in para 69, which advises that strategic, policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified local housing need can be met over the plan period, and in para 11 (b) (i), which allows **for strategic policies in Local Plans to provide for less than the housing need where the application of other NPPF policies that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.** Footnote 7 confirms that NPPF polices related to National Landscapes (i.e. 189 and 190) are in the list of such policies.

Therefore the appropriate 'housing requirement' taken forward in Local Plans will also need to take into account other factors/assets such as the existence of designated National Landscapes within the Plan area, that could reduce the number of homes and other development that can be accommodated without harming those assets. Of course, there may be Plan areas with only minimal land within, or in the setting of, National Landscapes who are able to fully meet their local housing need.

The NPPG (Natural Environment) further clarifies:

> "*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…"* (Paragraph: 041 Reference ID: 8-041-20190721.) (N.B. bold text added for emphasis)

National Landscapes, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty[5]. For National Parks "*the Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services*".[6] In according with NPPF para 189, this principle should apply equally to National Landscapes but, in the absence of

[5] NPPF para 189

[6] English national parks and the broads: UK government vision and circular 2010 https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010

a similar document for National Landscapes, this relies on paragraph 11 of the NPPF being applied robustly to ensure that the scale and extent of development proposed does not harm the purposes for which these areas were nationally designated.

Assessing and allocating housing sites in a National Landscape

General approach

As described above, for LPAs with land in National Landscapes, the overall development strategy in a Local Plan will need to take account of the fact that the NPPF sets out that the scale and extent of development within National Landscapes should be limited, and site allocations need to be considered within this context. LPAs also need to consider the cumulative impact of proposed sites, and of such development occurring within multiple Local Plan areas in a single National Landscape.

Part of the consideration of the appropriate level of housing within a National Landscape will be assessing potential sites for allocation. This will normally be undertaken as part of the Housing and Economic Land Availability Assessment (HELAA) process. For sites within a National Landscape this assessment will need to take into account the impact of potential sites on the purposes of the designation, i.e. to conserve and enhance natural beauty, taking into account the relevant National Landscape (AONB) Management Plan.

National Landscape (AONB) Management Plans are key documents to understanding the natural beauty of the area and therefore what characteristics or features of natural beauty need to be conserved and enhanced when deciding the location, scale and design of new development. The Management Plan for each National Landscape is a statutory document, which will have been adopted by the local authorities (or by the relevant National Landscape Conservation Board) and which '***formulates their policy for the management of the area and for the carrying out of their functions in relation to it***'.[7] It is the principal vehicle for ensuring that the statutory purpose of the specific National Landscape is met, it helps to set the strategic context for development, and it is a material consideration in the planning process.[8]

National Landscape (AONB) Management Plans are often supported by additional guidance documents that provide more detailed advice as well as position statements, relating to subjects such as design, dark skies, and the setting of the National Landscape, which should also be considered in the local plan-making process.

It is important to remember that 'natural beauty' is holistic. Natural beauty is not just the look of the landscape (or 'the view'), but includes landform and geology, plants and animals, landscape features, and the rich history of human settlement over the centuries.[9] It comprises multiple elements such as the landscape and scenic quality, natural heritage (geology, species and habitats), wildness (including sense of remoteness), tranquillity and dark skies, and cultural heritage (including the built environment and cultural traditions and associations)[10] which, taken together, justify an area's designation. It is the conservation and enhancement of all these aspects of natural beauty (described in the specific, statutory National Landscape (AONB) Management Plan) that is the primary purpose of designation.

Decisions to allocate sites within National Landscapes should be 'landscape-led', as implied by the 'great weight' to be given to conserving and enhancing National Landscapes and the 'highest

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[7] Countryside and Rights of Way Act 2000, s.89(2).
[8] NPPG Paragraph: 040 Reference ID: 8-040-20190721
[9] Countryside Commission (2001) Areas of Outstanding Natural Beauty: A guide for AONB Partnership members. CA24.
[10] *The 'natural beauty criterion'.* Natural England (2017) Areas of outstanding natural beauty: designation and management.

status of protection' given by para 189 of the NPPF. This requires a robust understanding of landscape, including the history and settlement patterns of the wider landscape, drawing on the Management Plan along with Landscape Character Assessments and Historic Landscape Characterisation – see advised site assessment steps set out below.

Advised site assessment steps

To assess sites for housing in National Landscapes, we recommend LPAs will need to:[11,12]

- **Establish the facts about the natural beauty of the area, especially with reference to the statutory Management Plan for the specific National Landscape**. Identify what comprises the specific natural beauty of the area, using:
  - descriptions of natural beauty, which can include Statements of Significance, or description of key characteristics or features, as set out in National Landscape (AONB) Management Plans; and
  - the reasons for designation as a National Landscape (AONB).
- **Understand the key aims, objectives, outcomes (and policies, where relevant) in the statutory Management Plan for the specific National Landscape,** which give an indication of which actions or approaches will further the purpose of designation. These objectives:
  - relate to the applicable legislative purposes;
  - are evidence-based;
  - have been agreed between local partners, in a process convened by the National Landscape team;
  - include, but are not limited to, national or locally apportioned government targets and outcomes.
- **Undertake landscape and visual sensitivity or capacity studies**[13] as advised in the NPPG,[14] to assess the sensitivity of each site to the type and scale of development that is being considered. It is critical that these studies are completed prior to allocation, to inform the allocation process, not post-allocation. These studies should:
  - Form part of the Local Plan's evidence base;
  - Accord sites in National Landscapes the highest 'value' in the assessment process[15], to reflect their national designation status and the provisions of para 189 of the NPPF;
  - Be informed by the specific characteristics of the natural beauty of the area as described in the statutory Management Plan for the National Landscape;
  - Be used to assess whether the principle of development of the site is appropriate, in terms of impacts on the specific natural beauty of the National Landscape;
  - Be undertaken on a site-specific basis rather than as part of a broad-brush sensitivity assessment covering a wider area and assess the sensitivity of these sites to types and scales of development being considered;
  - Consider both the landscape and the visual sensitivity of the sites, again with reference to the Management Plan;
  - Be used to inform the amount, location and nature of development, and extent of site coverage, that may be appropriate - for clarity, this should then be incorporated into any policy allocating the site for development;
  - Identify any mitigation measures, such as landscape buffers and building height parameters, or any other site-specific issues, that might make development of the site acceptable in

[11] NPPG Paragraph: 037 Reference ID: 8-037-20190721
[12] https://national-landscapes.org.uk/resources/guidance-for-local-planning-authorities-on-crow-s-85-duty/page3
[13] An approach to landscape sensitivity - Natural England 2019
[14] NPPG Paragraph: 037 Reference ID: 8-037-20190721
[15] Landscape Institute's GLVIA3 paras 5.19-5.23 and GLVIA3 Notes & Clarifications 5(7)

terms of impact on the specific natural beauty of the National Landscape; again, these should then be incorporated into any policy allocating the site for development; and
    - Ensure any mitigation measures themselves would not harm the specific natural beauty of the National Landscape, e.g. would not introduce uncharacteristic landscape features in the locality. Also, in recognising the holistic nature of natural beauty, it should be noted that mitigation measures will not always be sufficient to overcome harms to the National Landscape.

Development on previously developed land (PDL)

Within a National Landscape or its setting, it might be appropriate for a different approach to be taken to the redevelopment of previously developed land (PDL) – as per the definition in the NPPF glossary - than would be taken for greenfield sites. However, the strong policies within the NPPF for conserving and enhancing National Landscapes, along with the statutory requirement for LPAs and others to seek to further the purposes of National Landscapes, mean that there should be no presumption in favour of the redevelopment for housing of PDL sites in National Landscapes and their settings. The landscape context of a site in a National Landscape is just as important for a PDL site as it is for any site.

When considering PDL sites in a National Landscape in the context of plan-making or development management, the following should be considered, in addition to the advised site assessment steps described above:

- Any ecological and/or historical significance of the site, or parts of the site, especially (but not limited to) that which relates to the natural beauty of the National Landscape, noting that such significance may not be immediately obvious without appropriate surveys.
- The existing or former use of the site and any of its structures, and whether that use was generally compatible with the natural beauty of the National Landscape (for example, agricultural barns and horticultural infrastructure that might be considered an accepted and typical part of the rural landscape, or might contribute to the rural, land-based economy) and might usefully be retained or revived, at least in part.
- Whether any existing structures or hard standings are incongruous in the landscape to the extent that redevelopment would represent an enhancement, including consideration of contamination of land or water, and the stability of land.
- The extent to which the introduction of residential development on the site would increase or exacerbate any existing impacts of the PDL on the natural beauty of the National Landscape.
- Whether the site or its structures could (in part or as a whole) be better put to a different use, other than residential development, that contributes to or delivers the purposes of the National Landscape designation, or another use that meets local development needs, especially where this would be suited to a rural location.

In view of the above, early engagement with the relevant National Landscape team, to understand the site and the relationship with its context, is encouraged.

Major development

Paragraph 190 of the NPPF sets out that, within National Landscapes, **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**. It also sets out the following:

"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.*"

Footnote 64 clarifies that, for the purpose of paragraph 190, 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.

Whilst paragraph 190 specifically refers to planning permissions, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans.[16] Legal advice provided to the South Downs National Park Authority by Landmark Chambers in 2017 also concluded that "*it would arguably amount to an error of law to fail to consider paragraph 116* (now 190) *at the site allocations stage of plan making for the National Park. The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF*".[17]

Considerations 'a' and 'b' of NPPF para 190 are indeed more appropriate to determine at plan-making stage when the needs for development are established and alternative options for provision fully considered.

The starting point of the policy is that major development should only be permitted in a National Landscape "**in exceptional circumstances, and where it can be demonstrated that the development is in the public interest**". This is a primary and separate requirement to the considerations 'a'–'c' below and is a very high bar. In many areas, particularly in southern England, high levels of housing need are the rule rather than the exception, while the public interest must also take into account the value that people place on nationally important, designated landscapes.

It should be noted that exceptional *need* does not necessarily equate to exceptional *circumstances*.[18] When applied at Local Plan stage, consideration 'a' should not assume that general housing needs must be met within the National Landscape. To seek to justify major development on the basis of meeting local housing need for the local planning authority area is a circular argument at plan-making stage, because the impact of the scale and distribution of development on the National Landscape should be taken into account in deciding the level of housing provision (the housing requirement) (NPPF paras 69 and 11(d)(i)). If such housing levels can only be achieved by allocating major development in the National Landscape, which by definition will have "a significant adverse impact on the purposes for which the area has been designated" then this is a good indicator that the impact on the National Landscape provides "a strong reason for restricting the overall scale, type or distribution of development in the plan area" as provided for in NPPF paragraph 11.

Rather, the assessment for consideration 'a' should be based on robust evidence that directly relates to the National Landscape and relevant settlements within it. This is supported by the findings of the Inspector for the West Oxfordshire Local Plan in 2018, who recommended deleting four allocations in the Burford–Charlbury sub-area, which forms part of the Cotswolds National Landscape, on the basis that there was no housing need figure for this specific sub-area and that "*soundly-based decisions on the balance of the benefits and harms of further housing development in this area can*

[16] For instance, in the Vale of White Horse Local Plan examination in 2016, the Inspector considered two proposed sites located within the North Wessex Downs AONB for 550 and 850 dwellings against the major development tests set out in paragraph 116 of the NPPF (now incorporated into paragraph 190 of the NPPF). He concluded that the specific need for housing to be provided within the AONB had not been demonstrated and the sites were subsequently deleted. Vale-of-White-Horse-Local-Plan-2031-Part-1-Inspectors-Report-FR.pdf More recently, in 2019, the Inspector appointed to examine the Wealden Local Plan also considered it appropriate to assess the approach to development against the exceptional circumstances and public interest tests set out in para 116 of the previous NPPF.

[17] 10 October 2017 Toby Fisher, Landmark Chambers

[18] This principle is recognised in relevant case law (R (Mevagissey Parish Council) v Cornwall Council [2013] EHWC 3684 , paragraph 52): 'Even if there were an exceptional need … that would not necessarily equate to exceptional circumstances for a particular development, because there may be alternative sites that are more suitable because development there would result in less harm to the AONB landscape'.

only reasonably be reached based on the detailed evidence submitted as part of specific planning applications".[19]

Consideration 'b' should robustly explore all available options outside the National Landscape, and whether the need can be met in another way, such as on smaller sites within the National Landscape. Consideration 'c' can be harder to apply at Local Plan stage when the details of a specific scheme are not known, but sites that are significantly constrained by environmental, landscape or recreational factors should be avoided. Again, landscape capacity or sensitivity studies can be useful tools to inform this consideration alongside other relevant evidence such as ecological and heritage studies.

Housing sites in the setting of National Landscapes

National planning policy and guidance make clear that land within the setting of National Landscapes often makes an important contribution to maintaining their natural beauty.

The NPPG (Natural Environment) says of National Landscapes:

> "*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*" (Paragraph: 042 Reference ID: 8-042-20190721).

Development being proposed in areas outside of, but close to the boundary of, National Landscapes can include significantly expanded existing towns and villages, and the creation of wholly new settlements, sometimes branded as 'Garden Villages'. Again, decisions on allocating sites within the setting of National Landscapes should be 'landscape-led', to reflect the requirements of NPPF para 189 that development within the setting of National Landscapes should be '*sensitively located and designed so as to minimise impact'*, based on a robust understanding of landscape including the history and settlement patterns of the wider landscape, using site-specific landscape and visual sensitivity studies.

Impacts on the setting of a National Landscape can be direct or indirect, and might include:

- Visual effects, where there is a clear intervisibility between the site and the National Landscape, and therefore the site makes a positive contribution to the setting of the National Landscape, for example where the development of a site would result in an abrupt change of landscape character in close proximity to the National Landscape, and a loss of natural landscape contiguous with it. Also, for example, where the relationship between the particular National Landscape and an adjacent designated heritage asset such as a Conservation Area or Listed Building is a fundamental part of the setting of the particular National Landscape, perhaps due to topography or cultural significance.
- Effects on settlement character, particularly for proposed 'Garden Villages' attached to existing settlements, where these would not relate well to the established and historic pattern of development in the area, and would subsume and overwhelm the existing village, significantly altering its character and landscape setting, and creating large new urbanisations adjacent to National Landscapes.
- Physical effects, for example, on habitats (especially woodland) or watercourses with functional connectivity with the particular National Landscape, and on species e.g. on foraging opportunities and behavioural impacts.

[19] West Oxfordshire Local Plan 2031 Inspector's Report, August 2018 Issue 9 paras 214-224 west-oxfordshire-inspectors-report.pdf

- Impacts on the sense of naturalness, remoteness, tranquillity and dark skies of the particular National Landscape and the way it is experienced and enjoyed.
- Impacts of increased population close to the specific National Landscape boundary, for example significant increase in traffic movements on roads within and / or along the boundary of the National Landscape, increased recreational pressure, increased demands on natural resources.

Again, all these potential impacts should be considered against the natural beauty of the area, especially with reference to the statutory Management Plan for the specific National Landscape, and the key aims, objectives, outcomes (and policies, where relevant) therein.

Affordable housing in National Landscapes

Affordability of housing is often an issue within National Landscapes, particularly for younger people and those who work in land-based industries such as agriculture and forestry, and this has important implications for the future land management of National Landscapes and for sustainable rural communities. This issue is addressed in Circular 2010[5] with regard to National Parks, where similar issues exist.

As such, the provision of affordable housing that meets the needs of local communities, including the provision of housing that is affordable in perpetuity, should be a high priority in National Landscapes. Planning policies should seek to deliver high-quality and landscape-led new housing, including affordable housing and workspace, to support thriving rural communities, and which does not compromise the character and natural beauty of National Landscapes.

Local Plans need to plan for and engage positively with mechanisms capable of delivering affordable housing in National Landscapes. This might include housing tailored to the specific needs of land-based workers for rural housing needs, in order to support sustainable land management, the land-based economy and the aims, objectives, outcomes (and policies, where relevant) of National Landscape Management Plans.

In this regard, we would expect local planning authorities with land in a National Landscape to take up the opportunity provided in para 65 of the NPPF, regarding thresholds for affordable housing in 'designated rural areas' (defined in the NPPF Glossary as including National Landscapes). This says LPAs can include policies in their Local Plans requiring provision of affordable housing in residential developments of five units or fewer within National Landscapes.

Innovative mechanisms to deliver affordable housing in National Landscapes, for local people, including land-based workers, are recommended. Such mechanisms might include developing local criteria for key workers, exploring local thresholds for First Homes, and supporting local Community Land Trust ambitions. In recent years, community-led housing schemes have become more common across the country, often led by Community Land Trusts that are run by local people and provide genuinely affordable housing in perpetuity to meet local needs.

Rural exception sites

Rural exception sites are small sites used for affordable housing in perpetuity where sites would not normally be used for housing, i.e. outside the development boundaries of settlements. Accommodating rural exception sites within National Landscapes without adversely impacting on landscape character can be difficult, and decisions on allocating or accepting such sites within National Landscapes still need to be considered in the context of conserving and enhancing the natural beauty of the specific National Landscape (as per NPPF 189).

As with any site allocation, this requires a robust understanding of landscape including the history and settlement patterns of the wider landscape, taking into account National Landscape (AONB) Management Plans, which are key documents to understand the natural beauty of the area, and

therefore what needs to be conserved and enhanced when deciding the location, scale and design of a rural exception site. Local planning authorities also need to consider the cumulative impact of the proposed sites in that National Landscape.

Information sources used in the preparation of this Briefing

- Countryside Commission (2001) Areas of Outstanding Natural Beauty: A guide for AONB Partnership members. CA24. Available at https://national-landscapes.org.uk/historical-papers
- Natural England (2017) Areas of outstanding natural beauty (AONBs): designation and management. Guidance. Available at https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management
- Countryside and Rights of Way Act 2000. Available at https://www.legislation.gov.uk/ukpga/2000/37/section/85
- Defra Guidance for relevant authorities on seeking to further the purposes of Protected Landscape (Dec 2024) Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK
- National Planning Policy Framework
- NPPG Natural environment - GOV.UK
- NPPG Housing and economic needs assessment - GOV.UK
- English national parks and the broads: UK government vision and circular 2010 https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010
- Natural England 2019 An approach to landscape sensitivity assessment – to inform spatial planning and land management. Available at An approach to landscape sensitivity - Natural England 2019
- Landscape Institute 2023 Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) LITGN-2024-01-GLVIA3-NC_Aug-2024.pdf

If you require general assistance in understanding or interpreting a specific National Landscape (AONB) Management Plan, please contact the relevant National Landscape (AONB) team, who will be able to offer you further guidance.

About National Landscapes Association

We are a registered charity that supports the mission to conserve and enhance natural beauty in National Landscapes and other protected areas. National Landscape teams across the UK work to achieve a sustainable balance of priorities at the landscape scale. One of our key aims is to support and develop a network of ambitious National Landscape teams and partnerships that have a strong collective voice and a positive impact on the places for which they care.

About this Briefing

National Landscapes Briefings offer a summary of key findings and recommendations arising from National Landscapes' action and insight. This Briefing has been informed by the Planning and Placemaking specialist panel of representatives from across the National Landscape network.

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Applying the CRoW Act section 85 duty to 'seek to further the purpose' in National Landscapes (AONBs)

National Landscapes Association

Guidance for relevant authorities

National Landscapes Association, with the National Landscapes Planning and Placemaking Panel

Briefing May 2025

Purpose of this Briefing

This Briefing has been produced to provide additional guidance to relevant authorities on meeting the strengthened duty in Section 85 of the Countryside and Right of Way (CRoW) Act 2000 when exercising their functions that affect National Landscapes (areas of outstanding natural beauty) in England.[1]

It is complementary to the guidance published by the Department for the Environment, Food and Rural Affairs (Defra) *Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes,*[2] which provides broad principles to guide relevant authorities in complying with the duty.

The Briefing aims to offer practical, easy-to-follow guidance on good practice, covering a range of relevant authority functions, and includes:

- **Legislative context and broad approach** – an overview.
- **Use of the relevant Management Plan.**
- **CRoW Act 2000 s.85 duty in relevant authority functions.**
- **Information sources** that have been used in the preparation of this Briefing.

[1] *From November 22nd 2023, all AONBs in England are known as National Landscapes. The statutory designation remains an area of outstanding natural beauty (AONB) and is currently referred to as such in legislation, hence the term National Landscape (AONB) Management Plans in this document.*

[2] Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK

Legislative context and broad approach

- Section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-Up and Regeneration Act[3] 2023) sets out that relevant authorities, in exercising or performing any function that affect National Landscapes in England, "***must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.***"[4]
- **Relevant authorities are strongly advised to ensure their internal legal teams are aware of the s.85 duty.**
- This is a **statutory duty**, which has been in force since December 26, 2023. The use of the word 'duty' in the legislation means that it is something all relevant authorities **must** do; it is not discretionary.
- The duty is considered to be a **strengthening** of the previous s.85 '*duty of regard'* and seeks positive outcomes for the natural beauty, in its holistic sense, of our National Landscapes.
- **The duty relates to any functions that a relevant authority might undertake '*in relation to, or so as to affect, land in an area of outstanding beauty'*** [National Landscape], i.e. functions which are not only within a National Landscape, but also, for example, **affecting its setting**.
- The definition of relevant authorities in the context of National Landscapes can be found in the CRoW Act 2000 - Section 85 (2) [5], and includes:
    - **Any Minister of the Crown** (this includes all Government departments, non-ministerial departm agencies and other advisory bodies, etc.);
    - **Any public body** (this includes a unitary authority, county council, county borough council, district council, parish council);
    - **Any person holding public office;**
    - **Any statutory undertaker.**
- The s.85 duty must be considered in parallel with other statutory duties or obligations on relevant authorities (such as for example duties within the Highways Act 1980, the Licensing Act 2003, the Water Industry Act 1991, the Water Resources Act 1991, and the Town & County Planning Act 1990); each duty or obligation must be met, and none takes priority over any other.
- The duty is considered to require an **active approach on the part of the relevant authority**. Relevant authorities should be able to demonstrate, with evidence, that they have fulfilled the duty and how compliance with the duty has been embedded in **all their processes**, including for example preparing strategies, work programmes and budgetary allocations, operations manuals/internal codes of practice/protocols, including routine maintenance, and project planning and decision-making.
- Natural England have provided good practice advice that relevant authorities must take **all reasonable steps** to explore how the statutory purposes of the Protected Landscape can be furthered.[6]

[3] Levelling-up and Regeneration Act 2023 (section 245).
[4] Countryside and Rights of Way Act 2000 (section 85).
[5] Countryside and Rights of Way Act 2000 (legislation.gov.uk)
[6]Natural England (2023) 'Natural England's addendum to our Deadline 9 response in relation to the enhanced duty in relation to Protected Landscapes including the Kent Downs Area of Outstanding Natural Beauty' (Annex 2, para 2.1.3). *'Protected Landscapes' in this document refers to National Landscapes (AONBs) and National Parks: Natural England's advice applies to both.*

- It is important to ensure that **'to conserve and enhance' is treated as a singular purpose**: consider both parts together.
- It is important to remember that 'natural beauty' is holistic. **'Natural beauty' is not just the look of the landscape (or 'the view'), but includes landform and geology, plants and animals, landscape features, and the rich history of human settlement over the centuries.**[7] It **comprises multiple aspects** such as the landscape and scenic quality, natural heritage (geology, species and habitats), wildness (including sense of remoteness), tranquillity (including dark skies), and cultural heritage (including the built environment and cultural traditions and associations)[8] **which taken together justify an area's designation**. Historic England make clear that the historic environment is fundamental to the distinctive character, sense of place and natural beauty of each National Landscape.[9]
- It is the conservation and enhancement of **all** these aspects of natural beauty (defined in the specific statutory National Landscape (AONB) Management Plan) that is the primary purpose of designation, and that relevant authorities must consider in discharging their duty under CRoW Act (2000) s.85.

Use of the relevant Management Plan

- The Management Plan for the specific National Landscape is a statutory document, which will have been adopted by the Local Authority (or by the relevant Conservation Board) and which '***formulates their policy for the management of the area and for the carrying out of their functions in relation to it***'.[10] It is the principal vehicle for ensuring that the statutory purposes of the National Landscape are met. It is a material consideration in the planning process.
- Conserving and enhancing the natural beauty of a National Landscape will normally mean:
    - **conserving and enhancing the components of natural beauty, including the special qualities that people enjoy, identified in the Management Plan;**
    - **supporting the Management Plan aims, objectives, outcomes (and policies, where relevant) as set out for each of these; and**
    - **supporting the delivery of any Management Plan actions set out for each.**

Exercising functions affecting National Landscapes

Relevant authorities must be able to demonstrate that they have complied with the strengthened duty in any action, policy, or operation that impacts, or could potentially impact, on the relevant National Landscape.

To demonstrate that they have sought to further the purpose of designation in carrying out their functions affecting National Landscapes, relevant authorities should:

- **Establish the facts about the natural beauty of the area, especially with reference to the statutory Management Plan for the specific National Landscape**. Identify what comprises the natural beauty, using:

[7] Countryside Commission (2001) Areas of Outstanding Natural Beauty: A guide for AONB Partnership members. CA24.
[8] *The 'natural beauty criterion'.* Natural England (2017) Areas of outstanding natural beauty: designation and management.
[9] Joint Statement on the Historic Environment in Areas of Outstanding Natural Beauty, Historic England website (2022); Historic England and AONBs sign joint statement, National Landscapes Association website (2022).
[10] Countryside and Rights of Way Act 2000, s.89(2).

- descriptions of the components of natural beauty, including the special qualities that people enjoy, as set out in National Landscape (AONB) Management Plans; and
- the reasons for designation as a National Landscape (AONB).

- **Understand the key aims, objectives, outcomes (and policies, where relevant,) in the statutory Management Plan for the specific National Landscape**, which give an indication which actions or approaches will further the purpose of designation. These objectives:
  - relate to the legislative purposes;
  - are evidence-based;
  - have been agreed between local partners, in a process convened by the National Landscape team;
  - include, but are not limited to, national or locally apportioned government targets and outcomes.

National Landscape (AONB) Management Plans are often supported by additional guidance documents that provide more detailed advice and position statements relating to subjects such as design, dark skies, rural roads and public realm, renewable energy, telecommunications infrastructure and the setting of the National Landscape. These should also be considered in carrying out functions affecting the National Landscape, as should any Landscape Character Assessments / Historic Character Assessments that inform Management Plans.

CRoW Act 2000 s.85 duty in relevant authority functions

The duty to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes applies to the full range of functions of a relevant authority that affect land in a National Landscape. Relevant authorities will need to be able to demonstrate how the s.85 duty has been embedded (at a national, regional and local level as relevant), into **all relevant policies, guidance, strategies and business plans, work programmes and budgetary allocations, asset management operations manuals / internal codes of practice/protocols, briefs, internal monitoring, and at the earliest stage of capital/infrastructure project scoping, planning and development**, to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.

The following table sets out those relevant authorities and examples of their range of functions that particularly have the potential to affect National Landscapes. Please note that this list is not exhaustive and the absence of any specific relevant authority or function does not mean that it is not covered by the s.85 duty.[11] See also; Departments, agencies and public bodies - GOV.UK

[11] For example, Health Authorities, Police Authorities, Fire & Rescue Services, and Harbour Authorities are all further examples of relevant authorities under the s85 (2) definition.

Type of relevant authority		Non-exhaustive examples of functions that the duty will apply to
Ministers of the Crown & Persons holding Public Office CRoW Act 2000 - Section 85 (2) definition	**Government Ministers & Departments** (e.g. Secretaries of State, MHCLG, DEFRA, DESNZ, DfT)	Legislation drafting Policymaking (including guidance) Grant funding programmes (e.g. agri-environmental schemes) Decision-making on called-in planning applications Decision-making on Nationally Significant Infrastructure Projects (NSIPs)[12]
	Non-ministerial departments, executive agencies, and non-departmental public bodies (e.g. Natural England, Environment Agency, National Highways, Network Rail, Planning Inspectorate, Historic England, Homes England, Sport England, Forestry Commission & Forestry Research, Marine Management Organisation, Joint Nature Conservation Committee, OFGEM, OFWAT) [13]	Vision setting Business plans & strategies (including project planning) Input to government policy drafting Preparation of technical guidance Infrastructure planning Nationally or regionally significant transport schemes Asset management and operational works (land and property management, including lighting and signage, operations manuals, codes of practice, including routine maintenance) – this includes works that benefit from permitted development rights Decision-making on planning appeals Local Plan examinations (including Neighbourhood Plan examinations)
Public Bodies & Persons holding Public Office CRoW Act 2000 - Section 85 (2) definition	**Local Authorities** (including Mayoral Combined Authorities)	Corporate plans Asset management (land and property management, including heritage assets, including routine maintenance) Licensing function Strategies and plans on, for example, climate change, nature recovery, transport, access & recreation and economic development. Planning functions[14] Minerals & waste strategies Mayoral functions and devolved powers

[12] For detailed guidance on applying the new duty to NSIP applications see separate NLA Advice Note:

[13] For full list see Departments, agencies and public bodies - GOV.UK

[14] For detailed guidance on applying the new duty to planning functions including local plan making, site allocations and development management, see separate NLA Advice Note: **CRoW-s.85-duty-guidance-for-LPAs_NATIONAL LANDSCAPE-Briefing-Nov-24.pdf**

	Highways Authorities (Local Authorities)	Local Transport Plans Asset management (including routine maintenance, operations manuals, codes of practice etc.) Public Rights of Way (PRoW) management & diversions Street lighting
	Town & Parish Councils	Asset management Neighbourhood Plans
Statutory Undertakers CRoW Act 2000 - Section 85 (2) definition	**Statutory Undertakers**[15] (e.g. utilities companies, water and sewerage companies, Internal Drainage Boards, telecoms operators, and energy companies, including UKPN, National Grid, BT (Openreach), Civil Aviation Authority)	Strategic investment strategies / business plans Asset management and operational works (land and property management, including lighting and signage, operations manuals, codes of practice, including routine maintenance) – this includes works that benefit from permitted development rights New infrastructure (such as buildings, cabling (including broadband provision), pipework, grid connections, and associated ancillary works) – this includes works that benefit from permitted development rights Water Resource Management Plans Nationally or regionally significant energy or water schemes

Specific guidance for relevant authorities on meeting the s.85 duty:

- **For setting overall visions, strategies, policies and related documentation (including business plans and management and maintenance policies):**
    - Ensure the overall vision/strategy and any specific policy aligns with the aims, objectives, outcomes (and policies, where relevant) of the relevant National Landscape (AONB) Management Plan.
    - Assess the degree to which any specific policy would help deliver any actions/outcomes of the relevant National Landscape (AONB) Management Plan. Consider including a specific criteria regarding 'natural beauty of National Landscapes' within the assessment process of strategies and policies.
    - If a strategy or policy does not align with the duty (e.g. if it would conflict with any of the relevant Management Plan's aims, objectives, outcomes (and policies, where relevant) then consider amending it such that you could confidently say it does seek to further the purposes.
    - Evidence how the relevant authority has sought to further the purpose of the National Landscape in their strategy or policy formulation process. Reference to aligning with National Landscape (AONB) Management Plan objectives, providing a clear audit trail, should be made.
    - Where the duty has been considered in parallel with other statutory duties on the relevant authority, reasoning should be provided for the subsequent decision, acknowledging that all statutory duties carry equal weight.

[15] See list of Acts which established the various the statutory undertakers in *Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads Guidance note.* Defra (2005) (page 9) Available at https://national-landscapes.org.uk/historical-papers

- **For considering specific works and operations, e.g. individual capital projects or operations, routine maintenance works, protocols and methodologies, product specifications etc:**
    - Ensure the s85 duty is built into the relevant authority's assessment criteria for specific works proposals (**note that the duty applies to all works, not just that those that require planning permissions**)
    - Assess what impact the proposed works would have on the natural beauty of the National Landscape, considering the location of the works and the methodology of carrying out the works. Reference should be made to the components of natural beauty, including the special qualities that people enjoy, as set out in the National Landscape (AONB) Management Plan (consider including a specific criterion regarding 'natural beauty' within the assessment of proposals during project planning).
    - Also consider cumulative impacts, including of the legacy of past works that harm the natural beauty of the National Landscape, as well as of current schemes/programmes being proposed by other relevant authorities in the area.
    - Remember to consider the holistic concept of natural beauty. As scheme designers, relevant authorities may find that landscape and visual impact assesments, heritage statements, ecology and arboricultural assessments, lighting statements and transport assessments may assist assessment in this respect and help inform proposals).
    - Consider whether this would cause harm to the natural beauty of the National Landscape. Consider the aims, objectives, outcomes (and policies, where relevant) of the National Landscape (AONB) Management Plan. Natural England has advised that the strengthened duty underlines the importance of avoiding harm to the statutory purposes of Protected Landscapes.[16]
    - Ensure clear differentiation between any proposed measures that seek to *mitigate* or *compensate* for harm (e.g. like-for-like replacement), and those that *further* the conservation and enhancement of the natural beauty of the National Landscape. Natural England have advised that measures that further the purposes are required in addition to mitigation [17]
    - Remember that 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. Any 'enhancements' within the proposal should genuinely align with, and help deliver, the aims, objectives, outcomes (and policies, where relevant) of the specific National Landscape (AONB) Management Plan. Natural England have advised that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan.[18]
    - Could modifications to the proposals help avoid harm and further the statutory purpose of conserving and enhancing the natural beauty? Such modifications might include for example:
        - changing the location or route of proposed work such as the siting of buildings and /or infrastructure, the routing of cabling and pipework, alternative routes for transport networks, etc.;
        - amending the design/scale of buildings and/or infrastructure;

[16] Natural England (2023) (Annex 2, para. 2.1.3)
[17] Natural England (2023) (Annex 2, para. 2.1.3)
[18] Natural England (2023) (Annex 2, para. 2.1.3)

        - amending the specification of works and methodology such as type of machinery to be used, timing and programming of the works, the specification of ancillary works such as hard surfacing, fencing, lighting, signage etc;
        - amending hours of operation of a particular activity.
    - Where relevant authorities employ consultants and contractors to work on their behalf, they should be instructed to consider the specifications and methodologies of works, the design of schemes, and mitigation measures, to ensure alignment with this and other relevant guidance.
    - If works would not align with the duty, then consider significantly amending or not proceeding. Choosing *not* to carry out certain works within the National Landscape or close to the National Landscape boundary could also demonstrate compliance with the duty.
    - Evidence how the relevant authority has sought to further the purpose of conserving and enhancing the National Landscape in its proposals, with reference to aligning with National Landscape (AONB) Management Plan aims, objectives and outcomes (and policies, where relevant).

For determining planning appeals (including those determined by the Planning Inspectorate and those called-in for determination by the Secretary of State), and for examination of Local Plans, decision-makers may find useful the advice contained in the separate Briefing: CRoW-s.85-duty-guidance-for-LPAs_NLA-Briefing-Nov-24.pdf

Consultation with the relevant National Landscape team by a relevant authority does not in itself constitute compliance with the new duty. Generally, teams will not always have available capacity to advise on all works within the National Landscape and will normally only be able to advise on the most significant strategies/programmes and proposals.

It is the responsibility of relevant authorities to assess and record how they have complied with the duty.

Closer partnership working, early engagement, collaboration and alignment between Protected Landscapes teams and relevant authorities (at a national, regional and individual National Landscape level) is always welcomed and encouraged as a means to further the conservation and enhancement of National Landscapes.

Information sources used in the preparation of this Briefing

- Countryside Commission (2001) Areas of Outstanding Natural Beauty: A guide for AONB Partnership members. CA24. https://national-landscapes.org.uk/historical-papers
- Natural England (2017) Areas of outstanding natural beauty (AONBs): designation and management. Guidance. https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management
- Countryside and Rights of Way Act 2000. https://www.legislation.gov.uk/ukpga/2000/37/section/85
- Levelling-up and Regeneration Act 2023. https://www.legislation.gov.uk/ukpga/2023/55/section/245#section-245
- Defra Guidance for relevant authorities on seeking to further the purposes of Protected Landscape(Dec 2024) Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK
- Defra (2005) Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads Guidance note. https://national-landscapes.org.uk/historical-papers
- Landmark Chambers (2024) *Re: section 245 of the Levelling Up and Regeneration Act 2023*. Opinion, 29.1.24 (instructed by the Campaign for National Parks). Available at https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010062/TR010062-002426-Campaign%20for%20National%20Parks.pdf

- Natural England (2023) 'Natural England's addendum to our Deadline 9 response in relation to the enhanced duty in relation to Protected Landscapes including the Kent Downs Area of Outstanding Natural Beauty'. https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-006179-Natural%20England%20-%20Deadline%209a%20Submission.pdf
- New Forest National Park Authority v Secretary of State for Housing, Communities and Local Government & Anor [2025] EWHC 726 (27 March 2025) https://www.bailii.org/ew/cases/EWHC/Admin/2025/726.html

If you require general assistance in understanding or interpreting a specific National Landscape (AONB) Management Plan, please contact the relevant National Landscape team, who will be able to offer you further guidance.

About National Landscapes Association

We are a registered charity that supports the mission to conserve and enhance natural beauty in National Landscapes and other protected areas. National Landscape teams across the UK work to achieve a sustainable balance of priorities at the landscape scale. One of our key aims is to support and develop a network of ambitious National Landscape teams and partnerships that have a strong collective voice and a positive impact on the places for which they care.

About this Briefing

National Landscapes Briefings offer a summary of key findings and recommendations arising from National Landscapes' action and insight. This Briefing has been informed by the Planning and Placemaking specialist panel of representatives from across the National Landscape network.

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