

Section 2. Context

Purpose of AONB Designation

AONB is the statutory designation applied to 49 of the finest landscapes of England, Wales and Northern Ireland. AONBs are now designated by Natural England under Part IV of the Countryside and Rights of Way Act 2000 and are confirmed by the Secretary of State.



The purpose of designation is set out in the 2000 Act and is:

- to conserve and enhance natural beauty.

A Policy statement on AONBs published in 1991 by the Countryside Commission provided further clarification, stating that:

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

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

The Government has confirmed that AONBs share with national parks the same highest status of protection in relation to landscape and scenic beauty and that their landscape qualities are equivalent.

The Statutory Framework

The statutory framework for Areas of Outstanding Natural Beauty is provided by the Countryside and Rights of Way Act 2000.



It gives a duty to Natural England to provide advice on certain development matters and a requirement that they be consulted in connection with development plans, access agreements and access orders.

It gives local authorities a permissive power to take action to conserve and enhance the natural beauty of the AONBs in their areas.

It requires that a management plan be produced for each AONB. The duty falls to local authorities, which must act jointly to produce the plan. (In the case of the South Devon Area of Outstanding Natural Beauty, the relevant local authorities are South Hams District Council, Devon County Council, Torbay Council and Plymouth City Council). Once adopted and published, the management plan must be revised at intervals not exceeding five years.

The Act states that the purpose of the management plan is to formulate the policies of local authorities for the management of the Area of Outstanding Natural Beauty and for the carrying out of their functions in relation to it.

The Act also sets out the provisions for establishing statutory conservation boards for those AONBs where there is support for this option. At present this option has not been chosen by the local authorities involved in South Devon.

The Act places a statutory duty on relevant authorities, sometimes referred to as the **Section 85** duty, “to have regard to the purpose of conserving and enhancing the natural beauty of the AONB” when exercising or performing any functions affecting land in the AONB. For the South Devon AONB this includes land covered

by water such as the fundus of the South Devon AONB estuaries. “*Relevant authorities*” include government departments and agencies, local authorities including parish councils, and all public bodies including harbour authorities. Engaging with AONB management and supporting Delivery Plan projects assists relevant authorities to demonstrate their compliance with this duty.

Many other areas of legislation relate to AONBs as a consequence of the activities that take place within them. The main Acts and Regulations of relevance are listed in [Appendix 3](#), though it should be noted that this is not an exhaustive list.

*Opposite page: Sunset over Slapton Ley;
Above: The Dart estuary, Stoke Gabriel and Torbay on the skyline*



The National Association for Areas of Outstanding Natural Beauty

AONBs collaborate through their membership of the National Association of AONBs. The Association was formed in December 1998 and has established itself as the national voice of AONBs in England and Wales. It is a company limited by guarantee with an executive committee elected by its member organisations.

The long-term vision of the Association is to be part of a major national independent body representing those involved in the management of all protected landscape areas of international importance in the UK. The aims of the Association are to:

- Create an effective internal communication network amongst members.
- Develop the Association's Parliamentary links and influence.
- Develop a wide range of contacts both in the UK and Europe with both government and non-governmental organisations.
- Work with Government departments and agencies to strengthen public policy and practice in pursuit of the purposes for designating AONBs.
- Act as a focus for technical information and expertise on the protection and management of AONBs.
- Strengthen the structure and membership of the Association.

The Association produces regular newsletters and magazines and has its own website www.aonb.org.uk

Layers of natural beauty: Decklers Cliff toward Prawle Point

The Meaning of "Natural Beauty"

The term *natural beauty* can be difficult to apply to the English landscapes we know and love, particularly when the majority of our countryside and coastline has been and continues to be shaped in some way by human intervention. There are however a number of principles contained in legislation and policy that assist in understanding the relevance of this term.

Whilst natural beauty does not have a clear statutory definition it is taken to mean more than just attractive scenery. It was originally referred to in the National Parks and Access to the Countryside Act 1949 s114 where natural beauty was considered to include "*flora, fauna and geological and physiographic features*". When the Countryside and Rights of Way Act 2000 was enacted this became the main body of legislation for AONBs and the 1949 reference was reiterated in s92 (2) of this Act. As a result biodiversity, geodiversity and landscape are central to natural beauty but are not its only components.

Though not enshrined in law, guidance and policy from the Countryside Agency, a predecessor to Natural England, considered that a wide range of human

influences should also be taken into account. Natural beauty "*includes wildlife and cultural heritage as well as scenery*" (Countryside Agency Publication CA24, p6). Reference is also commonly made to landscape and local distinctiveness as contributors to natural beauty. Landscape has been described by the Countryside Agency as encompassing "*everything – natural and human – that makes an area distinctive: geology, climate, soil, plants, animals, communities, archaeology, buildings, the people who live in it, past and present, and the perceptions of those who visit it*". (Countryside Agency Publication CA23, p12).

The Natural Environment and Rural Communities Act 2006, section 99 provided further clarification on "**Natural Beauty in the Countryside**" stating "*the fact that an area consists of or includes land used for agriculture or woodlands, land used as a park, or any other area whose flora, fauna or physiographical features are partly the product of human intervention in the landscape does not prevent it from being treated ... as being an area of outstanding natural beauty*".

Today it is the broader, inclusive interpretation of natural beauty, that retains the central elements of biodiversity, geodiversity and landscape at its heart but incorporates other significant elements including cultural heritage, which best fits the values and expectations of today's society.

The South West Protected Landscapes Forum

The AONBs and National Parks of the region pursue common aims and initiatives through the work of the South West Protected Landscapes Forum. The South Devon AONB Unit is an active member of the Forum.

This is the umbrella body for the most prized places of natural beauty in the region. The vision of the Forum is to promote best practice in protected landscape management through networking, co-ordination and joint working that reduces duplication of effort and resources whilst more effectively and efficiently influencing regional and national decision-making that affects protected landscapes in the South West. The aims of the Forum are:

- To act as a catalyst for networking and relationship-building between Forum members.
- To co-ordinate solutions to members' common learning needs.
- To maximise joint working opportunities.
- To support members in identifying and securing joint funding.
- To raise the profile of protected landscapes and promote understanding of their role in the region.
- To keep under review the longer term structural needs of the Forum in terms of governance and membership.

The Forum organises regular business meetings and topic workshops to deliver its objectives and has a web-site at www.southwestlandscapes.org.uk.

Policy Framework

The AONB Management Plan operates alongside other statutory plans and programmes and sits within a hierarchy of strategies ranging from European or national scale down to the local level. These are listed in [Appendix 3 – Key Strategies, Plans and Legislation](#) and a brief summary of their scope and relationship with the South Devon AONB is provided within the supporting document **Annex 7** to this plan. The AONB Management Plan has drawn on these plans and programmes to shape and guide its policy framework aiming to reflect and accord with them where appropriate, but does not seek to duplicate them.

European Landscape Convention

The European Landscape Convention is the first international convention to focus specifically on landscape, and is dedicated exclusively to the protection, management and planning of all landscapes in Europe.

“Landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.” (European Landscape Convention, 2000)

The convention highlights the need to recognise landscape in law, to develop landscape policies dedicated to the protection, management and creation of landscapes, and to establish procedures for the participation of the general public and other stakeholders in the creation and implementation of landscape policies. It also encourages the integration of landscape into all relevant areas of policy, including cultural, economic and social policies.

The AONB Management Plan accords with the Convention and provides mechanisms for the local delivery of many relevant aspects.

DEFRA and Natural England

Natural England is the public champion for England's natural environment, responsible for designating AONBs in England and for formulating the policy framework for their management. They are also responsible for advising government through the Department of the Environment, Food and Rural Affairs, on integrated policies and legislative requirements for the effective protection of AONBs.

The AONB Management Plan will help with the local delivery of Natural England's **Strategic Direction 2008-13**:

- Outcome 1: A healthy natural environment
- Outcome 2: People are inspired to value and conserve the natural environment
- Outcome 3: Sustainable use of the natural environment
- Outcome 4: A secure environmental future

Key Natural England Policies for AONBs:

- All Landscapes Matter (under consultation)
- Future Landscapes (under consultation)
- Protected Landscapes (in development)
- Historic Environment and Cultural Landscapes (in development)

SW Integrated Regional Strategy and Regional Environment Strategy

Just Connect! the South West Integrated Regional Strategy 2004-2026 and **Our Environment, Our Future** The Regional Strategy for the South West Environment 2004-14 place the quality of our distinctive environment at the heart of their strategies. The AONB Management Plan seeks to accord with the aims of these plans and contributes toward their delivery.

Sustainable Community Strategies and Local Area Agreements

Devon, South Hams, Torbay and Plymouth all have Local Strategic Partnerships in place comprising public, private, voluntary and community sector organisations, working together to improve the quality of life for those who live, work in and visit the area. All partnerships focus on delivering real improvements to the issues that matter most to local communities; and set out priorities in Sustainable Community Strategies delivered through Local Area Agreements. Devon's joint vision is to be "England's greenest county with strong local communities that are prosperous and welcoming with an excellent quality of life and a sustainable future".

The AONB Management Plan contributes toward the delivery of both Sustainable Community Strategies and Local Area Agreement priorities in all four administrative areas. In particular:

For Devon:

- A world class environment - Supporting our County's world class natural environment, our built environment and cultural heritage to improve the look and feel of the places where we live.
- Climate change and our impact on the environment - Address the challenges and seize the opportunities of climate change, and reduce our impact on the environment.

For South Hams:

- Sustainable Community Strategy priority theme area 'Quality natural and built environment' and cross cutting theme 'Climate Change – addressing the causes and impacts across the South Hams'.

For Torbay:

- Community Strategy theme Pride in the Bay recognises the need to 'create and maintain quality environments that are clean, safe, accessible and pleasant.

For Plymouth:

- Maintaining a clean and sustainable environment.
- Stimulating culture and leisure activities.

South Devon and Dorset Coast Shoreline Management Plan

The Shoreline Management Plan sets the strategic policy context for an extensive length of shoreline stretching from Durlston Head in East Dorset to Rame Head in East Cornwall, including the 323kms of the South Devon AONB coastal and estuary shoreline. Local programmes of action for the South Devon AONB shoreline are delivered within this strategic framework for managing flooding and coastal erosion. At the time of writing the Shoreline Management Plan is under review.

Estuary Environmental Management plans

The AONB Management Plan also provides the strategic context for a number of areas smaller in geographical scale than the AONB itself and with their own plans. The AONB estuaries with their individual environmental management plans are particular examples of this. The South Devon AONB Estuaries Steering Group supported by the AONB Estuaries Officer provide the links to individual estuary partnerships.

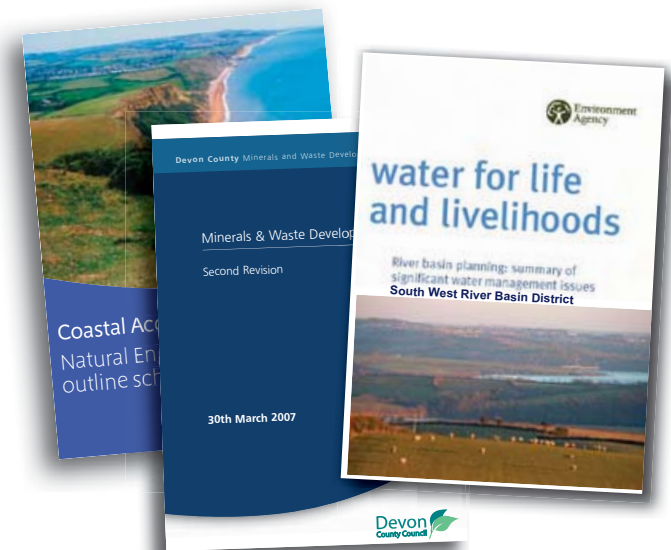
Planning Policy

A hierarchy of policies reflecting the national importance of the Area of Outstanding Natural Beauty provide a framework for guiding decision making on development affecting the AONB. The primary policies are introduced here and other key documents are listed in [Appendix 3 – Key Strategies, Plans and Legislation](#).

Planning Policy Statement 7: Sustainable Development in Rural Areas

Paragraphs 21, 22 and 23 relating to nationally designated areas, require that:

- The conservation of the natural beauty of the landscape and countryside in AONBs must be given great weight in planning policies and development control decisions.
- Major developments should not take place in these designated areas, except in exceptional circumstances when they should be carried out to high environmental standards; and applications for all such developments should be subject to the most rigorous examination.



Regional Spatial Strategy

At the time of writing, the Regional Spatial Strategy is awaiting final approval from the Secretary of State. The policies from the final draft most relevant to the AONB are ENV3 on protected landscapes and CO1 on the coastal zone.

Policy ENV3 Protected Landscapes

In Dartmoor and Exmoor National Parks and the 14 Areas of Outstanding Natural Beauty in the region, the conservation and enhancement of their natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. Development will only be provided for where it would:

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park or Area of Outstanding Natural Beauty; or
- Promote the understanding and enjoyment of the special qualities of the National Park; or
- Foster the social or economic well-being of the communities within the National Park or Area of Outstanding Natural Beauty, provided that such development is compatible with the pursuit of National Park or Area of Outstanding Natural Beauty purposes.

Consideration will also be given to proposals which promote the understanding and enjoyment of the special qualities of the Areas of Outstanding Natural Beauty.

Particular care will be taken to ensure that no development is permitted outside the National Park or Areas of Outstanding Natural Beauty which would damage their natural beauty, character and special qualities or otherwise prejudice the achievement of National Park or Area of Outstanding Natural Beauty purposes.

Policy CO1 Defining the Coastal Zone

Coastal Local Authorities, in partnership with other relevant agencies, will define in their LDDs (local development documents) the coastal zone, including developed and undeveloped coast.

Within the undeveloped coast there will be a presumption against development unless it:

- Does not detract from the unspoilt character and appearance of the coast
- Is essential for the benefit of the wider community; or
- Is required to improve public access for informal recreation; or
- Is required to support the sustainable management of fisheries; and
- Cannot be accommodated reasonably outside the undeveloped coast zone.

Local Development Frameworks

The statutory Local Development Framework documents produced by Devon County Council, South Hams District Council, Torbay Council and Plymouth City Council sit beneath the SW Regional Spatial Strategy and provide the policy framework for development control decisions affecting the AONB. Where Local Development Documents are still to be produced or are in production, the older set of policies apply that are contained in the Devon Structure Plan, South Hams Local Plan, Torbay and Plymouth Unitary Development Plans.

Devon Structure Plan 2001-16

Policy CO3 Areas of Outstanding Natural Beauty

In designated Areas of Outstanding Natural Beauty, the conservation and enhancement of their natural beauty will be given priority over other considerations. Within these areas, development will only be provided for where it would support their conservation or enhancement or would foster their social and economic well-being provided that such development is compatible with their conservation. Particular care will also be taken to ensure that any development proposed adjacent to such areas does not damage their natural beauty.

Decisions on Applications for Development

The majority of planning applications affecting the AONB are considered by South Hams District Council, Torbay Council and Plymouth City Council. The exceptions are those applications for development within the South Hams District area of the AONB for minerals related or waste management development, and County Council developments such as libraries and schools. Development of these types is considered by Devon County Council.