



**Dorset
National
Landscape**

Briefing Note for 'relevant authorities' on new duty 'to seek to further the purpose' of National Landscapes and supplementary guidance on when to consult the Dorset National Landscape Team

N.B. in November 2023 Areas of Outstanding Natural Beauty (AONBs) were rebranded as National Landscapes, although the legal AONB status remains.

This briefing note is intended to support decision makers, particularly within the Development Management process. Dorset National Landscape Team is a non-statutory consultee, hosted by Dorset Council. The team is partly funded by Dorset Council and also receives funding from DEFRA. The Team employs one member of staff to review and respond to planning issues, this being the Landscape Planning Officer. Due to the relatively large area of the Dorset National Landscape, the team is not resourced to comment on a significant volume of consultations. As a result, the focus is on larger developments, generally those classified as 'major'. For smaller applications it may be necessary for the planning officer to exercise judgement in relation to the landscape and visual impacts of a proposal. In doing so, there are two key resources published by the National Landscape Team that can be referred to, these being the Landscape Character Assessment (LCA) and Management Plan (details of these are provided later in this briefing).

The Levelling Up and Regeneration Act (LURA) introduced a notable change for National Landscapes, which became effective from 26th December 2023. This relates to the responsibilities of any 'relevant authority', as referred to by the Countryside and Rights of Way (CRoW) Act 2000, when discharging a function that affects a National Landscape. Relevant authorities include all levels of government, from town/parish councils up through district/county/unitary councils, to government agencies and ministers. Statutory undertakers are also covered by this duty.

The amendment, which only affects England, is as follows:

Countryside and Rights of Way (CRoW) Act 2000, Section 85 - General duty of public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

The 'seek to further' duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of a National Landscape, this being the wording with the CRoW Act Section 85 when it was enacted in 2000. It is understood that the reasoning behind this change is to create a more proactive duty. Whereas the former 'duty of regard' could be interpreted as simply allowing a public body to acknowledge that a National Landscape would be affected, the new duty is expected to encourage explanation of how any positive or negative effects have been appraised and apportioned weight when reaching a decision. Overall, the proposed change is expected to help relevant authorities to explore actions, adaptations and/or mitigation that seek to conserve and enhance natural beauty.

The amended duty references the primary purpose of an AONB (National Landscape), which is "to conserve and enhance natural beauty", as initially established within the National Parks and Access to the Countryside Act, 1949. Supplementary (non-statutory/secondary) purposes of the AONB designation were developed in the 1990s and are as follows:

- In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local community.
- 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 in an AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

In implementing the amendment to the CRoW Act, the government has not yet provided additional resources to either 'relevant authorities' or to National Landscape Teams. Furthermore, at this juncture, there are no specific guidelines that have been produced to support implementation. It is understood that Regulations and/or Guidance are being developed and it is hoped that, when published, these will be informative. In the interim period, the National Landscape Team are available to act as a non-statutory consultee to the planning authorities with duties affecting Dorset National Landscape. However, due to our resources, we can normally only provide detailed comments on major applications. Therefore, proposals of the following nature should not be consulted upon automatically:

- Developments proposing fewer than 10 homes
- Householder applications
- Replacement dwellings
- Small scale renewable energy proposals
- Previously undeveloped (greenfield) sites with a site area of less than 0.5 ha
- Brownfield sites with a site area of less than 1 ha
- New structures, such as barns or commercial/industrial units, with internal floorspace less than 1000m²
- Vertical structures with a height of less than 20m (e.g. smaller scale masts and turbines)

Where a development falls below these thresholds and a decision is to be made without input from Dorset National Landscape Team, the following resources are available to assist the decision maker fulfil the CRoW Act (2000) Section 85 duty:

- The Dorset National Landscape Character Assessment (LCA) - <https://dorset-nl.org.uk/resources/landscape-character-assessment/>. This document divides the National Landscape into discrete character areas, describing the key characteristics that makes each of these unique. A set of planning and management guidelines are also provided for each area. N.B. The map is interactive and allows the user to 'click through' to the relevant chapter within the LCA.
- Dorset National Landscape Management Plan - https://dorset-nl.org.uk/wp-content/uploads/2019/04/DAONB_Managementplan.pdf. In particular, Section 9.3 contains a range of objectives and policies that are designed to support planning decisions. The document is a material consideration. Furthermore, the Management Plan describes the following Special Qualities of Dorset National Landscape, these being aspects of the landscape that are particularly important to the designation and are therefore likely to warrant particular consideration:

Special Quality	Comprising
Contrast and diversity – a microcosm of England's finest landscapes	<ul style="list-style-type: none"> • A collection of fine landscapes • Striking sequences of beautiful countryside that are unique in Britain • Uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes

	<ul style="list-style-type: none"> • Numerous individual landmarks • Tranquillity and remoteness • Dark night skies • Undeveloped rural character
Wildlife of national and international significance	
A living textbook and historical record of rural England	<ul style="list-style-type: none"> • An exceptional undeveloped coastline • A rich historic and built heritage
A rich legacy of cultural associations	

Policy C1.a. of the National Landscape Management Plan (which was published in 2019 and therefore refers to the designation using its former 'AONB' title), states that we should: "Support development that conserves and enhances the AONB, ensuring sensitive siting and design respects local character. Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest. Major development decisions need to include detailed consideration of relevant exceptional circumstances." This policy provides an opportunity for development that exhibits appropriate siting and design to potentially be accepted as conserving and enhancing the National Landscape. Furthermore, an opportunity is provided for uncharacteristic or discordant development to be accepted where there are strong counterbalancing considerations, specifically encompassing public interest grounds. For larger cases, these arguments will require detailed analysis, as per the provisions of the NPPF paragraph 183 major development test. However, whether such a test is required or not, those proposals that present some adverse implications for the character and appearance of the National Landscape are likely to require mitigation of some form. This may relate to primary design considerations, such as the siting, scale and form of a development. Secondary mitigation considerations, such as a materials and landscaping, may also be important.

Planners are encouraged to draw upon wider policies within the National Landscape Management Plan, some of which refer to specific types of development, such as farm diversification and affordable housing. The Plan also provides the following general policies that are relevant to the balancing exercise and are intended to augment the provisions within NPPF paragraph 182, where it is stated that "Great weight should be given to conserving and enhancing landscape and scenic beauty" in nationally designated landscapes:

- Policy C2d: "The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty."
- Policy C2e: "The conservation and enhancement of the AONB's special qualities will be a significant consideration in the planning balance."
- Policy C2f: "Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered."

In cases which fall beneath the consultation thresholds, the National Landscape Team's Landscape Planning Officer can be approached for guidance, such on the interpretation of our published materials and/or informal appraisal of design proposals.

Briefing ends
January 2024