



# Agenda

## Malvern Hills AONB Joint Advisory Committee

**Friday, 10 November 2023, 10.00 am  
Council House, Malvern Hills District  
Council**

**Avenue Road  
Malvern  
WR14 3AF**

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## Malvern Hills AONB Joint Advisory Committee Friday, 10 November 2023, 10.00 am,

### Members

### Elected Members:

Cllr John Raine (Chairman)	Malvern Hills District Council
Chris Atkins	Malvern Hills Trust
Sven Bosley	Herefordshire Association of Local Councils
Cllr Pam Cumming	Malvern Hills District Council
Cllr Liz Harvey	Herefordshire Council
Cllr Helen Heathfield	Herefordshire Council
Cllr Scott Richardson Brown	Worcestershire County Council
Cllr Malcolm Victory	Worcestershire County Council
Mike Wilkinson	Worcestershire Association of Local Councils
Clayton Williams	Forest of Dean District Council

### Non-Elected members:

Wayne Barnes	Forestry Commission
Prof Richard Bryant	Hereford & Worcester Earth Heritage Trust
James Hervey-Bathurst	Country Land & Business Association
Frank Hill	Campaign to Protect Rural England
Georgie Hyde	NFU West Midlands
Hazel McDowall	Natural England
Mr N Rimmington	Historic England

### Co-Opted Members:

Mr A Lee	Herefordshire Local Access Forum
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## Agenda

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2	<b>Declaration of Interests</b>	
3	<b>To elect a Chairman</b>	
4	<b>To appoint a Vice-Chairman</b>	

Agenda produced and published by the Hazel Best, Assistant Director for Legal and Governance, County Hall, Spetchley Road, Worcester WR5 2NP

To obtain further information or a copy of this agenda contact Kate Griffiths on 01905 846630 or email: [kgriffiths@worcestershire.gov.uk](mailto:kgriffiths@worcestershire.gov.uk)

All the above reports and supporting information can be accessed via the Council's website.

Date of Issue: Thursday, 26 October 2023

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6	<b>Rebranding of AONBs to National Landscapes</b> To receive a presentation from David Armitage, AONB Partnership Assistant Manager.	
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	If you have any other contributions that you would like to bring to the meeting, please contact Paul Esrich tel: 01905 845057.	

## **MALVERN HILLS AONB JOINT ADVISORY COMMITTEE 10 NOVEMBER 2023**

### **POSITION STATEMENTS: POSITION STATEMENTS ON HOUSING IN THE MALVERN HILLS AONB AND ITS SETTING & LANDSCAPE-LED DEVELOPMENT**

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#### **Recommendation**

##### **1. The Committee is recommended to:**

- a) **Note the public consultation undertaken by the Malvern Hills AONB Unit on the 'Housing in the Malvern Hills AONB and its Setting' Position Statement, and the 'Landscape-led' Position Statement, which took place between 8 June and 4 August 2023, along with subsequent changes made by Malvern Hills AONB Unit Staff following consultation feedback;**
- b) **Endorse the 'Housing in the Malvern Hills AONB and its Setting' Position Statement, along with its associated Appendices; and**
- c) **Endorse the 'Landscape-led Development' Position Statement, along with its associated Appendices.**

#### **Background**

2. Position Statements intend to establish the position of the Malvern Hills AONB Partnership on key issues affecting the area, helping guide the Partnership and relevant plan- and decision-making bodies to articulate how the AONB designation can be conserved and enhanced. They also seek to help to deliver the objectives and policies contained within the Malvern Hills AONB Management Plan, itself a statutory document and a material planning consideration in decision-making.
3. The position statements are stand-alone documents, framed in terms of recommendations, and providing some brief context explaining why the Partnership is taking this position. Both position statements provide further context, guidance and recommendations in relation to specific Management Plan policies and associated issues. They do not create new policies and sit alongside the already widely published Guidance by the Partnership.
4. Whilst the AONB Partnership has previously published one position statement, this being on Setting in 2019, it is recognised that the adoption of Position Statements has become increasingly commonplace across several nationally protected landscapes.
5. At the April 2023 meeting of the JAC, two draft Position Statements, these being on Housing and Landscape-led Development, were endorsed as a consultation draft to subsequent engagement with relevant stakeholders and interested parties. It was also

agreed by the Committee that if future amendments are required, as necessary, these can be made by Malvern Hills AONB Unit staff, in consultation with the Malvern Hills AONB Partnership Manager and that a formal review of the Position Statements would take place every five years.

## Consultation

6. Since the previous meeting of this committee, a formal consultation led by the Malvern Hills AONB Unit took place between 8 June and 4 August 2023, totalling eight weeks. Both position statements (and their appendixes) were published on the Malvern Hills AONB website, as well as direct email notifications being sent to the following:
  - Elected members of Malvern Hills District Council, Herefordshire Council, Forest of Dean District Council, Worcestershire County Council and Gloucestershire County Council, within the Malvern Hills AONB;
  - The Town and Parish Council clerks within the Malvern Hills AONB;
  - Current members of the Malvern Hills AONB JAC of relevance, including the Malvern Hills Trust, HALC, WCALC, Country Land & Business Association, CPRE and NFU;
  - Various organisations and interested parties including the NAAONBs, Natural England, Historic England, Malvern Civic Society, Ledbury Civic Society, Three Counties Showground, local landscape consultants, local Wildlife Trust and Local Nature Partnerships; and
  - Local authority staff across the extent of the Malvern Hills AONB.
7. Eleven (11) different consultation responses were received from the following:
  - Town and/or Parish Councils – three (3)
  - Local Planning Authorities – four (4) (Forest of Dean District Council – Forward Plans, Herefordshire Council – Forward Plans and Built and Natural Environment Team, and Malvern Hills District Council – multiple teams)
  - Agencies – two (2) (Natural England and Worcestershire Local Access Forum)
  - Public Representations – two (2)
8. Consultation feedback was largely positive of the Position Statements, in principle. Some comments identified a lack of clarity, context and slight concern re. terminology/implications regarding one or two of the recommendations, as well as question marks about who the Position Statements are targeted towards. Changes have been made to reflect these views.
9. The Wye Valley AONB Unit undertook a similar consultation exercise earlier in the year on similar position statements. Comments received from stakeholders there have also been used to inform the revision and strengthening of the Position Statements. Tweaks to the formatting of both Position Statements have also taken place.
10. A detailed summary of consultation comments received and the AONB Unit's responses to them can be found at: <https://www.malvernhillsaonb.org.uk/draft-guidance-documents-for-jac/>

## **Housing in the Malvern Hills AONB and its Setting Position Statement**

12. The over-arching principle of this position statement is in that housing development in the Malvern Hills AONB should be based on robust evidence of need arising from within the National Landscape. This is in line with Policy BDP3 of the AONB Management Plan 2019-2024. Currently, assessments of housing need and housing requirements are based on local authority boundaries, not on the AONB boundary.
13. The current reliance on local authority housing need figures solely means that there can be unnecessary pressure to accommodate residential development from the wider area within the AONB. This could be avoided if 'housing need' and 'housing requirements' are clearly differentiated. The position statement takes a more pragmatic (and less hypothetical) approach, which will hopefully make it easier for the local authorities to implement the recommendations.
14. This is demonstrated by the fact that the position statement now explicitly recognises the government's 'standard method' for calculating housing need as the starting point for identifying how many houses need to be planned for in a local authority area. The position statement goes on to clearly differentiate 'housing need' and 'housing requirements'.
15. In effect, the recommendations should now help to filter, or screen, the initial local authority housing need figure down to a more appropriate level of housing provision within the Malvern Hills AONB. This will particularly apply when accommodating unmet needs, affordable housing, local connection, rural housing need surveys, choice based letting systems and second homes. Location & Design are also considered, particularly recognising climate change and needing to promote sustainable development. Amendments have been made to one recommendation in the 'Location' section since the draft, omitting reference to 'high' and 'moderate-high' landscape sensitivity. This amendment should help to ensure that future development proposals do not attempt to downplay landscape and/or visual effects in relevant assessments.
16. The position statement intends to help local authorities, developers and other relevant stakeholders to fully address AONB-related issues when considering housing need in planning policy and development management.

## **Landscape-Led Development Position Statement**

18. The over-arching principle of this position statement is that development within the Malvern Hills AONB and, where relevant, in its setting, should be 'landscape-led'. The Malvern Hills AONB Partnership recognises that there are a range of other considerations that must be weighted in the planning balance, including the climate and ecological emergencies, and meeting housing needs and economic growth.
19. However, ideally, there should not have to be a binary choice between conserving and enhancing the natural beauty of the Malvern Hills AONB and planning for and permitting new development. The aspiration should be to deliver new development in a way that is compatible with – and positively contributes to – the purpose of AONB designation.

20. The position statement intends to provide a more balanced stance. For example, it takes account of relevant national and international drivers, such as the Government's objective to build 300,000 homes each year and the 'climate emergency' and does not present itself as 'anti-development'. It is hoped that the position statement should be helpful in increasing understanding of the AONB's special qualities.
21. The position statement has a strong emphasis on the purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONB), including the factors that contribute to natural beauty. This is because it is the purpose of designation to which 'relevant authorities' have a statutory 'duty of regard'. The purpose of designation is also a key consideration when assessing if a proposal in the AONB constitutes 'major development'.
22. Consideration of landscape and visual effects is obviously a key consideration when taking a landscape-led approach. However, a landscape-led approach should also consider all the factors that contribute to the natural beauty of the Malvern Hills AONB. In principle, the landscape-led approach is applicable to all development in the Malvern Hills AONB and its setting, albeit to a degree that is proportionate to the nature, scale, setting and potential impact of the proposed development.
23. Recommendations are made in relation to strategic and neighbourhood planning, development management stages and in relation to Major, EIA development and conserving and enhancing natural beauty on-site. The position statement is intended to help local authorities, developers and other relevant stakeholders to fully address AONB-related issues and be landscape-led in planning policy and development management.
24. Again, amendments have also been made to the recommendations omitting references to 'high' and 'moderate-high' landscape sensitivity. This amendment should help to ensure that future development proposals do not attempt to downplay landscape and/or visual effects in relevant assessments. It also recognises that many Landscape and Visual Impact Assessments have their own methodology and that there is no 'one size fits all'.

### **On-going Review**

25. An intended formal review date of five years is currently envisaged for both position statements although this may be shortened or lengthened, as appropriate, with formally reviewed position statements presented when the time comes.
26. These position statements along with the appendices will be beneficial as part of training sessions/presentations with elected members as well as Strategic, Neighbourhood Planning and Development Management Officers in local authorities.
27. The position statements will also be referred to by the AONB Unit as part of representations to development management and strategic planning consultations.



28. Once the position statements have been endorsed, they will be added to the Malvern Hills AONB Website and will likely be re-branded as one of the first new publications of the 'Malvern Hills National Landscapes' brand.

Specific Contact Points for this report

Josh Bailey, AONB Planning Officer

Tel: 01600 710845

Email: [JBailey2@worcestershire.gov.uk](mailto:JBailey2@worcestershire.gov.uk)

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# MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

## POSITION STATEMENT 2: HOUSING DEVELOPMENT IN THE MALVERN HILLS AONB AND ITS SETTING

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### 1.0 CONTEXT

1.1 The Malvern Hills Area of Outstanding Natural Beauty (MH AONB) is a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it<sup>1</sup>. The statutory purpose of its designation is to conserve and enhance the natural beauty of the area<sup>2</sup>.

1.2 The MH AONB is a living and working landscape, in which the social and economic well-being of local communities are important considerations. Maintaining vibrant and thriving local communities is essential to the long-term future of the AONB. Providing housing that meets the needs of local communities within the MH AONB plays an important role in achieving these aspirations.

1.3 However, these aspirations (including housing provision) need to be delivered in a way that is compatible with, and positively contributes to the statutory purpose of designation.

1.4 The outstanding natural beauty of the MH AONB (along with its relative proximity to several cities), makes it a very desirable place to live. This brings with it increased pressure to build more houses. It also potentially results in house prices that are higher than in surrounding areas. This contributes to the housing market within the AONB becoming increasingly unaffordable to people with a local connection.

1.5 This is particularly important given that many of the jobs that are essential to (i) conserving and enhancing the natural beauty the area (e.g. farming and forestry) and (ii) increasing the understanding and enjoyment of its special qualities (e.g. the tourism sector) are relatively and traditionally low paid. These workers, especially young people, are being priced out of the housing market in the landscapes and communities that depend on them.

1.6 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 the Malvern Hills AONB.

1.7 For these reasons, this position statement advocates two over-arching principles for housing development within the MH AONB and its setting:

- Housing development within the MH AONB and, where relevant, in its setting, should be 'landscape-led'.

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<sup>1</sup> Section 82 of the Countryside and Rights of Way Act 2000

<sup>2</sup> Defra (2019) *Areas of Outstanding Natural Beauty: technical support scheme (England) 2019 to 2020*

- Housing development within the MH AONB should be prioritised for local need arising within the AONB.

1.8 Key recommendations relating to the 'landscape-led' approach to housing are provided in the Malvern Hills AONB Partnership's Landscape-Led Development Position Statement. As such, this position statement primarily focusses on housing need and affordable housing, although it also briefly addresses the location and design of housing developments.

1.9 With regards to good practice, this position statement has been modelled significantly on approaches adopted by several nationally designated Protected Landscapes, including the Cotswold National Landscape's Housing Position Statement, the South Downs National Park Local Plan, West Oxfordshire Local Plans, Arnside & Silverdale AONB Development Plan, and the New Forest National Park Local Plan. The Appendices to this position statement provides relevant case studies of these.

## **2.0 PURPOSE OF THE POSITION STATEMENT**

2.1 The primary purpose of the MH AONB Partnership Position Statements are to expand on relevant policies within the current MH AONB Management Plan. They provide further context, guidance and recommendations in relation to specific policies and associated issues. They do not create new policies.

2.2 The recommendations within the Position Statements intend to help local authorities, particularly plan-making bodies, as well as other relevant stakeholders, including those involved in decision-making and developers to:

- have regard, and positively contribute to the purpose of the AONB designation;
- ensure that the purpose of AONB designation is not compromised by development, and that the outstanding natural beauty of the MH AONB is conserved and enhanced;
- fulfil the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
- take account of relevant case law;
- have regard to and be consistent with the AONB Management Plan and guidance published by the Partnership;
- emulate best practice in the MH AONB and other protected landscapes;
- develop a consistent and coordinated approach to relevant issues across the whole of the MH AONB and its setting<sup>3</sup>.

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<sup>3</sup> Three local authority areas (Herefordshire Council, Malvern Hills District Council and Forest of Dean District Council) overlap with the MH AONB, with each with local authority having its own development plan. One of these local authorities (Malvern Hills) produces its development plan jointly with Worcester City and Wychavon in the form of a single local plan for South Worcestershire Councils. It is also noted that Worcestershire County Council and Gloucestershire County Council are within the MH AONB boundary designation.

2.3 With regards to housing need and affordable housing, the most relevant policy within the MH AONB Management Plan is Policy BDP3: *“Development in the AONB should be based on convincing evidence of local need. Priority should be given to the provision of affordable housing and enhancing local services”*.

### **3.0 STATUS OF THE POSITION STATEMENT**

3.1 Position statements are supplementary to the MH AONB Management Plan. It is worth noting that Policy BDP2 of the MH AONB Management Plan 2019-2024 states that *“development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership”*. As such, for development proposals to be compatible with the AONB Management Plan, they should also be compatible with the relevant position statements.

3.2 The AONB Management Plan is a material planning consideration in decision-making. However, it must be acknowledged that, in a plan-led planning system, it is the policies of the relevant adopted local authority development plan that have the greatest weight. As such, within this planning system, the hierarchy is as follows<sup>4</sup>:

Decision-making is taken in accordance with the adopted development plan, unless material planning considerations indicate otherwise. The adopted development plan comprises the Local Planning Authority Development Plan, and any ‘made’ Neighbourhood Development Plan.
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The MH AONB Management Plan, like the National Planning Policy Framework are examples of material planning considerations, but do not form part of the adopted development plan. MH AONB Position Statements and guidance documents supplement the AONB Management Plan.
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### **4.0 ACHIEVING THE RIGHT BALANCE**

4.1 The MH AONB Partnership recognises that achieving the right balance, in terms of the quantum and type of housing that should be delivered in the MH AONB and its setting, is a difficult challenge for local authorities, especially where a significant proportion of their area lies within the AONB.

4.2 Achieving the right balance is likely to become more challenging, given the pressure on local authorities to allocate and permit more and more homes, combined

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<sup>4</sup> In England, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” The National Planning Policy Framework is itself a significant material consideration, although it is acknowledged regarding the presumption in favour of sustainable development under Paragraph 11, particularly in relation to plan-making and decision-making.

On Wednesday 13<sup>th</sup> September 2023, the DEFRA Secretary of State tabled a [Written Ministerial Statement](#) setting out a package of measures to support nature recovery in Protected Landscapes. The package includes a commitment to new legislation through an amendment to the Levelling Up and Regeneration Bill at Third Reading which will enhance National Park and AONB Management Plans by placing a stronger requirement on partners to contribute to their delivery.

with a decrease in the number of suitable sites as more of these sites are developed over time.

4.3 We also recognise that there may be exceptional circumstances in which major housing developments are permitted in the MH AONB, and/or its setting<sup>5</sup>, that have the potential to have significant adverse effects on the outstanding natural beauty of the AONB and/or meet needs arising elsewhere.

4.4 However, we hope this position statement will help to ensure that the right balance can be achieved across the MH AONB, and its setting, with an appropriate quantum and type of housing being delivered in a way that is compatible with the purpose of AONB designation and meets the needs local communities within the AONB.

## **5.0 LOCAL NEED & AFFORDABLE HOUSING**

### **5.1 Housing Need v Housing Requirements**

5.1.1 The first step in the process of deciding how many homes need to be planned for in an area is to assess housing need. The NPPF sets an expectation that this assessment should follow the Government's 'standard method', although it does allow for an alternative approach to be used in exceptional circumstances<sup>6</sup>.

5.1.2 It is important to note that 'housing need', as calculated using the standard method, is an unconstrained assessment of the number of homes needed in an area<sup>7</sup>. In contrast, establishing the 'housing requirement' for an area requires consideration of 'constraints'<sup>8</sup>, including the AONB designation.

5.1.3 As such, there is a clear distinction between 'housing need' and 'housing requirement'.

5.1.4 AONBs face a challenge as the standard method figure is based on the local authority area as a whole, rather than on the AONB area. Efforts to accommodate this housing need figure potentially risk harming the outstanding natural beauty of the MH AONB and its setting.

5.1.5 The Ministerial Statement released in December 2022 announced a review and updates to the NPPF to better enable local authorities, working with their communities, to determine how many homes can actually be built, taking into account what should be protected in each area. Proposed changes have now been consulted on and a final report is awaited<sup>9</sup>.

5.1.6 The requirement to take account of AONBs in this process is an important factor in the Government's assertion that planning policies relating to AONBs 'may mean

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<sup>5</sup> Refer to Paragraph 177 of the NPPF

<sup>6</sup> Paragraph 61 of the NPPF 2023

<sup>7</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>. Paragraph 001.

<sup>8</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>. Including paragraphs 002, 010, 012, 013, 014, 015, 018, 021 and 025.

<sup>9</sup> At the time of writing, we are awaiting publication of an updated NPPF.

that objectively assessed needs cannot be met in full through the plan making process’.

5.1.7 The recommendations outlined in the MH AONB Partnership’s Landscape-led Development Position Statement are an important consideration in this process<sup>10</sup>.

#### 5.1.8 Recommendations:

- Housing need figures identified using the Government’s standard method should not be presented as a ‘target’ for housing provision. This can be tempered by a clear explanation if housing need cannot be met in full because of ‘constraints’ e.g. AONB designation.
- Recommendations outlined in the MH AONB Partnership Landscape-led Development Position Statement should be an important consideration when assessing housing and economic land availability.
- It should be recognised that national planning policies relating to AONBs and other relevant designations, may mean it is not possible to meet objectively assessed needs for development in full through the plan-making process.
- Consideration should be given to whether the constraints relating to the AONB designation merits exceptional circumstances which may justify an alternative approach to the standard method for assessing housing need.

## 5.2 Insufficient Sites/Broad Locations to Meet Needs

5.2.1 If objectively assessed needs cannot be met in full, factoring in constraints, Government guidance states that it will be important to establish how needs might be met in adjoining areas, although it is important to avoid hard development edges along the boundary of the AONB. The guidance goes on to state that if, following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination<sup>11</sup>

5.2.2 It is important that the setting of the AONB is also not adversely impacted and efforts to avoid development within the AONB does not inadvertently lead to hard development edges along the boundary of the AONB.

#### 5.2.3 Recommendation:

- If AONB-related constraints mean that objectively assessed needs cannot be met in full, local authorities should seek to identify how these needs may be met within other areas of the local authorities control, or in partnership with neighbouring local authorities.

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<sup>10</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041

<sup>11</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>. Paragraph 025.

### 5.3 Accommodating Unmet Needs, arising elsewhere, within the Malvern Hills AONB

5.3.1 Relevant to the provision of housing, three local planning authority areas are within the MH AONB – Herefordshire Council, Malvern Hills District Council and the Forest of Dean District Council<sup>12</sup> (Worcestershire County Council and Gloucestershire County Council also have areas falling within the MH AONB but are not responsible for planning decisions relating to housing).<sup>13</sup> As well as meeting their own housing needs, all three local authority areas are required (through the duty to cooperate and statements of common ground) to accommodate unmet needs arising in adjoining local authorities areas. If this situation arises, this could add pressure for more housing within the local authority area, including the MH AONB.

5.3.2 Within the local authority areas that overlap the MH AONB, there are locations where the AONB boundary provides a clear delineation between the built environments of settlements that are adjacent to the AONB and relatively undeveloped land within the AONB. There is often pressure to, in effect, extend the built environment of these settlements into the AONB.

5.3.3 However, Government guidance makes it clear that AONBs ‘are unlikely to be suitable areas for accommodating unmet needs arising from adjoining (non-designated) areas’<sup>14</sup>.

5.3.4 The MH AONB is unlikely to be a suitable area for accommodating unmet needs from adjoining local planning authority areas that do not overlap the AONB even if the overlapping local authorities have to accommodate this unmet need. The same principle should apply for unmet needs arising from developed areas that are adjacent to an AONB and which are in the same local planning authority area as the AONB. It is unlikely that it would be appropriate to extend the built environment, of adjacent settlements into the AONB.

5.3.5 Government guidance does not define ‘unlikely’ in this context, and thus, it may be appropriate to apply the requirements of paragraph 177 of the NPPF, relating to major development, in this regard.

#### 5.3.6 Recommendations:

- Where a local planning authority area, that is located within the MH AONB, is required to accommodate unmet needs from neighbouring local authorities (including as part of a joint plan), this unmet need should not be factored into

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<sup>12</sup> This is further complicated in the case of Malvern Hills District Council as its development (local) plan is prepared jointly with Worcester City and Wychavon Councils and presented as a single plan for South Worcestershire – the South Worcestershire Development Plan (SWDP).  
<sup>13</sup> Gloucestershire and Worcestershire both are two-tier counties, with the relevant County Council responsible for planning applications related to mineral working and associated development, and the disposal of waste, whereas other planning applications are determined by the relevant District Council.

<sup>14</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041



housing provision in the MH AONB at either plan-making or decision-making stages.’\*\*

- Housing developments that would extend, into the MH AONB, the built environment of settlements adjacent to the AONB should not be allocated or permitted. ‘\*’

‘\*’ - Except in exceptional circumstances and where it can be demonstrated that it would be in the public interest to do so. It may be appropriate to apply the requirements under paragraph 177 of the NPPF, relating to major development, in this regard.

## 5.4 Affordable Housing

5.4.1 As outlined above, Policy BDP3 of the MH AONB Management Plan 2019-2024 states that ‘priority should be given to the provision of affordable housing’.

5.4.2 There are several reasons for prioritising the provision of affordable housing in the MH AONB. For example, the outstanding natural beauty of the MH AONB makes it a desirable place to live. As a result, housing may be more expensive and less affordable than in areas outside the AONB.

5.4.3 Government guidance recognises that National Parks, at least, ‘*are not suitable locations for unrestricted housing*’<sup>15</sup>. Similarly, the Government’s Planning White Paper (2020) states that ‘*the whole purpose of National Parks would be undermined by multiple large scale housing developments*’<sup>16</sup>. Instead, ‘the expectation [in National Parks] is that new housing will be focussed on meeting affordable housing requirements, supporting local employment opportunities and key services’<sup>17</sup>.

5.4.4 AONBs have the same level of protection as National Parks, with regards to conserving and enhancing landscape and scenic beauty. The NPPF also requires that the scale and extent of development in AONBs (as with National Parks) should be limited<sup>18</sup>. As such, it would be logical to apply the same principles, outlined above for National Parks, in AONBs as well.

5.4.5 The need to provide more affordable housing is also addressed in the proposals of the Government-commissioned Landscape Review Final Report (commonly referred to as the Glover Review/Report)<sup>19</sup>.

### 5.4.6 Recommendation:

<sup>15</sup> Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Para 78.

<sup>16</sup> Ministry of Housing Communities and Local Government (2020) White Paper: Planning for the Future. Para 2.25.

<sup>17</sup> Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Para 78.

<sup>18</sup> Paragraph 176 of the NPPF 2021

<sup>19</sup> Defra (2019) Landscapes Review Final Report). Proposal 18: A new National Landscapes Housing Association to build affordable homes.

- Housing provision in the MH AONB should be focused on – and prioritise – meeting affordable housing requirements.

## 5.5 Affordable in Perpetuity

5.5.1 The term ‘affordable housing’ covers various types of affordable housing, some of which are intended to be affordable in the longer term (i.e. in perpetuity) and some of which are not<sup>20</sup>.

5.5.2 The Government guidance for National Parks, referred to above, specifies that National Park Authorities should work to ‘*ensure that ... affordable housing remains so in the longer term*’<sup>21</sup>. The Landscapes Review Final Report reiterates this point, stating that ‘*National Parks, as planning authorities, should consider using their powers to set conditions on new housing to ensure it remains affordable*’<sup>22</sup>. This focus on housing that is affordable in perpetuity is reflected in many National Park Local Plans (see Appendix 2 for relevant case studies), with social rented housing being a particular priority. Community Land Trusts are also becoming increasingly common to identify and provide housing that is affordable in perpetuity.

5.5.3 As explained in the ‘Affordable Housing’ section, given that AONBs have the same status of protection as National Parks, in terms of conserving and enhancing landscape and scenic beauty, it is logical to apply the same principles in AONBs.

5.5.4 If housing does not remain affordable in perpetuity, this will either lead to a reduction in the stock of affordable housing or will require the building of additional affordable housing to compensate for this reduction. As such, disproportionately more new housing would be required in a scenario where housing does not remain affordable in perpetuity. This would not be compatible with the requirement to limit the scale and extent of development in AONBs.

5.5.5 The MH AONB Partnership acknowledges that the Government sets certain requirements on the types of affordable housing that should be provided in new housing developments, not all of which are affordable in perpetuity. We also acknowledge that the type and tenure of new housing should reflect locally identified need. However, within these requirements, there remains scope to prioritise and set conditions for housing that is affordable in perpetuity.

### 5.5.6 Recommendation

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<sup>20</sup> Annex 2: Glossary of the NPPF 2021 provides a helpful definition for affordable housing

<sup>21</sup> Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Para 79.

<sup>22</sup> Defra (2019) Landscapes Review Final Report. Supporting text for Proposal 18: A new National Landscapes Housing Association to build affordable homes.

- Within the context of Government requirements and locally identified need, priority should be given to the provision of housing that is affordable in perpetuity, including social rented housing.

## **5.6 Local Connection**

5.6.1 In the MH AONB, there are three 'choice-based lettings' (CBL) schemes that allow applicants to search, apply and bid for social rented properties in their own local authority area – Home Point in Herefordshire, Housing for You in the Malvern Hills and Homeseeker Plus in the Forest of Dean.

5.6.2 All three schemes operating within the MH AONB include some condition for local connection (usually to the local authority area)<sup>23</sup>. Additional local connection criteria may then also be applied for properties in rural villages where there can be shortages of housing sites with planning conditions. However, the approach is inconsistent between the schemes.

5.6.3 The MH AONB Partnership supports the priority given to local connection in CBL schemes. This is because we consider that this approach:

- helps to limit the scale and extent of new housing (by limiting the demand for affordable housing, within the MH AONB, from applicants that do not have a local connection); and
- is compatible with the duty to foster the social well-being of local communities within the AONB.

5.6.4 It is worth noting that local connection (in terms of residence) is also, inherently, a feature of rural housing need surveys as the data in these surveys relates to households within a specific parish.

### **5.6.5 Recommendation:**

- The local connection requirement of Choice-Based Letting (CBL) schemes should be applied consistently across the MH AONB.

## **5.7 Affordable Housing Provision**

5.7.1 Another important consideration is the percentage of affordable housing that should be provided in housing developments.

5.7.2 In many protected landscapes nationally:

- market-led housing developments are required to provide 50% affordable housing;

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<sup>23</sup> Section 199 of the Housing Act 1996 specifies that someone has a local connection with the district of a local authority housing authority if they have a connection with it: a) because they are, or in the past were, normally resident there, and that residence is or was of their own choice; b) because they are employed there, c) because of family associations, or d) because of special circumstances.

- for Rural Exception Sites, there is an expectation that such sites will deliver 100% affordable housing (or, at least, a minimum of 75% affordable housing where 100% is not viable)<sup>24</sup>;
- provision of affordable housing is sought for residential developments of 5 units or fewer<sup>25</sup>.

5.7.3 Appendix 2 provides examples of ‘good practice’ case studies. In some protected landscapes, such as Arnside & Silverdale AONB, 50% affordable housing is required for developments of two or more dwellings<sup>26</sup>.

5.7.4 The MH AONB Partnership supports these measures for a number of reasons. For example, having a high percentage of affordable housing will reduce the total number of houses that need to be built to meet locally identified affordable housing need<sup>27</sup>. This, in turn, would help to ensure that the scale and extent of development in AONB is limited, as required in paragraph 176 of the NPPF. The higher price tag associated with housing in protected landscapes is another factor in justifying a higher percentage of affordable housing in these areas.

5.7.5 It is also worth noting that the Landscapes Review Final Report recommends that ‘local planning authorities in AONBs should also make use of the provision that allows them to demand on-site affordable housing contributions on all sites, including developments of five homes or fewer’<sup>28</sup>.

5.7.6 We acknowledge that the viability of such options would need to be tested in viability assessments.

#### 5.7.7 Recommendations:

- At plan-making stage, consideration should be given to setting policies for affordable housing provision in the MH AONB that requires:
  - At least 50% affordable housing in market housing developments;
  - On-site affordable housing provision for housing developments of two dwellings and above (rather than the 5+ that is currently the general expectation);
  - 100% affordable housing on Rural Exception Sites, with a lower percentage only being permitted in exceptional circumstances and the absolute minimum being 75%.

<sup>24</sup> The Partnership is aware of RES permitted for development in the MH AONB with the percentage of affordable housing as low as 50%. We consider this to be closer to the level that should be provided in market housing schemes. This level in a RES undermines the purpose of allowing such development, on sites where housing would not normally be permitted, which is to meet locally identified affordable housing needs. It also allows for excessive levels of market housing on such sites, which would not be appropriate in a protected landscape.

<sup>25</sup> This makes use of the provision in paragraph 64 of the NPPF, which allows for affordable housing to be required in residential developments of 5 units or fewer in designated rural areas.

<sup>26</sup> Lancaster City Council and South Lakeland District Council (2019) Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document. Adopted Version 29 March 2019. Policy AS03 – Housing Provision.

<sup>27</sup> For example, the affordable housing need identified in rural housing need surveys.

<sup>28</sup> Defra (2019) Landscapes Review Final Report. Proposal 18: A new National Landscapes Housing Association to build affordable homes.

## 5.8 Evidence Of Local Need Arising Within The MH AONB

5.8.1 As outlined earlier, we acknowledge that the Government’s standard method is the starting point for calculating housing need in a local authority area. This housing need figure is then ‘filtered’ through the assessment of housing and economic land availability. This assessment, which takes account of relevant constraints, including the AONB designation, leads to a housing requirement figure. This housing requirement figure, together with the settlement hierarchy, then forms the basis of the spatial strategy for housing provision, as set out in the Local Plan. These spatial strategies sometimes identify the housing requirement for specific sub-areas or even individual settlements, which subsequently informs the development of Neighbourhood Development Plans (NDPs).

5.8.2 Within this process, we encourage local authorities and other stakeholders to have regard to Policy BDP3 of the MH AONB Management Plan 2019-2024, at both the plan-making stage and the development management stage. Policy BDP3 states that “*Development in the AONB should be based on convincing evidence of local need*”. Given that Policy BDP3 also prioritises affordable housing – “*Priority should be given to the provision of affordable housing..*”, a key consideration, in this context, is whether there is robust evidence of local affordable housing need arising from within the MH AONB.

5.8.3 Within this context, we consider that robust evidence of local affordable housing need arising from within the MH AONB includes:

- an up-to-date (rural) housing needs survey for the parish where housing is being considered<sup>29</sup>;
- validated choice-based lettings system data where there is a local connection to – and preference for – the relevant parish / settlement (albeit with the caveats outlined later in this position statement);
- housing allocations, that address affordable housing need, in the relevant Neighbourhood Development Plan.

5.8.4 Where evidence of need arising within the wider MH AONB is being considered (i.e. beyond the level of the individual settlement/parish), this should be limited to the section of the MH AONB that lies within the relevant local authority area. In other words, it should not include evidence of need arising within the MH AONB in other local authority areas.<sup>30</sup>.

### 5.8.5 Recommendations:

<sup>29</sup> Ideally, where a parish overlaps with the boundary of the MH AONB , there should be some consideration of the extent to which the identified need arises within, our outside, the AONB (at least when the data is being applied to a particular housing proposal). See also the guidance and recommendations in this position statement relating to needs arising in adjacent, non-designated areas.

<sup>30</sup> It also makes sense for the evidence of need not to extend beyond the relevant authority area, given that evidence of housing need is normally based on data specific to the individual local authority and the different approaches to housing need analysis and CBL Schemes between the authorities. This issue is particularly relevant in the absence of a spatial housing strategy for the MH AONB as a whole. Please also refer to the guidance and recommendations in this position statement relating to unmet needs arising in other local authority areas.

- At the plan-making stage, plan-making bodies should have regard to robust evidence of affordable housing need arising within the MH AONB (as defined above) when assessing potential housing allocations.
- At the development management stage, housing development proposals:
  - Within the settlement boundary, should have regard to robust evidence of affordable housing need arising within the MH AONB (as defined above);
  - Outside the settlement boundary, or equivalent, should be based on robust evidence of affordable housing need arising within the MH AONB (as defined above).

## 5.9 Rural Housing Need Surveys

5.9.1 As outlined above, rural housing need surveys (HNS) form an important part of the evidence base for potential housing developments. However, little weight is given to such surveys if they are out-of-date (i.e. more than five years old). Without this evidence base, more weight is likely to be given to the district-wide housing requirement figure (or even the housing need figure), which could potentially result in a larger number of houses being built.

5.9.2 Given that the provision of affordable housing that meets local needs is a key priority in the MH AONB, it may be appropriate to prioritise HNS in the AONB.

### 5.9.3 Recommendations:

- Housing need surveys should be kept up-to-date, particularly for parishes within the MH AONB where housing is likely to be allocated (for example, settlements higher up the settlement hierarchy) and/or, where there is strong developer interest in new residential development.
- Housing need surveys should be carried out on a five-year rolling programme.

## 5.10 Choice Based Letting Systems

5.10.1 As outlined above, data from the three choice-based lettings systems (CBL) – Home Point, Housing for You and Homeseeker Plus – used by the three local authorities whose areas overlap with the MH AONB, form an important part of the evidence base for potential housing developments. However, there are acknowledged limitations in these systems with regard to the data held, and this enables – albeit inadvertently - potential misinterpretation to present inflated affordable housing need figures. For example, some may not capture a Homeseekers' preference to remain or live in a particular parish. i.e. the registrant has noted simply that they live in the parish and wish to move. It may fail to identify applicants who may have already moved or who no longer have a housing need.

5.10.2 CBL system data should therefore not be used explicitly as a measure of affordable housing need. It may be more appropriate to cross-reference this data first with other evidence of affordable housing need, such as housing needs survey data.

5.10.3 The flowchart in Appendix 3, provides an illustration of the type of analysis that should be applied to data extracted from a CBL scheme register for it to provide effective evidence reports for use in decision making.

#### 5.10.4 Recommendation:

- Data from choice-based lettings systems should not be used explicitly as a measure of affordable housing need unless the data has been verified and there is a clear local connection to – and preference for – the settlement in question.

## 5.11 Second Homes

5.11.1 Second home ownership and buy to let can remove housing from the market that could otherwise be made available to first-time homeowners, and the resulting increased demand within a reduced pool of housing stock can inflate house prices, worsening affordability. This issue can be particularly challenging in protected landscapes, such as the MH AONB, whose outstanding natural beauty makes them very desirable places to visit and holiday in. This issue is recognised as being sufficiently significant in some protected landscape areas that it is explicitly addressed in Local Plan policies. For example, Policy HC-S4 of the Exmoor National Park Local Plan requires new market housing to be ‘principal residence’ housing<sup>31</sup>.

#### 5.11.2 Recommendation:

- When plan-making bodies are reviewing their development plans, they should consider setting policies that ensure that new, and change of use to, market housing in the MH AONB is used as a ‘principal residence’ rather than as a second home or holiday home/let.

## 6.0 LOCATION & DESIGN

### 6.1 Context

6.1.1 The Government’s planning practice guidance states that ‘*all development in ... AONBs will need to be located and designed in a way that reflects their status as landscapes of the highest quality*’<sup>32</sup>. This guidance also states that poorly located or designed development in the setting of AONBs ‘can do significant harm’ to the landscape and scenic beauty of the AONBs. It adds that ‘*development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account*’<sup>33</sup>.

### 6.2 Location

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<sup>31</sup> [https://www.exmoor-nationalpark.gov.uk/\\_\\_data/assets/pdf\\_file/0027/257751/Part-6-Achieving-a-Thriving-Community.pdf](https://www.exmoor-nationalpark.gov.uk/__data/assets/pdf_file/0027/257751/Part-6-Achieving-a-Thriving-Community.pdf). Page 153.

<sup>32</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

<sup>33</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 042.

6.2.1 As outlined in the MH AONB Partnership Landscape-led Development Position Statement, proposals should be genuinely landscape-led throughout all stages of the planning process.

6.2.2 Another key consideration is locating new housing development close to essential services and facilities, to reduce/minimise reliance on car use to access these services and facilities. In other words, focussing housing development on settlements higher up the 'settlement hierarchy'. The need to protect and conserve the significance of heritage assets and their setting, as well as historic landscape characterisation and relevant evidence-based documents should also be considered.

6.2.3 A checklist of key principles and matters for consideration to encourage good development within the MH AONB and its setting, which includes those relevant for location and siting, can be found in the draft MH AONB Guidance on the Key Principles of Good Development.

#### 6.2.4 Recommendation:

- New residential development should not be located in areas where there is potential for unacceptable harm to the MH AONB or its setting. Decision-making at plan making or development management stages should always follow the principles of landscape led development.
- The location of new residential development should be consistent with the 'settlement hierarchy' approach, whereby housing is targeted towards settlements that have a good level of services and facilities and a good level of opportunities to access them by a range of active travel measures, reducing car use dependency.

### 6.3 DESIGN

6.3.1 The value of the MH AONB landscape relies in part on the standard and character of the buildings within it. It is therefore the responsibility of all potential developers to ensure that each development adds value to the MH AONB landscape through good design. Several of the special features and qualities<sup>34</sup> of the MH AONB relate directly to the design of housing, including:

- Distinctive 'villagescapes', including conservation areas, listed buildings and local features, that define a 'spirit of place' in the settlements.
- Rural character and scale of settlements contribute to local distinctiveness, landscape character and sense of tranquillity.
- High-quality built environment characterised by numerous distinctive features, such as settlement patterns, landmark buildings, garden layouts, boundary elements and planting traditions

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<sup>34</sup> See Introduction and Chapter 7 of the Malvern Hills AONB Management Plan 2019-2024 for more information on relevant special features and 'special qualities', and also the MH AONB guidance documents on Building Design and on Selection and Use of Colour in Development.



- There is no single building style, type of material or pattern of development in the AONB. There are a range of styles that give character and distinctiveness to different parts of the area. Lack of attention to details can harm the special qualities of the AONB and diminish the distinctiveness of its built heritage.
- The use of locally distinctive building materials and colour palette.
- Listed buildings, including Eastnor Castle, Bromesberrow Place and Little Malvern Priory, as well as listed headstones and chest tombs; and gas lamps.
- Conservation areas – including Malvern Wells, Eastnor, Colwall and part of Cradley.
- Victorian villas of Malvern (Malvern stone and render).
- Half-timbered buildings, especially in the west of the AONB

6.3.2 These special qualities are reflected in the following policies from the MH AONB Management Plan 2019-2024:

- LWP4: *Support the provision of a variety of housing that is appropriate to the character of the area and meets local community needs.*
- BDP2: *Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership*

6.3.3 To sustain natural beauty, it is important to ensure that future development is locally characteristic and distinctive, in terms of its design, siting and the materials used. There are many different styles of building that give character and distinctiveness to different parts of the area. Lack of attention to issues such as local design, layout, scale and materials can harm the special qualities of the AONB and diminish the distinctiveness of the built environment. The loss of specimen trees, stone walls, hedgerows and other landscape elements associated with development can also degrade local character and distinctiveness. The AONB Partnership has produced guidance on building design to show how new development can make a positive contribution to the natural beauty of the AONB<sup>35</sup>.

6.3.4 In addition, the MH AONB Partnership *Landscape Strategy and Guidelines*<sup>36</sup> and also its *Guidance on how development can respect Landscape in Views*<sup>37</sup> provide guidance on the potential landscape implications of housing developments and how potential adverse impacts can potentially be avoided and / or minimised.

6.3.5 A key reference point for the design of new residential development are design guides and guidance. There is not, currently, one over-arching design guide for the whole of the MH AONB, although the MH AONB has Guidance on Building Design. However, the advancement of design codes should build a design vision, such as a

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35 <https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>

36 <https://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/01/MalvernLandStratGuideLoResFinal.pdf>

37 <https://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/01/64339-MHAONB-Guidance-on-Respecting-Landscape-in-Views-v09.pdf>

masterplan or other design and development framework for a site or area, including emerging Local Plan/NDP policies.

6.3.6 An increasingly important consideration will be the extent to which new residential development incorporates energy conservation and renewable energy measures. This should be done in a way that is compatible with the purpose of conserving and enhancing the natural beauty of the MH AONB.

6.3.7 Where new residential development is proposed in 'open countryside locations' - for instance, barn conversions or individual housing on greenfield sites requiring outstanding design standards - design, materials and location should be given careful consideration as they, individually and cumulatively, affect local distinctiveness, special qualities, features of the landscape and visual effects, as well as effects on wildlife, which undermines tranquillity and all of which underpin the AONB designation.

#### 6.3.7 Recommendations:

- New residential developments in the MH AONB should:
  - Respect locally distinctive characteristics of the existing settlement;
  - Respect the relevant Features and 'Special Qualities'<sup>38</sup> of the MH AONB;
  - Be consistent with relevant policies of the MH AONB Management Plan;
  - Be consistent with MH AONB Position Statements and Guidance Documents<sup>39</sup>;
  - Facilitate opportunities for people to travel and access services by a range of transport modes, reducing car use dependency;
  - Consider the significance of the historic environment, heritage assets, both designated and non-designated, and their setting;
  - Account for emerging design codes and guidance;
  - Protect Grade 1 and 2 agricultural land, where possible; and
  - where new residential development is proposed in 'open countryside locations' for instance, barn conversions or individual housing on greenfield sites requiring outstanding design standards, consider design, materials and location, as they individually and cumulatively affect local distinctiveness, special qualities, features of the landscape and visual effects, as well as effects on wildlife, which undermines tranquillity, all of which underpin the AONB designation.
- New affordable housing should be indistinguishable from open market housing in terms of both character and design quality; and should be fully integrated into the village fabric.
- The use of Community Infrastructure Levy (CIL), where adopted, should be derived from new housing developments, for enhancing the natural environment within the MH AONB.

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38 As defined within the MH AONB Management Plan

39 <https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>

- The requirement for all landscape assessments – whether undertaken in support of a specific planning application or an allocation at the plan making stage – should be based on evidence on landscape and visual matters. In practice, judgements should be supported by clear reasoning, which is linked to evidence, to inform design.

## **7.0 SUPPORTING INFORMATION**

7.1 In addition to the ‘footnotes’ provided throughout, this Position Statement is supported by several appendices (separate document), which provide:

- Extracts from the Government’s guidance on ‘Housing and Economic Land Availability Assessment’ (Appendix 1).
- Case studies of good-practice (Appendix 2).
- A flowchart illustrating the extent to which CBL data equates to convincing evidence of need within a specific settlement (Appendix 3).
- A sample extract from the draft MH AONB Guidance on the Key Principles of Good Development (Appendix 4).

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**HOUSING POSITION STATEMENT– APPENDICES****APPENDIX 1. EXTRACTS FROM THE GOVERNMENT’S GUIDANCE ON HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT**

Reference (as of March 2023):

<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

The Government’s guidance on ‘Housing and economic land availability assessment’ makes the following, helpful points in relation to AONB-related considerations and potential constraints on the suitability, availability or achievability of potential housing sites or broad locations for housing:

**Paragraph 002:** Plan-making bodies should consider constraints when assessing the suitability, availability and achievability of sites and broad locations. For example, assessments should reflect the policies in footnote 6 of the National Planning Policy Framework, which sets out the areas where the Framework would provide strong reasons for restricting the overall scale, type or distribution of development in the plan area.

**Paragraph 010:** Identified sites, which have particular constraints (such as Green Belt), need to be included in the assessment for the sake of comprehensiveness but these constraints need to be set out clearly, including where they severely restrict development.

**Paragraph 012:** A ‘call for sites’ will need to set out the information sought from respondents, which could include ... constraints to development.

**Paragraph 13:** Plan-makers can assess potential sites and broad locations prior to a more detailed survey to [inter alia]:

- obtain a better understanding of what type and scale of development may be appropriate;
- gain a more detailed understanding of deliverability, any barriers and how they could be overcome.

**Paragraph 015:** During the [initial] site survey the following information can be recorded ...[inter alia]:

- current land use and character;
- land uses and character of surrounding area;
- physical constraints (e.g. access, contamination, steep slopes, flood risk, natural features of significance, location of infrastructure/utilities);
- potential environmental constraints.

**Paragraph 018:** A site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated.

**Paragraph 018:** When considering constraints, plan-makers may wish to consider the information collected as part of the initial site survey, as well as other relevant information, such as [inter alia]:

- potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation.

**Paragraph 021:** Where constraints have been identified, the assessment will need to consider what action could be taken to overcome them. Examples of constraints include policies in the National Planning Policy Framework and the adopted or emerging development plan, which may affect the suitability of the site.

**Paragraph 025:** If there is clear evidence that strategic policies cannot meet the needs of the area, factoring in the constraints, it will be important to establish how needs might be met in adjoining areas through the process of preparing statements of common ground, and in accordance with the duty to cooperate. If following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination.

## APPENDIX 2. CASE STUDIES

### CASE STUDY 1. WEST OXFORDSHIRE LOCAL PLAN – EVIDENCE OF NEED

The West Oxfordshire Local Plan provides a useful case study of how and why housing needs arising within an AONB (in this case the Cotswolds National Landscape), and, in particular, why affordable housing needs should be taken into account in the Local Plan process.

As part of the evidence base for the West Oxfordshire Local Plan, West Oxfordshire District Council identified a '*broadly indicative minimum housing need*' for the Burford-Charlbury sub-area<sup>1</sup> for the 2015-31 plan period. However, the planning inspector, in his report on the examination of the Local Plan<sup>2</sup>, stated that:

- *Whilst this is useful evidence as a starting point, it merely indicates the likely implications of various levels of housing growth for the sub-area's population and resident labour force. Neither it nor any other substantive evidence before the Examination identifies a housing requirement figure for the Burford – Charlbury sub-area which appropriately reflect needs, constraints, relevant national policy and the key issues for development and transport detailed in the Cotswolds AONB Management Plan.*<sup>3</sup>
- *Moreover, in the absence of a specific housing need figure for the sub-area, it is not possible to identify that new dwellings, over and above existing completions and commitments, are as a matter of principle, necessary specifically in the context of the AONB or the Burford – Charlbury sub-area.*<sup>4</sup>

The inspector concluded that '*in the absence of a housing need figure for the Burford – Charlbury sub-area and in the particular housing land supply circumstances of West Oxfordshire as a whole at the present time*', '*the allocation in the plan of housing sites, and the reliance on additional windfall housing development, in the Burford – Charlbury area, over and above existing completions and commitments, would not be sound.*'<sup>5</sup>

It is evident that, in reaching this conclusion, the planning inspector acknowledged that there was already a commitment for a substantial amount of new housing in the sub-area and that the anticipated district-wide housing supply figure was already 99.5% of the district-wide housing requirement figure. The implication of this is that if there wasn't already a significant housing commitment within the National Landscape sub-area and / or if the anticipated District-wide housing supply figure wasn't close to the District's housing requirement figure then the inspector may have been more inclined to consider further allocations in the AONB sub-area. It is also worth noting that the planning inspector stated that his conclusion in relation to allocations in the Burford-Charlbury sub-area '*does not mean that development of further new housing in the Burford – Charlbury sub-areas would necessarily be inappropriate.*'<sup>5</sup>

However, it is also evident that the lack of a housing need figure specifically for the part of the local authority area that lies within the Cotswolds National Landscape was a key factor in the planning inspector finding the proposed housing allocations unsound. In its own Housing Position Statement and associated Appendix document, the Cotswold National Landscape Board considers that, even where there is a potential housing shortfall (compared to objectively assessed needs), it would still be appropriate for the LPA to identify the amount

<sup>1</sup> This sub-area broadly matched the section of West Oxfordshire District that lies within the Cotswolds National Landscape.

<sup>2</sup> Planning Inspectorate (2018) *Report on the Examination of the West Oxfordshire Local Plan 2031*

<sup>3</sup> As above – paragraph 218.

<sup>4</sup> As above – paragraph 219.

<sup>5</sup> As above – paragraph 220.

of housing for the National Landscape sub-area that would '*appropriately reflect needs, constraints, relevant national policy and the Cotswolds AONB Management Plan*'. It considers that this information should be an important component of the evidence base in determining the housing requirement figure for the National Landscape sub-area. Further, they propose that this principle should apply even when LPA-commissioned landscape and heritage assessments have concluded that potential allocations are potentially suitable for development (as was the case with the proposed allocations in the Burford-Charlbury sub-area).

If West Oxfordshire had had a housing requirement figure for the National Landscape sub-area that reflected these considerations and had put forward proposed allocations that were consistent with this approach, then the planning inspector would have been more likely to deem the proposed allocations as being sound. If they had been found sound then there would be less opportunity for speculative – and potentially damaging - windfall development proposals within the National Landscape, as windfall developments would have played a less significant component of overall housing supply.

Therefore, having an appropriate housing requirement figure specifically for an AONB/ National Landscape section of a local authority area can potentially:

- (i) increase the likelihood of potential allocations that align with this figure being deemed to be sound;
- (ii) help to reduce the risk of potentially damaging, speculative windfall development proposals within the AONB/National Landscape.

With regards to windfall development in the Cotswolds National Landscape, the West Oxfordshire Local Plan states that:

- *Within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas ... will only be supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site.*<sup>6</sup> (N.B. Underlining added for emphasis).

The Cotswold National Landscape Board has strongly supported this approach, for example, by using it as a key reason for objecting to the proposed development of 68 dwellings in Stonesfield, West Oxfordshire. The Board was also a Rule 6 party in the planning appeal inquiry for this development (APP/D3125/W/18/3209551) in 2019. Following the positive outcome of this planning appeal, in which the appeal was dismissed and the developer decided to withdraw their proposed High Court challenge to this appeal decision, The Cotswold National Landscape Board declare that there is even more justification for advocating the West Oxfordshire Local Plan approach across the wider area of the Cotswolds National Landscape.

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<sup>6</sup> West Oxfordshire District Council (2018) *West Oxfordshire Local Plan 2031* . Paragraph 5.39.



## CASE STUDY 2: SOUTH DOWNS LOCAL PLAN<sup>7</sup>

**Paragraph 7.18 (Housing):** Provision of housing to meet local needs is crucial to ensure the sustainability and vitality of communities within the National Park ... However, the provision of housing should not be at the expense of a nationally protected landscape. The NPPF cites national parks as areas where development should be restricted and objectively assessed need not met.

**Paragraph 8.5 (Need for the Development):** There is a need for development to take place to meet growth needs, as far as it is compatible with the National Park purposes and the overarching ecosystem services led approach.

### Strategic Policy SD28: Affordable Homes

1. Development proposals for new residential development will be permitted that maximise the delivery of affordable housing to meet local need, and provided that, as a minimum, the following are met:
  - a) On sites with gross capacity to provide 11 or more homes, a minimum of 50% of new homes created will be provided as affordable homes on-site, of which a minimum 75% will provide a rented affordable tenure.
  - b) On sites with gross capacity to provide between 3 and 10 homes, a proportion of affordable homes will be provided in accordance with the following sliding scale, applied to new homes created:

<b>3 homes</b>	Meaningful financial contribution, to be negotiated case-by-case
<b>4 – 5 homes</b>	1 affordable home
<b>6 – 7 homes</b>	2 affordable homes, at least 1 of which is a rented affordable tenure
<b>8 homes</b>	3 affordable homes, at least 1 of which is a rented affordable tenure
<b>9 homes</b>	3 affordable homes, at least 2 of which is a rented affordable tenure
<b>10 homes</b>	4 affordable homes, at least 2 of which is a rented affordable tenure

<sup>7</sup> South Downs National Park Authority (2019) *South Downs Local Plan 2014-2033*.

Development proposals of 4 to 10 net dwellings will provide affordable housing on-site. Exceptionally, at the discretion of the Authority, financial contributions in lieu will be accepted.

2. Where, exceptionally, provision of affordable housing which complies with Part 1 of this policy is robustly shown to be financially unviable, priority will be given to achieving the target number of on-site affordable homes over other requirements set out in this policy.
3. Development proposals will be permitted provided that affordable housing units are integrated throughout the development, are indistinguishable in design and materials from the market housing on the site, and, where feasible, will remain affordable in perpetuity.
4. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.
5. Developers may not circumvent this policy by artificially subdividing sites.

#### **Strategic Policy SD29: Rural Exception Sites**

1. Proposals for new residential development of 100 per cent affordable housing outside of settlement boundaries as shown on the Policies Map will be permitted, provided that the following are met:
  - a) Affordable housing is provided in perpetuity;
  - b) The site selection process has considered all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability has been chosen;
  - c) The scale and location relates well to the existing settlement and landscape character; and
  - d) It is shown that effective community engagement has fed into the design, layout and types of dwellings proposed.
2. The size (number of bedrooms), type and tenure, (for example, social and affordable rented, intermediate, shared ownership or older people's housing) of affordable homes for each proposal will be based on robust and up-to-date evidence of local community need.
3. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.

### CASE STUDY 3: ARNSIDE & SILVERDALE AONB DEVELOPMENT PLAN DOCUMENT<sup>8</sup>

**Paragraph 3.1.4:** Given the difficulties in apportioning the OAN [Objectively Assessed Needs], and the emphasis on the capacity of the landscape to accommodate development within the AONB, the Councils have concluded, taking advice from relevant Counsel and organisations such as Planning Advisory Service, that it is not necessary to identify a specific housing requirement for the AONB. In the AONB, the priority should be to meet identified affordable and other local housing needs within the capacity of the landscape.

**Paragraph 3.1.6:** Some housing needs may be met outside the AONB if suitable sites are not available within. This includes where development could not take place without harm to the statutory purpose of the AONB.

**Paragraph 3.1.7:** In line with the landscape-capacity led approach, the Councils have not sought to set targets for amounts of development to be achieved. This would require a particular quantum of development to be delivered regardless of its impacts upon the designated landscape. Instead, the Development Strategy ensures that only development that can be accommodated without harm to the AONB's primary purpose will be permitted, whilst maintaining a positive approach, recognising that appropriately located and designed development can contribute to conserving and enhancing the landscape and settlement character, including where opportunities for regeneration and redevelopment can be delivered.

**Paragraph 4.1.3:** A requirement for 50% of new homes to be affordable is justified because the AONB is a sensitive landscape protected at a national level. It is inappropriate to use those sites that are suitable for development in the AONB to deliver development that does not help to meet local affordable or other local needs. Doing so would mean that those needs would remain unmet and more sensitive sites would have to be developed in order to meet the needs, causing harm and compromising the primary purpose of the AONB designation.

#### AS03 – Housing Provision

Within the Arnside & Silverdale AONB, the number, size, types and tenures of all homes provided should closely reflect identified local needs in accordance with current AONB housing needs evidence at the time of the application. Proposals for new housing development of two or more properties will be supported where they deliver no less than 50% affordable housing. Only where this is demonstrably unachievable will a lower percentage be acceptable. In assessing the level and type of affordable housing provision on each site, the Councils will have regard to site viability, individual site costs, other scheme requirements, and the guidance on affordable housing provision set out in Appendix 4.

Meeting the affordable housing requirement by commuted sums rather than by the provision of housing on site will be exceptional and require justification on a case-by-case basis.

Priority will be given to the delivery of affordable housing and maximising the potential for meeting identified local needs and local affordable needs from appropriate individual development opportunities. Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character.

<sup>8</sup> South Lakeland District Council and Lancaster City Council (2019) *Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) – Adopted Version, 28 March 2019*. This is the first DPD for an AONB in the country.



## **CASE STUDY 4: NEW FOREST NATIONAL PARK LOCAL PLAN<sup>9</sup>**

### **Policy SP27: Affordable housing provision within the Defined Villages and on allocated sites**

50% of net dwellings ... will be provided as affordable homes to meet local needs. In practice:

- a) on developments of 1 – 2 net new dwellings, no affordable housing will be sought;
- b) on developments of between 3 – 10 net new dwellings, a target of 50% affordable housing will be sought on site. Exceptionally, at the discretion of the National Park Authority, financial contributions in lieu of on-site provision will be accepted on smaller sites;
- c) on development sites of 11 dwellings or more, a target of 50% affordable housing will be sought on site.

The layout and design of affordable housing will be appropriately integrated into each development. Local connection criteria will be applied to affordable housing to ensure local needs are met.

The tenure (social and affordable rented, intermediate, shared ownership and other) of affordable homes will be based on up-to-date evidence of local needs. A suitable mix will be determined through liaison with the local housing authority and the starting point is to seek 75% social / affordable rented tenure and 25% shared ownership / intermediate housing.

The proportion and tenure mix of affordable housing sought will take into account evidence of viability.

### **Policy SP28: Rural exception sites**

Small-scale affordable housing developments may be permitted as “exceptions” on sites in or adjoining villages to meet the identified needs of local people in these areas. Proposals for exception sites should:

- a) meet a particular local need that cannot be accommodated in any other way
- b) be subject to a planning obligation under Section 106 of the Town and Country Planning Act (1990) to ensure that the dwellings provide for low-cost housing for local needs in perpetuity
- c) be capable of management by an appropriate body, for example a Registered Provider, the Authority, or a community land trust or similar accredited local organisation
- d) be located where there are appropriate local services (e.g. shops, schools and public transport).

100% of the housing on rural exception sites will be affordable.

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<sup>9</sup> New Forest National Park Authority (2019) *New Forest National Park Local Plan 2016-2036* .

### **CASE STUDY 5. Bridport Cohousing Microgrid, Hazlemead, Dorset (Dorset AONB)**

Bridport Cohousing ([www.bridportcohousing.org.uk](http://www.bridportcohousing.org.uk)) is a community-based organisation in West Dorset that seeks to provide community-led housing that is sustainable. It is a registered Community Land Trust (CLT), and part of the wider CLT network in the UK that seeks sites for affordable housing that deliver local housing need, often with a local connection to the communities they work in.

Supported by a grant from Homes England and crowdfunding investors, Bridport Cohousing has worked with housing provider Bournemouth Churches Housing Association (BCHA), architects Barefoot Architects and developers CG Fry to create a community in the market town of Bridport, Hazlemead. This is the town's first cohousing neighbourhood with affordable and sustainable eco-homes and is thought to be the largest of its kind in the UK. Cohousing schemes allow for self-contained living, in Hazlemead's case in individual properties, but with community facilities. In the Hazlemead community there will be shared outside space for recreation and food growing as well as common facilities, including a playroom for children, shared office space, a space for shared meals and promoting a carsharing scheme and food cooperative.

Built on a seven-acre site in the Dorset AONB, Hazlemead will consist of 53 sustainable homes, of which 26 flats are houses for social rent and a further 27 shared ownership properties, which will be partly managed by BCHA. There are also six two-bedroom houses to rent for National Health Service (NHS) staff. The shared ownership schemes are available for purchase between 30 per cent to 75 per cent of market value and rent is paid on the remaining balance. The lowest capital share they can be purchased at is 30 per cent and the maximum 75 per cent, or later staircased to a maximum of 80 per cent of the value at a later date. Applications for social rent are available to those already registered on the Dorset Housing Register as looking for affordable housing properties.

As a CLT, the land is held in perpetuity for the benefit of the community. All properties remain as affordable housing and are unable to be sold on the open market. Bridport Cohousing will retain the freehold of the properties to ensure this. A local lettings scheme will ensure that housing is allocated fairly.

Applicants need to be a member of Bridport Cohousing and be committed to the community. In addition, potential members of the new community need to meet the following conditions:

- have lived in the area for at least two years, or
- have worked in the area for one year (with a permanent contract), or
- have a close relative that has lived in the area for more than five years
- Potential residents need to subscribe to cultural norms and practices set by the community<sup>10</sup>

The first residents moved in during the summer/autumn of 2022. The Hazlemead scheme embodies the coming together of various innovative strands, demonstrating the potential that good planning can provide in delivering local, sustainable development. As a community-led, inclusive, low-carbon, self-sufficient scheme within walking distance of a thriving market town and located within an AONB, Hazlemead shows how planning can deliver progressive ideals of sustainable localism. The scheme has also utilised public funding and private investment as well as crowdfunding for its common facilities through the ethical trading platform Ethex.

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<sup>10</sup> Further information available here: See: <https://bridportcohousing.org.uk/neighbourhood-policies/>  
<https://bridportcohousing.org.uk/neighbourhood-policies/>

Investors in the common facilities also were offered a four per cent return and membership to the CLT. These benefits - financial and decision-making – acting as important incentives for community-based innovation. The scheme also brought together community, public, private and housing providers in a hybrid form of multi-stakeholder rural planning.

The scheme used a value-orientated approach and the values of Bridport Co-housing were reflected in the choice of delivery partners. BCHA, for example, stimulates sustainable housing and health and well-being outcomes through its affordable housing strategy, and its agile processes reflect the community's own principles and collaborative methods.

In addition, this scheme has been developed with the support of public funding. Innovation in sustainable or community-led housing often requires the backing of government to leverage the investment required to get such schemes off the ground and to facilitate some of the more transformational potential of rural planning.

However, there are still properties available, indicating that community housing schemes are not yet 'mainstream' which may pose a challenge for their scalability and take-up. This may, in part, be because the group has staggered the release of plots as they are developed.

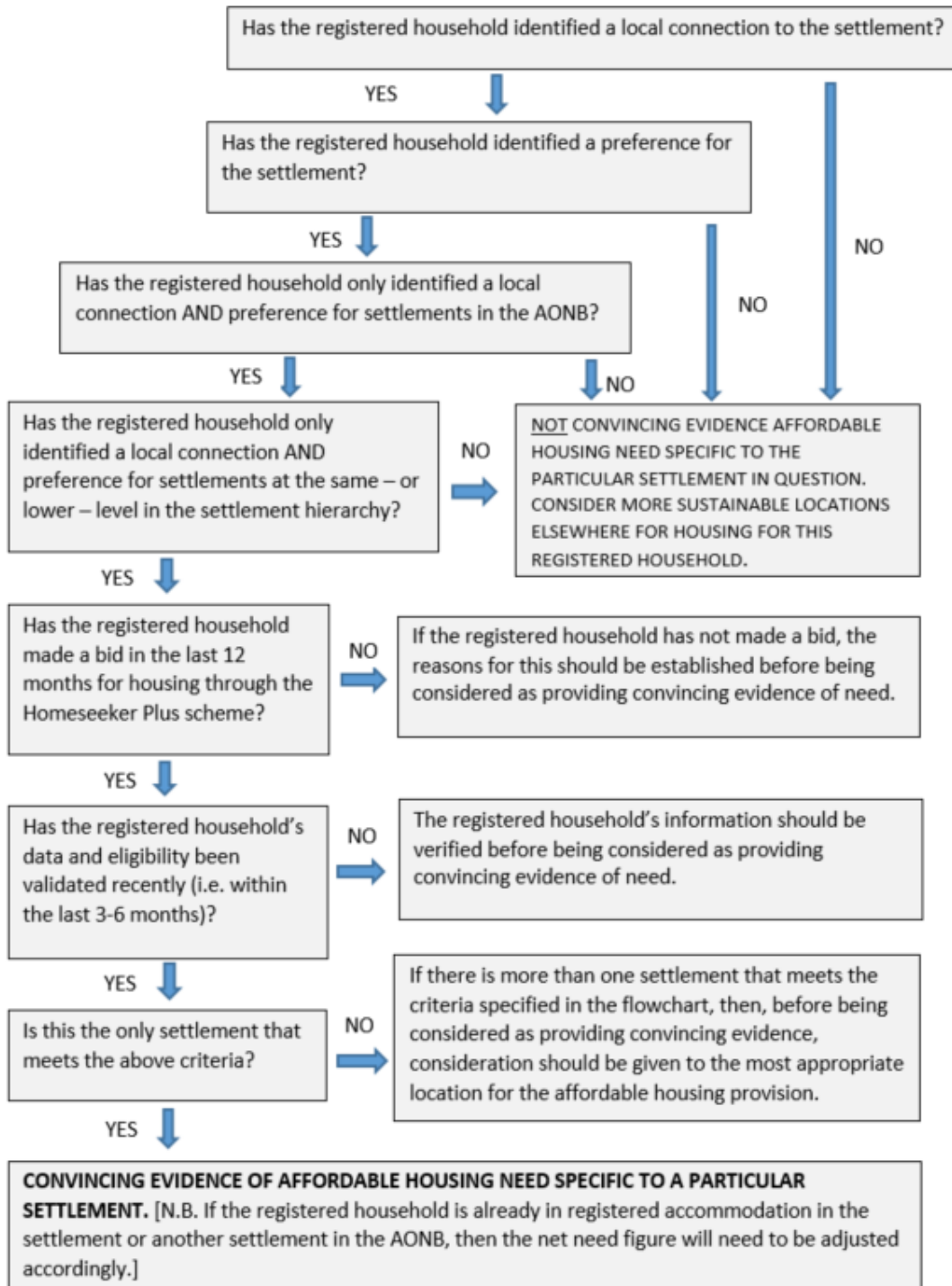
The stringent ground rules of the community also certainly are not for everyone and attract an alternative mindset (though the community does recognise the rules can be changed to accommodate changing needs). The types of people likely to live in a cohousing scheme may not be typical of UK residents. There are challenges therefore for planning deliver some of the innovative elements of this scheme at scale. However, schemes such as these do illustrate how to deliver rural character bundled in microsites and integrated wider community service infrastructure.

Having evidenced the principles of co-housing in the town, the made Bridport Neighbourhood Plan also proposes co-housing as a means to support future development that can meet the needs of older people through 'Senior Co-housing', multi-generational schemes and other 'Community led housing' projects. This is not a policy in the Plan per se but an action point for further exploration. But it nonetheless indicates how the principles of such schemes can be formalised into local strategies for development alternatives through statutory documents such as Neighbourhood Plans.

### **APPENDIX 3. FLOWCHART ILLUSTRATING THE EXTENT TO WHICH CHOICE-BASED LETTINGS DATA CAN EQUATE TO CONVINCING EVIDENCE OF HOUSING NEED WITHIN A SPECIFIC SETTLEMENT<sup>11</sup>**

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<sup>11</sup> This flowchart was developed by the Cotswolds National Landscape Board following the Board's involvement in the Stonesfield planning appeal in West Oxfordshire (APP/D3125/W/18/3209551). It illustrates some of the issues associated with the scope to which choice based lettings systems can provide evidence of affordable housing need using *Homeseecker Plus* as an example scheme. Similar flowcharts for *Home Point* and *Housing for You* could differ slightly from this due to differences in operation between the Schemes, but the same principles would apply.





## APPENDIX 4: SAMPLE EXTRACT FROM THE DRAFT MALVERN HILLS AONB GUIDANCE ON THE KEY PRINCIPLES OF GOOD DEVELOPMENT<sup>12</sup>

### Layout and design approach

**Relevant AONB guidance:** *Guidance on building design; Guidance on how development can respect landscape in views; Guidance on the selection and use of colour in development; Guidance on lighting; Guidance on highway design.*

- The layout and design of new development should be informed by and respond to the inherent character and nature of the receiving landscape / settlement, which provides the cues and clues for designs. Valuable / important landscape elements, features, qualities and / or characteristics should be retained, protected and enhanced.
- New built form / associated development should follow the scale and massing of locally occurring forms and patterns within the settlement / landscape. For example, in principle, large buildings requiring flat platforms are better situated on flat land with large, regular enclosure patterns, whereas developments which sit lightly on the land may be more suited to sloping / undulating areas.
- The layout and design of new built form should be informed by a study of existing locally-characteristic buildings and arrangements. Where a local vernacular building style exists, the appearance of new development may be more in keeping with its surrounds if existing styles are acknowledged in the design, especially in terms of scale, pattern, rhythm, and texture. This does not imply the need for replication however, rather for re-interpretation into the new form. Decorative details with no reference to locally distinctive buildings should be avoided.
- All development should be sustainable, exhibiting confidence in the future and reflecting people's needs and aspirations.
- Contemporary buildings may be welcome so long as they are fully justified in terms of how the design has been informed by and has responded to the inherent strengths and special qualities which characterise the locality: topography, geology, history, architectural vernacular, views and so on.
- Ubiquity and pastiche should be avoided: development should reflect local distinctiveness and sense of place.
- The density of development, including scale and form of plots, boundaries, and spaces between buildings and roads, should be locally-characteristic. Note that sometimes tight clusters of buildings in an open, green and multi-functional landscape are preferable to low-density developments with large private gardens and limited Public Open Space.

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<sup>12</sup> This document, currently in production, will provide a checklist of key principles and matters for consideration to encourage good development within the Malvern Hills AONB and its setting. The purpose of the document is to provide decision-makers and others involved in planning new development with a quick-reference guide to some of the key principles set out in the AONB's various guidance documents and other publications (available on the Partnership's website).

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# MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

## POSITION STATEMENT 3: LANDSCAPE-LED DEVELOPMENT

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### 1.0 CONTEXT

1.1 The Malvern Hills Area of Outstanding Natural Beauty (MH AONB) is a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it<sup>1</sup>. The statutory purpose of its designation is to conserve and enhance the natural beauty of the area<sup>2</sup>.

1.2 The MH AONB is also a living and working landscape in which the social and economic well-being of local communities are important considerations. Maintaining vibrant and thriving local communities is essential to the long-term future of the AONB. As such, the AONB cannot be considered exempt from the need for new housing and other development. Indeed, the right development in the right place can potentially play a positive role in helping to conserve and enhance the natural beauty of the AONB.

1.3 The MH AONB also needs to play a role in addressing the current ecological and climate emergencies, for example, through the implementation of appropriate measures to mitigate and adapt to the impacts of climate change.

1.4 Achieving these aspirations needs to be delivered in a way that is compatible with – and positively contributes to – the statutory purpose of designation. To not do so would undermine:

- the statutory purpose of designation;
- the principle that safeguarding Areas of Outstanding Natural Beauty (AONBs); is in the national interest;
- the aspirations and goals of the Government's 25 Year Environment Plan<sup>3</sup>;
- the proposals of the Government-commissioned Landscapes Review Final Report<sup>4</sup>;
- the vision, outcomes, ambitions and policies of the Malvern Hills AONB Management Plan;
- efforts to restore and enhance the natural beauty of the Malvern Hills AONB;

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<sup>1</sup> Section 82 of the Countryside and Rights of Way Act 2000

<sup>2</sup> Defra (2019) *Areas of Outstanding Natural Beauty: technical support scheme (England) 2019 to 2020*

<sup>3</sup> The Government's 25 Year Environment Plan aspires for us to be the first generation to leave the environment in a better state than we found it. As part of this aspiration, it proposes to embed an 'environmental net gain' principle for development. In addition, it sets a goal that 'we will conserve and enhance the beauty of our natural environment ... by ... safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage'.

<sup>4</sup> The 'Landscapes Review Final Report' sets out 27 proposals relating to our protected landscapes, including stronger purposes in law for our 'national landscapes' (proposal 23) and for AONBs to be strengthened with new purposes, powers and resources (proposal 24).

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- design codes, which define and deliver design quality, in addition to design guides, planning briefs, heritage characterisation studies, standards and masterplans as set out in the NPPF and planning practice guidance;
- the introduction of the 10% Biodiversity Net Gain requirement as proposed under the Environment Act 2021 for major development from January 2024, and smaller sites from April 2024
- the Government's assertions that:
  - (i) meeting housing need is never a clear reason to cause unacceptable harm to protected landscapes<sup>5</sup>; and
  - (ii) our Areas of Outstanding Natural Beauty (AONBs) will be protected as the places, views and landscapes we cherish most and passed on to the next generation<sup>6</sup>; and – more recently –
  - (iii) protecting and improving the environment and tackling climate change are central considerations in planning.

#### 1.5 Planning policies and decisions should therefore:

- protect important natural, landscape and heritage assets, whilst also incorporating nature, landscape and public space into development and its surroundings;
- support habitat creation and nature recovery in ways which benefit nature and people. For instance, nature-based solutions can store carbon, assist adaptation (e.g. by reducing water run-off rates) and protect and enhance ecology;
- promote locational and design decisions that reduce exposure to pollution and hazards and respond to changing climate conditions, for example the risk of overheating, surface-water flooding, and water scarcity;
- enable renewable and low carbon energy production and distribution, at both a commercial and domestic scale; and policies for regulating carbon-generating extraction and energy generation;
- promote development locations, and designs and layouts, that contribute to healthier lifestyles, energy and resource efficiency consumption, for example by reducing the need to travel, increasing public transport connectivity and accessibility and promoting active travel i.e. walking, wheeling and cycling; and
- bring together the spatial strategy for a place in a way which addresses all of the above in a holistic way and reflects its unique characteristics, whilst also providing a clear framework for development and regeneration<sup>7</sup>.

#### 1.6 National planning policy and guidance help address this issue by making it clear that:

- great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which, together with National Parks and the Broads, have the highest status of protection in relation to these issues;

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<sup>5</sup> Government response to the local housing need proposals in 'Changes to the current planning system' – updated 16 December 2020

<sup>6</sup> Statement by the Secretary of State for Housing, Communities and Local Government, when launching the consultation on the Planning White Paper in August 2020

<sup>7</sup> 22 December 2022 Levelling-up and Regeneration Bill: reforms to national planning policy consultation statement.

- the scale and extent of development in AONBs should be limited;
- 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;
- policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for housing and other development in full<sup>8</sup>; and that
- AONBs are unlikely to be suitable areas for accommodating unmet needs arising from adjoining, non-designated areas<sup>9</sup>.

## 2.0 PURPOSE OF THE POSITION STATEMENT

2.1 The primary purpose of the MH AONB Partnership's position statements are to expand on relevant policies in the current MH AONB Management Plan. They provide further context, guidance and recommendations in relation to specific policies and associated issues. They do not create new policies.

2.2 For this position statement, the most relevant MH AONB Management Plan policies include (but are not restricted to):

- Policy LWP1: Produce and adhere to community-led plans, strategies and statements (such as Neighbourhood Development Plans) that conserve and enhance the natural beauty of the AONB and encourage and maintain the vitality and diversity of rural community life.
- Policy LWP4: Support the provision of a variety of housing that is appropriate to the character of the area and meets local community needs.
- Policy BDP1: Allocations of land for development in the AONB and its setting should be informed by Landscape Sensitivity and Capacity Assessments (LSCAs), Landscape and Visual Impact Assessments (LVIAs), and/or Landscape and Visual Appraisals (LVAs) as appropriate<sup>10</sup>.

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<sup>8</sup> Planning Practice Guidance – Natural Environment: paragraph 41

<sup>9</sup> Planning Practice Guidance – Natural Environment: paragraph 41

<sup>10</sup> A Landscape Sensitivity and Capacity Assessments (LSCAs) is a systematic, evidence-based process. It provides an objective, impartial and transparent system for assessing the sensitivity of the landscape and its capacity to accommodate change, whilst also retaining the aspects of the environment which – for a variety of reasons – are valued. Such change is usually in the form of social and / or economic expansion, although the method can be applied to other forms of development such as polytunnels, or changes in land use, for example commercial forestry. There is published guidance for LSCA practitioners (Landscape Character Assessment Guidance for England and Scotland - Topic Paper 6: Techniques and criteria for judging sensitivity and capacity The Countryside Agency and Scottish Natural Heritage (2002)). Whilst this still underpins the overall LSCA approach, over time more specific methods have evolved, where the findings are required to inform a neighbourhood plan, for example, and will be used as a tool in future planning decisions.

Landscape and Visual Impact Assessments (LVIAs) can be key to effective planning decisions since it helps identify the effects of new developments on views and on the landscape itself. These effects can be quite different. Some developments can have visual effects but none on landscape character and some vice versa. A depth of analysis and understanding of these two interrelated aspects is required to produce a successful LVIA. With the support of IEMA, the Landscape Institute published the 3rd edition of Guidelines for Landscape and Visual Impact Assessment (GLVIA3) in April 2013 (purple cover). This book offers detailed guidance on the process of assessing the landscape and visual effects of developments and their significance.

Landscape and Visual Appraisals (LVAs) are a review of land and its sensitivity to accommodate development in landscape and visual terms, often when a client would like to understand more about the local landscape and the visibility of a Site. The LVA can enable a sensitive approach to development, or form part of a submission at site representation stages to a Local Plan as it will identify the key landscape and visual opportunities and constraints of a Site. The LVA is not an assessment of the effects of a development because it is addressing the principal of development rather than a fixed scheme.

- Policy BDP2: Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership.
- Policy BDP3: Development in the AONB should be based on convincing evidence of local need. Priority should be given to the provision of affordable housing and enhancing local services.
- Policy BDP4: Development proposals that may affect land in the AONB, including those in its setting, should protect and/or enhance key views and landscape character. AONB guidance relating to views and development in views should be used where relevant.
- Policy BDP13: “The cumulative impact of small-scale change and development will be monitored. Data gathered will be used to inform decisions and to revise and/or develop policy”
- Policy BDP14: “Local Planning Authorities should consider identifying locally important landscape areas to conserve the special qualities and features of the AONB and their enjoyment by people.”

2.3 The recommendations within the Position Statements intend to help local authorities, particularly plan-making bodies, as well as other relevant stakeholders, including those involved in decision-making and developers:

- have regard and positively contribute to the purpose of the AONB designation;
- ensure that the purpose of AONB designation is not compromised by development, and that the outstanding natural beauty of the MH AONB is conserved and enhanced;
- fulfil the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
- take account of relevant case law;
- have regard to and be consistent with the AONB Management Plan and guidance published by the Partnership;
- emulate best practice in the MH AONB and other protected landscapes; and
- develop a consistent and coordinated approach to relevant issues across the whole of the MH AONB and its setting<sup>11</sup>

2.4 With regards to good practice, this Position Statement has been modelled significantly on the approaches adopted by several nationally designated Protected Landscapes, including the Cotswold National Landscape, the South Downs Local Plan, West Oxfordshire Local Plans, Arnside & Silverdale AONB Development Plan, and the New Forest National Park Local Plan. Appendix 1 of this position statement provides case studies of both these latter documents.

### **3.0 STATUS OF THE POSITION STATEMENT**

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<sup>11</sup> Three local authority areas overlap with the MH AONB, with each with local authority having its own development plan, one of which (Malvern Hills District Council) being in the form of a joint plan for South Worcestershire Councils (with Worcester City and Wychavon).

3.1 The Partnership's position statements are supplementary to the Malvern Hills AONB Management Plan. However, it is worth noting that Policy BDP2 in the MH AONB 2019-2024 states that "*development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership*". As such, for development proposals to be compatible with the AONB Management Plan, they should also be compatible with the relevant position statements.

3.2 The AONB Management Plan is a material planning consideration in decision-making. However, it must be acknowledged that, in a plan-led planning system, it is the policies of the relevant adopted local authority development plan that have the greatest weight. As such, within this planning system, the hierarchy is as follows<sup>4</sup>:

The adopted development plan comprises the Local Planning Authority Development Plan, and any 'made' Neighbourhood Development Plan, in which decision-making is taken in accordance with these plans, unless material planning considerations indicate otherwise.
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The MH AONB Management Plan, like the National Planning Policy Framework are material planning considerations, but do not form part of the adopted development plan. MH AONB Position Statements and guidance documents supplement the MH AONB Management Plan.
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#### **4.0 ACHIEVING THE RIGHT BALANCE**

4.1 The MH AONB Partnership recognises that there are a range of other considerations that must be weighed in the planning balance, including the climate and ecological emergencies (see below), and meeting housing needs and economic growth.

4.2 However, ideally, there should not have to be a binary choice between conserving and enhancing the natural beauty of the MH AONB, and planning for and permitting new development. The aspiration should be to deliver new development in a way that is compatible with – and positively contributes to – the purpose of AONB designation.

4.3 It should be noted that, for major development (in the context of paragraph 177 of the NPPF), it is not simply a case of weighing all material considerations in a balance - planning permission should be refused unless it can be demonstrated that: (i) there are exceptional circumstances, and (ii) despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest<sup>12</sup>.

4.4 We hope that this position statement will help to ensure that the right balance is achieved across the whole of the MH AONB.

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<sup>12</sup> R (Mevagissey Parish Council) v Cornwall Council [2013] EHCW 3684 (Admin), paragraph 51: 'The planning committee are required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that...'

## 5.0 CLIMATE AND ECOLOGICAL EMERGENCIES

5.1 All five of the local authorities that overlap with the MH AONB area have declared climate and/or ecological emergencies.

5.2 In principle, the Partnership supports measures to mitigate and adapt to climate change and to halt and reverse declines in biodiversity. These aspirations are reflected in the MH AONB Management Plan 2019-2024, the MH AONB Nature Recovery Plan 2022 and Guidance documents prepared and published by the Partnership<sup>13</sup>.

5.3 It should be possible to deliver many of these measures in a way that is compatible with the purpose of AONB designation. However, where relevant development proposals or allocations come forward that have the potential to have a significant adverse impact on the purpose of AONB designation, they should be deemed to be major development, in the context of paragraph 177 of the NPPF.

5.4 The priority given to these issues, through the declaration of the climate and ecological emergencies, would potentially make it easier to demonstrate 'exceptional need'. However, as outlined below, exceptional need does not necessarily equate to exceptional circumstances. For example, there may be other, more suitable ways of mitigating the impacts of climate change or less harmful locations for the proposed development.

## 6.0 LANDSCAPE-LED APPROACH – CONTEXT

6.1 At its most basic level, a landscape-led approach to development is one in which development within the MH AONB and its setting<sup>14</sup> is compatible with and, ideally, makes a positive contribution to, the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the area. A landscape-led approach<sup>15</sup>, at this level, is promoted in the MH AONB Management Plan 2019-2024, principally in Objective BDO1 "The distinctive character and natural beauty of the AONB will be fully reflected in the development and implementation of consistent statutory land use planning policy and guidance across the AONB, and in decision

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<sup>13</sup> The Partnership is continually reviewing and updating its guidance to address these Climate Change by helping to reduce carbon emissions through mitigation and by supporting environmental adaptations to make the area more resilient to changing conditions. Such guidance includes, but is not restricted to, the Partnership's Nature Recovery Strategy and our Guidance on Renewable Energy Technologies.

<sup>14</sup> The Malvern Hills AONB Joint Advisory Committee's Position Statement "*Development And Land Use Change In The Setting Of The Malvern Hills AONB*" defines the setting of the AONB as "the area within which development and land management proposals, by virtue of their nature, size, scale, siting, materials or design could be considered to have an impact, either positive or negative, on the natural beauty and special qualities of the Malvern Hills AONB and/or on peoples' enjoyment of it". Relevant considerations include potential impacts of development outside the AONB on: views from and to the AONB; the dark skies of the AONB (e.g. light pollution); and the tranquillity of the AONB (e.g. noise and traffic levels).

<sup>15</sup> The 'iterative' approach to development and design is not a new concept - the benefits have been understood for many years, and the process is integral to many regulated areas such as EIA. What the landscape-led part of the approach helps to ensure is that the 'right type of development' is built 'in the right place', and that meaningful economic, social and environmental benefits are delivered. Guidance for carrying out landscape and visual assessments is contained in the Landscape Institute and IEMA's publication Guidelines for Landscape and Visual Impact Assessment (currently 3rd edition, commonly referred to as 'GLVIA3'). GLVIA3 explains that the iterative process 'has great strength because it links the analysis of environmental issues with steps to improve the siting, layout and design of a particular scheme... This approach can result in more successful and cost-effective developments and can reduce the time required to complete the assessment. Such an iterative approach is appropriate to any form of new development of whatever scale or type and applies equally to informal 'appraisal' of projects falling outside the EIA requirements'.



making on planning applications for development” and in policies BDP1, BDP2, BDP4, BDP13 and BDP14.

6.2 The first step in this process is to have regard to the purpose of AONB designation. ‘Relevant authorities’, including local authorities, have a statutory duty to have regard to the purpose of AONB designation in relation to any decisions or activities that may impact on an AONB<sup>16</sup>. Given that relevant authorities must have regard to the purpose of AONB designation in their decision-making, it would make sense for those who are putting forward development proposals to be aware of and informed by this.

6.3 This ‘duty of regard’ applies from initial thinking through to more detailed planning and implementation, with the expectation that adverse impacts will be (i) avoided and (ii) mitigated where possible<sup>17</sup>. The duty of regard is addressed in the MH AONB Management Plan 2019-2024, including in the Introduction and in Chapter 7. This clarifies that the MH AONB Joint Advisory Committee have endorsed the Management Plan and relevant local authorities have formally adopted it. All relevant Local Development Plans now recognise the need for development proposals to be informed by [the MH AONB Management Plan]”.

6.4 The guidance and recommendations in this position statement are intended to help relevant authorities demonstrate this duty of regard. However, even if relevant authorities fulfil the duty of regard, there is still a risk that the resulting decisions and actions will not be compatible with the purpose of AONB designation. Therefore, the guidance and recommendations are also intended to help stakeholders progress from this ‘landscape-considered’ approach to a ‘landscape-led approach’, in which development is designed, located and implemented in a way that positively contributes to the purpose of AONB designation.

6.5 Taking a landscape-led approach can be particularly important for major development<sup>18</sup>, as this scale of development has the greatest potential to adversely affect the purpose of AONB designation. However, one of the biggest threats identified to the MH AONB comes also from the cumulative impact of numbers of small developments and even from the cumulative impact of minor building works that do not require an application for planning permission but which proceed as ‘permitted development’. Every change of appearance or use of property in the AONB has the potential to have either a positive or negative effect. For example, the replacement of a locally distinctive property boundary with ubiquitous close board fencing may not

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<sup>16</sup> Section 85 of the Countryside and Rights of Way Act

<sup>17</sup> Natural England (2010) England’s statutory designated landscapes: a practical guide to your duty of regard. It is worth noting that fulfilling the duty of regard does not necessarily mean that decisions or activities will be compatible with the purpose of AONB designation.

<sup>18</sup> Major development, in this context, primarily relates to the definition of major development in footnote 60 of the NPPF (i.e. ‘For the purposes of paragraphs 176 and 177, 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”) However, that status is only clarified once a planning application has been submitted and the case officer has assessed the application. That is too late a point in the process to apply the landscape-led approach outlined in this position statement and in Chapter 7 of the Malvern Hills AONB Management Plan 2019-2024, with particular regard to Objective BDO1. Therefore, we recommend that the landscape-led approach for major development should be applied to major development as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

have a big impact in itself but a number of such actions will erode local character over time.

6.6 In principle, the landscape-led approach is therefore applicable to all development in the MH AONB and its setting, albeit to a degree that is proportionate to the nature, scale, setting and potential impact of the proposed development. However, the cumulative impact of even small-scale change and development should also be considered.

6.7 Consideration of landscape character and visual effects is obviously a key consideration when taking a landscape-led approach. However, as outlined below, a landscape-led approach should also consider all of the factors that contribute to the natural beauty of the MH AONB.

6.8 A number of documents are relevant to such considerations. These include MHDC's *"Malvern Hills AONB Environs Landscape and Visual Sensitivity Study"* (May 2019), the MH AONB Management Plan, and various MH AONB guidance papers such as the Partnership's *"Position Statement 1: Development And Land Use Change In The Setting Of The Malvern Hills AONB"* (Nov 2019), the draft *"Guidance on the key principles of good development within the Malvern Hills AONB and its Setting"*, *"Identifying and Grading Views and Viewpoints"*, *"How Development can respect Landscape in Views"*.

6.9 The role of heritage within the AONB is also important, particularly the need to protect, conserve and enhance heritage assets, historic landscapes and features, as per Section 16 of the NPPF, especially with regards to their setting, heritage landscape and associated heritage features.

## **7.0 RECOMMENDATIONS – LANDSCAPE-LED APPROACH**

### **7.1 Landscape and Visual Sensitivity and Capacity**

7.1.1 At the planning policy stage (Local Plans and Neighbourhood Development Plans<sup>19</sup>):

- A Landscape and Visual Sensitivity and Capacity study (LSCA)<sup>20</sup>, or a Landscape and Visual Impact Assessment (LVIA) or a Landscape and Visual Appraisal (LVA), should be undertaken for all relevant sites (or land cover parcels) in the MH AONB and its setting where the potential for development is being assessed as part of the development plan process<sup>21</sup>.

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<sup>19</sup> For Neighbourhood Development Plans, it may be possible to utilise relevant information from landscape and visual sensitivity and capacity assessments that have been undertaken as part of the Local Plan evidence base.

<sup>20</sup> Relevant guidance is provided in Natural England's 'An approach to landscape sensitivity assessment – to inform spatial planning and land management'. Capacity is NOT dealt with in NEs approach to landscape sensitivity assessment, there is currently no published guidance.

<sup>21</sup> For example, Landscape and Visual Sensitivity and Capacity Studies should be undertaken as part of the Strategic Housing and Employment Land Availability Process and when identifying suitable areas for renewable energy. Such studies would then form part of the development plan evidence base, available on the relevant local authority website. It is acknowledged that Capacity is NOT dealt with in Natural England's approach to landscape sensitivity assessment and that there is currently no published guidance for that.

- With regards to LSCAs and LVIAs, these studies should assess the sensitivity of these sites to types and scales of development being considered. The cumulative impact of development of the sites should also be assessed, taking into account existing built form, planning permission granted (but not built out) and other sites that may be proposed in the plan making..
- Where the 'land cover parcels' that are used in the assessment are refined to smaller scale potential allocation sites, a further, site-specific iteration of the LSCA should be undertaken.
- In order to maintain some landscape capacity for future development, not all of the sites that are considered to have landscape capacity for development should be allocated in one iteration of the development plan.

#### 7.1.2 At the development management stage:

- Landscape and Visual Impact Assessments (LVIAs) should be undertaken for all development that requires an Environmental Impact Assessment (EIA)<sup>22</sup>.
- Landscape and Visual Appraisals (LVAs) should be undertaken for other development in the MH AONB and its setting that have the potential to cause adverse landscape and visual effects<sup>23</sup>. The nature of such appraisals should be proportionate to the likely potential for adverse effects.
- All LVIA and LVAs should be consistent with the guidance published by the Landscape Institute and the Institute of Environmental Assessment.
- The cumulative impact of the development proposals, in the context of previous development, permissions granted (but not built out) and small-scale changes, on the AONB should be assessed.
- A landscape-led vision, overarching design principles, scheme objectives and sub-objectives should be developed and agreed for major development proposals at an early stage in the process and applied in the design, budgeting, assessment and implementation of the scheme.

#### 7.1.3 At both stages:

- The MH AONB should be accorded the highest 'value' in the LSCA/LVIA/ LVA assessments, with consideration being given to the degree to which the criteria and factors used to support the case for AONB designation are represented in the specific study area<sup>24</sup>.

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<sup>22</sup> LVIAs should comply with the requirements of the Environmental Impact Assessment (EIA) Regulations and with the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA).

<sup>23</sup> The format of such an appraisal may not need to satisfy the formal requirements of an EIA but should, as a minimum set out any effects on the landscape and views, and proposed mitigation, in a rational way so that it can be fully considered through the planning process.

<sup>24</sup> The Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' identify that 'landscapes that are nationally designated [including AONBs] will be accorded the highest value in the assessment' (paragraph 5.47), albeit that some consideration should be given to the 'degree the criteria and factors used to support the case for designation are represented in the specific study area' (paragraph 5.23). So, for example, if the value of the landscape receptor is classed as 'very high' (because of the AONB designation) and the susceptibility to the proposed change is classed as 'medium', then the overall sensitivity of the landscape receptor would be 'high'. The (very) high 'value' of the AONB designation means that the adverse effects of a development proposal within an AONB are likely to be more significant than an equivalent development proposal, in an equivalent landscape character area, outside the AONB.

- The area of landscape that needs to be covered in assessing landscape effects should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner<sup>25</sup>.
- Great weight should be given to landscape and scenic beauty, in line with paragraph 176 of the NPPF<sup>26</sup>.
- The mandatory major development ‘tests’ specified in paragraph 177 of the NPPF should be rigorously applied for all allocations / development proposals that are deemed to be major development.
- It should be recognised that ‘exceptional need’ does not necessarily equate to ‘exceptional circumstances’.
- The requirement for all landscape assessments - whether undertaken in support of a specific planning application or an allocation at the plan making stage - should be based on evidence of landscape and visual matters. Judgements should be supported by clear reasoning which is linked to evidence.

## 7.2 Natural Beauty<sup>27</sup>

7.2.1 All of the factors that contribute to the natural beauty of the MH AONB should be fully considered and assessed at all stages of the development process, including planning policy and development management. These factors are:

- landscape quality / beauty;
- scenic quality / beauty;
- relative tranquillity (including ‘dark skies’);
- relative wildness;
- natural heritage (including ‘biodiversity’);
- cultural heritage (including ‘historic environment’)<sup>28</sup>;
- the special qualities of the MH AONB<sup>29</sup>

7.2.2 These factors should be assessed:

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<sup>25</sup> This definition is provided in paragraph 20 of Appeal Decision APP/R3650/W/16/3165974 and re-iterated in paragraph 21 of the High Court decision for *Monkhill Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 1993 (Admin)

<sup>26</sup> This applies to development within the MH AONB and to development outside the AONB that has the potential to adversely affect views to or from the AONB.

<sup>27</sup> An explanation of ‘natural beauty’, the factors that contribute to it and its relationship with ‘landscape’ is provided in the Natural England publication ‘Guidance for assessing landscapes for designations as National Park or Area of Outstanding Natural Beauty in England’. When consideration is given to the MH AONB in planning applications and planning decisions, this consideration tends to focus almost exclusively on landscape and visual impacts. However, the statutory duty to have regard to the purpose of AONB designation relates to all of the factors that contribute to the area’s natural beauty, including cultural heritage and natural heritage. Other ‘effects’ on a landscape’s experiential qualities/people’s experiences of a landscape include factors such as noise, odour, dust and other forms of pollution, and tranquillity, which includes factors such as sense of calm and safety. As such, all these issues should be addressed in the context of their contribution to the natural beauty of the MH AONB as well as in their own right, both individually and cumulatively.

<sup>28</sup> The themes and approaches of Historic England Good Practice Advice Note 3: The setting of heritage assets should be considered, as well as the historic environment being a part of the valuable landscape which needs protecting, conserving and enhancing, reflecting Section 16 of the NPPF.

<sup>29</sup> As identified within the MH AONB Management Plan.

- individually (i.e. in their own right, in the context of national planning policy and relevant best practice guidance);
- collectively (i.e. in terms of their contribution to the AONB designation); and
- cumulatively (i.e. in terms of the increasing level of significance associated with the presence of – or potential impacts on - multiple factors).

7.2.3 Development proposals should (be required to) make a positive contribution to conserving and enhancing the natural beauty of the MH AONB, over and above the baseline condition (i.e. delivering a net-benefit for natural beauty)<sup>30</sup>.

7.2.4 Measures to conserve and enhance the natural beauty of the MH AONB (to deliver a net-benefit for natural beauty) should be integrated into the planning, design, implementation and management of a proposed development from the development's inception.

### 7.3 Environmental Impact Assessment (EIA)<sup>31</sup>

7.3.1 Development in the MH AONB that is listed in Schedule 1<sup>32</sup> of the EIA regulations should be classed as major development (see 'Major Development' above), as should Schedule 2<sup>33</sup> development that is deemed to require an EIA.

7.3.2 Screening for development listed in Schedule 2 of the EIA Regulations should be rigorously applied. Given that the MH AONB should be considered as 'a sensitive area', this should apply even for Schedule 2 development that is below the 'applicable thresholds and criteria'.

7.3.2 Screening for development listed in Schedule 2 of the EIA regulations should be rigorously applied. Given that the 'MH AONB should be considered as 'a sensitive area', this should apply even for Schedule 2 development that is below the 'applicable thresholds and criteria'.

7.3.3 The process for screening of Schedule 2 development should be closely aligned with the process for screening major development.

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<sup>30</sup> The Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' (paragraph 4.35) explains that 'enhancement', in the context of individual development proposals, means improving 'the [natural beauty] of the proposed development site and its wider setting, over and above its baseline condition' (N.B. Underlining added for emphasis). For example, mitigating measures such as planting to screen views cannot be double counted as landscape enhancements.

<sup>31</sup> Appendix 4 provides a flowchart of how natural beauty, major development, EIA regulations, national planning policy and the MH AONB Management Plan and associated guidance should be addressed in relation to development proposals in the MH AONB and its setting.

<sup>32</sup> <https://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>

<sup>33</sup> <https://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>

7.3.4 Schedule 2 developments that are deemed to constitute major development, in the context of paragraph 177 of the NPPF, are likely to merit an EIA.

## **7.4 Malvern Hills AONB Management Plan and Other Partnership Guidance**

7.4.1 Development in the MHAONB and its setting should have regard to, be consistent with and help to deliver the MH AONB Management Plan and other guidance published by the Partnership, including:

- Malvern Hills AONB *Landscape Strategy and Guidelines*
- Malvern Hills AONB *Guidance on Identifying and Grading Views and Viewpoints*
- Malvern Hills AONB *Guidance on How Development can respect Landscape in Views and Viewpoints*
- Joint Advisory Committee Position Statement 1: *Development and Land Use Change in the Setting of the Malvern Hills*
- Malvern Hills AONB *Building Design Guide*
- Malvern Hills AONB *Selection and Use of Colour*
- Malvern Hills AONB *Guidance on Lighting*
- Other Malvern Hills AONB Partnership Position Statements.
- Malvern Hills AONB *Guidance on the key principles of good development within the Malvern Hills AONB and its Setting* (draft document in development)

7.4.2 Other relevant information includes:

- Malvern Hills District Council Malvern Hills *AONB Environs Landscape and Visual Sensitivity Study* (May 2019, White Consultants),

## **8.0 SUPPORTING INFORMATION**

This Position Statement is supported by two appendices (as a separate document), which provide:

- Case studies of good practice with regards taking a landscape-led approach (Appendix 1).
- A flowchart of how natural beauty, major development, EIA, national planning policy, the MH AONB Management Plan and Partnership guidance should be addressed in development proposals and decision making (Appendix 2).

# MALVERN HILLS AONB LANDSCAPE-LED DEVELOPMENT POSITION STATEMENT - APPENDICES

## APPENDIX 1. LANDSCAPE-LED CASE STUDIES

This appendix provides three case studies of where a landscape-led approach has been developed in protected landscapes:

1. South Downs Local Plan
2. Arnside & Silverdale AONB Development Plan Document
3. A417 'Missing Link' road scheme (Cotswolds National Landscape): Landscape-led vision, design principles, objectives and sub-objectives

### LANDSCAPE-LED CASE STUDY 1: SOUTH DOWNS LOCAL PLAN<sup>1</sup>

The South Downs Local Plan is explicitly underpinned by a landscape-led approach. Key extracts from the Local Plan that articulate this landscape-led approach, are outlined below.

- **Foreword:** [The Local Plan] looks different from most other local plans, because at its heart is the requirement to conserve and enhance the nationally important landscapes of the South Downs.
- **Key Messages:**
  - This is a landscape led Local Plan ...looking at the South Downs as a whole with National Park purposes and our duty to the fore.
  - Allocations and policies are ... landscape capacity led, not target driven. This complies with the National Planning Policy Framework.
  - We have searched thoroughly and rigorously for suitable development sites; it is just that in carrying out this work landscape conservation takes the primary role.
  - We are ... determined to ensure the quality of new build reflects the landscape within which it sits and is of a standard befitting a National Park as an exemplar of rural planning.
- **Paragraph 1.16 (How have the Local Plan policies been prepared):** All the Local Plan policies have been formulated putting landscape first and then peoples' interaction with it. This is in line with the purposes of national parks ... The Local Plan and its policies require development proposed to conserve and enhance various aspects of natural beauty, wildlife and cultural heritage.
- **Paragraph 5.22 (A Landscape-Led Approach):** Development should enhance, respect and reinforce the landscape through a landscape-led design approach.
- **Paragraph 7.18 (Housing):** Provision of housing to meet local needs is crucial to ensure the sustainability and vitality of communities within the national Park ... However, the provision of housing should not be at the expense of a nationally protected landscape. The NPPF cites national parks as areas where development should be restricted and objectively assessed need not met.
- **Paragraph 7.121 (Employment):** A Local Plan objective ... is to protect and provide for local businesses that are broadly compatible with and relate to the landscapes and special qualities of the National Park.
- **Paragraph 7.215 (Infrastructure):** All infrastructure development proposals should reflect the nationally protected landscapes, be appropriately designed and consider carefully the impact upon the natural beauty, wildlife and cultural heritage of the area.

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<sup>1</sup> South Downs National Park Authority (2019) *South Downs Local Plan 2014-2033*.

- **Paragraphs 7.270 (Climate Change):** The use of renewable energy rather than fossil fuels will help to reduce carbon emissions and this reduce climate change ... However, the landscape character of the National Park is a finite and precious resource that the National Park is charged with conserving and enhancing. Development of renewable energy, therefore needs to be suitably constrained so as not to compromise the special qualities.
- **Paragraph 8.5 (Need for the Development):** There is a need for development to take place to meet growth needs, as far as it is compatible with the National Park purposes and the overarching ecosystem services led approach.

## LANDSCAPE-LED CASE STUDY 2: ARNSIDE & SILVERDALE AONB DEVELOPMENT PLAN DOCUMENT<sup>2</sup>

The Arnside & Silverdale AONB Development Plan Document (DPD) is the first DPD for an AONB in the country. Like the South Downs Local Plan, it sets out a landscape-led approach to development in the protected landscape. As stated in the DPD itself, *'it is a pioneering and innovative approach and has been followed closely by AONB Partnerships up and down the country as an example of how an AONB Partnership, councils and communities can work together to produce the best outcomes for an AONB'* (paragraph 1.2.6).

- **Foreword:** The AONB DPD complements the Management Plan for the AONB, for which the underlying principle is to work collaboratively to help conserve and enhance the landscape of the area. The AONB DPD places the landscape at the heart of shaping development over the next 15 years.
- **Paragraph 2.1.2 (Vision):** Within the Arnside & Silverdale AONB, housing, employment, services, infrastructure and other development is managed to contribute towards meeting the needs of those who live in, work in and visit the area in a way that:
  - conserves and enhances the landscape, the natural beauty, and the Special Qualities of the AONB; and
  - creates vibrant, diverse and sustainable communities with a strong sense of place; and
  - maintains a thriving local economy.
- **Policy AS01 (Development Strategy):** A landscape capacity-led approach to development will be taken in the AONB ... All development in the ... AONB should be sustainable, consistent with the primary purpose of AONB designation and support the Special Qualities of the AONB as set out in the AONB Management Plan.
- **Paragraph 3.1.2:** The primary purpose of the AONB designation is to conserve and enhance the landscape and natural beauty of the area. It is therefore entirely appropriate that the Development Strategy identifies a landscape-capacity led and criteria-based approach to development, consistent with this primary purpose and the AONB's Special Qualities. A strategy that did not put the conservation and enhancement of the landscape central to the approach to development would compromise the primary purpose and undermine the national designation and the value of the AONB in the national interest. Where a development proposal would create conflict between the primary purpose of the AONB and other uses of the AONB, greater weight will be attached to the purpose of conserving and enhancing the landscape and natural beauty of the AONB.
- **Paragraph 3.1.4:** In the AONB, the priority should be to meet identified affordable and other local housing needs within the capacity of the landscape.
- **Paragraph 3.1.7:** The Development Strategy ensures that only development that can be accommodated without harm to the AONB's primary purpose will be permitted, whilst

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<sup>2</sup> South Lakeland District Council and Lancaster City Council (2019) *Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) – Adopted Version, 28 March 2019.* ([Link](#)).



maintaining a positive approach, recognising that appropriately located and designed development can contribute to conserving and enhancing the landscape and settlement character, including where opportunities for regeneration and redevelopment can be delivered.

- **Policy AS02 (Landscape):** Within the Arnside & Silverdale AONB, development proposals will be required to demonstrate how they conserve and enhance the landscape and natural beauty of the area. Proposals will not be permitted where they would have an adverse effect upon the landscape character or visual amenity of the AONB.
- **Paragraph 3.1.22:** All development within the AONB should conserve and enhance the natural beauty of the area and must reflect the capacity of the landscape to accommodate it without harm to key features and characteristics and without compromise to the statutory purpose.

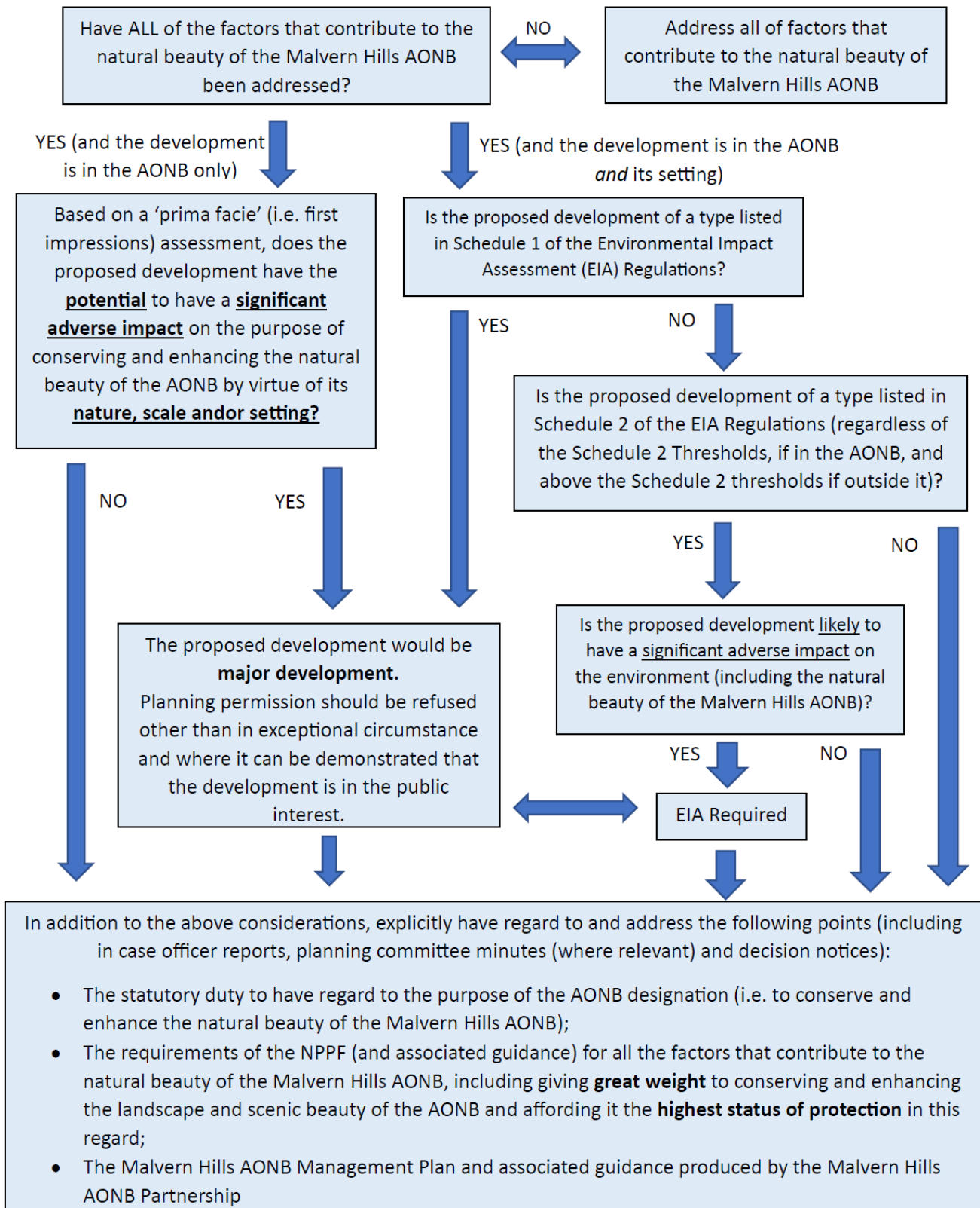
### **LANDSCAPE-LED CASE STUDY 3: A417 MISSING LINK ROAD SCHEME**

The A417 Missing Link road scheme is the most significant infrastructure scheme that is currently being proposed in the Cotswolds National Landscape. In recognition of its location in this sensitive and nationally important landscape, Highways England, the Cotswolds Conservation Board and other stakeholders developed and agreed a landscape-led vision, design principles and objectives for the scheme in 2017. The vision and design principles, together with the objectives and sub-objectives that relate specifically to landscape and / or natural beauty, are outlined below.

- **Vision:** A landscape-led highways improvement scheme that will deliver a safe and resilient free-flowing road whilst conserving and enhancing the special character of the Cotswolds AONB; reconnecting landscape and ecology; bringing about landscape, wildlife and heritage benefits, including enhanced visitors' enjoyment of the area; improving local communities' quality of life; and contributing to the health of the economy and local businesses.
- **Design Principles:**
  - Any solution involving a new road must ensure that the scheme is designed to meet the character of the landscape, not the other way round.
  - Any scheme should bring about substantial benefits for the Cotswolds landscape and environment as well as people's enjoyment of the area.
  - Any scheme must have substantially more benefits than negative impacts for the Cotswolds AONB.
- **Objectives:** Improving the natural environment and heritage; to maximise opportunities for landscape, historic and natural environment enhancement within the Cotswolds AONB and to minimise negative impacts of the scheme on the surrounding environment.
- **Sub-Objectives**
  - The Scheme will have an identity which reflects, conserves and enhances the character of the local landscape.
  - The Scheme will improve landscape and ecological connectivity through landscape and habitat restoration and creation.
  - The horizontal and vertical alignments of the Scheme will pay due regard to the nature of the local landform.
  - The siting and form of structures, cuttings, embankments and landscape mounding will reflect local topography and landform.
  - The design of structures will be of lasting architectural quality.
  - The Scheme will avoid significant interruption to groundwater flows or negative impacts on the aquifer, springs and watercourses.

- The Scheme will avoid or, where absolutely necessary, minimise the direct loss of National Trust land, other areas owned and managed for conservation, open access land and country parks and at the same time minimise intrusion upon such land.
- The Scheme will enable enhanced preservation of heritage assets and their settings and adopt designs that reflect and enhance the historic character of the area.
- The Scheme will minimise road noise by applying sensitive noise mitigation measures where required.
- The Scheme will minimise light pollution through sensitive structural, junction, and lighting design and sign illumination.

## APPENDIX 2. FLOWCHART OF CONSIDERATIONS FOR DEVELOPMENT IN THE MALVERN HILLS AONB AND ITS SETTING<sup>3</sup>



<sup>3</sup> This flowchart has been adapted from the flowchart developed by the Cotswolds Conservation Board.

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## **MALVERN HILLS AONB JOINT ADVISORY COMMITTEE 10 NOVEMBER 2023**

### **POSITION STATEMENTS: POSITION STATEMENT: RENEWABLE ENERGY IN THE MALVERN HILLS AONB AND ITS SETTING**

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#### **Recommendation**

##### **1. The Committee is recommended to:**

- a) **Discuss, amend (if necessary) and endorse the ‘Renewable Energy in the Malvern Hills AONB and its Setting’ Position Statement, as a consultation draft;**
- b) **Agree that if future amendments are required, as necessary, that these can be made by Malvern Hills AONB Unit Staff, unless materially significant in which case they would be brought back to the Committee for further consideration; and**
- c) **Agree a formal review date of the position statement to take place every five years unless otherwise agreed.**

#### **Background**

2. Position Statements intend to establish the position of the Malvern Hills AONB Partnership on key issues affecting the area, helping guide the Partnership and relevant planning bodies and decision-makers to articulate how the AONB designation can be conserved and enhanced. They also seek to help to deliver and uphold the objectives and policies contained within the Malvern Hills AONB Management Plan, itself a statutory document and a material consideration in planning decision-making.
3. Position statements are stand-alone documents which set out the position (framed in terms of recommendations) and provide some brief context explaining why the Partnership is taking this position. The adoption of Position Statements has become increasingly commonplace across several Nationally Protected Landscapes.
4. The position statement provides further context, guidance and recommendations in relation to specific Management Plan policies and associated issues. They do not create new policies and will sit alongside the already widely published Guidance by the Partnership.

## Renewable Energy Position Statement

5. Climate change has been described as the biggest threat to humanity and is one of the greatest threats to biodiversity. We need to urgently take steps to mitigate and adapt to the impacts of climate change. Renewable energy sources will play an important role in mitigating the impacts of climate change and progressing towards Net Zero within the Malvern Hills AONB and its setting.
6. This draft Renewable Energy Position Statement seeks to expand on the AONB Management Plan by providing guidance and recommendations on how we can plan positively for renewable energy provision within the Malvern Hills AONB and its setting.
7. The position statement identifies six main types of renewable energy:
  - heat pumps;
  - biomass;
  - hydropower;
  - solar energy;
  - wind energy; and
  - battery storage.
8. In summary and in principle, the recommendations advise that the Partnership would be supportive of all of these forms of renewable energy at a micro-scale (i.e. less than 0.5ha), provided relevant considerations have been adequately addressed. Small-scale forms of renewable energy (between 0.5ha-5ha), should be considered on a case-by-case basis with relevant landscape and visual considerations particularly relevant. Large-scale forms of renewable energy are, as a whole, unlikely to be compatible with the statutory purpose of conserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty (AONBs), such as the Malvern Hills.
9. With regards to biomass, we would be particularly supportive of small-scale wood fuel schemes that use timber from sustainably managed woodlands within the AONB.
10. With regards to solar energy, we would be particularly supportive of rooftop solar panels, especially on contemporary, industrial, business park and agricultural buildings that can provide relatively large-scale, rooftop schemes.
11. For renewable energy proposals within the AONB that are classed as major development (as per Paragraph 177 of the National Planning Policy Framework), consideration should be given to whether exceptional circumstances apply that would justify permission being granted for such schemes, particularly in the context of the climate emergency. This again would need to be assessed on a case-by-case basis.

12. It is important to note that this Renewable Energy Position Statement is a 'live' document, which will be updated to reflect changes in national policy and renewable energy technology.
13. The Position Statement is aimed at a wide range of stakeholders who are involved in renewable energy provision in the AONB and its setting, recognising that in recent months, there have been a number of EIA Screening applications which have been submitted for renewable energy development particularly in the setting of the Malvern Hills AONB.

## **Consultation**

14. It is intended that the draft Position Statement be published for wider consultation with relevant stakeholders and interested parties. This primarily includes the local planning authorities which overlap with the Malvern Hills AONB, and particularly the forward/strategic planning, neighbourhood planning and development management teams of these three local authorities. It is also intended that the position statements are sent/published to the National Association for AONBs for further technical guidance and constructive input, as well as elected members, town and parish councils and relevant agencies and partners of the AONB Partnership.
15. The consultation is expected to be an eight-week period to commence as soon as reasonably possible following the meeting, should the draft position statement be endorsed.

## **On-going Review**

16. If amendments to Position Statements are needed to be made, primarily as a result of a change in legislation, such as updates to Planning Policy i.e. a revised National Planning Policy Framework that may necessitate updates to paragraph numbers, it is hoped that the committee are happy that these aspects e.g. nonmaterial amendments can be made by the AONB Unit, to ensure that the Position Statements do not become 'out-of-date' in terms of the planning framework that the documents fall within.
17. An intended formal review date of five years is currently envisaged for the position statement although this may be shortened or lengthened, as appropriate, with formally reviewed position statements presented to this committee for endorsement when the time comes.
18. The position statement will be beneficial as part of training sessions/presentations with elected members as well as Strategic, Neighbourhood Planning and Development Management Officers in local authorities. The position statements will also be referred to by the AONB Unit

as part of representations to development management and strategic planning consultations.

Specific Contact Points for this report

Josh Bailey, AONB Planning Officer

Tel: 01600 710845

Email: [JBailey2@worcestershire.gov.uk](mailto:JBailey2@worcestershire.gov.uk)



# MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

## POSITION STATEMENT 4: RENEWABLE ENERGY IN THE MALVERN HILLS AONB AND ITS SETTING

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### 1.0 CONTEXT

1.1 Climate Change is the biggest threat to humanity and one of the greatest threats to biodiversity<sup>1</sup>. Projections show a change towards warmer, wetter winters and hotter, drier summers and increasing frequency and intensity of extreme weather events, which will continue to amplify as climate change intensifies. Changes pose risks to biodiversity; soil health; natural carbon stores and sequestration; crops and livestock; the supply of food, goods and services; the economy; and human health. Collectively, we need to proactively mitigate and adapt to the impacts of climate change.

1.2 The Malvern Hills Area of Outstanding Natural Beauty (MH AONB) is a landscape whose distinctive character and natural beauty is so outstanding that it is in the nation's interest to safeguard it<sup>2</sup>. The statutory purpose of its designation is to conserve and enhance the natural beauty of the area<sup>3</sup>. Many defining features and 'Special Qualities'<sup>4</sup> of the MH AONB are threatened by climate change. They are also potentially threatened by responses to climate change, for example, due to visual impacts of development proposals. Action is urgent but needs to be well thought out and carefully implemented.

1.3 Within this context, the National Association for Areas of Outstanding Natural Beauty (NAAONB) is committed to ensuring that by 2024, '*all AONB management plans include meaningful measures around climate change mitigation and adaptation, including clear, measurable targets to support Net Zero*'<sup>5</sup>. The current MH AONB Management Plan (2019-2024) already advocates this through Objectives and Policies BDO1, BDP2 and BDP8, recognising a need to move towards a more energy efficient, low-carbon economy. The forthcoming review of the Management Plan in 2024 will be introducing further expectation, policies and guidance to address the challenges of climate change in the MH AONB and its setting whilst conserving and enhancing the natural beauty of the protected landscape.

1.4 A key component of climate change mitigation is to progress to a more sustainable energy system by applying the energy hierarchy (Figure 1). The first two priorities in this

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<sup>1</sup> The National Association of Areas of Outstanding Natural Beauty (2019) The Colchester Declaration (<https://landscapesforlife.org.uk/projects/colchester-declaration>).

<sup>2</sup> Section 82 of the Countryside and Rights of Way Act 2000

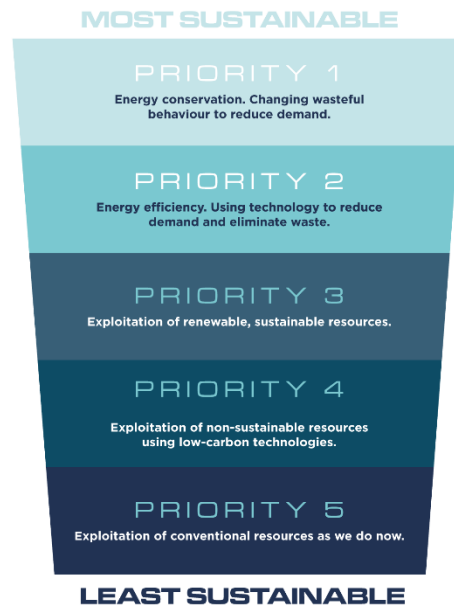
<sup>3</sup> Defra (2019) Areas of Outstanding Natural Beauty: technical support scheme (England) 2019 to 2020

<sup>4</sup> Page 9 of the Malvern Hills Area of Outstanding Natural Beauty Management Plan 2019-2024. Each AONB is designated by reason of its special qualities; those aspects of the area's natural beauty which make the area distinctive, and which are valuable, especially at a national scale. They are the key attributes on which the priorities for its conservation and enhancement are based. These include flora, fauna, historical and cultural associations as well as landscape and scenic views.

<sup>5</sup> Refer to Footnote 1

hierarchy aim to reduce the demand for energy and will be addressed in the forthcoming MH AONB Management Plan review. However, we recognise that there is a need to generate energy from renewable energy sources towards achieving 'net-zero'. This includes on-site provision of renewable energy in new development and, where appropriate, retrospectively. It is Priority 3, specifically renewable energy, that is the focus of this Position Statement.

**Figure 1. Energy Hierarchy<sup>6</sup>**



1.5 Renewable energy has an important role in mitigating the impacts of climate change and key to the commitment of reducing reliance on fossil fuels and achieving decarbonisation. There are various technologies available producing electricity, heat or both. However, without good design, their implementation in the MH AONB and its setting may harm the 'Special Qualities', for instance through scale or the introduction of extraneous elements within the landscape. A key consideration is to deliver aspirations in a way which is compatible with the statutory purpose of AONB designation and the MH AONB Partnership is committed to exploring opportunities to do so.

1.6 The level of protection afforded to AONBs may mean that some of its renewable energy provision will need to be met outside of the MH AONB or even its setting<sup>7</sup>. However, the MH AONB Partnership recognises the need for it to contribute to renewable energy provision where it is able to as, in addition to powering and heating homes,

<sup>6</sup> <https://www.glasgowsciencecentre.org/our-blog/the-energy-hierarchy>

<sup>7</sup> Refer to Malvern Hills AONB Partnership Position Statement 1: Development and Land Use Change in the Setting of the Malvern Hills AONB (Link: <https://www.malvernhillsaonb.org.uk/about-us/aonb-partnership/>)

buildings and businesses, renewable energy brings social and economic benefits through job creation in manufacturing, construction and maintenance industries.

1.7 To do this, we will need a combination of renewable energy types, at appropriate scales. A carefully considered multi-functional approach can deliver positive outcomes for natural beauty, climate adaptation and mitigation, nature recovery and related issues, such as food production, in mutually supportive ways.

1.8 This Position Statement focusses on renewable energy as a means of mitigating impacts of climate change. Measures to adapt to climate change are also important although beyond the scope of this Position Statement. This is a 'live' document, which will be updated to reflect change in national policy and renewable energy technology.

## **2.0 PURPOSE OF THIS POSITION STATEMENT**

2.1 Position Statements expand on relevant policies in the current MH AONB Management Plan, providing further context, guidance and recommendations concerning specific policies and associated issues. They do not create new policies. They intend to help local authorities, developers and other relevant stakeholders:

- have regard and positively contribute to the purpose of AONB designation;
- ensure the purpose of AONB designation is not compromised by development and that the natural beauty of the MH AONB is conserved and enhanced;
- fulfil the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
- take account of relevant case law;
- have regard to and be consistent with the MH AONB Management Plan and guidance published by the Partnership;
- emulate best practice in the MH AONB and other protected landscapes;
- develop a consistent and coordinated approach to relevant issues across the whole of the MH AONB and its setting<sup>8</sup>.

2.2 Relevant authorities<sup>9</sup> are required by law to have regard to the purpose of conserving and enhancing the natural beauty of designated AONBs<sup>10</sup>. This duty is known as the 'duty of regard'. In fulfilling this, it is important that relevant authorities have regard to guidance published by the Partnership, including its position statements.

2.3 Position statements are supplementary to the statutory MH AONB Management Plan. However, the MH AONB Management Plan 2019-2024 at policy BDP2 states that

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<sup>8</sup> Three local authority areas overlap with the MH AONB, with each with local authority having its own development plan. One of these local authorities (Malvern Hills) produces its development plan jointly with Worcester City and Wychavon in the form of a single local plan for South Worcestershire Councils.

<sup>9</sup> In this context, 'relevant authority' includes any: Minister of the Crown; public body; statutory undertaker; person holding public office.

<sup>10</sup> Section 85 of the Countryside and Rights of Way Act 2000

development proposals in the MH AONB and its setting should have regard to and be compatible with guidance produced by the Partnership.

2.4 We consider the MH AONB Management Plan and, by extension, the Partnership guidance and position statements, should be a material consideration in planning decision-making. It is important to note that planning law requires that planning applications must be determined in line with the relevant, local authority development plan unless there are material considerations that indicate otherwise.

2.5 In some instances, guidance and/or recommendations may go further than the policies of current LPA development plans. As new iterations of LPA development plans are developed, we hope the recommendations will be incorporated into those new iterations as we believe they can positively help those who value and care for this area ensure that future developments contribute to the local distinctiveness and sense of place.

### **3.0 LEGISLATION, POLICY AND GUIDANCE**

3.1. Proposals for renewable energy development within the Malvern Hills Area of Outstanding Natural Beauty (MH AONB) and its setting should have regard to:

- the statutory purpose of designation, which is to conserve and enhance the outstanding natural beauty of the area;
- national planning policy/guidance, particularly paragraphs 11, 174, 176 and 177 of the NPPF;
- the relevant local authority development plan (including Local Plans and Neighbourhood Plans) and other relevant local authority guidance and evidence.

3.2 Such proposals should have regard to – and, ideally, be compatible with MH AONB Partnership publications, including its Guidance and Position Statements:

## **4.0 PROTECTING THE SPECIAL QUALITIES OF THE MH AONB – GENERAL CONSIDERATIONS AND ASSESSMENT REQUIREMENTS**

### **4.1 Landscape Character**

**4.1.1** The MH AONB Landscape Character Assessment describes the 10 (plus urban<sup>11</sup>) different landscape character types (LCTs) within the MH AONB, including their key features / characteristics. These key features / characteristics are re-iterated in the MH AONB Landscape Strategy & Guidelines. For each LCT, the Landscape Strategy & Guidelines also summarises the landscape sensitivity, identifies some 'local forces for change' and their potential implications and sets out guidelines for avoiding or minimising

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<sup>11</sup> <https://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/01/landscape-strategy-map.html>

adverse effects from them. Other forces for change may exist however that are not yet included in these guidelines, such as solar farms or the planting of energy crops.

4.1.2 Landscape assessments for renewable energy project proposals should refer to the landscape character areas as defined within the current AONB Landscape Character Type, and also to the County wide Historic Landscape Characterisation. They should be able to demonstrate how the proposal responds to the existing landscape pattern and landform and seeks to conserve and enhance existing important landscape features such as vegetation and field boundaries. Key viewpoints of the development from within the AONB and its setting should be identified and assessed to include photomontages.

4.1.3 Regard should also be given to local authority landscape character assessments and related evidence.

4.1.4 The MH AONB Partnership Position Statement on landscape-led development is particularly relevant for consideration.

4.1.5 Renewable energy projects should prioritise use of previously developed ('brownfield') land, where possible. Where greenfield sites are proposed, projects should benefit the local rural economy; be supported and/or owned by local communities; bring net benefits to wildlife; avoid/minimise loss of productive agricultural land; and avoid adverse impacts on landscape character and/or visual amenity, tranquillity and cultural heritage.

## **4.2 Other factors that contribute to natural beauty**

4.2.1 The extent to which a proposed renewable energy development might affect the landscape and scenic beauty of the MH AONB and its setting is obviously a key consideration and, in planning terms, these effects should be given great weight<sup>12</sup>. There are several additional factors that contribute to the natural beauty of the MH AONB, including, but not limited to:

- Natural heritage (including biodiversity);
- Cultural heritage (including historic environment); and
- Relative tranquillity:

4.2.2 More information on the factors that contribute to natural beauty is provided in Natural England's 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty'<sup>13</sup>

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<sup>12</sup> This 'great weight' is a factor in planning decisions when assessing the overall planning balance. In effect, it 'tilts the scales' towards a decision that would avoid harm to the landscape and scenic beauty of the affected AONB. The significance of applying this great weight partly depends on the significance of any adverse effects on the AONB. The overall planning balance will depend on the weight that should be given to other considerations.

<sup>13</sup> Natural England (2011) Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty. In particular, please refer to Table 3 and Appendix 1.

4.2.3 The following issues concerning visual effects & tranquillity should be considered:

Siting – due to the 'Special Quality' of the MH AONB that is its 'dramatic scenery and spectacular views arising from the juxtaposition of high and low ground', much of the AONB and its setting could be considered unsuitable for all but household and micro-scale renewable energy installations, and – potentially - some smaller scale renewable energy projects. The conditions whereby there may be opportunity, and the specific considerations that should be assessed for each renewable energy source type, are discussed in later sections of this paper.

Agricultural Land – normally renewable energy projects should not be located on useable agricultural land, in particular not the most productive Grade 1, 2 and 3a land. Nor should they be on typically low-grade hillside land where their impact would be greatest. The grade should be stated on any application. As recognised within the MH AONB Natural Capital Scoping Study 2017, much of Grade 4 land in the MH AONB is also sloping, meaning that there are further considerations in terms of visual effects.

Screening - Screening (and softening) in the form of hedges or tree belts may be appropriate to help reduce visual impact, providing it is in keeping with the local landscape character. It should be borne in mind that a hedge may well take ten years to grow to a height sufficient to provide effective concealment and tree cover longer. Also climate change itself may have an impact on the long term viability and health of vegetation cover/screening.

Zone of Visual Impact - Landscape and Visual Impact Assessment (LVIA) should be employed at the pre-application stage to describe local landform and key views and the likely impacts on neighbouring properties, local character of a settlement and public rights of way etc. Solar panels, frames/supports, and/or other infrastructure, should not detract from the local character of a settlement.

Materials & additional infrastructure

- a) Measures to minimise glare and visual impact should be stipulated as a planning condition.
- b) Bases should be easy to remove to permit restoration of the land.
- c) Security fences if required should be of sympathetic design and screened as necessary. Any necessary security measures should be of minimal landscape and visual impact. Significant security fencing which is inconsistent or incompatible with the local rural environment may help to render a development unacceptable. Consideration should be given for the minimal length and height of any necessary security fencing, natural features such as hedgerows should be used to assist in site security and/or screen security fencing, where this is locally appropriate. In some instances, specialist fencing may be necessary in order to prevent access

by deer, whilst appropriate measures should be in place to facilitate continued access by larger mammals, such as badgers and foxes.

- d) Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered and designed to minimise visual/landscape impact. In exposed landscapes such structures should be avoided.
- e) The use of security lighting should be minimised. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises glare, light pollution and impacts on biodiversity, in particular bats. Planning applications should contain full details and specifications of all security and lighting installations to allow an accurate landscape/visual/ecological assessment of the proposal to be made. Lighting features should be of a sympathetic design and installed to minimise light pollution, and which is consistent with MH AONB Guidance on Lighting.
- f) Buildings associated with renewable energy projects, such as transformer stations and inverter cabinets, should be unobtrusively sited, sympathetically designed, and suitably shielded to minimise visual impact.
- g) Access roads – roads and tracks should be kept to an absolute minimum, sited, designed and built to minimise impact on the landscape.
- h) Grid connection – a key constraint to local renewable energy production is the connectivity of the location of a proposed renewable energy scheme with the National Grid. Significant upgrading may need to be undertaken in order to provide this connectivity, which may make a scheme unviable. The consideration of renewable energy schemes, including the assessment of their acceptability, should take account of any necessary associated infrastructure such as access roads, cables (and whether these should be over or below ground) and ancillary buildings.
- i) Tranquillity - the impact of noise, both in construction and operation, should be carefully considered, especially given that this may be proportionately more disruptive in otherwise quiet rural areas.

### **4.3 Manufacturing & De-Commissioning**

4.3.1 The manufacture and construction of some renewable energy developments, as well as any decommissioning/demolition phase, has its own energy and carbon cost that should be considered when assessing the need for the development, weighing up that cost alongside other impacts against the benefits the project may bring.

4.3.2 Decommissioning of energy sites at the end of their useful life (for solar, generally quoted as 35 to 40 years but likely to be much less as technology progresses) also poses issues which must be planned for.

4.3.3 As a result of the temporary nature of many of renewable energy technologies, the Partnership would expect local planning authorities to apply appropriate conditions to planning permissions requiring the removal of any buildings and any other structures at

the end of the life of the proposed installation or when they become obsolete, whichever is the earlier. In accordance with the NPPF, sites granted temporary permission should not be considered as constituting brownfield land.

4.3.4 In addition, local authorities should require proposals to demonstrate how solar panels and batteries will be recycled or how toxic waste will be disposed of, as part of relevant applications.

#### **4.4 Restoring the site**

4.4.1. Planning permission granted for some renewable energy projects, especially wind turbines and solar farm PV panels, is generally considered temporary and granted for a restricted time period, after which it can be renewed, as appropriate. Restricting the development lifetime is a mechanism for ensuring that outdated/inefficient/redundant development is removed.

4.4.2 A site Restoration and Reinstatement Strategy in the form of a legal agreement should be sought to ensure restoration of any relevant land to agricultural (or other) usage once the consent or use has terminated and a condition imposed that all equipment associated with the development is removed. The agreement should demonstrate how and when the site will be returned to a state that is in good landscape and ecological condition and in keeping with local landscape character.

4.4.3 Food security is relevant given the UK imports 40% of the food it consumes and this is rising<sup>14</sup>. As global food prices rise, agricultural land, even of lower grades, should not be misused by change of use to inefficient renewable energy schemes and its restoration at the end of life of a scheme is important.

### **5. Assessment of Impacts**

#### **5.1 Cumulative Impacts**

**5.1.1** The cumulative landscape and visual impact of a proposed renewable energy scheme (and any associated infrastructure) is a key consideration. The Government's PPG for Renewable and Low Carbon Energy states that: "*There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they taken into account ... critically, the potential impacts on the local environment, including from cumulative effects.*" 78 (N.B. Underlining added for emphasis).

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<sup>14</sup> Food Matters: Towards a strategy for the 21st Century  
[http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/strategy/work\\_areas/food\\_policy.aspx](http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/strategy/work_areas/food_policy.aspx)



5.1.2 Cumulative landscape impacts and cumulative visual impacts are best considered separately. Cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views) and the impact this has upon the people experiencing those views.

5.1.3 With regards to cumulative visual impacts, this is particularly important for large-scale wind energy proposals, which can potentially be seen from many miles away. Infrastructure that is likely to result in cumulative effects includes: other wind developments; overhead powerlines; and telecommunications masts and other vertical structures.

5.1.4 The ability for a renewable energy project to access the grid will limit suitable locations and this is likely to lead to the clustering of applications in certain areas, with associated cumulative impacts.

5.1.5 Proposals should set out suitable assessments of impacts on biodiversity, hydrology, archaeology, landscape etc. transport assessments should consider access and vehicle movements during all stages of construction and development.

5.1.6 Renewable energy development should not create a “buffer zone” or ring around the AONB, and the potential impact of renewable energy projects close to the boundary will be a material consideration in the planning process

## **5.2 Major Development**

5.2.1 Consideration should be given to whether a proposed renewable energy development constitutes ‘major development’ in the context of paragraph 177 of the NPPF<sup>15</sup>. Footnote 60 of the NPPF states that *‘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’*.

5.2.2 Paragraph 177 of the NPPF states that *‘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’*. The NPPF requires a number of major development ‘tests’ to be applied, as outlined below

### **5.2.2.1 Major Development Test A – assessing the need for the development**

The priority given to climate change, through the declaration of the climate and ecological emergencies, would potentially make it easier to demonstrate ‘exceptional need’ for

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<sup>15</sup> Ministry of Housing Communities and Local Government (2021) National Planning Policy Framework (link). Paragraph 177 and footnote 60.

renewable energy proposals. Genuine community-led renewable energy schemes<sup>16</sup>, which have robust evidence of need specific to the community and which have appropriate funding and administrative mechanisms in place, are more likely to demonstrate ‘exceptional need’ than schemes that meet a more generic need. It should be noted however that exceptional need does not necessarily equate to *exceptional circumstances*<sup>17</sup>. For example, there may be other, more suitable ways of mitigating the impacts of climate change (or delivering renewable energy) or less harmful locations for the proposed development.

5.2.2.2 Major Development Test B – assessing the cost of, and scope for, developing outside the designated area or meeting the need in some other way:

Case law has stated that ‘no permission should be given for major development save to the extent the development met a need that could not be addressed elsewhere’<sup>18</sup>. As such, all other things being equal, it could be argued that if there are areas outside the MH AONB (within a local authority area) that are identified as having equal or lesser landscape sensitivity to the type and scale of renewable energy development being proposed, then preference should be given to locating the development in those locations. Consideration should also be given to whether the proposed scheme is the most effective way of mitigating the impacts of climate change or is the most appropriate form of renewable energy. Consideration should be given to whether there are suitable nature-based alternatives for mitigating the impacts of climate change.

5.2.2.3 Major Development Test C – assessing any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated:

In relation to this test, case law has stated that ‘no permission should be given for major development save to the extent the development ... met that need in a way that to the extent possible, moderated detrimental effect on the environment, landscape and recreational opportunities’<sup>19</sup>. As such, renewable energy proposals that constitute major development should be required to demonstrate that they have a) avoided; and b) minimised any potential detrimental effects (to the extent possible) in this regard. The higher the level of landscape sensitivity associated with the scale and type of renewable energy development being proposed, the more this will weigh against permission being granted on the grounds of exceptional circumstances and public interest.

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<sup>16</sup> Genuine community led schemes could include proposals included in neighbourhood plans or other projects, such as the Community Visioning schemes being piloted by CPRE, and should have undergone appropriate community consultation processes.

<sup>17</sup> This principle is recognised in relevant case law (*R (Mevagissey Parish Council) v Cornwall Council* [2013] EHC 3684 (Admin) (link), 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’.

<sup>18</sup> *R (Advearse) v Dorset Council v Hallam Land Management Ltd* [2020] EWHC 807 (link). Direct quote from paragraph 35.

<sup>19</sup> *R (Advearse) v Dorset Council v Hallam Land Management Ltd* [2020] EWHC 807 (link). Direct quote from paragraph 35.

### 5.3 Mitigation Measures

5.3.1 Mitigation measures should be considered as an integral part of the development; they should adequately offset any adverse landscape and visual effects and be appropriate to the local landscape character. The mitigation and reduction of some adverse impacts can be achieved through considered detail design.

5.3.2 Enhancements should be linked to mitigation measures where appropriate and should seek to maintain and improve the value and condition of the landscape and contribute to local distinctiveness. For example the development of Solar PV facilities offers the potential to create sites of local or regional ecological interest, particularly where land is removed from intensive agricultural production.

5.3.3 Applicants will be expected to maximise the ecological potential offered by such circumstances by a) avoiding areas of ecological importance or sensitivity, b) encouraging and promoting a diverse range of habitats, such as wildflower meadows, within such facilities, and c) designing and adapting built structures, such as control buildings, to encourage and promote access by nesting, roosting or hibernating animals such as bats.

### 5.4 Development in the setting of the MH AONB

5.4.1 Renewable energy development in the setting of the MH AONB has the potential to adversely affect the natural beauty of the MH AONB, particularly with regards to impacts on views from and to the MH AONB.

5.4.2 Paragraph 176 of the NPPF states that '*great weight<sup>20</sup> should be given to conserving and enhancing landscape and scenic beauty*' in AONBs. Case law has clarified that this great weight should be applied to development outside an AONB, as well as to development within it, where the proposed development may adversely affect the landscape and scenic beauty of the AONB<sup>21</sup>. Application of this particular case law example would consider effects on views from the AONB but not impacts on views looking towards - in our case - the MH AONB. However, impacts on views towards the MH AONB is still an important material consideration, particularly in relation to views looking towards the Malvern Hills, with these views being one of the 'special qualities' of the MH AONB. And in terms of the views from the AONB, the topography in the MH AONB means that a larger area may need to be considered in terms of potential effects on views than in an AONB without such elevations. This is especially the case for visual receptors on the Malvern Hills themselves. Other relevant considerations include the potential increase in traffic movements through the MH AONB (or along its boundary) that may result from a proposed development.

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<sup>20</sup> This 'great weight' is a factor in planning decisions when assessing the overall planning balance. In effect, it 'tilts the scales' towards a decision that would avoid harm to the landscape and scenic beauty of the affected AONB. The significance of applying this great weight partly depends on the significance of any adverse effects on the AONB. The overall planning balance will depend on the weight that should be given to other considerations.

<sup>21</sup> Stroud District Council v Secretary of State & Gladman Developments Ltd [2015] EWHC 488 (link). In particular, paragraphs 20-22.

5.4.3 Paragraph 176 of the NPPF states that ‘*development within [the setting of AONBs] should be sensitively located and designed in order to minimise adverse impacts on the designated area*’.

5.4.4 The MH AONB Partnership position statement on development and land use change in the setting of the MH AONB and also the MH AONB Environs Landscape and Visual Sensitivity Study provide some relevant information on this topic.

## **5.5 EIA**

5.5.1 Where renewable energy proposals fall under Schedule 2 of the Environmental Impact Assessment (EIA) Regulations<sup>22</sup>, consideration should be given to whether an EIA is required, particularly if the proposals is above the ‘applicable thresholds and criteria’ for Schedule 2 development<sup>23</sup>.

5.5.2 EIAs are required where it is considered that the proposal is likely to have a significant effect on the environment. In such circumstances, it is highly likely that the proposal should also be considered major development, in the context of paragraph 177 and footnote 60 of the NPPF.

5.5.3 Consultation with the Local Planning Authority and local community is encouraged at an early stage. The local community should be engaged, by the developer, at the pre-design, conceptual stage, ideally utilising a local exhibition / presentation where community views can be sought and recorded.

5.5.4 As a starting point the proposal should be assessed against the selection criteria in Schedule 3 of the EIA Regulations. In general, an EIA is likely to be needed for Schedule 2 developments if the development is in a particularly environmentally sensitive or vulnerable location. In each case it will be necessary to judge whether the likely effects on the environment of that development will be significant in that particular location. In judging whether the effects of a development are likely to be significant it is necessary to have regard in particular to the visual impact of the development on landscape character and how this will be affected by the installation of the development, and also the possible cumulative effect with any existing or approved development. This should include situations where there is more than one application for development which should be considered together. Any views expressed by consultees should be taken into account. Advice should be sought from consultees where there is any doubt about the significance of a development’s likely effects on a ‘sensitive area’ as defined in the EIA Regulations, including setting.

### **RECOMMENDATION**

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<sup>22</sup> Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

<sup>23</sup> t is worth noting that the ‘applicable thresholds and criteria’ in Schedule 2 of the Environmental Impact Assessment Regulations don’t apply in AONBs. This is because AONBs are classes as ‘sensitive areas’, in this regard. As such, Schedule 2 development within the MH AONB Landscape that is smaller than the applicable thresholds and criteria may also need to be screened to assess if an EIA is required

**The MH AONB Partnership recommends that any renewable energy projects in the MH AONB and its setting should prioritise ‘brownfield’ land where possible. Greenfield sites should be avoided except in exceptional circumstances.**

**All renewable energy projects should seek to protect, conserve and enhance the distinctive character and natural beauty of the MH AONB and its setting, including its ‘Special Qualities’ by having regard to the considerations and guidance on mitigating impacts set out in this paper and other MH AONB Partnership publications.**

**The cumulative impacts of a renewable energy development proposal should be assessed in decision making.**

**Renewable energy proposals should demonstrate they have considered the whole-life impacts of a scheme, including construction and decommissioning phases, and restoration of the site.**

**Larger projects should benefit the local rural economy, be supported and/or owned by local communities where possible, and avoid unjustified loss of productive agricultural land.**

**Renewable energy landscape and visual sensitivity assessments, including those commissioned by local authorities, should have regard to relevant guidance published by the MH AONB Partnership.**

## **6.0 TYPES OF RENEWABLE ENERGY**

6.0.1 This position statement identifies six main types of renewable energy: heat pumps; biomass; hydropower; solar energy; wind energy; and battery storage. These are individually addressed in this section, including relevant considerations and key constraints specific to each type of renewable energy.

### **6.1 Heat Pumps**

6.1.1 There are three main types of heat pump:

- **Ground-source heat pumps (GSHP):** takes low-level heat, which occurs naturally underground, and converts it to high-grade heat using an electrically driven or gas-powered heat pump. GSHP systems collect or deliver heat using ground collectors (typically coils or loops of pipe laid in trenches in the ground or vertical boreholes), in which a heat exchange fluid circulates in a closed loop and transfers heat via a heat exchanger to or from the heat pump. Once installed, there are no externally visible features.
- **Air-source heat pumps (ASHP):** takes low-level heat, which occurs naturally in the air, and convert it to high-grade heat by using an electrically driven or gas-powered pump. ASHP are typically mounted on an external wall (sometimes under a

window). Increasingly, manufacturers are producing internally-mounted air source heat pumps which only need louvers and/or roof vents for air supply/exhaust emissions (as in a conventional boiler). Once installed, the only externally visible structure may be the 'air conditioning unit' associated with the heat pump facility. Depending on the manufacturer, ASHP may be no louder than a central heating boiler.

- Water-source heat pumps (WSHP): extracts heat from a body of water and converts it into useful energy to heat the home.

6.1.2 Heat pumps are generally 'permitted development'<sup>24</sup>, although rights are restrictive with regards to listed buildings, conservation areas, scheduled monuments and World Heritage sites. In most cases, proposals are likely to be domestic in scale and, due to relatively limited landscape impact, will normally be acceptable and supported. Any reinstatement of land should be carefully and sensitively undertaken and historic landscapes should, wherever possible, be avoided.

6.1.3 If buildings are needed to house equipment, this may require planning permission and should be carefully sited and designed, using appropriate materials.

6.1.4 Fitting of heat pumps is likely to be easier for new development than retrofitting. However, retrofitting may be appropriate where there is available space.

6.1.5 Heat pumps use electricity so still potentially contribute to greenhouse gas emissions (depending on the source of the electricity). However, they can offer carbon emission savings of around 30% when compared with conventional gas boilers.

6.1.6 The following checklist should be considered:

- During construction, the laying of pipes linked to GSHP should avoid disturbing ground which would be difficult to restore, such as unimproved grasslands, semi-natural habitats, tree roots and archaeological remains. A Local Planning Authority may require an archaeological survey before construction.
- Underground pipework associated with GSHP should be covered with soft or hard surfaces, which reflect local soils/geology and landscape character type.
- ASHP should be on the least visible elevations, if externally mounted.
- Measures should be taken to minimise impacts on neighbouring land uses.
- Quiet models should be selected, to minimise any impacts on tranquillity and other Special Qualities of the MH AONB.

## RECOMMENDATION

- **The MH AONB Partnership supports the use of heat pumps, in principle, provided relevant considerations have been adequately addressed, including: size and siting; noise impacts; impacts on historic landscapes and**

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<sup>24</sup> Permitted development rights allow the improvement or extension of buildings or uses of such buildings without the need to apply for planning permission, where that would be out of proportion with the impact of the works carried out.

**archaeology; and safeguarding existing trees/hedgerows and priority habitats, particularly during construction and operation.**

- **Underground pipework should be covered with soft or hard surfaces, which matches local soils and geology, where possible.**
- **Reinstatement of land should be carefully and sensitively undertaken, to avoid compromising the 'Special Qualities' of the MH AONB.**

## **6.2 Biomass**

6.2.1.1 Biomass refers to the use of a wide variety of organic material for the generation of heat, electricity or motive power. The two primary types of biomass energy are:

- Woody biomass (wood and energy crops).
- Wet biomass (food waste and farm wastes).

6.2.1.2 For electricity production, the heat/steam is used to turn a turbine. There are currently three basic categories of biomass plants:

- Plants designed primarily to produce electricity. These are generally the largest schemes, in the range of 10–40 MW. Excess heat from the process is not utilised. These are major multimillion pound developments and are unlikely to be suitable within the MH AONB or its setting because of scale and associated traffic movements. They are not considered further and proposals for such would not be supported by the MH AONB Partnership.
- Combined Heat and Power (CHP) plants where the purpose is the generation of electricity but excess heat is utilised. Size range is 5-30 MW thermal total energy output but smaller 'packaged' schemes of a few hundred KW are possible.
- Plants designed for production of heat. These cover a wide range of applications from domestic wood burning stoves and biomass boilers to boilers of a scale suitable for district heating, commercial and community buildings and industrial process heat. Sizes range from a few KW to above 5 MW of thermal energy.

### **6.2.2 Wood**

6.2.2.1 Use of wood for fuel boilers is not only a renewable energy source but may have additional benefits. For example, it can provide economic incentive to bring woodlands within the MH AONB back into active management. Active management of deciduous woodlands through coppicing, pollarding, ride widening and other forestry operations helps create warm, sunlit micro-habitats that benefit insects and wildflowers and provide better nesting habitat for many of our rarest woodland birds<sup>25</sup>. Use of wood can have the benefit of recovering, from the waste stream, waste wood that would otherwise go to landfill. Care is needed to ensure management of woodlands does not become unsustainable (e.g. because of over-exploitation), as demand increases.

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<sup>25</sup> <https://www.worcswildlifetrust.co.uk/woodlands/managing-our-woodlands>

6.2.2.2 New and on-going management of woodland will be required to facilitate nature recovery and mitigate impacts of climate change<sup>26</sup>.

### 6.2.3 Fuel crops

6.2.3.1 There may be potential for biofuel from other crops (i.e., energy crops) such as miscanthus and short rotation coppice (SRC). Developments are likely to have limited impacts, if undertaken on a small scale. However, careful consideration will need to be given for larger-scale use of land for growing such crops as they are likely to have an adverse impact on landscape character (for example, as a monoculture that is alien to the locally-distinctive farmed landscape), biodiversity, water quality and soil quality (for example, as a result of winter harvesting) and visual amenity due to height and semi-permanent/permanent nature and, in the case of SRC, their long rotation cycle.

6.2.3.2 Large-scale fuel crop schemes would also likely conflict with other land use priorities, including food production, nature recovery and woodland planting.

6.2.3.3 Where fuel crops are being introduced, the potential for impacts on landscape character should be fully assessed, as should any potential impacts on sensitive sites, including permanent grassland, common land, SSSIs, other sites of nature conservation importance, and historic landscapes.

### 6.2.4 Wood and fuel crops – additional considerations

6.2.4.1 Whilst burning biomass does release CO<sub>2</sub> emissions, CO<sub>2</sub> is absorbed from the atmosphere during the growth of the source material and so the net lifecycle CO<sub>2</sub> emissions are zero. However, all biomass fuels also have an associated CO<sub>2</sub> intensity due to the additional energy required for collection, processing, and distribution, as well as for the construction and maintenance of a biomass facility. Transportation can be a large element of this for raw fuels, whilst heavily processed fuels such as wood pellets will require additional energy input during the process stages.

6.2.4.2 For proposals involving energy production from biomass, consideration should be given to whether such proposals require an Environmental Impact Assessment (EIA), particularly where the development area exceeds 0.5ha<sup>27</sup>. Consideration should also be given to whether a scheme constitutes ‘major development’<sup>28</sup>.

6.2.4.3 Biomass boilers are also a potential source of air pollution, particularly with regards to particulates. Appropriate measures would need to be put in place to protect air quality. Firewood is now required to have a moisture content of 20% or less, which should help to address this issue but industry should be encouraged to improve the efficiency of

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<sup>26</sup> It is estimated that only 55% of woodland in the MH AONB is actively managed currently. Many tree species are coming under acute stress from new pests and diseases and periods of intense weather (e.g. storms and drought). Loss of key species such as ash will accelerate change, particularly in unmanaged woodland – taken from MH AONB Nature Recovery Plan (March 2022)

<sup>27</sup> Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Development type 3(a).

<sup>28</sup> In the context of paragraph 177 of the National Planning Policy Framework (NPPF – September 2023)



stoves and boilers to reduce harmful emissions. Use of domestic woodburning stoves should not be encouraged, due to potential impacts on air quality.

6.2.4.4 Transport of wood or crops to any energy production plant will increase vehicle movements, unless the plant is adjacent to the source of fuel. To avoid unnecessary infrastructure, plants should be as close to the settlements or facilities they serve, so an appropriate locational balance must be struck. For this reason, and to avoid greater visual and other effects likely to be caused by large-scale plants, small-scale plants would be preferable. Suitable schemes could include heating schemes for country estates and small-scale community heating schemes.

6.2.4.5 Priority should be given to using existing buildings, to house biomass facilities and to dry or process wood and other biomass. Where new buildings are required, siting, scale, design, colour and materials used should be carefully considered and be compatible with the AONB and its special qualities<sup>29</sup>.

3.2.4.6 Biomass provides a relatively small amount of energy per hectare of land used. For example, solar energy can provide over 40 times as much energy per hectare as biomass<sup>30</sup>. A very large area of land would be needed for energy crops to deliver significant levels of renewable energy in the MH AONB. This is likely to adversely affect landscape character and scenic beauty, including tranquillity (due to related traffic movements), and may compromise food production, biodiversity and nature recovery.

## RECOMMENDATION

### In relation to woody biomass:

- **Wood:** In principle, the MH AONB Partnership would be supportive of small-scale wood fuel schemes which use locally-sourced wood from sustainably managed woodlands within the MH AONB, provided relevant considerations have been clearly addressed.
- **Fuel crops:** In principle, the MH AONB Partnership would be supportive of small-scale fuel crop schemes, provided that relevant considerations have been clearly addressed.
- **Biomass:** Priority should be given to active management and utilisation of woodland (for supplying timber for wood fuel) in the MH AONB over schemes that rely on the planting of energy crops, especially short rotation coppice

## 6.2.5 Wet biomass – anaerobic digesters

6.2.5.1 Anaerobic digestion (AD) is a process in which bacteria break down organic material in the absence of oxygen to produce a methane-rich biogas, which can be combusted to generate electricity and heat. Anaerobic digesters utilise farm and food

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<sup>29</sup> Having regard to position statements other guidance produced by the MH AONB Partnership: <https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>

<sup>30</sup> <https://www.biofuelwatch.org.uk/2018/biomass-and-land-use/>

wastes. They make a significant contribution to reducing greenhouse gas emissions, reducing the quantities of methane released into the atmosphere, and providing a low carbon energy source that substitutes for energy generated from fossil fuels.

6.2.5.2 An AD plant typically consists of a digester tank, buildings to house ancillary equipment, a biogas storage tank and a flare stack (3–10 metres in height). The digester tank is usually cylindrical or egg-shaped, its size being determined by the projected volume and nature of the waste. It can be part buried in the ground. There are two scales of anaerobic digestion plant:

- Small scale plants dealing with the waste from a single farm (generating in the region of 10kW) with the biogas potentially used to heat the farmhouse and other farm buildings in the winter when farm wastes are available.
- A medium-sized centralised facility dealing with wastes from several farms supplemented by other feedstocks and potentially producing up to 2MW.

6.2.5.3 The effects that may arise from any development in terms of visual intrusion, noise, odour, associated traffic movements<sup>31</sup> and associated infrastructure, including overhead powerlines and pylons or poles, must be carefully considered. AD plants serving a single or small number of local farms may be appropriate within the MH AONB and its setting, provided the development can be incorporated within an existing farmstead; uses locally sourced, organic farm waste and/or sewage sludge material; is of an appropriate scale; is not visually intrusive; is constructed using appropriate materials; and is suitably landscaped to ensure the natural beauty of the area is conserved or enhanced, ensuring the 'Special Qualities' are not compromised.

6.2.5.4 Where crops are grown specifically as a feedstock for AD plants e.g maize, this would raise similar issues to the growing of fuel crops in relation to competing land uses, water quality and impact on soils.

6.2.5.5 Large new buildings or structures on greenfield sites within the MH AONB or its setting are unlikely to be supported by the MH AONB Partnership.

#### **RECOMMENDATION**

**In relation to wet biomass, in principle, the MH AONB Partnership would be supportive of small-scale anaerobic digestion (AD) plant schemes that use locally sourced, organic farm waste and/or sewage sludge, provided relevant considerations have been clearly addressed, including:**

- **Integrating or locating adjacent to existing buildings or farmsteads; greenfield sites should be avoided;**
- **The digester tank should be part buried in the ground;**
- **Installations should not be in prominent locations or exposed skylines – the flare stack can be prominent;**

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<sup>31</sup> See previous Footnote

- Installations should not affect the historical value of designated industrial features, historic monuments and archaeological sites and remains, or the ecological value of semi-natural habitats;
- Installations should not adversely affect the character and appearance of any Conservation Areas and listed buildings;
- Suitable materials (such as cladding of buildings) and colours should be used that integrate structures with their surroundings;
- Tree planting (using native species) that helps filter views of the AD plant should be considered; and
- Measures taken to minimise any visual, odour and noise impacts on the amenity of neighbouring land uses associated with the operation of the plant and deliveries of feedstocks.

Large new buildings and structures associated with AD plants within the MH AONB or its setting, and/or schemes that import large quantities of material, are unlikely to be supported, because of the scale of the development and the vehicular movements required to supply feedstock, particularly in tranquil, rural areas where human influence is limited, and in areas of semi-natural habitat and/or a strong historic character.

## 6.3 Hydropower

6.3.1 Hydropower uses water flowing through a turbine to drive a generator that produces electricity. It is a highly site-specific technology, dependent on being near a water body that is both flowing and has a sufficient drop in level that can be exploited.

6.3.2 The potential for hydro-electric proposals are therefore very limited within the MH AONB and its setting due to geographical and environmental restrictions, although there may be scope for micro- or small-scale projects

6.3.3 Schemes involving installations for hydroelectric energy production, consideration should be given to whether they require an EIA, particularly where an installation is designed to produce more than 0.5 megawatts and/or where the area of the development would exceed 0.5 hectares<sup>32</sup>. Consideration should be given to whether a scheme constitutes 'major development'<sup>33</sup>. Consents from the Environment Agency will also be required. Consideration is needed to be given to the impacts of infrastructure e.g. cabling required to connect the hydropower development to the grid.

### RECOMMENDATION

<sup>32</sup> Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (link). Development type 3(h) and 3(a).

<sup>33</sup> See Footnote 15.

**In relation to hydropower, the MH AONB Partnership would be supportive of micro or small-scale schemes, provided that relevant considerations have been adequately addressed. Proposals should:**

- **Ensure equipment is placed either in existing buildings or new ones of an appropriate scale and design;**
- **Use the existing head of water from existing impoundments without affecting the river flow;**
- **Ensure noise levels do not adversely affect tranquillity;**
- **Ensure river life is not detrimentally affected; and,**
- **Operate without prejudicing progress towards achieving ecological objectives under the Water Framework Directive.**

## **6.4 Solar Energy**

### 6.4.1 Solar Energy – general information

#### 6.4.1.1 There are two types of solar energy:

- Photovoltaic panels or tiles that generate electricity from the sun's energy – these can be used at both domestic and commercial scale.
- Solar panels or 'collectors' (flat plate or evacuated tubes) that use the sun's radiation to heat water – these are used at a domestic and commercial scale.

6.4.1.2 In addition to the considerations for all renewable energy schemes provided in section 4 above, a checklist of further issues to be considered for solar energy proposals is below:

- Consider views both from and to the Malvern Hills themselves, local viewpoints, and from popular tourist and scenic routes.
- Avoid locating solar PV where they could be directly overlooked at close quarters from important or sensitive viewpoints.
- Maintain uninterrupted views from the Malvern Hills themselves to the internal landscape to preserve its remote and strong cultural and historic sense of place.
- Site freestanding solar PV development on flat landforms or on lower slopes/within folds in gently undulating lowland landscapes.
- Ensure development does not span across different landscape character types.
- Site developments in landscapes where screening is already provided by woodland, hedgebanks or high hedges. Where new screen planting is required the AONB Partnership should be consulted on the appropriate choice of species.
- Avoid adversely affecting areas of semi-natural habitat and designated historic and archaeological sites directly or indirectly.
- Protect the character and setting of buildings within Conservation Areas.
- Ensure that any PV developments do not detract from prominent landmarks.

- Protect the ‘Special Qualities’ of the MH AONB, as detailed within the Management Plan.
- Measures should be taken to minimise any visual and noise impacts on the amenity of neighbouring land uses.
- Avoid siting PV developments across multiple fields in areas with a small-scale irregular field pattern that is important to landscape character.
- Site PV development in areas that already contain signs of human activity and development.
- Consider how panels will be transported to site.
- Suitable materials and colour finishes should be used that integrate any new buildings with their surroundings. Utilise existing farm buildings to house inverters wherever possible.

6.4.1.3 Ground-mounted arrays can result in direct habitat loss, habitat changes and disturbance or displacement of species and this should be carefully considered.

#### 6.4.2 Small-scale solar energy – size thresholds

6.4.2.1 When considering size thresholds, the following is relevant in this regard:

- EIA Regulations specify that proposals should be screened for an EIA if the development area exceeds 0.5 hectares<sup>34</sup>.
- Permitted development rights cover solar PV or solar thermal equipment on, or within the curtilage of, a dwellinghouse or block of flats<sup>35</sup>.

6.4.2.2 However, it should be noted that these thresholds do not apply within AONBs (i.e., permitted development rights do not apply in AONBs<sup>36</sup> and solar energy proposals that are smaller than 0.5 hectares could potentially be screened for an EIA<sup>37</sup>).

6.4.2.3 In many landscape sensitivity assessments (LSAs) for renewable energy, ‘small scale’ solar energy development are schemes covering an area of five hectares or less. Nevertheless, it is appreciated that given the small extent and far-reaching views from the Malvern Hills themselves, the MH AONB, and its setting potentially, is likely to have ? high landscape and visual sensitivity to all scales of solar energy development.

6.4.2.4 Based on the above, the following thresholds should be considered to apply for small-scale solar energy development when considering this position statement:

- 0.5ha or less = micro-scale.
- 0.5 ha - 5ha = small/field scale.

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<sup>34</sup> The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Schedule 2 (link). Development type 3(a)

<sup>35</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015. Part 14

<sup>36</sup> The regulations relating to permitted development rights (PDR) for renewable energy specify that these PDR do not apply in ‘Article 2(3)’ land, which includes AONBs.

<sup>37</sup> The thresholds and criteria, specified in Schedule 2 of the Environmental Impact Assessment Regulations do not apply in ‘sensitive areas’, including AONBs.

6.4.2.5 The MH AONB Unit are increasingly receiving queries relating to micro- and small-scale solar PV arrays. There are several types of array:

1. Small-/Field-scale solar arrays on greenfield land (undeveloped/agricultural land)
2. Small-/Field-scale solar arrays on brownfield land (developed industrial/commercial/contaminated land)
3. Micro- and small-scale solar installations over car parks, alongside air strips, and other suitable external areas
4. Micro- and small-scale solar installations on new or existing industrial/agricultural buildings and other large scale roofs

6.4.2.6 Site justification is vital and identification of alternative sites should be considered. Ultimately proposed schemes will be judged on their own merits however array types 2, 3 and 4 offer more significant opportunities for the mitigation of potential adverse impacts upon the MH AONB and its setting.

6.4.2.7 Proposals on, and within the curtilage of, residential properties not exceeding 0.5 hectares in size would need to be considered on a case-by-case basis where they are not permitted development. However, they are, in principle, likely to be acceptable in the MH AONB and its setting, if compliant with relevant regulations and the considerations outlined in this position statement.

6.4.2.8 Proposals for small-scale solar energy schemes larger than 0.5ha but smaller than 5ha are less likely to be acceptable in the MH AONB and its setting due to the potential visual and/or landscape harm they present. Depending on the nature and siting of the scheme, they also may be considered major development, and if so, they should be assessed as such. Schemes that would constitute major development (in the context of paragraph 177 of the NPPF) should only be permitted in exceptional circumstances and where it can be demonstrated that the development would be in the public interest, in line with national planning policy. However, in specific circumstances and with adequate mitigation of potential adverse impacts on the MH AONB and its setting, a small-scale solar energy proposal may be acceptable. As such any small-scale solar energy schemes should always be considered on a case-by-case basis against relevant planning policies and with regard to relevant considerations in MH AONB Partnership published guidance and robust evidence provided of how any adverse impacts will be avoided or sufficiently mitigated.

#### 6.4.3 Micro- and Small-scale solar - relevant considerations

6.4.3.1 This guidance primarily relates to such proposals being sensitively located<sup>38</sup> and sited<sup>39</sup>. Location, siting and design are also important considerations for schemes that relate to listed buildings, conservation areas and other heritage assets<sup>40</sup>.

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<sup>38</sup> 'Located', in this context, refers to the placement of the proposed development with regard to the landscape context, including the MH AONB Partnership Position Statement 3: Landscape-led Development

<sup>39</sup> 'Sited', in this context, refers to the development's placement in relation to its immediate context.

<sup>40</sup> 'Relate to', in this context, means 'on', 'in the curtilage of' and / or 'in the setting of'

6.4.3.2 PV panels mounted on buildings are considered more suitable than those that are freestanding as they are likely to have a less adverse visual effect . PV panels can be used as a building material, integrated into the roof (or facades) of buildings e.g. using solar shingles, solar slates, solar glass laminates and other solar design solutions, and can be integrated with traditional tiles/slates<sup>41</sup>.

6.4.3.3 Solar collectors or evacuated tubes can be incorporated into the existing roof in the same way. Ideally, these require an angle of 30-40 degrees, facing south.

6.4.3.4 Consideration should be given to the effect of installations on the appearance of the building. It is a good idea to line panels up with existing windows and roof lights, ensuring the size of the panels are complementary to existing features on the building.

6.4.3.5 Consideration should be given to the colour and design of the panels and their frames and mounts/supporting structures. For example, panels with a dull, matt finish with anti-glare options and non-reflective frames/grids are less conspicuous as are panels with dark surfaces which are likely to be acceptable on buildings with darker slate roofs or on new buildings in areas where black slate roofs are characteristic, to integrate into the landscape.

6.4.3.6 Rooftop solar panels can blend well with contemporary, industrial, business park and agricultural buildings. Use of panels on such buildings, including by retrofitting should be supported, where considerations such as those listed above are followed.

6.4.3.7 Small-scale freestanding solar arrays that are well screened in enclosed gardens or closely linked to existing buildings with no or minimal visual impact may be acceptable. There may be circumstances where ground mounted solar arrays to serve groups of properties, community buildings, such as village halls, agricultural properties or other businesses are acceptable, where these are clearly well screened within existing building complexes or by other existing landscape features such as hedgerows, walls or trees, and which do not detract from any architectural or historic/archaeological interest, or compromise protected species.

6.4.3.8 Arrays need to be positioned such that any associated screening does not shade the panels. Where new screening is proposed, care needs to be taken to ensure screening does not adversely affect visual amenity and/or landscape character or heritage assets. Consideration will also need to be given to the potential impact of paraphernalia associated with the installation and operation of the solar panels.

6.4.3.9 Retrofitted roof-mounted solar units on buildings can have a ‘modernising’ effect on their character and appearance, particularly when located on the principal elevation of a property. It is beneficial for panels to:

- Match roof materials;

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<sup>41</sup> The UK Government has estimated that there are currently 250,000 hectares (approx. 625,000 acres) of south-facing commercial roofs in the UK (Part 2 of the Government’s UK Solar Photo-Voltaic (PV) Strategy).

- Lie/Be ‘flush’ with the roof and mounted at the same angle, minimising contrast;
- Mounted on an elevation where they are less visible, in the case of retrofitted panels, or incorporated as a garden feature, especially when associated with, for instance, older buildings;
- At a suitable angle to maximize the capture of the sun’s energy.

6.4.3.10 Roof-top panels on buildings have the added benefit of providing generation at the point of use, reducing transmission and distribution losses, and associated infrastructure impacts. Well-designed solar technology should be added as a mandatory part of building regulations for new build houses and all business/industrial development. Local planning authorities should support rooftop PV panels generation through planning conditions to mandate it on new development and refurbishments.

#### **RECOMMENDATION**

##### **In relation to micro- and small-scale solar energy:**

- **In principle, the MH AONB Partnership would be supportive of domestic and micro- (i.e. less than 0.5ha) schemes provided relevant considerations have been clearly addressed. They will still need to be considered on a case-by-case basis. .**
- **Small-scale solar energy schemes (i.e. between 0.5ha and 5ha) within the MH AONB and its setting, have greater potential to adversely effect the Special Qualities of the MH AONB and are less likely to be supported by the MH AONB Partnership. Such proposals must be carefully considered on a case-by-case basis and will require robust evidence that relevant considerations have been clearly addressed. This includes having regard to visual effects, including the proximity to high ground and key vantage points within the MH AONB, and consideration of effects upon landscape character. Where such schemes are considered ‘major development’ proposals, applicants should be required to demonstrate that exceptional circumstances apply and the scheme would be in the public interest, having regard to Paragraph 177 of the NPPF (2023).**
- **Building-mounted or roof-top panels on new and existing buildings should be at the top of the solar energy ‘hierarchy’ and would be considered more favourably over freestanding solar development proposals.**
- **Local planning authorities should support rooftop PV generation through planning conditions on new development and refurbishment/retrofitting.**
- **Solar technology should be introduced as a mandatory part of building regulations for new build development in local plan policies.**

#### 6.4.4 Large-scale solar energy

6.4.4.1 We consider ‘large-scale’ as over five hectares (5ha) although the Partnership acknowledges that, in the context of landscape sensitivity assessments, for example, a



wider range of size thresholds may be used. Main features of large-scale solar PV installations include:

- Panels being dark in colour due to their non-reflective coating, maximising absorption of light. Panels may appear paler depending on light conditions and type of panel. Panel surrounds and electric cable coverings may reflect light.
- Panels are visible from behind or the side, influencing how they are perceived.
- Panels are encased in an aluminium frame, supported by aluminium or steel stands mounted and secured either on pre-moulded concrete block ‘anchors’, or foundations. Some developments contain panels that can be manually rotated and/or tilted to enable the arrays to track the sun. Technology does exist to allow for automatic tracking.
- Panels are held at a fixed angle between 20-40 degrees from the horizontal, facing south to maximise absorption of energy from the sun
- Arrays are sited in rows with intervening gaps between them for access, and to ensure the individual panels are not in the shade of panels. The actual arrangement of the arrays varies scheme to scheme.
- The height of the racks of solar panels varies depending on manufacturer and installer but tend to be between 2-4 metres off the ground.

6.4.4.2 Commercial-scale solar energy schemes usually require an area of at least five hectares to be viable<sup>42</sup>. Community-led schemes may also require a substantial land area.

6.4.4.3 An important consideration is landscape sensitivity. This is a measure of the resilience of a landscape to withstand specified change arising from development types, without undue effects on the landscape and visual baseline. It has benefit by being evidence based and adding rigour to assessing development proposals.

6.4.4.4 The local planning authorities that overlap the MH AONB should undertake a landscape sensitivity assessment (LSAs) for wind and solar energy, as part of their evidence base for development plans (i.e. Local Plans).

- 6.4.4.5 Landscape and Visual Impact Assessments (LVIAs) will help to identify the significance of landscape and visual impacts on a case-by-case basis. Cumulative effects also need to be considered. In terms of landscape value, the MH AONB should be attributed the highest category possible in such assessment. Agricultural land that is designated, for example for the protection of wildlife, should be avoided. LVIAs should contain a clear description of the sites agricultural classification and all other relevant designations.

6.4.4.6 The MH AONB has the Special Quality of ‘dramatic scenery and spectacular views arising from the juxtaposition of high and low ground’. As a result, the Partnership is unlikely to support, in principle, solar energy schemes within the MH AONB and its setting over 5 ha, as it is unlikely that sufficient mitigation would be possible to avoid adverse

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<sup>42</sup> Anecdotal evidence provided by consultants involved in commercial-scale solar energy proposals.

effects to the landscape and visual baseline. Hence, supporting such a scheme would not be consistent with the statutory purpose of AONB designation.

6.4.4.7 Schemes that would constitute major development (in the context of paragraph 177 of the NPPF) should only be permitted in exceptional circumstances and where it can be demonstrated that the development would be in the public interest, in line with national planning policy.

6.4.4.8 Further guidance and recommendations on landscape sensitivity assessments and how they might be applied to identify 'suitable areas' for renewable energy in local planning authority development plans is provided in Section 6.6. Further guidance on the issue of major development is provided in Section 4.

6.4.4.9 Many considerations outlined in relation to small-scale solar energy schemes are applicable to large-scale schemes, including EIA thresholds. In addition to the impact of the solar panels themselves, consideration should be given to the impacts of any additional infrastructure that is required for the scheme, including road access, on-site tracks, hard standings, construction compounds, electrical cabling, security fencing, lighting substations, battery storage and / or control buildings, inverters, control rooms, transformers and underground power cables, and CCTV. Consideration should be given to potential conflicts with other land uses, such as food production (particularly on best and most versatile land), nature recovery and woodland creation.

6.4.4.10 Another consideration is the proximity of the railway and road network, PROWs and residential areas. The provision of any reflective material used on the panels should not interfere with the line of sight of train drivers and road users (for public safety reasons). In addition, potential for glare or reflection of light from the panels that may impact upon signalling should be explored and eliminated. Similarly, the impact of the siting of solar panels, particularly in terms of their reflectivity, should be considered in relation to views from the Malvern Hills and the impacts that may have on such users, as well as views from PROWs and from residential areas.

6.4.4.11 Large-scale solar PV installations occupy substantial areas of ground which may be visible, especially where sites are viewed from adjacent higher ground. Key landscape effects of large-scale solar PV developments are that they may:

- Be highly visible in open landscapes, when looking out from high ground, and on the upper slopes of hillsides, especially where covering significant areas;
- Lead to a perceived increase in human influence on the landscape;
- Result in land use change and the appearance of a field, affecting land cover patterns;
- Introduce a regular edge (to the panels) that can be particularly conspicuous in more irregular landscapes (especially where the panels do not follow contours);
- 'Overtop' hedgerows where panel heights rise to 3-4m, potentially reducing the visual prominence of field boundaries, a particular issue where several adjacent small fields are developed;

- Change the character of enclosure with security fencing and screen planting (including hedges allowed to grow out) around solar PV developments;
- Damage landscape features during construction;
- Result in a significant change in the character of wild or natural landscapes which are valued for their high nature conservation value and qualities of remoteness;
- Introduce ancillary buildings that can be uncharacteristic in the landscape; and
- Result in glint and glare from the panels.

6.4.4.12 Vegetation will grow under some large scale solar development and this will require management, particularly to avoid the site becoming overgrown with noxious weeds and assist with the eventual restoration of the site, normally to agriculture. There are various techniques for managing the vegetation; these include mowing, strimming, spraying or mulching. Spraying should be avoided wherever possible and mulching large areas is likely to present technical challenges and may add to the landscape/visual impact of a development proposal. Few of these management techniques are regarded as sustainable, particularly on sites up to 15ha, and there is a desire, both in terms of food production and the rural scene, to continue an agricultural use on the site. Grazing is therefore to be encouraged wherever practicable. Cattle, horses, pigs and goats are likely to be too 'physical' with the solar arrays but sheep, chickens or geese should be acceptable.

6.4.4.13 The Feed in Tariff for solar PV applies for a period of 25 years therefore developments should normally be regarded as temporary, hence the need for 'reversibility', and the ability for all structures to be removed and the land returned to its original use. A restoration strategy should demonstrate how the site will be returned to a state that is in keeping with local character and in good condition. In order to facilitate grazing within the solar farm it is advised that solar panels are positioned at least 700mm above ground level and all cabling etc is suitably protected.

#### **RECOMMENDATION**

**In relation to large-scale solar energy, the MH AONB Partnership would not be supportive of solar energy schemes within the MH AONB or its setting larger than five hectares in size..**

**Applicants for large-scale solar energy schemes above 5ha should be required to robustly demonstrate that the scheme can be clearly accommodated without adversely affecting or compromising the natural beauty of the MH AONB and/or its setting. In addition to the impact of the panels themselves, consideration should also be given to the impacts of any additional infrastructure that is required for the scheme, particularly during construction, operation, maintenance and decommissioning.**

**Poorer grades of agricultural land that are designated, for example for the protection of wildlife, should be avoided.**

**For ‘major development’ proposals, applicants should be required to demonstrate that exceptional circumstances apply and the scheme would be in the public interest, having regard to paragraph 177 of the NPPF (2023).**

## 6.5 Wind Energy

6.5.1.1 Wind turbines use the wind’s lift forces to rotate aerodynamic blades that turn a rotor creating a mechanical force that generates electricity. The amount of energy derived from a turbine depends on wind speed and the swept area of the blade.

6.5.1.2 Wind turbines can be deployed singly, small clusters, (2–5 turbines) or larger groups as wind farms.

6.5.1.3 Wind turbines consist of the tower; a hub; blades; a nacelle (which contains the generator and gear boxes); and a transformer that can be housed either inside the nacelle or at the base of the tower.

6.5.1.4 Wind energy developments are unique in that they introduce a source of movement into the landscape. In current designs, the turbine blades turn around a horizontal axis but can turn around a vertical axis. Two-bladed turbines are available.

### 6.5.2 Small-scale wind energy – size thresholds

6.5.2.1 The following height thresholds provide a useful starting point:

- EIA Regulations specify that proposals should be screened for an EIA if the hub height of any turbine (or height of any other structure that forms part of the scheme) exceeds 15 metres and/or the development area exceeds 0.5 hectares<sup>43</sup>.
- Permitted development rights cover<sup>44</sup>:
  - Wind turbines on (i.e., attached to) detached houses, which do not exceed 15 metres in height (or protrude more than 3m above the highest part of the roof, excluding the chimney); and
  - Stand-alone wind turbines within the curtilage of houses or blocks of flats that do not exceed 11.1 metres.

6.5.2.2 Such thresholds do not apply within AONBs (i.e., these permitted development rights do not apply in AONBs<sup>45</sup> and turbines in AONBs that are smaller than 15 metres in height could potentially be screened for an EIA<sup>46</sup>). Having regard to the ‘Special Quality’ of ‘dramatic scenery and spectacular views arising from the juxtaposition of high and low

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<sup>43</sup> The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Schedule 2 (link). Development type 3(i) and / or 3(a). The EIA threshold also relates to wind energy development of any height (including smaller than 15m hub height) where there are more than two turbines.

<sup>44</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015. Part 14

<sup>45</sup> The regulations relating to permitted development rights (PDR) for renewable energy specify that these PDR do not apply in ‘Article 2(3)’ land, which includes AONBs.

<sup>46</sup> The thresholds and criteria, specified in Schedule 2 of the Environmental Impact Assessment Regulations do not apply in ‘sensitive areas’, including AONBs.

ground', effectively means that only stand-alone wind turbines within the curtilage of houses or blocks of flats may be acceptable in the MH AONB and its setting. However, they would need to also, comply with the relevant regulations and accord with guidance, primarily relating to proposals being sensitively located<sup>47</sup> and sited<sup>48</sup>.

6.5.2.3 It is noted that the EIA threshold of 15 metres relates to the hub-height of the turbine. The blade tip height can be several metres higher. It is also worth noting that wind turbines with a blade tip height smaller than 25 metres are often classed as 'small' in landscape sensitivity assessments.

6.5.2.4 Based on the above, and for the purposes of this Position Statement, small-scale is viewed as wind turbines that are 25 metres or less, in height, to the blade tip. Wind turbines of this scale are most likely to be used for individual properties or small groups of properties, rather than commercial schemes.

### 6.5.3 Small-scale wind energy – location

6.5.3.1 With regards to 'location', consideration should be given to landscape sensitivity. This means having regard to the potential sensitivity of the landscape character type/area where the development is proposed. This is addressed in more detail in relation to AONB considerations in (Section 4 of this position statement and in the identification of 'suitable areas' in Section 6.6).

### 6.5.4 Small-scale wind energy – siting and design

6.5.4.1 The size of a wind turbine should relate to the scale of its surroundings. Turbines should not dominate existing buildings or landscape features but be in proportion.

6.5.4.2 The relationship between a turbine and the slope of the landform is a key consideration of wind energy development, particularly regarding the degree of landscape and/or visual impact. Ideally, turbines should be located below the skyline and towards lower slopes. The top of a steeply inclined slope is also not appropriate because the steep incline creates wind turbulence, reducing operational efficiency.

6.5.4.3 Choosing appropriate colours for the turbines (and associated infrastructure) may help reduce visual impact e.g. darker colours may be appropriate when the turbine is likely to be viewed against woodland or against a backdrop that is below the skyline.

6.5.4.4 Consideration should also be given to:

- Impacts on visual receptors: Particularly in relation to impacts on views from publicly accessible locations. Visual receptors on the Malvern Hills, on named / promoted walking, cycling or horse-riding routes and at important viewpoints (for example, those marked on OS maps, or identified in NDPs, are particularly sensitive in this regard.

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<sup>47</sup> 'Located', in this context, refers to the placement of the proposed wind development with regard to the landscape context.

<sup>48</sup> 'Sited', in this context, refers to the development's placement in relation to its immediate context

Where there are several potential locations for the wind turbine(s), priority should be given to the least prominent location.

- Ecology: Small-scale turbines are unlikely to impact bird species and habitats. During construction, care should be taken to avoid removal or fragmentation of existing vegetation. Consideration should be given to potential impact on bats.
- Impacts on historic environment and cultural heritage features/designations and their settings: Particularly conservation areas, listed buildings, scheduled monuments and (Un-)registered historic parks and gardens.
- Noise and shadow flicker: Wind turbines generate two types of noise – mechanical noise, created by its gearbox, and aerodynamic noise, produced by its moving blades. Shadow flicker occurs when the sun passes behind a turbine's rotating blades and casts a shadow that appears to rapidly flicker on and off. Proximity to neighbouring properties is particularly important in this regard.
- Cumulative impacts: This includes other wind developments, overhead powerlines, and telecommunications masts and other vertical structures.

#### **RECOMMENDATION**

**In relation to small-scale wind energy, only stand-alone wind turbines within the curtilage of houses or blocks of flats are, in principle, likely to be acceptable in the MH AONB and its setting, provided that relevant considerations have been clearly addressed. However, each proposal should be assessed on a case-by-case basis and not give rise to adverse affects upon the natural beauty of the MH AONB and its setting.**

#### 6.5.5 Large-scale wind energy

6.5.5.1 'Large-scale' means turbines larger than 25 metres in height, to the tip of the turbine (taking account of the definition of 'small scale', provided above). In the context of landscape sensitivity assessments, a wider range of size thresholds is likely.

6.5.5.2 As outlined in relation to small-scale wind energy above, the issue of visual sensitivity is also an important consideration.

- 6.5.5.3 Landscape and Visual Impact Assessments (LVIAs) will help to identify the significance of landscape and visual effects on a case-by-case basis.

6.5.5.4 The MH AONB has the Special Quality of 'dramatic scenery and spectacular views arising from the juxtaposition of high and low ground'. As a result, the Partnership is unlikely to support, in principle, large scale wind energy schemes within the MH AONB, and/or its setting, as it is unlikely that sufficient mitigation would be possible to avoid adverse change to the landscape and visual baseline, and hence supporting such a scheme would not be consistent with the statutory purpose of AONB designation.

6.5.5.5 Wind energy schemes that would constitute major development (in the context of paragraph 177 of the NPPF) can only be permitted in exceptional circumstances and

where it can be demonstrated that the development would be in the public interest, in line with national planning policy.

6.5.5.6 Further guidance on landscape sensitivity assessments and how they might be applied to identify 'suitable areas' for renewable energy in local planning authority development plans is provided in Section 6.6. Further guidance on the issue of major development is provided in Section 4 of this position statement.

6.5.5.7 Many of the considerations outlined in relation to small-scale wind energy schemes are also applicable to large-scale schemes, including EIA thresholds. In addition to the impact of the wind turbines themselves, consideration should be given to the impacts of any additional infrastructure that is required for the scheme, such as road access, on-site tracks, turbine foundations, hard standings, anemometer masts, construction compounds, electrical cabling, battery storage, sub-stations and control buildings. Other relevant considerations are addressed in Section 4.

6.5.5.8 Consideration should be given for the effect of wind development upon landscape designations, geological and nature conservation designations, and historic assets near the development, and the wider landscape context.

#### **RECOMMENDATION**

**In relation to large-scale wind energy, the MH AONB Partnership would not be supportive of large-scale wind energy schemes within the MH AONB and/or its setting.**

**Applicants for large-scale wind energy schemes should be required to robustly demonstrate that the scheme could be accommodated without adversely affecting the landscape and/or scenic beauty of the MH AONB and/or its setting.**

**For major development proposals, applicants should be required to demonstrate that exceptional circumstances apply and that the scheme would be in the public interest, as per Paragraph 177 of the NPPF (2023)**

## **6.6 Wind & Solar Energy – Identification of 'Suitable Areas'**

6.6.1 Paragraph 155 of the NPPF states that to help increase the use and supply of renewable and low carbon energy and heat, plans should 'consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development'<sup>49</sup>. In practice, identification of 'suitable areas' for renewable energy development in development plans primarily focuses on both wind and solar energy.

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<sup>49</sup> Ministry of Housing Communities and Local Government (2021) National Planning Policy Framework. Paragraph 155.

6.6.2 There is a strong onus on identifying ‘suitable areas’ for wind energy in LPA development plans, with the NPPF stating that ‘*a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as being suitable for wind energy development in the development plan...*’.<sup>50</sup> If LPAs do not identify suitable areas for wind energy in their development plans then they are effectively ruling out wind energy development in their LPA areas.

6.6.3 The MH AONB Partnership recommends that the identification of ‘suitable areas’ should be based on a combination of:

- Landscape sensitivity assessments;
- Constraints mapping; and
- Technical consideration including wind speed and grid connectivity.

6.6.4 As stated in the PPG for Renewable and Low Carbon Energy , ‘there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account ‘... *critically, the potential impacts on the local environment, including from cumulative impacts.*’ The PPG goes on to state, in relation to the identification of suitable areas, that:

*‘In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location’ .*

6.6.5 It is important to note that the PPG says ‘could’ rather than ‘should’, in this regard. However, in the context of nationally designated protected landscapes, such as AONBs, and their settings, we consider that it is essential that the identification of suitable areas should be underpinned by a landscape sensitivity assessment. Guidance on this topic has been published by Natural England.

6.6.6 When ‘suitable areas’ are being identified, regard should be given to the purpose of conserving and enhancing the natural beauty of the MH AONB. Identification of ‘suitable areas’ should be underpinned by a landscape sensitivity assessment and by consideration of the constraints that relate to the natural beauty of the MH AONB, including nature conservation and historic environment designations (in addition to infrastructure constraints and other technical considerations).

6.6.6.1 Wind and solar energy schemes should be steered towards areas of lower landscape sensitivity and away from key constraints. The Government’s PPG on Renewable and Low Carbon Energy states, in the context of identifying ‘*suitable areas*’,

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<sup>50</sup> Ministry of Housing Communities and Local Government (2021) National Planning Policy Framework. Footnote 54.



that *'there is a methodology<sup>51</sup> available from the Department of Energy and Climate Change's website on assessing the capacity for renewable energy development'<sup>52</sup>*.

6.6.6.2 The methodology sets out a five-step process for addressing AONB designation:

- Step 1: Identify the purposes of the landscape area (reasons for designation)
- Step 2: Identify which technologies might affect these purposes/ integrity of the designation
- Step 3: Identify how each technology might affect the purposes/ integrity
- Step 4: Identify the type and level of renewable and low carbon infrastructure that could be accommodated without compromising the purposes/ integrity of the designations
- Step 5: Provide guidance on how to integrate renewable/ low carbon energy without compromising the purposes/integrity

6.6.6.3 The methodology identifies whether 'constraints', such as infrastructure and nature conservation and heritage conservation designations, should be excluded from further consideration (i.e., not considered suitable for renewable energy development) and whether there should be a 'buffer zone' around these features. The consideration of relevant constraints and buffer zones is reflected in the evidence base of many, current development plan consultations.

6.6.7 Areas that are identified as having 'high' landscape sensitivity to the type and scale of renewable energy being proposed should be excluded from the suitable area mapping.

6.6.7.1 It is recognised that in having regard to the 'Special Quality' of 'dramatic scenery and spectacular views arising from the juxtaposition of high and low ground' means that landscape and visual sensitivity is high across much of the MH AONB and its setting. Where landscape sensitivity is classed as 'High', key characteristics and qualities of the landscape are highly vulnerable to change from the proposed scale of wind and solar energy development. Such development is highly likely to result in a significant (adverse) change in landscape character. In AONBs, such development is likely to have a significant adverse effect on the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of AONBs. The same is true for such development in the setting of an AONB in cases where the impact on views from and/or to the AONB is an important consideration in landscape sensitivity ranking<sup>53</sup>.

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<sup>51</sup> LUC and SQW Energy (2010) Renewable and Low-carbon Energy Capacity Methodology. Methodology for the English Regions. Commissioned by the Department of Energy and Climate Change (DECC) and the Department of Communities and Local Government (CLG).

<sup>52</sup> <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>. Paragraph 005.

Case law (see also footnote 21) has clarified that the requirements of what is now paragraph 176 of the National Planning Policy Framework (NPPF) should apply to the impact of development outside an AONB on views from the AONB. In other words, great weight should be given to the impact of such development on these views. Further guidance on this can be found in the MH AONB Position Statement on Development and Land Use Change in the Setting of the Malvern Hills AONB. Although the same principle, clarified in the case law example, doesn't apply to the impact of such development on views towards an AONB, these views may still contribute to the 'special qualities' of the AONB. This is especially the case for the Malvern Hills, the views towards which are considered one of the 'special qualities' of the MH AONB.

6.6.7.2 In order for a landscape sensitivity assessment to have a meaningful role in the identification of suitable areas for wind and solar energy we recommend that areas within AONBs that have 'High' sensitivity to particular scales of wind or solar energy development should not be included within 'suitable area' maps in local authority development plans. The same principle should also apply to 'High' sensitivity areas in the setting of an AONB, where the impact on views from and / or to the AONB is an important consideration in the landscape sensitivity ranking.

6.6.8 Consideration will also need to be given to types and scales of renewable energy that are identified as resulting in 'moderate-high' landscape sensitivity.

6.6.8.1 Development is likely to be 'major development' in the context of paragraph 177 of the NPPF, for which there is, in effect, presumption against granting planning permission, other than in exceptional circumstances.

6.6.8.2 Key characteristics and qualities of the landscape are also vulnerable to change from wind and solar energy development when the landscape sensitivity is classed as 'Moderate-High'. However, there may be some limited opportunity to accommodate wind turbines/ solar panels in such areas without significantly changing landscape character. Ideally, the landscape sensitivity assessment would specify the circumstances, or locations, where this might be the case. Given the fact that there may be opportunity (albeit limited) to accommodate such development without significantly changing landscape character, it might not be appropriate to automatically exclude such areas from 'suitable area' maps in local authority development plans.

6.6.8.3 However, where the scale of wind or solar energy development within an AONB (or its setting) is such that the landscape sensitivity would be 'Moderate-High', such development is still likely have a significant adverse impact on the natural beauty of the AONB. Within an AONB, such development is likely to constitute 'major development', in the context of paragraph 177 and footnote 60 of the NPPF<sup>54</sup>.

6.6.9 Renewable energy proposals within a 'suitable area' will need to be assessed on a case-by-case basis against relevant policy considerations, factoring in relevant MH AONB considerations.

6.6.10 Renewable energy LSAs that are commissioned by local authorities are normally based on a local authority's own Landscape Character Assessment. However, in fulfilling the statutory duty to have regard to the purpose of AONB designation, they should have regard to relevant documents published by the Partnership, including:

- Landscape Character Assessments;
- AONB Management Plans, with regards to policies and 'special qualities';
- Position Statements; and

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<sup>54</sup> Footnote 60 of the NPPF specifies that 'for the purposes of paragraphs 176 and 177 [of the NPPF], 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 purpose for which the area has been designated or defined'.

- Other guidance relating to landscape character and landscape sensitivity e.g. Natural England’s National Character Area profiles.

6.6.11 In the case of wind energy, they will also need to demonstrate that they have local community support. Where multiple renewable energy developments would be inter-visible, cumulative impacts are also be a key consideration.

## **RECOMMENDATION**

**In relation to wind and solar energy – identification of ‘suitable areas’:**

- **The MH AONB Partnership supports the identification of suitable areas for wind and solar energy in local planning authority development plans.**
- **Identification of ‘suitable areas’ should be underpinned by a landscape sensitivity assessment and by consideration of relevant constraints and technical considerations.**
- **Suitable area maps should exclude areas of high landscape sensitivity (and least within the MH AONB and its setting) and where there are key constraints.**
- **Renewable energy schemes should be targeted towards areas of relatively low landscape sensitivity (preferably low landscape sensitivity) within the LPA area. Renewable energy landscape sensitivity assessments, commissioned by local authorities, should have regard to relevant guidance published by the MH AONB Partnership.**
- **In relation to large-scale solar energy and wind energy, within the highly sensitive context of the MH AONB and its setting, a Landscape and Visual Impact Assessment (LVIA) should be carried out from pre-application stage and be submitted alongside a planning application. It should be produced to a high standard, follow best practice guidance (Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition, 2013) and demonstrate the proposal does not compromise the AONB designation and its primary purposes. The appraisal should identify the Zone of Visual Influence (ZVI) and assess the developments impact upon key viewpoints from within the AONB and its setting.**

## **7 Energy Storage**

7.1 Renewable energy is intermittent in nature. It is important to provide energy storage systems that can be charged during periods of excess renewable energy generation and discharged at times of increased demand. Energy storage can be used to store electricity bought from the grid at cheaper times of the day, with dynamic energy tariffs that vary in price throughout the day.

7.2 Energy storage systems include

- Pumped hydro involves pumping water uphill at times of low demand, storing it in a reservoir and, in high demand periods, releasing it through turbines to create electricity.
- Thermal energy storage involves storing excess energy to be used later for heating, cooling or power generation; thermal energy can be stored in liquids, such as water, or solids, such as sand or rocks. Chemical reactions or changes in materials can also be used to store and release thermal energy.
- Mechanical energy storage involves harnessing motion or gravity to store electricity. For example, a flywheel is a rotating mechanical device that is used to store rotational energy that can be called up instantaneously.
- Batteries involve converting stored chemical energy into electrical energy. Advances in technology and falling prices mean grid-scale battery facilities that can store increasingly large amounts of energy are becoming common.

7.3 For small-scale forms of renewable energy that are advocated in this position statement, the most common form of energy storage is likely to be battery storage. In this context, battery storage solutions can be particularly attractive although battery size will depend on energy usage and the size of the technologies installed. Some, but not all, battery storage systems can be installed outdoors.

7.4 Where planning permission is required, relevant considerations include:

- Location and design of the structure that the batteries are to be stored in (including the potential use of existing buildings, such as barns);
- Fencing, substation and other structures/infrastructure associated with the storage system;
- Access and maintenance arrangements;
- Noise impacts; and
- Sustainability and environmental impact of materials used (e.g. lithium).

#### **RECOMMENDATION**

**In relation to energy storage, in principle, the MH AONB Partnership would be supportive of energy storage schemes that provide effective storage of renewable energy that is generated in the MH AONB and its setting, providing relevant considerations have been adequately addressed.**

## **8.0 COMMUNITY-LED RENEWABLE ENERGY SCHEMES**

8.1 Account should be taken of the economic and social needs of local communities. An important component of this is how energy and heating requirements of these communities are met.

8.2 National planning policy states that ‘local planning authorities should support community-led initiatives for renewable and low carbon energy’<sup>55</sup>. In the case of wind energy, national planning policy also states that a proposed wind energy development involving one or more turbines should not be considered acceptable unless, inter alia, the proposal has the backing of the local community<sup>56</sup>.

8.3 As such, the extent to which a proposed renewable energy scheme: (i) explicitly helps to meet the energy needs of the individual local community; and/or (ii) is community-led, is an important consideration. Care should be taken that community-led schemes are genuine and not developer-driven. More appropriate schemes are those that may be part of Neighbourhood Plans (NDPs) or initiatives such as the Community Visioning projects being piloted by CPRE<sup>57</sup>.

8.4 Proposals for community-led renewable energy should be supported by evidence of the current carbon footprint/energy use of the community, and the impact that the renewable energy proposal will have on reducing this.

8.5 Renewable energy schemes can support rural diversification and educational opportunities, and community-owned renewable energy projects can provide incentives and ownership, as well as promoting self-sufficiency.

#### **RECOMMENDATION**

**In relation to community-led renewable energy schemes, in principle, the MH AONB Partnership would support community-led schemes more favourably, provided that considerations have been clearly addressed, than those which are not community-led.**

**Renewable energy schemes should demonstrate benefits to the local community.**

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<sup>55</sup> Ministry of Housing Communities and Local Government (2021) National Planning Policy Framework (link). Paragraph 156.

<sup>56</sup> Ministry of Housing Communities and Local Government (2021) National Planning Policy Framework (link). Footnote 54. The consultation on proposed revisions to the NPPF in spring 2023 proposed changing the requirement for community ‘backing’ to community ‘support’. ‘Support’ is, arguably, a (slightly) lower threshold than ‘backing’. However, community backing or support is likely to remain a requirement for wind energy proposals to be approved.

<sup>57</sup> <https://www.cpre.org.uk/what-we-care-about/climate-change-and-energy/renewable-energy/community-energy-visioning-showcasing-renewables-done-well/>

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## **MALVERN HILLS AONB JOINT ADVISORY COMMITTEE**

### **10 NOVEMBER 2023**

## **GUIDANCE DOCUMENTS ON LIGHTING AND HORSE RELATED DEVELOPMENT**

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### **Recommendation**

#### **1. The Committee is recommended to:**

- a) **Note the new guidance documents produced by the AONB Partnership.**
- b) **Promote the new guidance (once finalised).**

### **Background**

2. The Malvern Hills AONB Partnership has produced, over many years, a series of guidance documents intended to inform the work of land managers, property owners, developers and decision makers and to promote best practice in the AONB, see: [Built Development Guidance Documents – Malvern Hills AONB](#). This series includes guidance on lighting – designed to protect the night sky over the Malvern Hills AONB - and guidance on keeping horses in the landscape – intended to ensure that this activity has a positive impact on the local environment. AONB guidance is produced to help implement AONB Management Plan policy and so to deliver the Malvern Hills AONB Management Plan which ‘formulates local authority policy for the management of the AONB and for the carrying out of their functions in relation to it’ (Section 89 of the Countryside and Rights of Way Act, 2000). Malvern Hills AONB guidance has not been adopted by local authority partners as Supplementary Planning Guidance, probably because it only applies to a small part of each local authority area. However, anecdotally we understand that these guidance documents are used and referred to, including outside of the AONB.

### **Summary**

3. Between 8 June and 4 August 2023 the AONB Team consulted on the following:
4. Lighting guidance – new text which updates and replaces the existing AONB guidance on lighting (produced in October 2019). The revised guidance provides more technical content designed to be of practical use to property owners and decision makers. It seeks to provide clarity on when lighting requires planning permission. Additionally, the guidance refers to ambient lighting environment zones (E- zones) in and around the AONB in which different levels of obtrusive light might be allowed (this is with reference to the Institution of Lighting Professionals guidance on the reduction of obtrusive light (GN01 ILP: 2021).

5. Horse related development guidance – this new guidance refers specifically to horse related development. It spells out when planning permission is needed for keeping horses and for the various forms of development associated with keeping horses. It suggests good practice with regards siting, materials etc. This new guidance forms a companion document to the AONB Partnership’s guidance on keeping horses in the landscape [Rev.Horsepolicydocument.19.07.11.pdf \(malvernhillsaonb.org.uk\)](#) which will be updated to remove references to planning and development and which will focus only on the management of land for horses.
6. Comments received as part of the consultation on the above work and the AONB Team’s responses to them can be viewed at: [Draft Guidance Documents for JAC – Malvern Hills AONB](#). The two documents have been revised in light of the consultation comments received and can be viewed via the same link. NB Work is needed to add images to the equine development guidance. It is anticipated that the two documents will be produced in a new format following the National Landscapes branding.

Specific Contact Points for this report  
Paul Esrich, AONB Partnership Manager  
Tel: 01905 845057  
Email: pesrich@worcestershire.gov.uk



## **MALVERN HILLS AONB JOINT ADVISORY COMMITTEE**

### **10 NOVEMBER 2023**

## **LEVELLING UP AND REGENERATION BILL – AN AMENDMENT**

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### **Recommendation**

- 1. The Committee is recommended to note the government’s amendment to the Levelling Up and Regeneration Bill (now passed) to enhance AONB and National Park Management Plans.**

### **Background**

2. On Wednesday 13 September 2023, the Defra Secretary of State tabled a [Written Ministerial Statement](#) setting out a package of measures to support nature recovery in Protected Landscapes. The plans were also announced in the Lords by Lord Benyon, which can be seen at Parliamentlive.tv [here](#). Defra also published a [press release](#).
3. The package included a commitment to new legislation through an amendment to the Levelling Up and Regeneration Bill at Third Reading which would **enhance National Park and AONB Management Plans** by placing a stronger requirement on partners to contribute to their delivery.
4. The government will also shortly publish its response to the **Landscapes Review** consultation.
5. The statement also announced funding for the new **Protected Landscapes Partnership** involving the National Association for AONBs, National Parks England, National Trails UK and Natural England, which will deliver projects and programmes on nature recovery and widening access to nature.
6. The announcement also confirmed an extension to the [Farming in Protected Landscapes programme](#) (FiPL), with funding for a fourth year to March 2025, and referred to the positive impact of Defra’s [Access for All programme](#), which has already enabled the Malvern Hills AONB Unit and other Protected Landscapes to improve access to the countryside for people from all ages, backgrounds and abilities.
7. The Statement further confirmed the imminent publication of Defra’s new **Outcomes Framework**, which will define the contribution that Protected Landscapes should make to national targets. These are intended to guide local decision-making and prioritisation and represent a step forward in achieving the government’s global goal to protect 30% of land for nature by 2030.
8. The National Association for AONBs issued an unqualified welcome to this news.

9. Wildlife and Countryside Link helpfully drafted [this briefing](#) to give context to what the amendment will mean.

## Roundtable

10. The Secretary of State convened a round table with AONB and National Park Chairs on Thursday 14th September 2023. John Raine, Chair of the Malvern Hills AONB JAC attended the meeting.
11. The key points below are a combination of notes and those shared by other AONB Lead Officers and the NAAONB.

## Key points

- The Government agreed to fine-tune Sir John Randall's amendment to the **Levelling Up and Regeneration Bill**, which would give improved powers to Protected Landscapes.
- **AONBs have equal status to National Parks** and are central to enabling access to nature and delivering environmental targets.
- The Secretary of State is supportive of the **Farming in Protected Landscapes programme** (FiPL) but says the spending review (which covers from April '25 onwards) prevents her from a further extension at this stage. She also wants to explore how lessons from FiPL could be embedded into ELMS including FiPL's local decision-making model.
- Several AONBs urged that AONBs be given **statutory consultee status**. The Secretary of State supports this but says DLUHC have pushed back, so this won't happen anytime soon, because "with the exception of the two Conservation Boards" the AONBs operate via local authorities, so the legal status is not available for it to work.
- National Park Authorities are seeking a **General Power of Competence** (GPC) which they believe is needed to give them cover for some of the activities they do or would wish to do, such as generate revenue, establish trading arms, etc.
- The GPC is in the Localism Act 2011 and enables local authorities to develop partnerships and businesses and carry out other activities (so long as legal) to further their purposes, rather than requiring them to have specific legislation enabling those activities.
- Defra is finalising arrangements for the **Protected Landscapes Partnership**.
- Several AONBs stressed the need for more **equitable, evidence-based funding**. The Secretary of State said she is aware of the concerns and Defra officials are looking at options for new funding models, including bringing in private sector finance 'so that we don't have to use taxpayers' money for everything', though no detail on what this will look like.
- Defra is soon to publish the **Outcomes and Targets Framework** for AONBs and National Parks.
- The Secretary of State made the point (strongly) that she wanted **Local Nature Recovery Strategies** to 'fully take account of all Protected Landscapes' input.
- The announcement was roundly **welcomed by all**, and the whole tone was very positive. Some were keen to say that they were feeling more loved by Defra as a result! The Secretary of State seemed buoyed by this and thanked everyone for all that they are doing.

- By way of follow up, the **Chair of the NAAONB** will write to the Secretary of State to welcome the commitment on the powers and repeat some of our outstanding requests, including increased resources.

### **Amendment passed**

12. Follow the Third Reading in the House of Lords on 21<sup>st</sup> September the government's amendment to the Levelling Up and Regeneration Bill - to enhance AONB and National Park Management Plans - was passed. The published amendment is [here](#) and Earl Howe's speech on the amendment can be viewed on parliament.tv [here](#).
13. In his speech, Lord Howe set out how the amendment will enhance the Management Plans of Protected Landscapes - National Parks and AONBs - by bolstering the contribution of partners to help deliver them, ensuring better outcomes for people and nature. He states that, as home to some of our most beautiful and iconic places, Protected Landscapes are crucial delivery partners who are at heart of work to unleash rural prosperity and create a network of beautiful, nature rich spaces that can be enjoyed by all parts of society.
14. Lord Howe explained that the government has amended individual acts to strengthen the duty on relevant authorities to contribute to delivery of the purposes of Protected Landscapes and creating a power to make regulations. He further explained that the Secretary of State now has the power to bring forward these regulations and said the government is committed to doing so in a timely manner.

### **Next steps**

15. Royal Assent to the Levelling Up and Regeneration Bill is expected in November 2023 and the new duty will apply in the new year. Secondary legislation will be drafted in due course. Defra is aware that guidance will be needed - quickly - to help relevant authorities understand the implications of this new duty. A key issue for many is what happens in the event that a relevant authority ignores/does not fully discharge the new duty.

### **County Council Contact Points**

#### Specific Contact Points for this report

Paul Esrich, AONB Unit Manager

Tel: 01905 845057

Email: [PEsrich@worcestershire.gov.uk](mailto:PEsrich@worcestershire.gov.uk)

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## MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

### 10 NOVEMBER 2023

## AONB TERMS OF REFERENCE

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### Recommendation

1. The Committee is recommended to:
  - a) Note the proposed changes to the Terms of Reference.
  - b) Provide and discuss any comments; and
  - c) Accept the revised wording (as amended).

### Background

2. Terms of Reference for the AONB Partnership sit alongside the JAC constitution and the Memorandum of Understanding on the AONB website [The AONB Partnership – Malvern Hills AONB](#) as part of a suite of governance documents. The Terms of Reference for the Partnership are now out of date and need to be reviewed.
3. Proposal 26 of the Landscapes Review [DEFRA - Landscapes Review - Final Report 2019 \(publishing.service.gov.uk\)](#) recommended that there should be reformed governance to inspire and secure ambition in our national landscapes and better reflect society. Much of the content of proposal 26 applies to National Park Authorities but there are some suggestions for AONB Partnerships too, namely that 'boards' could be made smaller.

### Summary

4. Thus far, proposal 26 of the Landscapes Review is yet to be acted on. In its [Landscapes review \(National Parks and AONBs\): government response - GOV.UK \(www.gov.uk\)](#) (dated 15 January 2022) government stated:
5. *Natural England will replace the former Countryside Agency guidance for AONB Partnerships, to set out clear governance principles, processes, and structures that local authorities would be expected to follow. This guidance will be flexible enough to be adapted to local circumstances but would aim to improve consistency, performance, and transparency. To ensure a high level of uptake and incentivise positive reforms, we could include conditions in our grant agreements, requiring evidence that this guidance has been applied to local governance structures and processes.*

6. In light of the expected national guidance on this subject it is proposed that a very simple review and update of the Terms and Reference is approved by the Joint Advisory Committee at this time, in order to keep governance paperwork up to date. A more fundamental root and branch review may be required in due course. Proposed changes to the Terms of reference including dates and amendments that reflect working practices have been made to the document below. The more substantive changes relate to the planning protocol and the text provided in this section (Appendix 2 of the document) is new.

Specific Contact Points for this report

Paul Esrich, AONB Partnership Manager

Tel: 01905 845057

Email: [pesrich@worcestershire.gov.uk](mailto:pesrich@worcestershire.gov.uk)

## **Malvern Hills AONB Partnership**

### **Terms of Reference**

#### **Section A : General**

##### **1. Application and Context**

- 1.1 These Terms of Reference apply to the management and governance structures of the Malvern Hills AONB including:
  - (a) the Joint Advisory Committee (Section B)
  - (b) the Steering Group (Section C)
  - (c) the Staff Unit (Section D)
- 1.2 These Terms of Reference should be read in conjunction with the Constitution for the JAC ('Agreement as to the establishment and functions of the Malvern Hills Joint Advisory Committee') dated April 2017 and the Malvern Hills AONB Partnership Memorandum of Understanding dated January 2021 (and as updated and amended).
- 1.3 The term the 'constituent local authorities' applies to the five local authorities whose areas are wholly or partly comprised in the AONB (i.e. Worcestershire County Council, Malvern Hills District Council, Herefordshire Council, Gloucestershire County Council and Forest of Dean District Council)

##### **2. Review of Terms of Reference**

- 2.1 These Terms of Reference will operate to 31 March 2028, at which time they will be subject to review by the JAC.
- 2.2 Subject to the agreement of all funding partners and a majority of the full JAC, these Terms of Reference may be reviewed prior to 31 March 2028.

#### **Section B : The AONB Joint Advisory Committee**

##### **3. Introduction**

- 3.1 The Malvern Hills AONB Joint Advisory Committee (JAC) is the body responsible for coordinating, on behalf of the constituent local authorities, the management of the Malvern Hills Area of Outstanding Natural Beauty (AONB).
- 3.2 The principal purpose of the JAC is to enable the relevant local authorities, 'acting jointly', to fulfil their duties under Part IV of the Countryside and Rights of Way Act 2000 (the CRoW Act) to conserve and enhance the natural beauty of the Malvern Hills AONB. In addition, the JAC will encompass a wider membership in order to engage an appropriate range of relevant national, regional and local interests in the management of the area.
- 3.3 The JAC's principal focus will be on the Malvern Hills Area of Outstanding Natural Beauty as designated. However, recognising that such designated landscapes cannot thrive in isolation, the JAC will also seek to ensure that management of the surrounding area is carefully considered. This is especially important with regards to the setting of the AONB where negative impacts may affect the integrity of the designation and peoples' enjoyment of it and where appropriate management could help support the recovery of nature in the AONB.

#### **4. Roles and Responsibilities**

- 4.1 The JAC will develop a vision and strategy for the Malvern Hills AONB and will prepare and implement policies to conserve and enhance its natural beauty.
- 4.2 The JAC will seek to champion the interests of the Malvern Hills AONB and its communities (where this relates to the purpose of AONB designation) and will promote the identity and profile of the area.
- 4.3 As required by the CRoW Act 2000, the JAC will prepare, publish and periodically review a Management Plan for the AONB, which formulates the policy of the constituent local authorities for the management of the area and for the carrying out of their functions in relation to it.
- 4.4 The JAC will facilitate and coordinate the implementation of the AONB Management Plan and will monitor progress in achieving its objectives, policies and work programmes.
- 4.5 The JAC will seek to ensure that all 'relevant authorities' fulfil their duty under the CRoW Act to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in the exercise or performance of their functions.
- 4.6 The JAC, with support from a host body (currently Worcestershire County Council), will operate a Partnership office and employ a core team of staff to provide administrative and professional support to its work. The key functions of the Staff Unit will be in accordance with those set out in the Countryside Agency's 2001 'Areas of Outstanding Natural Beauty Funding Policy' and subsequent advice issued by Natural England (see Appendix 1).
- 4.7 The JAC will work closely with the Malvern Hills Conservators to ensure that their respective management policies and activities are, so far as possible, complimentary and mutually supportive.
- 4.8 The JAC will establish and maintain effective working relationships with relevant bodies at national, regional and local levels where these can contribute to the achievement of the objectives of the Malvern Hills AONB, to a wider understanding of the purposes of AONBs, and to best practice in the management of protected landscapes.
- 4.9 The JAC will seek to ensure that the Malvern Hills AONB is managed in accordance with national policy and guidelines.
- 4.10 The JAC will seek to ensure that the policy and practice of authorities and organisations with management responsibilities in the Malvern Hills are consistent with and compliment AONB objectives.
- 4.11 The JAC will seek to influence and support the activities of communities and agencies beyond the borders of the AONB so that these contribute to the achievement of AONB objectives.
- 4.12 The JAC will keep under review and make comments, recommendations or representations, as appropriate, with regard to the boundaries of the Malvern Hills AONB.
- 4.13 In accordance with the agreed 'Protocol'<sup>1</sup> (see Appendix 2), the JAC will respond, as appropriate, to consultations on planning policy documents affecting all or part of the designated AONB, together with planning applications that have strategic, significant or AONB wide implications.

<sup>1</sup> The full title of this 'Protocol' is 'Proposed Scheme for Consultation between the Malvern Hills AONB Joint Advisory Committee and the Local Authorities of Worcestershire County Council, Malvern Hills District Council, Herefordshire Council, Gloucestershire County Council and the Forest of Dean District Council.'



- 4.14 The JAC will advise local authorities and other relevant agencies on the financial and staffing resources required for effective AONB management and will seek additional funds, including external finance, to assist in delivering projects and initiatives identified within the AONB Management Plan.
- 4.15 The JAC will agree an annual work programme for the AONB Partnership Manager and other members of the Staff Unit.
- 4.16 The JAC will establish (and agree Terms of Reference for) other management and governance structures that it considers are necessary for the effective performance of its functions.
- 4.17 The JAC will ensure that an annual review of the AONB Partnership's activities is produced and distributed to all interested parties.
- 4.18 The JAC may organise an AONB Forum (on an annual basis or on some other frequency agreed by the JAC) to provide an opportunity both for AONB residents and other interested parties to input to the management of the AONB and for the JAC to provide feedback on its progress and achievements in managing the AONB.

## **5. Membership and Meetings**

- 5.1 There will be up to 20 voting members of the JAC comprising:
  - (a) seven elected members appointed by the constituent local authorities;
  - (b) two elected members appointed by the constituent Parish Councils;
  - (c) one elected member appointed by Malvern Hills Trust
  - (d) ten representatives drawn from a combination of statutory agencies and other organisations or interests groups;

In addition, co-opted members may be invited on to the JAC as and when the JAC deem this to be appropriate.

- 5.2 The JAC will, at all times, operate in accordance with the 'Agreement as to the establishment and functions of the Malvern Hills AONB Joint Advisory Committee.
- 5.3 The JAC should normally meet twice per year in or close to the months of April and November. Dates for these meetings should be identified several months ahead and be fixed with reference to the diaries of the local authorities in order to avoid clashes with other meetings. Additional JAC meetings may be held, at the discretion of the Chair, as and when required. It is also expected that the JAC will gather annually or biennially to visit the AONB and to consider projects and initiatives germane to its work.
- 5.4 Local authority membership of the JAC is subject to the following conditions:
  - (a) All local authorities represented on the JAC should have regard to the desirability of appointing one member of the authority who represents a ward or electoral division situated wholly or partly within the Malvern Hills AONB.
  - (b) Each local authority elected member attending a JAC meeting may be accompanied by no more than one officer. The officer of the authority may still attend if the member is absent.

- (c) If a local authority elected member wishes to be accompanied to a JAC meeting by more than one officer, or if more than one officer wishes to attend such a meeting when the elected member is absent, this should, on each occasion, be with the prior agreement of the Chair.
- (d) Local authority officers do not have the right to vote at JAC meetings.
- 5.5 The elected member of the Malvern Hills Conservators on the JAC may be accompanied to JAC meetings by one officer of the Conservators. This officer does not have the right to vote at such meetings.
- 5.6 All new JAC members should be offered, and would be expected to attend, an induction course covering the management and governance of the AONB. All JAC members should be offered the opportunity to attend training events on issues that are relevant to the future management of the AONB.
- 5.7 JAC members representing an organisation or interest group(s) will be required to ensure that their organisation or interest group provides a short annual report. This report will document the activities previously undertaken to implement the AONB management plan and the activities planned to conserve and enhance the AONB in the near future.
- 5.8 JAC members are expected to attend meetings on a regular basis. Where this does not happen the AONB Partnership Manager or JAC Chair may raise this with the organisation he/she represents on the committee.
- 5.9 Any JAC member can submit items to the AONB Partnership Manager or JAC Chair for consideration by the JAC. The Chairman, in consultation with the AONB Partnership Manager, will decide whether such items are appropriate for inclusion on the agendas for a JAC meeting or may be considered in other ways.
- 5.10 Where possible, JAC papers (preferably including a summary) should be circulated electronically to enable members to forward/circulate the full papers or the summary to those organisations/ interests whom they are meant to be representing. This should all take place at least 10 days prior to the JAC meeting to give these organisations/ interests an opportunity to feedback to their representative.

## **6. Financial Procedures**

### **'Core' Costs**

- 6.1 The local authority funding partners' contribution will equal at least 25% of eligible costs for core functions. Core costs that are eligible for support include:
- employment costs of core staff (including salaries, NI and superannuation, training, travel and subsistence expenses etc.);
  - office accommodation and administrative running costs;
  - costs associated with publicising and promoting the work of the JAC;
  - costs of reviewing the management and governance structure of the AONB;
  - costs of preparing, publishing, monitoring and reviewing the AONB Management Plan;
  - costs of work to deliver projects and activities that help to deliver the AONB Management Plan.

- 6.2 The annual contributions to AONB core costs by the five local authorities and Defra will be as set out in Table 1, although this may be varied by agreement between these funding partners.

Defra	75.00%
Worcestershire County Council	7.76%
Herefordshire Council	9.89%
Malvern Hills District Council	6.21%
Gloucestershire County Council	0.63%
Forest of Dean District Council	0.51%

- 6.3 A bid for grant aid towards core costs shall be agreed by the Steering Group and submitted to Defra on behalf of the JAC by 31 January in respect of the following financial year.
- 6.4 Responsibility for the proper and effective management and administration of the 'core budget' will lie with the Steering Group and the host body acting on behalf of the JAC.
- 6.5 Any balances in the core budget at the end of the financial year shall be carried forward into the AONB reserves.

## **Section C : Steering Group**

### **7. Roles and Responsibilities**

- 7.1 The Steering Group (SG) will provide guidance, advice and support to the JAC and the Staff Unit on matters relating to the management and administration of the AONB and the production, implementation, monitoring and periodic review of the AONB Management Plan.
- 7.2 The Steering Group will have responsibility for overseeing administrative and budgetary matters relating to the management of the AONB and the Staff Unit, in accordance with a scheme of delegated authority from the JAC.
- 7.3 The Steering Group will act as the linking structure between the JAC and the Staff Unit, for example, in providing a mechanism for any Working or Technical Groups to input specialist advice and expertise to the management of the AONB.
- 7.4 The Steering Group will coordinate the annual budget round.
- 7.5 The Steering Group will coordinate the preparation of the papers for JAC meetings.
- 7.6 The Steering Group will provide support to the Staff Unit in carrying out its key functions (as set out in Appendix 1) and in implementing the decisions of the JAC.
- 7.7 The Steering Group will advise the JAC and Staff Unit on matters concerned with:
- (a) personnel management;
  - (b) finance and funding issues;
  - (c) administrative procedures;
  - (d) management and governance issues and organisational development;

### **8. Membership and Meetings**

- 8.1 The Steering Group will have a membership of five comprising:
- (a) one officer representative of each of the following local authorities;
- Worcestershire County Council
  - Herefordshire Council
  - Malvern Hills District Council
  - Forest of Dean District Council or Gloucestershire County Council (with the one individual representing both Authorities)
- (b) one officer representative of the Malvern Hills Trust;
- 8.2 The Malvern Hills AONB Partnership Manager shall be invited by the Steering Group to attend meetings as and when required in order to provide specialist advice or knowledge on specific issues.
- 8.3 The Steering Group will elect a Chair from amongst its members as and when a majority of the group deem it appropriate to do so. In the event of the chair not being present at a meeting, a Chair for the meeting shall be elected by the members present.

## **Section D : Staff Unit**

### **9. Roles and Responsibilities**

- 9.1 The JAC, with support from a host body, will operate an AONB office and employ a core team of staff to provide administrative and professional support to its work.
- 9.2 The key function of the AONB Staff unit will be to assist the Malvern Hills JAC in fulfilling its responsibilities, as set out in its Constitution. In this context, the principal task of the Staff Unit will be to assist the JAC in developing, implementing, monitoring and reviewing the AONB Management Plan.
- 9.3 Other functions of the Malvern Hills AONB Staff Unit will be in accordance with those set out in Annex 1 of the Countryside Agency's paper 'Area of Outstanding Natural Beauty Funding Policy' (2001) and subsequent advice issued by Natural England (see Appendix 1) and Defra.

### **10. Operation and Membership**

- 10.1 The core staff team currently comprises the following posts:
- Malvern Hills AONB Partnership Manager (f/t)
  - Malvern Hills AONB Partnership Assistant Manager (job share)
  - Malvern Hills AONB Partnership Planning Officer (p/t)
- 10.2 In addition, the Staff Unit is supported by:
- various staff of Worcestershire County Council (acting as the host body and banker for the AONB) with key areas of support being in administration, finance and IT.
- 10.3 The Staff Unit will be strengthened, as necessary and appropriate, through the appointment of additional staff members, subject to additional funding being made available by partners/other sources. The need for such additional staff will be

determined by the Steering Group with reference to the JAC and the five constituent local authorities.

## Appendix 1

### STAFF UNIT CORE FUNCTIONS

- 1.1 Developing reviewing, preparing and publishing the AONB vision and the CRoW Act AONB Management Plan
- 1.2 Promoting the AONB vision and management plan to help distinguish the AONB from adjacent countryside
- 1.3 Advising upon, facilitating and co-ordinating implementation by others of the Management Plan
- 1.4 Advising Local Authorities on their activities within AONBs, to encourage them to go beyond normal levels of service (attain the highest possible standards) in countryside management
- 1.5 Monitoring and reporting on progress against AONB Business Plan targets
- 1.6 Monitoring AONB landscape condition
- 1.7 Accessing resources for management activities
- 1.8 Working with and contributing to the NAAONB activities, sharing advice and best practice nationally and regionally.
- 1.9 Providing a management role to co-ordinate AONB protection through the actions of the AONB unit, the AONB partnership and other partners at a local and strategic level.
- 1.10 Developing an involvement by the community in the management of the AONB
- 1.11 Providing landscape related planning advice.

## **Appendix 2**

### **Proposed Scheme for Consultation between the Malvern Hills AONB Partnership and the Local Authorities of Worcestershire County Council, Malvern Hills District Council, Herefordshire Council, Gloucestershire County Council and the Forest of Dean District Council.**

#### **General**

1. This scheme is intended to define, in agreement with the local planning authorities, the scope of the effective involvement of the Malvern Hills AONB Partnership in planning matters affecting the AONB.
2. The Protocol aims to:
  - Clarify roles and responsibilities in relation to statutory spatial planning;
  - Clarify the mechanisms for consultation and communication between the AONB Team and local planning authorities;
  - Promote a consistent approach to the application of policies for the Malvern Hills AONB among the different authorities;
  - Identify areas where the AONB Team can provide additional support and guidance to assist planners in carrying out their functions in relation to the AONB; and
  - Identify the roles of the AONB Team and JAC in relation to the protocol.
3. It sets out arrangements whereby the Partnership will be consulted upon planning policy documents affecting all or part of the designated AONB, together with planning applications that have strategic, significant or AONB wide implications. The Partnership will seek to add value to the role of local authorities as planning authorities for the AONB. As the team is advising its constituent Local Planning Authority members, this advice is considered the expert opinion of the Partnership's dedicated AONB Unit, not that of the Partnership itself. The AONB Unit will make regular updates to the Partnership outlining advice given in accordance with this protocol.

#### **Planning Policy Documents**

4. The relevant local planning authority will consult the Partnership on all planning policy documents, or proposed amendments/modifications to them, affecting all or part of the Malvern Hills AONB and its setting.
5. Consultations on planning policy documents will be dealt with by the AONB Planning Officer or other member of staff, who will provide a response. The response will be sent on behalf of the AONB Unit.
6. Alternatively, and at the discretion of the Chair of the JAC, the document may be considered, and a response agreed, by a full meeting of the JAC. In such cases, the relevant local authority will be notified accordingly with the response defined that it is sent on behalf of the JAC.

#### **Planning Applications**

7. The relevant local planning authority will consult the AONB Unit on applications under the Town and Country Planning Acts that lie within, or are likely to affect the landscape character or setting of the Malvern Hills AONB in accordance with the following scheme:

- (a) Residential development: applications within settlements involving 5 or more dwellings (or where the number of dwellings is not indicated, the site area is 0.2 hectares/0.5 acres, or greater), except where the site is specifically allocated for residential use in an approved plan. Outside settlements, applications involving a smaller number of dwellings (or smaller site area) at the discretion of the relevant planning authority;
- (b) Other major development: all applications for non-residential development involving 1000 square metres/10,760 square feet of floor space or where the site area is 1.0 hectare/2.47 acres or more, except where the site is allocated for the proposed use in an approved plan;
- (c) Minerals and waste disposal: all applications involving new or extended operational areas;
- (d) Major road proposals: all applications and consultations by the relevant highway authorities;
- (e) Utilities and other infrastructure: applications for the following forms of development, including under 'prior approval':
  - overhead electricity lines and facilities for transmission over 33KV;
  - cross country pipelines or similar installations;
  - construction of significant water resource or sewage treatment facilities;
  - renewable energy developments; and
  - telecommunications towers.
- (f) All development proposals, which following a review of the application by the AONB Planning Officer, is considered that by virtue of their particular characteristics will likely have an effect on the special qualities of the AONB and/or fail to accord with relevant guidance produced by the AONB Partnership, which would subsequently conflict with policies within the Malvern Hills AONB Management Plan.

### **Consultation Procedure for Planning Applications**

8. Local planning authorities will notify the AONB Unit of all planning applications which are in or overlap the AONB boundary except all householder applications.
9. The AONB Unit and its Planning Officer will still review all local planning authority weekly lists and in all circumstances consider planning applications meeting the criteria specified in (6) above.
10. Alternatively, and at the discretion of the Chair, the application may be considered, and a response agreed by a full meeting of the JAC. In such cases, the relevant local authority will be notified accordingly. Only applications with major implications for the AONB should normally be referred to the full Committee for consideration.
11. The formal response will be submitted to the local planning authority on behalf of either the AONB Unit or the JAC. Responses will clearly set out the nature of the impacts on the character and special qualities of the AONB and whether / how they could be mitigated. From this, the AONB Team will provide clear technical advice for consideration by the local planning authority.
12. The AONB Team will submit all input on planning applications directly to the local planning authority and will endeavour to facilitate e-consultation.



13. The relevant local planning authority will make known the decision of the authority.
14. Local planning authorities will also make known the decision of the authority in respect of planning applications within the AONB meeting the criteria specified in Paragraph 7(f) above.
15. Where relevant, Local Planning Authorities will refer applicants to AONB Partnership guidance and to the policies contained within the AONB Management Plan. LPAs will also make use of this information in determining planning applications, even in the absence of comments made by the AONB Partnership, as the statutorily adopted AONB Management Plan is a material planning consideration in decision-making.

### **Monitoring**

16. An annual monitoring report will be prepared by the AONB Planning Officer for the JAC on development in the AONB, relating to all the planning applications received and decided upon by the constituent authorities under paragraphs (7) to (15) above.

### **The Planning Authority's Role**

17. The Planning Authority will:
  - Take account of AONB management plan policies and guidance and liaise with the AONB Team on major planning matters regarding the AONB;
  - Encourage ongoing dialogue between relevant officers (landscape, policy, development management etc) and the AONB Team;
  - Ensure all relevant existing and new staff are aware of the protocol;
  - Invite comments and contributions from the AONB Team in respect of all consultations on planning policy documents which may affect the natural beauty of the Malvern Hills AONB;
  - Publish its weekly list of planning applications online so that it is easily accessible to the AONB Unit/Partnership;
  - Consult the AONB team for advice on (pre-) planning applications where in the opinion of the local planning authority, they may have a significant impact on the AONB and/or where the provision of advice would assist the decision-making process;
  - Consult the AONB Team for advice on planning applications when requested to do so by any statutory agencies e.g. Natural England; and
  - Publish or make available the AONB Team's comments on planning applications online through the relevant planning portal / public register. In instances where these are not published, the Local Planning Authority will contact the AONB Unit clearly stating the reasons why.
18. In cases where the AONB Unit, Statutory Agencies or Local Authority Officers have suggested alternative ways of achieving the ends of the proposed development with lesser impact to the AONB, or additional mitigation measures, these will be explored with the applicant prior to determination of a planning application. If considered not appropriate, the reasons for not adopting the suggested measures should be clearly assessed and set out in the planning report, whether this be a delegated or committee report.

## The AONB Unit's Role

### 19. The AONB Unit will:

- Encourage ongoing dialogue between the AONB Team and relevant local authority officers (landscape, policy, development management, etc);
- Ensure all relevant and new AONB staff are aware of the protocol;
- Review and consider consultation documents prepared as part of Local Development Plan preparation and other relevant documents. Where appropriate the AONB Team will undertake further discussion with relevant local authority officers and prepare and submit clear technical advice to the Local Planning Authority within the required time scales;
- The AONB Team will endeavour to identify and provide advice on alternatives, mitigation and/or compensation opportunities;
- Encourage pre-application discussions with the relevant planning authority;
- In consultation with appropriate local planning authority case officers, landscape architects and urban designers, arrange site visits and submit technical advice on planning applications received within the required time scale. Comments will normally be submitted electronically and made available online;
- Where appropriate provide support towards planning appeals and Local Plan examinations, where there are significant planning issues for the AONB. Where a local planning authority has not consulted the AONB Unit on an application or consultation draft, the Team may decline to support appeals and examinations on these cases;
- Work with local planning authorities to raise the profile of the AONB designation and statutory Management Plan, for example by assisting with training and through attendance of liaison meetings at the request of the planning authority;
- Work with local authorities to provide tools to aid policy formation and decision making, such as landscape character assessment and management guidelines, capacity / sensitivity studies and guidance on topics such as agricultural diversification, rural-urban fringe issues and renewable energy development; and
- Make known all public enquiries regarding planning issues to the relevant authority officer/s.

### 20. The AONB Team will not:

- Provide opinion or comment, formally or informally, directly to applicants or their agents without first consulting the relevant planning authority; or
- Represent the views of third parties in responding to consultations.



Department  
for Environment  
Food & Rural Affairs

**malvern hills**  
Area of Outstanding Natural Beauty

## Farming in Protected Landscapes programme

### MALVERN HILLS AONB JOINT ADVISORY COMMITTEE 10 NOVEMBER 2023

### FARMING IN PROTECTED LANDSCAPES UPDATE

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#### Recommendation

1. **The Committee is recommended to:**
  - a) **Note the report; and**
  - b) **Raise and discuss any issues arising.**

#### Background

2. Defra's Farming in Protected Landscapes (FiPL) programme was launched in early July 2021. The programme forms part of the Agricultural Transition Plan (published on 30 November 2020), with funding available for all National Parks and AONBs across England.
3. On the 31 January 2023, DEFRA announced that the FiPL Scheme will be extended for an additional year, meaning that FiPL now runs until March 2025.

#### Summary

4. Information on the Farming in Protected Landscapes Programme can be found at: <https://www.gov.uk/guidance/funding-for-farmers-in-protected-landscapes>  
Guidance for applicants, tailored to the Malvern Hills AONB, can be found at: <https://www.malvernhillsaonb.org.uk/wp-content/uploads/2021/10/Annex-F-Guidance-for-Applicants-211011.pdf>
5. Key points and developments regarding Farming in Protected Landscapes in the Malvern Hills AONB are as follows:

## Timing

6. 31 October 2023 marks 6 months of the 3<sup>rd</sup> year of the FiPL Scheme, with 18 months of the scheme remaining.

## Funding and expenditure

7. For **Year 1** of FiPL (2021 – 2022), the budget allocation was £90,000.45. £72,265.53 was spent on Projects, £15,425.08 was spent on Advice and guidance and £2,332.60 was spent on Admin, totalling £90,014.21, giving an overspend of £13.76.
8. For **Year 2** of FiPL (2022 – 2023), the allocated budget was originally £236,538. However, due to the increase in Countryside Stewardship rates of January 2023, the budget was extended to support the additional costs, giving a total budget of £243,739.19. At the close of the year, £208,134.33 was spent on projects, £29,680.95 was spent on Advice and Guidance and £5,063 was spent on Admin, giving an underspend of £860.91.
9. For **Year 3** of FiPL (2023 – 2024), some slight adjustments were made to staffing (see below). The total budget for the year is £317,130.59. By close of September, £208,654.66 has been allocated on projects, £12,014.58 has been spent on Advice and Guidance, with £9,757.67 on Admin. There is £87,049.12 of the budget left to allocate, with projections that £12,000 will be used in Advice and guidance and £9,000 on admin, leaving approximately £66,000 to be allocated and spent on FiPL Projects. There are several projects in the pipeline and being built, so there is confidence that this budget will be used.
10. To note, that in May 2023, DEFRA Changed the FiPL National Framework; previously, all projects below £5,000 could be assessed by the Senior Officer of the AONB (Paul Esrich) – however, due to countrywide issues with panel member availabilities, this limit was increased to £10,000, unless the applicant has already had one FiPL Project approved; If this is the applicants second project or more, it is required to be assessed by the Local Assessment Panel, irrespective of cost.
11. For **Year 4** (2024 – 2025), there is an allocated budget of £361,212.73. Of this, £44,521 and £29,370 can be spent on Advice and Guidance, and Admin respectively. As of the end of September 2023, £69,198.03 has been allocated to FiPL Projects in year 4..

## Staffing

12. Sash Warden remains the full time FiPL Officer. Due to the increased budget, Karen Humphries and Wade Muggleton (from the Worcestershire County Council Greenspace Team) are also helping out to support FiPL with meadow and

orchard projects. Their time is being marked down as Advice and Guidance, whilst Sash's time is being split between Advice and Guidance and Admin. This is the reason for the increased admin expenditure seen.

### **Grant Assessment Panel**

13. Panel members remain the same as reported on at the last JAC Meeting. The panel have met a total of 15 times throughout the duration of the FiPL Scheme. The next panel meeting is scheduled for the 22 of November 2023.

### **Enquiries**

14. Enquires have slowed down in recent months, however there is still interest in the scheme. In the panel meeting on the 20<sup>th</sup> of September, it was agreed by both DEFRA and the Local Assessment Panel that, due to the Malvern Hills AONB being relatively small, FiPL could be considered for projects within a one mile radius of the AONB, assuming that all FiPL criteria were met, as well and the MH AONB Management Plan and Nature Recovery plan.

### **Projects**

15. The table on the following page details all projects approved, up to the 20 September 2023.

### **Historic Building Restoration Grant**

16. Defra has just announced additional funding specifically for Historic Building restoration projects. The FiPL Historic Building Restoration Grant (HBRG) amounts to £5 million for English National Parks and AONBs over the next financial year FY24/25, split with £4.5 million allocated to capital project delivery, and £500,000 allocated in additional revenue funding to support developing, advising, and managing approved projects (including provision of specialist advice).
17. This funding builds on the previous Historic Buildings Restoration Pilot in five National Parks managed by Historic England and Natural England, launched in 2018. The funding recognises the importance of historic buildings in our protected landscapes and for farmers and land managers. It is an excellent opportunity for FiPL to target restoration of historic buildings under the existing "Place" theme to enhance the special qualities of your own landscapes.

#### Specific Contact Points for this report

Sash Warden, Farming in Protected Landscapes Officer

Tel: 01905 844686

Email: [swarden@worcestershire.gov.uk](mailto:swarden@worcestershire.gov.uk)

Project Code	Project Title	Applicant	Approval Date	Year 1 Spend	Year 2 Allocation	Year 3 Allocation	Year 4 Allocation
MH001	Malvern Foothill Connections	MHT	23/09/2021	£11,321.80	/	/	/
MH002	Colwall Orchard Group Traditional Orchards for the Future Initiative (COG TOFI 2021/22)	COG	23/09/2021	£8,520.00	/	/	/
MH003	Colwall Orchard Group Improving equipment and facilities for people and nature	COG	23/09/2021	£12,760.46	£10,495.00	/	/
MH004	Baston Hall – Regenerative Grazing	Private	23/09/2021	£15,235.83	/	/	/
MH005	Garden House Orchard Restoration	Private	23/09/2021	£3,960.00	/	/	/
MH006	Hope End Park Conservation Management Plan	MH AONB	23/09/2021	£8,794.00	£12,556.00	/	/
MH007	Restoration of the last remaining Donkey Shed	MHT	09/12/2021	/	£14,456.00	/	/
MH008	Restoration of Lower Norgrove Orchard	Private	09/12/2021	/	£2,556.00	/	/
MH009	Species Rich Grassland Creation and Orchard Creation at the Halvins	Private	09/12/2021	£3,649.00	£3,138.40	/	/
MH010	Tup Paddock at Woodfield's Farm	Private	13/02/2022	/	£2,745.50	/	/
MH011	Conservation enhancement at Mason's Fields (The Purlieu)	Private	31/03/2022	/	£16,307.4	/	/
MH012	Conservation enhancement at Knell Farm	Private	26/09/2022	/	£2,896	£600	/
MH013	Brush Seed Harvester	MH AONB	02/02/2022	£8,087.44	/	/	/
MH014	COG TOFI 2022/23	COG	19/05/2022	/	£24,187.50	£1611.00	/

MH015	New House Orchard Restoration and expansion	Private	19/05/2022	/	£15,596.00	/	/
MH016	Woodland Track Creation at Mathon	Mathon Court	12/07/2023	/	/	£5,124.21	/
MH017	Eastnor Estates Woodshed Improvement	Eastnor Estates	28/07/2022	/	£17,391.00	£10,932.92	/
MH018	Increasing local meadow biodiversity for education and as a local seed bank	Private	16/08/2022	/	£1,820.00	£2,220.00	/
MH020	Lane End Meadow Restoration	Private	26/09/2022	/	£582	£742.50	/
MH021	Orchard Planting at Castlemorton	Private	12/01/2023	/	£256.16	/	/
MH022	Pond Restoration and Hedgerow Creation at Tundridge Stud	Private	03/11/2022	/	£1,728	£9,693.87	/
MH023	Pond and Orchard Creation at Crumpton Hill Farm	Private	28/09/2022	/	£5,899.50	/	/
MH024	All Saints Wood	MHT	18/11/2022	/	£5,434.70	£478	/
MH026	Hedge Laying at Cherry Green	Private	06/10/2022	/	£1,817.60	/	/
MH028	Hedgerow (Re)Creation at Lower Moors	Private	07/10/2022	/	£2,392.50	/	/
MH029	Woodland Management at Dove Barn	Private	18/11/2022	/	£5,688.95	/	/
MH030	Hedgerow creation at Wildgoose Hill Farm	Private	03/11/2022	/	£16,964.50	/	/
MH031	Dingwood Park (Re)Creation	Private	03/11/2022	/	£27,403.64	/	/
MH033	Hope End Park Restoration – Roger Allsop – Phase 1	Private	03/11/2022	/	£6,162	/	/
MH034	Tan House Hedgerow Improvements	Private	01/11/2022	/	£1,403.80	/	/
MH035	Shelter Belt Creation at the Town House	Private	18/11/2022	/	£4,969.80	/	/
MH036	Hedgerow creation at Colwall	Private	11/01/2023	/	£918.80	/	/
MH037	Hope End Restoration Phase 2	Private	12/07/2023	/	/	£6,038.00	/

MH038	Dingwood Park (Re)Creation – Phase 2, Ledbury	Private	20/04/2023	/	/	£38,160.68	/
MH039	Colwall Orchard Group (COG) Traditional Orchards for the Future Initiative	COG	12/07/2023	/	/	£39,743.09	£30,415.44
MH041	Vineyard Expansion, Mathon	Mathon Court	12/07/2023	/	/	£4,208.86	£2,976.79
MH043	Malvern Hills AONB Meadows Project 2023	AONB	21/06/2023	/	/	£11,140.00	/
MH044	Evendine Lane Field Improvements	MHT	21/06/2023	/	/	£11,811.74	/
MH045	Conservation and education enhancements at The Elms	The ELM's school	12/07/2023	/	/	£8,597.44	/
MH047	Hawthorns Farmyard Refurbishment and Permissive Access	Bromesberrow Estate	20/09/2023	/	/	£2,710.94	£10,018.00
MH048	Livestock Infrastructure and conservation enhancements at Colwall	Private	31/08/2023	/	/	£24,342.24	£11,130.30
MH049	Pastures for Profit in Protected Landscapes	Pastures for Life	31/08/2023	/	/	£10,259.70	£14,657.50
MH052	BASIS Reg Courses for Carbon and Sustainable Land Management	MH AONB / MHT	20/09/2023	/	/	£2,455.00	/
MH054	Woodland and Orchard Management at Dove Barn, Phase 2	Private	20/09/2023	/	/	£3,616.00	/



## **MALVERN HILLS AONB JOINT ADVISORY COMMITTEE 10 NOVEMBER 2023.**

### **COMMUNITY PROJECTS UPDATE 23-24 – INFORMATION ITEM**

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#### **Recommendation**

- 1. The Committee is requested to:**
  - a) Note and comment on the report.**
  - b) Bring further project ideas to the AONB unit for 2023/24 and for 2024/25**

#### **Background**

2. As agreed by the JAC at the November 2022 meeting the name of the Sustainable Development Fund has been changed in order to reflect the wider range of projects being funded, including several arts projects.
3. There is encouragement from the National Association for AONBs to increase the number of arts projects being supported. The arts are seen as a creative and inclusive way to encourage support for and stewardship of protected landscapes.
4. The National Association for AONBs has made a bid to the Arts Council England for £500,000 under a project entitled **Nature Calling**. This money will then be distributed amongst AONBs to be spent on eligible projects. The thrust is to get hard to reach groups into our landscapes and allow them to appreciate and value them through less conventional means. Arts Council England are due to make a decision on funding in mid-November 2023.

**Table 1 - summary of current projects**

Project	Likely Grant	Notes
Landmarking	TBC	We are currently liaising with a number of partners to investigate building an arts project around the temporary installation of a sculpture on the Malvern Hills. We are lucky to have the interest of an eminent sculptor, but we do not underestimate the number of consents and permissions, and indeed finance that will be needed to make the project successful.
U3A Natural History Group – ‘Ecology on our doorstep’ -surveying of Castlemorton watercourses .	£500	Training of natural history vols and detailed species recording for sites throughout the year. Booklets will be produced for sale/ given away to interested parties.
Tools for Self-Reliance	£600	This charity is based locally. It recycles old agricultural and workshop tools for sale locally. It is staffed by volunteers who restore the tools and sell them at local events. The money raised, and suitable tools go to help shamba farmers in Africa. The request for £600 is for shelving units for their new premises at The Church of the Good Shepherd, Colwall.
On the Bare Hill	£2000	We have supported a successful bid to the Arts Council for a graduate theatre group to produce a collaborative drama, working with local community groups to create and perform a theatre piece about the hills.
The Earth Heritage Trust	£2400	Support for the repair and clearance of geological sites.
Grounded conversations	£2000	A project working with photographer and social history recordist Geoff Broadway, to record conversations and take portraits of visitors to the AONB.
Malvern Cube – high level raised bed	£1000	This project will build a disability friendly raised bed for use by garden volunteers and Cube users. It will be built by men’s shed, repair café and Cube volunteers.
Land Art project	£2000	We will be working with a local artist to provide workshops for less able people, making art pieces out on the hills and commons or in community settings. These will be put onto a website map.

## Contact Points

Specific Contact Points for this report

David Armitage / Karen Humphries, Assistant Manager (job share), Malvern Hills AONB Partnership

Email: [darmitage@worcestershire.gov.uk](mailto:darmitage@worcestershire.gov.uk) or  
[khumphries@worcestershire.gov.uk](mailto:khumphries@worcestershire.gov.uk)

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## MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

### 10 NOVEMBER 2023

#### INFORMATION ITEMS

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##### Management Plan ref. (abridged)

**LP3 Promote positive change to landowners, managers, developers etc.**

##### Project

###### Management Plan Review

Natural England recently conducted an informal consultation with Protected Landscapes on draft Management Plan review guidance. This is a long document intended to inform the review of both AONB and National Park Management Plans. Concerns have been expressed regarding the ability of AONB Teams, especially the smaller ones, to deliver against all of the guidance. Some preparatory work on the MP review will take place over the next few months, prior to the full review next year.

See FiPL update report.

###### Malvern Wells Parish Council

A pilot to manage the grassland on the village green as a hay meadow has been completed this year. Some additional mowing was required due to the wet summer but the project seems to have been successful.

###### AONB Landowners events

An event on land and water management took place in Colwall in June (24 attendees). An event on managing soils to benefit farming took place in Mathon in September (20 attendees). Presentations for both can be found on the MHAONB website

<https://www.malvernhillsaonb.org.uk/landowner-group/>

An event on regenerative farming with livestock is scheduled to take place on 6 November.

###### Meadow restoration

Wildflower meadow seed was harvested from donor sites, dried and then strewn onto 7 ha of grassland using volunteers.

**BP4 Improve knowledge and understanding of the AONB's biodiversity**

###### Grassland surveys

8 grassland sites (including those reseeded last year) were surveyed by an ecologist in June. Results of a repeat survey of previously reseeded highway verges can be found at

[Botanical-survey-on-MH-AONB-pilot-verges-2023.pdf](#)  
([malvernhillsaonb.org.uk](http://malvernhillsaonb.org.uk))

#### Colwall Hedges Project

All survey work for this project has now been carried out, using a consultant and local volunteers and a public launch is planned for the New Year, encouraging local people to understand the value of hedges both visually and for wildlife and to plant and maintain hedges.

#### Water quality monitoring

Discussions with the Severn Rivers Trust have taken about using their embryonic citizen science project to monitor water quality at sites within the AONB (on the Teme catchment). AONB landowners have been contacted and 6 are interested in water quality being monitored on their land.

**HP1 Conserve and enhance the historic and cultural environment of the AONB**

#### Hope End Registered Park management

Certain fields within the park were cut for hay for the first time in many years this summer. Perimeter fencing to part of the park is currently being improved with a view to bringing sheep back onto the park for aftermath grazing.

#### Dingwood Management Plan and works

Phase 1 of Dingwood Park restoration was complete by March 23', with parkland tree planting, shelter belt infrastructure and pond restoration. Phase two, being undertaken in this financial year, will look to improve landscape value, restore the traditional orchard and improve conservation value of the hedging.

**FP5 Support appropriate measures to monitor and control pests, diseases and invasive non-native plant and animal species to protect food production and biodiversity resources.**

There is a potential FiPL Project in the pipeline for a Deer/Game Larder, although this project is just in the initial phases of being created.

**BDO1 The distinctive character and natural beauty of the AONB will be fully reflected in the development and**

#### Planning

The AONB Team helped in providing comments subsequently submitted by the National Association of AONBs, in respect of the recent UK Government consultation on extending permitted development rights into protected landscapes.

**implementation  
of consistent  
statutory land use  
planning policy  
and guidance  
across the AONB.**

**TP2 Provide a Quality  
public realm with good  
access and facilities  
that attract tourists**

**IP3 Raise awareness of  
the MHAONB and the  
significance of its  
designation**

At the time of writing, during this financial year, the AONB Unit has already made representation on 75 planning applications, including appeals.

The AONB Unit formally responded to Welland's Regulation 16 Neighbourhood Development Plan (NDP) draft and has provided Colwall Parish Council with comments as they begin their review of their NDP.

#### Malvern Wells Information Boards

We are still working with Malvern Wells Parish Council to put up some information boards about grassland management on sites being managed by the Council.

#### Rebranding AONBs

On the agenda.

#### Gateway signs

As part of the re-branding we are working with Colwall Parish Council and Herefordshire Council Highways to look at the possibility of putting a gateway sign at the entrance of the village.

#### AONB Tour

The annual AONB tour took place in September, providing an opportunity for those involved with work in the AONB to take a look at projects completed this year. Visits were made to Eastnor to look at Access fund work, to Barton Court, Colwall to look at renewable energy and heritage projects and to hear about the work of blind walking group, Sense Adventures, before looking at projects at Colwall Village Garden and orchards.

#### Training for Parish Councils

The AONB Team is hosting a webinar for Parish Council members on 28<sup>th</sup> November. This is to raise awareness of the AONB and the work of the partnership, as well as to explain recent changes to do with rebranding and legislation. It will also provide an opportunity to tee up next year's Management Plan review.

#### Training for Herefordshire Council staff

The AONB Team will be 'briefing' planners and other officers at Herefordshire Council on 29 November 2023 to raise awareness of the AONB and the work of the partnership, as well as to explain recent changes to do with rebranding and legislation, and the implications this has for strategic planning and development management, as well as a general planning discussion.

**Vision 2040: people are connected emotionally, and spiritually to the area.**

**RP6 Increase the range of opportunities for those with restricted mobility and health impairments to experience the AONB.**

#### State of the AONB report

Progress is being made on the data collection for this report, despite some difficulties. The University of Worcester has been appointed to assist. The AONB Team continues to await information from government about the Outcomes Framework which will set targets for each Protected Landscape, linked to the <https://www.gov.uk/government/publications/environmental-improvement-plan>.

#### Art in the Landscape Project

The National Association of AONBs has made a bid to Arts Council England for funding for arts projects within individual AONBs. The purpose of this is to use the arts to engage people with the issues of our time around Nature. The outcome of the bid will be known by mid-November, providing a chance to bid for funding for arts projects in 2024.

#### Malvern walking festival

The AONB led two well attended walks– a walk for a cycling group in June, for National Cycling week, and a walk exploring ‘power in the landscape’ as part of Malvern Walking Festival.

Our programme of work to improve accessibility in the AONB will be added to following an award of £4,000 extra Access funding from DEFRA. This will be used to replace stiles with gates at Eastnor and to make track improvements above the Gullet.

£50,000 of access funding has been awarded for 2024-25 and project ideas for this are being invited

### **Recommendation**

**Members of the JAC are requested to note this information report and contact the AONB Unit if they wish to be involved in any consultations or to receive further information on any of these agenda items.**

### **Contact Points**

#### Specific Contact Points for this report

Paul Esrich, Manager, Malvern Hills AONB Partnership

Tel: 01905 845057

Email: [pesrich@worcestershire.gov.uk](mailto:pesrich@worcestershire.gov.uk)

Website: [www.malvernhillsaonb.org.uk](http://www.malvernhillsaonb.org.uk)