

Malvern Hills AONB Joint Advisory Committee



# Agenda

## Malvern Hills AONB Joint Advisory Committee

**Friday, 28 April 2023, 10.00 am**

**Mathon Parish Hall,  
Lane End  
Mathon  
WR13 5NY**

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**Malvern Hills AONB Joint Advisory Committee**  
**Friday, 28 April 2023, 10.00 am,**

**Members**

**Elected Members:**

Cllr John Raine (Chairman)	Malvern Hills District Council
Chris Atkins	Malvern Hills Trust
Cllr Bronwen Behan	Malvern Hills District Council
Sven Bosley	Herefordshire Association of Local Councils
Anthony Johnson	Herefordshire Council
Cllr Helen l'Anson	Herefordshire Council
Cllr Scott Richardson Brown	Worcestershire County Council
Mike Wilkinson	Worcestershire Association of Local Councils
Roger Yeates	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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All the above reports and supporting information can be accessed via the Council's website.

Date of Issue: Friday, 14 April 2023

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

### **A PROPOSAL TO EXTEND THE MALVERN HILLS AONB BOUNDARY**

#### **Recommendation**

- 1. The Committee is recommended to:**
  - a) Discuss the proposal to extend the AONB; and**
  - b) Consider whether the AONB Partnership should support this work going forward as the applicant.**

#### **Background**

2. Suggestions that the Malvern Hills AONB could be extended to cover the attractive range of hills to the north of Knightwick (stretching past Martley, Great Witley and as far as the village of Abberley – the Abberley Hills) are not new. For example, Tenbury Town Council wrote to the AONB Partnership in 2005 asking about this matter. In 2015 representatives of the Abberley Hills Preservation Society (AHPS) presented a proposal for a possible boundary extension to the MHAONB JAC. At the end of the presentation the Committee asked that the AONB Unit be kept informed of any progress. In the same year the AHPS submitted the proposal for consideration by Natural England - the government agency responsible for protected landscapes.
3. Some progress has been made with the Abberley Hills boundary variation proposal since it was presented to the JAC in 2015. For example, work was commissioned by AHPS to explain how the proposed area meets the Protected Landscape Natural Beauty criteria set out by Natural England. This work was carried out by Francesca Iribar at Viento Environmental. BBC news also spent a day filming the area and interviewing a number of local interests and a piece was broadcast on the BBC Midlands news. Abberley Parish Council have been kept informed of developments and more recently a number of local authorities and key interest groups have been contacted about this subject.
4. In addition to the suggestion for a variation of the AONB boundary members will be aware that there have also been proposals/suggestions made in recent years for a National Park in the local area.

#### **A question to the AONB Partnership**

5. On 2 February 2021 Natural England wrote to the Malvern Hills AONB Unit asking for a view on whether the AONB Partnership supports this variation proposal remaining on the register of potential future designations. At that time, we replied that discussion on any possible change of status or area of the AONB was best had once the Government had responded to the National Landscapes review, which it has now done.

6. In recent correspondence with the AHPS Natural England has made it clear that any proposal for an extension of the AONB boundary would be significantly strengthened if it had the support of the AONB Partnership. With this in mind the AHPS has recently written to the AONB Unit asking if the JAC/Partnership would consider being applicants for the proposal. Whilst we have previously expressed the view that actively pushing for such a variation is not the job of the JAC, anecdotal evidence gleaned from AONB colleagues elsewhere in the country suggests that this would not be an unusual position to take. For example, AONB JACs in Suffolk have been the drivers behind proposals for two AONB boundary variations, one for the Suffolk Coast and Heaths AONB (this boundary change has now been implemented) and one for the Dedham Vale AONB.

### **Implications for the AONB Unit**

7. A decision as to whether to support this proposal or to be the lead applicants for it lies with the JAC. However, the Steering Group recently considered this topic and the issue of possible resource implications for the AONB Unit. More information on this matter is being gathered.

8. In June 2021 Natural England - the agency responsible for considering and implementing boundary reviews - announced a new landscape designation programme including considering the creation of new AONBs in the Yorkshire Wolds and Cheshire Sandstone Ridge, and extensions to the Surrey Hills and Chilterns AONBs. It is likely that this current programme will occupy Natural England's work on new designations for a considerable period of time and it is believed that there is a long list of possible boundary reviews to NPs and AONBs for NE to consider thereafter. For these reasons, a proposal to extend the Malvern Hills AONB boundary should probably be considered a very slow burn. It is possible that its impacts on Unit staff resources may be spread more thinly over a long period of time.

### **The proposal**

9. A summary of key points related to a boundary extension can be found as Appendix 1 to this paper. *Please note that the paper in this appendix has been produced by the Abberley Hills Preservation Society.*



# Proposed extension to Malvern AONB

WORKING TOGETHER

Lisa Walker | Abberley Hills Preservation Society | April 2023

## Introduction

In 2015 after a call for proposals by Natural England, Abberley Hills Preservation Society made a proposal that Malvern Hills Area of Outstanding Natural Beauty is extended to include the spectacular landscape to the north of the existing boundary.

- A landscape survey was commissioned by AHPS who instructed Francesca Iribar.
- An indicative map showed the Worcestershire Way and the Abberley and Malvern Hills geopark help inform a potential northern extension.
- 27 years ago, in 1996 landscape architect Don Walters held a meeting in County Hall supported by CPRE that there should be an AONB boundary review which was also supported by Malvern Hills Joint Advisory Committee. There have been repeated calls by local campaigners to reconsider the existing boundary.
- In September 2019 an independent Landscapes Review: National Parks and AONBs was published by Julian Glover. This covered 44 national landscapes including National Parks and AONBs. The government issued a response in June 2021 and a policy paper was released in January 2022.
- A number of proposals had been received by Natural England relating to new AONB proposals and extensions to existing AONBs, amongst them the Malvern Hills extension.
- The four proposals that are currently being considered more closely are two new proposed AONBs the Yorkshire Wolds and the Cheshire Sandstone Ridge and two extensions to the Surrey Hills and Chiltern AONBs.
- 2017 Martley, Knightwick and Doddenham Neighborhood Plan proposed an extension to the Malvern Hills AONB.
- 2018 CPRE Worcestershire proposed an extension to Malvern AONB

### NATURAL ENGLAND STRATEGIC MAPPING TOOL AND NATIONAL CHARACTER PROFILE

Natural England have launched their strategic mapping tool that clearly shows the proposed extension as having the highest landscape value. Natural England recognises that the area maintains its tranquil, rural landscape which has largely escaped the pressure of modern development and retained small villages and traditional timber frame buildings, hop yards, hop kilns and cider houses.

Natural England also identifies that the woodlands of the Teme Valley interconnects with the Malvern Hills and that the Abberley Hills are the most conspicuous landscape feature forming a visual continuation of the north/south Malvern ridge.



## **PARISHES AFFECTED BY PROPOSAL**

The following parishes are included:

Abberley

Dunley

Great Witley and Hillhampton

Shelsley Beauchamp, Shelsley Kings, Shelsley Walsh

Martley

Clifton Upon Teme

Doddenham

Alfrick and Lulsley

## **CONSULTATION**

The parish councils have been consulted regarding their support on the proposal. We have yet to receive any objection and have been overwhelmed with the level of support received from other parishes.

District Councillors, County Councillors, Harriet Baldwin MP, Worcestershire Wildlife Trust, NFU, CLA and CPRE have also been consulted.



## **GLOVERS LANDSCAPES REVIEW**

Julian Glover stated “we need to reignite the fire and vision which brought the system this system into being in 1949” when he referred to National Parks in Access to the Countryside Act. He also stated “we think AONBs should be strengthened with increased funding and governance reform” and “ we also want to see the process for creating designations and changing boundaries made simpler, easier and quicker.”

### **HOW THE AREA CAN CONTRIBUTE ON ALL AONB CONSIDERATIONS**

**GEOLOGY** In 2003 the European Geopark network became a member of UNESCO endorsed global Geoparks. Within the Geopark boundary there is outstanding geology spanning 700 million years of Earth’s history. Through many rock types and striking folds and fault structures there is a rich variety of fossils. There is also evidence of the Ice Age. All of this is integrated within a wealth of ecological, historic, dramatic landscape and cultural heritage. The Abberley Hills themselves were formed 444 million years ago during the Silurian period. Tropical seas teeming with wildlife and coral reefs were prevalent and fossilised creatures are easily found in Silurian limestone.

The Teme Valley is recognised for important Tufa Springs emerging from beneath the Bishops Frome Limestone which is an important geo indicator of current environmental status and helps support a variety of species.

### **ECOLOGY**

The whole area is a rich biodiverse environment with Peregrine Falcons, kites and Buzzards. It is a perfect habitat for many rare orchids. The disused limestone quarries create an important habitat for a variety of flora including the rockrose, thistles, wild thyme and Dyers Greenweed. There at least eight species of orchids due to the alkaline soils, the rare moths that lives on the lime trees and rare butterflies including Wood White are all noteworthy. There are several sites of special scientific interest in the proposed extension.

### **ARCHITECTURE**

The area is known for its ancient settlements, churches, castles, mills, hop kilns, timber framed cottages, mediaeval farm houses and manor houses.

### **ARCHEOLOGY**

Archaeological digs have taken place with unexpected Neolithic finds and evidence of very early settlements. There is still evidence of Roman terracing for growing grape vines on the hillside of Abberley. A lottery funded community project revealed some of its early medieval history but there is so much more to discover. Tantalizing clues to earlier occupation. The historical standoff between Owain Glyndwr and Henry IV. The hill forts at British Camp and Summer Hill are well known but Iron Age hill forts can also be found on Woodbury Hill and Berrow Hill. Their prominence can be attributed to the same geological feature, the Malvern Axis, this is the line of hills that was formed by powerful events millions of years ago causing uplift of the land that formed the hills.

## **ANCIENT TREES, WOODLANDS AND ORCHARDS**

Ancient tree surveys by the Teme Valley Wildlife Group have been undertaken and there are some excellent examples of veteran oaks and ancient trees around the whole area. A particularly important habitat on Abberley Hill is on the North-west facing slope this type of woodland is not common in Worcestershire. Evidence of ancient natural woodland can be seen. It is also one of the few areas of ancient yew woodland in Worcestershire as well as semi natural woodland noted for large, leafed lime and narrow leaved Bittercress. Ancient orchards that once covered large areas can still be found.

## **HOW AN AONB EXTENSION COULD ENRICH THE GREATER ALLOCATION**

- An extension would help create high quality natural environments that would help future generations enjoy a protected landscape.
  
- The Malvern Hills a AONB covers approximately 105 square kilometres one of the smallest of the country's AONBs.
  
- Enlarging the area would create a more strategic view of a larger landscape.
  
- The Geopark and Worcestershire Way already provide a natural route along the connected hill line that includes Abberley, Walsgrove, Berrow, Ankerdine and Malvern Hills. A coordinated and integrated approach would be a huge benefit to the greater area.
  
- There is no logic to the Northern boundary of the current AONB designation. Stopping the boundary at this point is not reflective of the continuation of the incredibly unspoilt, beautiful and in parts dramatic countryside that runs along the entire length of the natural hill line to the Abberley Hills.

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

### **28 APRIL 2023**

## **HOUSING AND LANDSCAPE-LED DEVELOPMENT IN THE MALVERN HILLS AONB - DRAFT POSITION STATEMENTS**

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### **Recommendation**

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

- a) Discuss, amend (if necessary) and endorse the ‘Housing Position Statement’ and its associated Appendices as a consultation draft;**
- b) Discuss, amend (if necessary) and endorse the ‘Landscape-led Development Position Statement’ and its associated Appendices as a consultation draft;**
- c) 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**
- d) Agree a formal review date of both position statements to take place every five years unless otherwise amended.**

### **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 seek to help to deliver objectives and policies contained within the Malvern Hills AONB Management Plan.

3. The position statements are brief, stand-alone documents which set out the position (framed in terms of principles and recommendations) and provide some brief context explaining why the Partnership is taking this position. Whilst the AONB Partnership has previously published one position statement, this being on Setting, it is recognised that the adoption of Position Statements has become increasingly commonplace across several Nationally Protected Landscapes, including the Cotswolds AONB, who have produced very similar documents to these position statements.

4. The AONB Management Plan is a statutory document and a material consideration in planning decision-making. However, it is the adopted development plan policies of the relevant local authority that planning decisions are required to be taken in accordance with, unless material considerations indicate otherwise. As such, within the planning system, the hierarchy of development plans, AONB Management Plan and position statements is as follows:

- Local authority development plan and Neighbourhood Development Plan.
- AONB Management Plan.

- Position statements and Guidance.

5. The two draft position statements have been prepared by a local volunteer, Sue Haywood, in conjunction with staff in the Malvern Hills AONB Unit, namely the AONB Planning Officer (shared) and AONB Partnership Manager. They provide further context, guidance and recommendations in relation to specific Management Plan policies and associated issues. They are not intended to create new policies and will sit alongside the already widely published Guidance by the Partnership.

6. Consideration should be given to how the Partnership monitors development management decision-making within the Malvern Hills AONB, to help demonstrate the effectiveness of the position statements and other policy and guidance in supporting Local Planning Authority decision-making. The two position statements relate to one another and are thus being presented together. The position statements are summarised below.

### The Housing Position Statement

7. The over-arching principle of this position statement is for housing development in the Malvern Hills AONB to be based on robust evidence of need arising **from within** the National Landscape. This is in line with Policy BDP3 of the Malvern Hills AONB Management Plan 2019-2024. Currently, assessments of housing need and housing requirements are based on local authority boundaries, not on the AONB boundary.

8. 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 boundary. This could be avoided if 'housing need' and 'housing requirements' are clearly differentiated.

9. 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.

10. This is demonstrated by the fact that the draft 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 between 'housing need' and 'housing requirements'.

11. In effect, the recommendations in the draft position statement 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.

12. The position statement is intended 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.

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

13. 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.

14. 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.

15. The draft 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.

16. 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 proposed development in the AONB constitutes major development.

17. Consideration of landscape and visual impacts 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.

18. 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.

## **Consultation**

19. It is intended that both draft Position Statements be published for wider consultation with relevant stakeholders and interested parties. This primarily includes the three 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.

20. The consultation is expected to be a six-week period to commence as soon as reasonably possible following the meeting, should both position statements be endorsed.

### **On-Going Review**

21. 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. non-material 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.

22. 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 to this committee for endorsement when the time comes.

23. These position statements along with the appendices should be beneficial as part of training sessions/presentations with elected members as well as Strategic, Neighbourhood Planning and Development Management Officers in local authorities.

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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 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. Providing housing that meets the needs of the local communities within the MH AONB plays an important role in achieving these aspirations.

1.3 However, as outlined in the MH AONB Landscape-led Development Position Statement, 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 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.

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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*

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'.
- 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.

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

2.1 The primary purpose of the MH AONB Partnership's position statements is 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 are not intended to create new policies.

2.2 The MH AONB Partnership's position statements are also intended to help local authorities, developers and other relevant stakeholders:

- to have regard to – and positively contribute to - the purpose of AONB designation;
- to ensure that the purpose of AONB designation is not compromised by development and that the natural beauty of the MH AONB is conserved and enhanced;
- to fulfil the requirements of the National Planning Policy Framework and Planning Practice Guidance (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
- to take account of relevant case law;
- to have regard to and be consistent with the AONB Management Plan and guidance published by the Partnership;
- to emulate best practice in the MH AONB and other protected landscapes;

- to develop a consistent and coordinated approach to relevant issues across the whole of the MH AONB and its setting<sup>3</sup>.

2.3 With regards to housing need and affordable housing, the most relevant policy 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 The Partnership's position statements are supplementary – and subsidiary - 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 may be a material consideration in planning decisions. However, we acknowledge that, in a plan-led planning system, it is the policies of the relevant adopted local authority development plan that have the greatest weight in planning decisions. As such, within this planning system, the hierarchy of development plans, AONB Management Plan and position statements is as follows:

- Local authority development plan.
- AONB Management Plan.
- Position statements.

### **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 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, or its setting, that have the potential

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<sup>3</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.

to have a significant adverse impact on the natural beauty of the AONB and/or meet needs arising elsewhere.

4.4 However, we hope that this position statement will help to ensure that the right balance is achieved across the MH AONB, with an appropriate quantum and type of housing being delivered in a way that is compatible with the purpose of AONB designation and which 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>4</sup>.

5.1.2 However, 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>5</sup>. In contrast, establishing the 'housing requirement' for an area requires consideration of 'constraints'<sup>6</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 however, as the standard method figure is based on the local authority area as a whole rather than on the AONB area and development plan consultation documents sometimes give the impression that the local authority area must accommodate the housing need figure identified through the standard method (i.e. that this figure is a 'target'). Efforts to accommodate this housing need figure potentially risk harming the outstanding natural beauty of the MH AONB.

5.1.5 The Ministerial Statement released in December 2022 announced a review and updates to the NPPF in order 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.

5.1.6 The requirement to take account of AONBs in this process is an important factor in the Government's assertion that NPPF policies relating to AONBs 'may mean that objectively assessed needs cannot be met in full through the plan making process'.

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<sup>4</sup> Paragraph 61 of the NPPF 2021

<sup>5</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>. Paragraph 001.

<sup>6</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>. Including paragraphs 002, 010, 012, 013, 014, 015, 018, 021 and 025.

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>7</sup>.

#### 5.1.8 Recommendations:

- The housing need figure identified using the Government's standard method should not be presented as a 'target' for housing provision.
- The recommendations outlined in the Partnership's Landscape-led Development Position Statement should be an important consideration when assessing housing and economic land availability.
- It should be recognised that the policies of the NPPF, relating to AONBs and other relevant designations, may mean that 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 merit 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. 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>8</sup>.

#### 5.2.2 Recommendation:

- If AONB-related constraints mean that objectively assessed needs cannot be met in full, local authorities should seek to identify how these needs might be met in neighbouring authority areas.

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

5.3.1 Three local planning authority areas overlap with the MH AONB – Herefordshire Council, Malvern Hills District Council and the Forest of Dean District Council<sup>9</sup>. As well as meeting their own housing needs, all three local authority areas are required (through the

<sup>7</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041

<sup>8</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>. Paragraph 025.

<sup>9</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).

duty to cooperate and statements of common ground) to accommodate unmet needs arising in adjoining local authorities areas. This adds to the overall pressure for more housing within the local authority area, including within the section of the local authority area that overlaps with the MH AONB. .

5.3.2 Within the local authority areas that overlap with 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>10</sup>.

5.3.4 As such, the MH AONB is unlikely to be a suitable area for accommodating the unmet needs from local authority areas that do not overlap with the AONB even if the overlapping local authorities do 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 located in the same local authority area as the AONB: it is unlikely that it would be appropriate to extend, into the AONB, the built environment of settlements that lie adjacent to the AONB.

5.3.5 The Government guidance does not define 'unlikely' in this context. 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 authority area that overlaps with the MH AONB is required to accommodate unmet needs from neighbouring local authorities (including as part of a joint plan, such as the SWDP), this unmet need should not be factored into housing provision in the MH AONB at either the plan-making stage or development management stage.\*
- 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.

## 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'.

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

5.4.2 There are a number of reasons for prioritising the provision of affordable housing in the MH AONB. For example, as outlined above, 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>11</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>12</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>13</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 now also requires that the scale and extent of development in AONBs (as with National Parks) should be limited<sup>14</sup>. As such, it is 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>15</sup>.

#### 5.4.6 Recommendations:

- Housing provision in the MH AONB should be focussed 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>16</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>17</sup>. The Landscapes Review Final Report reiterates this point, stating that '*National Parks, as planning authorities, should consider using their powers to set*

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<sup>11</sup> Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Para 78.

<sup>12</sup> Ministry of Housing Communities and Local Government (2020) White Paper: Planning for the Future. Para 2.25.

<sup>13</sup> Defra (2010) *English National Parks and the Broads – UK Government Vision and Circular 2010*. Para 78.

<sup>14</sup> Paragraph 176 of the NPPF 2021

<sup>15</sup> Defra (2019) Landscapes Review Final Report). Proposal 18: A new National Landscapes Housing Association to build affordable homes.

<sup>16</sup> Annex 2: Glossary of the NPPF 2021 provides a helpful definition for affordable housing

<sup>17</sup> Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Para 79.

*conditions on new housing to ensure it remains affordable*<sup>18</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.

5.5.3 As explained in the 'Affordable Housing' section, above, 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 is still scope to prioritise – and set conditions for - housing that is affordable in perpetuity.

#### 5.5.6 Recommendation:

- 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 council area and Homeseeker Plus in the Forest of Dean district.

5.6.2 All three schemes operating within the MH AONB include some condition for local connection (usually to the local authority area)<sup>19</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.

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

<sup>19</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.



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);
- is compatible with the Partnership's 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 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;
- 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>20</sup>;
- provision of affordable housing is sought for residential developments of 5 units or fewer<sup>21</sup>.

5.7.3 Appendix 2 provides examples of what we would consider to be 'best practice' case studies. In some protected landscapes, such as the Arnside & Silverdale AONB, 50% affordable housing is required for developments of two or more dwellings<sup>22</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

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<sup>20</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>21</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>22</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.

houses that need to be built to meet locally identified affordable housing need<sup>23</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 high / 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>24</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, when reviewing local and/or neighbourhood plans, the plan-making body should give consideration to setting policies for affordable housing provision in the MH AONB that require:
  - at least 50% affordable housing in market housing developments;
  - 100% affordable housing on Rural Exception Sites, with a lower percentage only being permitted in exceptional circumstances and the absolute minimum being 75%;
  - on-site affordable housing provision for housing developments of five units or fewer.

## 5.8 Evidence Of Local Need Arising Within The Malvern Hills AONB

5.8.1 As outlined earlier in this position statement, 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.

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.

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<sup>23</sup> For example, the affordable housing need identified in rural housing need surveys.

<sup>24</sup> Defra (2019) Landscapes Review Final Report. Proposal 18: A new National Landscapes Housing Association to build affordable homes.

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>25</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>26</sup>.

### 5.8.5 Recommendations

- 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.

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<sup>25</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, or 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>26</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.

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 housing. Ideally, this would be done on a five year rolling programme.

## 5.10 CHOICE BASED LETTINGS 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, Housing for You currently doesn't capture a homeseeker's 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. We also understand that it may also fail to identify applicants who may have already moved or who no longer have a housing need. 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.

5.10.2 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.

#### 5.10.3 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 home owners, and the resulting increased demand within a reduced pool of housing stock can inflate house prices and worsen 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>27</sup>.

#### 5.11.2 Recommendation:

- When plan-making bodies are reviewing their development plans, they should give consideration to setting policies that ensure that new market housing is used as a principle residence rather than as a second home or holiday home.

## 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>28</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>29</sup>.

### 6.2 Location

6.2.1 As outlined in the Malvern Hills AONB Partnership's Landscape-led Development Position Statement, a key consideration in locating new development is to avoid allocating or permitting development on sites (or land parcels) that have been identified as having high or medium-high landscape sensitivity to the type and scale of development being proposed.

6.2.2 Another key consideration is locating new housing development close to essential services and facilities, so as to reduce / minimise reliance on car use to access these services and facilities. In other words, focussing on housing development on settlements higher up the 'settlement hierarchy'.

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.

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<sup>27</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>28</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

<sup>29</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 042.

#### 6.2.4 Recommendations:

- New housing should not be located in areas that have been identified, in landscape and visual sensitivity studies, as having high or high-medium sensitivity to the scale of housing development being proposed.
- The location of new housing should be consistent with the 'settlement hierarchy' approach, whereby housing is targeted towards settlements that have a good level of services and facilities.
- New housing should be sited in locations that facilitate opportunities for people to travel and access services by a range of transport modes, reducing dependency on car use.

### 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>30</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
- 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

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<sup>30</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.

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 the area's 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 .

6.3.4 In addition, the MH AONB Partnership's *Landscape Strategy and Guidelines* and also its *Guidance on how development can respect Landscape in Views* 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 Another key reference point for the design of new housing is the design guides / guidance published by the local authorities, sometimes as part of the local authority development plan. There is not, currently, one over-arching design guide for the whole of the Malvern Hills AONB.

6.3.6 An increasingly important consideration will be the extent to which new housing development incorporates energy conservation and renewable energy measures, such as solar panels, as part of the overall objective of mitigating the impacts of climate change. Ideally, 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 Recommendations:

- New housing developments in the MH AONB should:
  - respect the locally distinctive characteristics of the existing settlement;
  - respect the relevant 'special qualities' of the MH AONB;
  - be consistent with relevant policies of the MH AONB Management Plan;
  - be consistent with MH AONB guidance, including but not limited to its *Landscape Strategy and Guidelines; Guidance on how Development can respect Landscape in Views; Guidance on Building Design; Guidance on the Selection and Use of Colour in Development; and its Guidance on Lighting*.
  - facilitate opportunities for people to travel and access services by a range of transport modes, reducing dependency on car use.
- New affordable housing should be indistinguishable from market housing in character and design quality and should be fully integrated into the village fabric.

## 7.0 SUPPORTING INFORMATION

7.1 In addition to the 'end notes' provided below, this Position Statement is supported by a number of appendices (as a separate document), which provide:

- Extracts from the Government's guidance on 'Housing and Economic Land Availability Assessment' (Appendix 1).
- Case studies of best-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

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# MALVERN HILLS AONB

## 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.

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## 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.*’

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*

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<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.

*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 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

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

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

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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## 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.

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<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.



### **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.

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## **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:

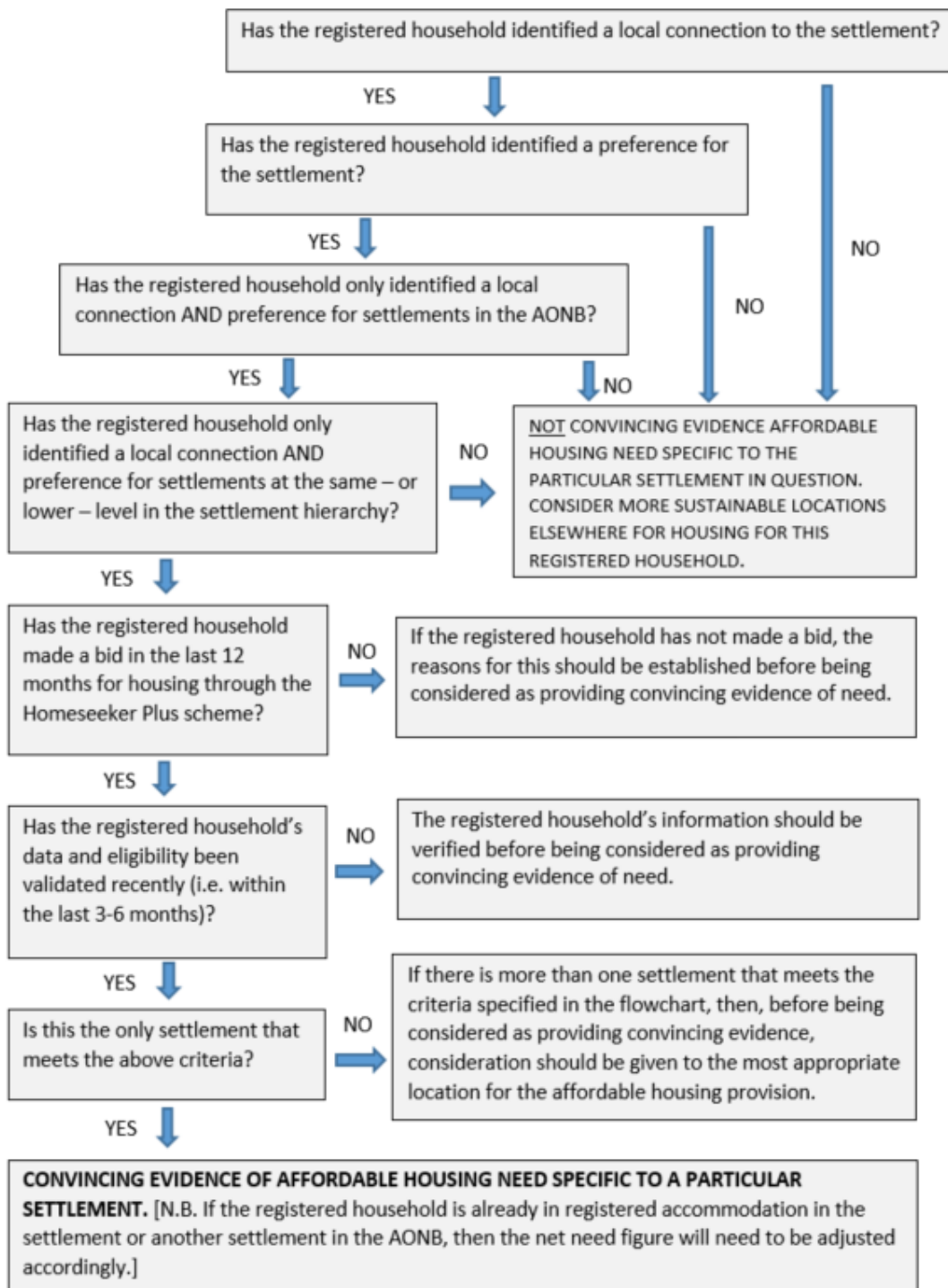
- a) meet a particular local need that cannot be accommodated in any other way
- b) be subject to a planning obligation under Section 106 of the Town and Country Planning Act (1990) to ensure that the dwellings provide for low-cost housing for local needs in perpetuity
- c) be capable of management by 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* .

**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>10</sup>**



<sup>10</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 *Homeseeker 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>11</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>11</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).

# 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 However, 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>;

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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'.

- 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;
- 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. In principle, planning policies and decisions can support this in 6 main ways, which include protecting important natural, landscape and heritage assets<sup>7</sup>.

1.5 National planning policy and guidance helps to 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;
- 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>;
- 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 is 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 are not intended to create new policies.

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<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).

<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.

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

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

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 and/or Landscape and Visual (Impact) Assessments, as appropriate.
- 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 Partnership’s position statements are also intended to help plan-making bodies (such as local authorities and neighbourhood plan groups), developers and other relevant stakeholders:

- to have regard to – and positively contribute to - the purpose of AONB designation;
- to ensure that the purpose of AONB designation is not compromised by development and that the natural beauty of the MH AONB is conserved and enhanced;
- to fulfil the requirements of the National Planning Policy Framework and Planning Practice Guidance (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
- to take account of relevant case law;
- to have regard to and be consistent with the AONB Management Plan and guidance published by the Board;
- to emulate best practice in the MH AONB and other protected landscapes;

- to develop a consistent and coordinated approach to relevant issues across the whole of the MH AONB and its setting<sup>10</sup>.

2.4 With regards to best practice, this position statement is particularly inspired by the Cotswold National Landscape Management Plan 2023-2025 and their Landscape-Led Development Position Statement. It is also inspired by the landscape-led approach of the South Downs Local Plan and the Arnside & Silverdale AONB Development Plan Document. Appendix 1 of this position statement provides case studies of both these latter documents.

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

3.1 The Partnership's position statements are supplementary – and subsidiary - 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 be a material consideration in planning decisions. However, we acknowledge that, in a plan-led planning system, it is the policies of the relevant adopted local authority development plan that have the greatest weight in planning decisions. As such, within this planning system, the hierarchy of development plans, AONB Management Plan and position statements is as follows:

- Local authority development plan.
- AONB Management Plan.
- Position statements.

### **4.0 ACHIEVING THE RIGHT BALANCE**

4.1 The MH 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 (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. As outlined above, the aspiration should be to deliver new development in a way that is compatible with – and positively contributes to – the purpose of AONB designation.

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<sup>10</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).



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>11</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.

## **5.0 CLIMATE AND ECOLOGICAL EMERGENCIES**

5.1 All three 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<sup>12</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>13</sup> is compatible with and,

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<sup>11</sup> R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 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...'

<sup>12</sup> The Partnership aims to review and update its documentation on these subjects. They include but are not restricted to, the Partnership's Nature Recovery Strategy and our Guidance on Renewable Energy Technologies.

<sup>13</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

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, 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 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>14</sup>. Given that relevant authorities must have regard to the purpose of AONB designation in their decision-making, it would make sense for stakeholders who are putting forward development proposals to also have regard to this statutory purpose.

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>15</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>16</sup>, as this scale of development has the greatest potential to adversely

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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>14</sup> Section 85 of the Countryside and Rights of Way Act

<sup>15</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>16</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

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 even 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 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 and visual impacts 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*".

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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

## 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>17</sup>):

- A landscape sensitivity and capacity assessment (LSCA)<sup>18</sup> and/or Landscape Visual Impact Assessment (as appropriate) 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>19</sup>.
- This study should assess the sensitivity of these sites to types and scales of development being considered. The cumulative impact of development of the sites should be considered.
- Where such robust studies identify that the sensitivity of the landscape to specific types and scales of development is high, or medium-high (and where any development impacts could not be fully mitigated), the development should be deemed to exceed the capacity of the landscape to accommodate that development<sup>20</sup>.
- Where the identified landscape sensitivity is below these thresholds, assessments should be made of the specific quantum of development that could theoretically be accommodated on these sites, based on appropriate assumptions (for example, assumptions relating to design, density, layout, etc.).
- 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 LVSCS 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:

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<sup>17</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>18</sup> Relevant guidance is provided in Natural England's 'An approach to landscape sensitivity assessment – to inform spatial planning and land management'

<sup>19</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.

<sup>20</sup> This approach is applied in the South Downs National Park, as outlined in paragraph 4.19 of the Landscape Background Paper for the South Downs Local Plan: 'A site assessed as having high landscape sensitivity, or medium-high landscape sensitivity where any development impact could not be fully mitigated, were generally found unsuitable for housing development'. A relevant resource for the Malvern Hills AONB would be the 2019 MHDC *Malvern Hills AONB Environs Report Landscape and Visual Sensitivity Study* which forms part of the evidence base for the South Worcestershire Development Plan.

- Landscape and Visual Impact Assessments (LVIAs) should be undertaken for all development that requires an Environmental Impact Assessment (EIA)<sup>21</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 impacts<sup>22</sup>. The nature of such appraisals should be proportionate to the likely potential for adverse impact.
- 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 and small scale changes, on the AONB should be considered.
- Where a LVIA or LVA identifies that a development in the MH AONB would have 'significant' or 'moderate-significant' effects, such development should be deemed to constitute 'major development'.
- 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 LVSCS and LVIA / LVA assessments, albeit with some 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>23</sup>.
- 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>24</sup>.
- Great weight should be given to landscape and scenic beauty, in line with paragraph 176 of the NPPF<sup>25</sup>.

<sup>21</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>22</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>23</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.

<sup>24</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>25</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.

- Potential allocations and development proposals in the MH AONB should be fully assessed to see if they constitute major development in the context of paragraph 177 and footnote 60 of the NPPF. The local planning authority should explicitly state whether they consider such allocations / proposals to constitute major development.
- The process for screening major development should be closely aligned to the Environmental Impact Assessment (EIA) screening process.
- There should be a presumption against granting planning permission for major development. In other words, the local planning authority should not simply weigh all material considerations in a balance, but should refuse an application unless they are satisfied that (i) there are exceptional circumstances, and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest.<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’.
- No permission should be given for major development save to the extent the development was needed in the public interest, met a need that could not be addressed elsewhere or in some other way and met that need in a way that to the extent possible, moderated detrimental effect on the environment, landscape and recreational opportunities<sup>27</sup>.

## 7.2 Natural Beauty<sup>28</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 include:

- landscape quality / beauty;
- scenic quality / beauty;

<sup>26</sup> Paragraph 172 of the NPPF specifically addresses the issue of major development in the context of planning permissions (i.e. as part of the development management process). However, legal opinion has stated that ‘*it would arguably amount to an error of law to fail to consider [paragraph 177] at the site allocations stage of plan making for the National Park. The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF*’. The ‘*Assessment of Site Allocations Against Major Development Considerations*’ undertaken by the South Downs National Park Authority in 2015 and 2017 as part of their Local Plan process is an excellent case study in this regard.

<sup>27</sup> R (Adverse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807.. Direct quote from paragraph 35.

<sup>28</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. As such, 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.

- relative tranquillity (including ‘dark skies’);
- relative wildness;
- natural heritage (including ‘biodiversity’);
- cultural heritage (including ‘historic environment’);
- the special qualities of the MH AONB

7.2.2 These factors should be assessed:

- 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>29</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>30</sup>

7.3.1 Development in the MH AONB that is listed in Schedule 1<sup>31</sup> of the EIA regulations should be classed as major development (see ‘Major Development’ above), as should Schedule 2<sup>32</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. Within the ‘sensitive area’ of the MH AONB, 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>29</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).

<sup>30</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>31</sup> <https://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>

<sup>32</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 best-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).

### Specific Contact Points for this report

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# 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.

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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](#)).

- **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 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.

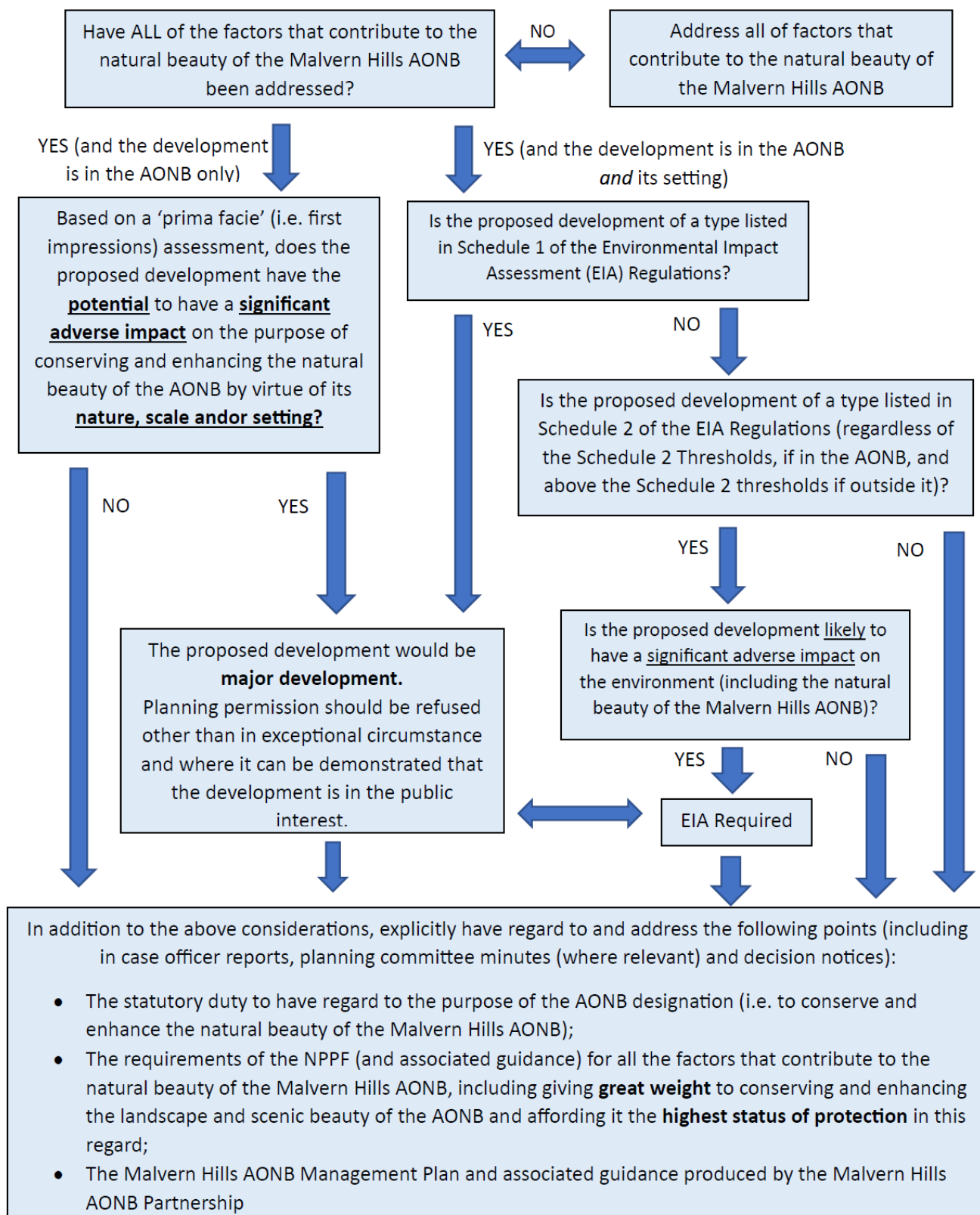
### LANDSCAPE-LED CASE STUDY 3: A417 MISSING LINK ROAD SCHEME

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**

### **28 APRIL 2023**

## **AONB BUDGET AND WORK PROGRAMME 2023/24**

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### **Recommendation**

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

- a) Note the budget for 2023/24; and**
- b) Comment on the overall direction and work priorities for the year ahead.**

### **Summary**

2. A summary of the draft 'core' budget for the year is provided in Appendix 1. Budget figures from the previous year are provided in brackets for comparison. The main points to note are as follows.

### **Budget**

3. The total core budget (not including voluntary contributions from Parish Councils) for 2023/24 is £215,594, this is unchanged from 2022/23. This reflects an increased grant settlement from Defra to AONB Partnerships covering the period 2022-2025.
4. Central government (Defra) is providing a total of £173,490 (£173,490). Local authorities in the area are providing £42,104 (£42,104) of match funding to core costs in the following proportions:

Herefordshire Council - £16,334  
Worcestershire County Council - £13,268  
Malvern Hills District Council - £11,000  
Forest of Dean District Council - £872  
Gloucestershire County Council - £630

## **Voluntary contributions**

6. At its meeting on 26/04/13, JAC members agreed that there was merit in inviting Parish and Town Councils to make voluntary contributions to the work of the AONB Partnership. An initial request was made to a small number of Councils and, following some success, additional Councils were contacted. Appendix 2 summarises contributions received since 2017/18. Whilst some individual contributions may be small they can add up to very decent totals which are useful when added to the overall budget for delivering the Partnership's work programme. Financial contributions can be seen as a tangible expression of how local councils value the work of the AONB Partnership.

## **Staff**

7. A part time Planning Officer commenced work on 1 February 2023. David Armitage and Karen Humphries share the post of Partnership Assistant Manager working for a combined 6 days a week. The Partnership Support Officer post has been vacant since 2020 but help with financial transactions etc is provided by the Worcestershire County Council Greenspace team.

## **Work priorities**

8. The Unit's work programme for 2023/24 will be centred around the implementation of the AONB Management Plan but is also expected to be driven, significantly, by more recent drivers and initiatives. Key priorities for the year are expected to include:

- Implementing the Nature Recovery Plan for the AONB and participating in partner initiatives to progress nature recovery (e.g. Biodiversity Net Gain, development of Local Nature Recovery Strategies).
- More work on helping people to make an emotional connection with the AONB, perhaps through the development of a local or national (in partnership with others) arts project.
- Understanding populations in and around the AONB and work to increase participation amongst different audiences (including preparing for a second year of delivering Defra's Capital Access Grants in 24/25).
- Advice and support to landowners via the landowners group (NB Charlotte Vincent who has previously supported us in this role is no longer doing so). This might include a focus on catchment and water management.
- Delivering Defra's Farming in Protected Landscapes Programme.
- More work on planning. This could include revising the AONB Building Design Guide and renewables guidance and finalising new Position Statements. NB It is not known at this time whether the Planning Officer would have the time to undertake any of this work in-house. Work on strategic planning linked to reviews of the South Worcestershire Development Plan and Herefordshire Local Plan will also be a feature of planning work for the year.
- Compiling a State of the AONB report in line with new guidance from Natural England and new (anticipated) place-based targets.
- More work on helping partners to meet carbon zero targets and potentially producing a Climate Change Action Plan to put this work on a surer footing.

## **Project funding**

9. See paper on the agenda for information about funding to the Farming in Protected Landscapes programme.

## **County Council Contact Points**

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Appendix 1 –Indicative budget for Malvern Hills AONB Partnership in 2023/24

Element	2023/24	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
<b>Staff (costs inc. salary, NI, super, training, travel, NI, backfunding pensions etc)</b>								
AONB Manager	£65,495	£63,495	£58,941	£58,941	£57,399	£52,160	£52,410	£52,405
AONB Assistant Manager	£58,105	£64,225	£54,000	£44,518	£43,500	£39,510	£39,600	£39,500
AONB Support Officer/Team Support (WCC)	£5,000	£5,229	£0	£18,949	£18,202	£15,650	£15,770	£15,770
AONB Planning Officer	£25,000	£4,537						
Strategy Officer/Planning Advice			£8,000	£8,000	£8,000	£8,000	£7,000	£8,000
Landowner support		£3,965						
<b>Sub total</b>	<b>153,600</b>	<b>£141,452</b>	<b>£121,941</b>	<b>£130,408</b>	<b>£127,101</b>	<b>£115,320</b>	<b>£114,780</b>	<b>£115,675</b>
<b>Accommodation/ office equipment</b>	£10,000	£10,851	£9,072	£9,072	£9,072	£9,072	£8,742	£8,742
<b>Partnership budget for PR, events etc.</b>								
NAAONB membership	£2,700	£2,789	£3,000	£3,000	£2,575	£2,575	£2,400	£2,400
Annual review	£400	£340	£400	£400	£358	£400	£400	£400
Small grants scheme for landscape and biodiversity improvements	£5,000	£8,790	£10,000	£10,000	£4,000	£3,000	£3,600	£3,600
Landscape scale project development	£3,000	£2,840	£4,580	£4,580	£4,580	£3,000	£3,500	£3,500
External advice	£5,327	£15,722	£7,967	£3,500	£3,500	£1,500		
State of AONB report	£10,000					£5,000		
Management Plan review						£9,000		
Large projects	£5,000	£7,304	£8,000	£10,000	£5,000	£5,000	£6,980	£4,380
Communications	£2,000	£9,632	£7,000	£5,000	£3,000	£2,000	£2,000	£2,000
<b>Sub total</b>	<b>£33,427</b>	<b>£47,417</b>	<b>£40,947</b>	<b>£32,480</b>	<b>£23,013</b>	<b>£31,475</b>	<b>£24,880</b>	<b>£22,280</b>
<b>Partnership running costs (Council support, IT, personnel, finance etc.)</b>	£9,237	£9,327	£9,237	£9,237	£9,237	£9,237	£9,237	£9,237

<b>Sustainable Development Fund</b>	£9,300	£10,869	£12,190	£12,190	£22,875	£22,872	£25,991	£25,502
<b>Total Budget</b>	<b>£215,594</b> 1	<b>£219,826</b>	<b>£193,387</b>	<b>£193,387</b>	<b>£191,298</b>	<b>£187,976</b>	<b>£183,875</b>	<b>£181,436</b>

## **Appendix 2 – Voluntary contributions from Parish/Town Councils**

<b>Organisation</b>	<b>Contribution</b>				
	2022/23	2020/21	2019/20	2018/19	2017/18
Colwall PC	£2,500	£1,500	£1,500	£750	£750
Cradley PC	£100		£100	£100	£100
Ledbury TC			£500	£500	
Malvern Wells PC	£1,000	£1,000	£760	£1,600	£1,600
Little Malvern & Welland PC	£300	£300	£300	£250	£250
West Malvern PC	£300	£300	£300	£300	£300
Wellington Heath PC	£125	£100	£100		
Berrow PC				£50	
<b>Total</b>	<b>£4,325</b>	<b>£3,200</b>	<b>£3,560</b>	<b>£3,550</b>	<b>£3,000</b>

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<sup>1</sup> Not including additional voluntary contributions

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

### **28 APRIL 2023**

## **A NATURE RECOVERY PLAN FOR THE MALVERN HILLS AONB – YEAR 1 PROGRESS**

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### **Recommendation**

**The Committee is recommended to:**

- a) Note progress made with implementing the Nature Recovery Plan.**
- b) Identify actions which partners beyond the AONB Unit may have taken to deliver the plan/promote nature recovery in the 22/23 financial year.**

### **Background**

1. At its meeting on 5<sup>th</sup> November 2021 members received a presentation from Robert Deane of Rural Focus Ltd and considered a draft Nature Recovery Plan. A range of issues in relation to the draft Plan were raised and discussed. At its meeting on 8<sup>th</sup> April 2022 members were made aware that, following a period of consultation, the Nature Recovery Plan had been finalised and was available on the AONB website.

### **Summary**

2. The Nature Recovery Plan contains a Delivery Action Plan which sets out a series of actions for each of the strategic themes and priorities described earlier in the Plan. It should be noted that these are by no means the only actions which are being taken in relation to nature recovery in the area. In addition, it should be noted that there are significant changes taking place in national policy and so it was always intended that the Actions Table would be reviewed and updated.

3. Progress made against the Delivery Action Plan by the AONB Unit in 22/23 is summarised in Appendix 1. Members are encouraged to consider what actions the bodies they represent may have taken against the Plan in the same period. Members are reminded that we (and all AONB Partnerships) are awaiting Management Plan review guidance from Natural England, with an expectation that AONB Nature Recovery Plans may be integrated with AONB Management Plans in due course.

## County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

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

## Specific Contact Points for this report

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## Appendix 1 - DELIVERY ACTION PLAN Year 1 Progress (AONB Unit only)

This section sets out a series of actions for each of the strategic themes and priorities described earlier in this Plan. Due to the significant changes expected in national policy, the timescale for these actions covers the two years 2022 and 2023. It is intended that the Actions Table will be reviewed and updated during this period.

Theme and priority	Action	Lead bodies	Priority	Progress 03/23 (AONB Unit only)
<b>Priority A. The management of land for nature in the AONB</b>				
A.1. Work with and support individual farmers and landowners to develop appropriate action for nature on their land, supporting them through the Government's Agricultural Transition.	A.1.1. Ensure the <b>Farming in Protected Landscape</b> programme for the Malvern Hills AONB is used to support nature and the delivery of this Plan	MHAONB	High	All FiPL applications checked for compliance with NRP. 5 woodland management plans
	A.1.2. Continue to hold/build on <b>demonstration and training events on farms and estates</b> to promote beneficial land management and promote uptake.	MHAONB and AONB Partners including MHT	High	2 AONB landowner group training events this year (one postponed due to weather)
	A.1.3. Identify and promote suitable <b>Local Nature Recovery Scheme actions</b> , working with LNRS convenors.	MHAONB with Local Nature Partnerships	Medium	No progress
	A.1.4. Promote and support the development of <b>high value sustainably produced products</b> from the land.	AONB Partners	Ongoing	No progress
A.2. Work with farmers and landowners at a large scale across the AONB and its setting to strength core areas and networks for nature	A.2.1. Continue and build on <b>cluster group working</b> with farmers and landowners across the AONB following the end of current funding for the Farm Facilitation Groups in March 2022.	MHAONB	Medium	Former FF Group merged with a northern group to form one AONB gp. 44 members own +6000 ha.
	A.2.2. Investigate with Defra and local partners the potential for a <b>Landscape Recovery Scheme</b> project to strengthen nature connectivity within the AONB.	MHAONB Partners	Low	No progress
	A.2.3. Explore opportunities for <b>coordinated land management initiatives</b> that could benefit key habitats at the landscape scale, e.g. establishment of a Deer Management Group.	MHAONB Partners	Medium	Deer mgt event in November 2022 proposed a Deer Mgt Gp for AONB. Little interest.

Theme and priority	Action	Lead bodies	Priority	Progress 03/23 (AONB Unit only)
<b>Priority B. Connections between people and nature in the AONB</b>				
B.1. Connect and join up activities on the ground for nature	B.1.1. Research the need for and explore the opportunities to develop and promote <b>an online resource for local organisations and community groups</b> to post information about their own activities assisting nature in the AONB. This could include a directory of contacts, events and services offered by groups interested in nature in the AONB and its surrounds.	MHAONB	High	No progress
	B.1.2. Explore a <b>one-day celebration event</b> for local organisation and groups to showcase their activities and aspirations for nature, seeking to generate longer term networking and coordination between interested individuals, businesses, and communities.	MHAONB	High	No progress
B.2. Partnership working for a unified approach for nature recovery	B.2.1. Convene a meeting of appropriate authorities and organisations to plan for <b>coordinated delivery of related policies and programmes</b> including Biodiversity Net Gain and other private sector investment, woodland establishment, ELM schemes, catchment/water activities and related initiatives.	WCC	High	
	B.2.2. With Partners, <b>agree focal points and local lead organisation responsibility</b> for different issues related to nature.	MHAONB	Medium	Initial meeting with EA and NE exploring citizen science.
	B.2.3 Support the work of <b>local citizen science/volunteer groups</b> which can support nature recovery in the AONB and surrounding areas			Mtg arranged with partners on crayfish conservation.  Support to COG, U3A, Geovols etc.

Theme and priority	Action	Lead bodies	Priority	Progress 03/23 (AONB Unit only)
<b>Priority C. The importance of the AONB in the regional nature network</b>				
C.1. Recognise the importance of the AONB as a core area for nature of regional significance.	C.1.1. Engage with Natural England and the <b>NRN network</b> in the West Midlands to raise awareness for and promote the importance of core high value habitats (woodland, unimproved grassland, orchards, etc.) in the Malvern Hills AONB.	MHAONB	High	No progress
	C.1.2. Use the preparation of the <b>Local Nature Recovery Strategies</b> in the three counties to advance knowledge of, and enhance, regional connectivity between the AONB and other regionally important areas. The Strategies must address cross-border priorities and opportunities.	Local Nature Partnerships (Herefordshire, Worcestershire and Gloucestershire)	High	AONB Unit involved in Worc LNRS preparation, and represented in similar work in Hfds. Early stages.
	C.1.3. Coordinate and work closely with other organisations who <b>promote a regional approach to biodiversity</b> (such as Buglife's B lines projects) to identify how the AONB can become a hub for these existing projects, amplifying the impact of these projects.	AONB Partners	Medium	Attended meeting with West Midlands Crayfish Partnership.
C.2. Promote, with partners including other projected landscapes, the strengthening of connections to other regionally important areas.	C.2.1. Work with <b>other protected landscape bodies</b> (Cotswolds and Wye Valley AONBs and Brecon Beacons NP) and authorities in other high nature value areas (Wyre Forest and Forest of Dean) to identify how they can work together to promote the connections between their areas.	Protected Landscape Bodies (AONBs and NP)	Medium	
	C.2.2. Take forward the <b>Severn Treescapes initiative</b> , creating a 60 miles N-S corridor across the 3 counties, from the Lower Wye Valley to the Wyre Forest.	Gloucestershire Wildlife Trust (with Herefordshire and Worcestershire WTs)	Medium	Initial meeting btw ST and MHAONB organised.
	C.2.3. Explore with Natural England what practical information on <b>climate change adaptation plan</b> could be made available in the AONB and surrounding areas. If appropriate, commission new work to better understand the pressures and opportunities of climate change for nature and the AONB's special qualities more widely.	MHAONB	Medium	Work programme for 23/24.



## Farming in Protected Landscapes programme

### **MALVERN HILLS AONB JOINT ADVISORY COMMITTEE** **28 April 2023**

### **FARMING IN PROTECTED LANDSCAPES UPDATE**

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#### **Recommendation**

The Committee is recommended to:

- a) Note the report;
- b) Raise and discuss any issues arising.

#### **Background**

1. 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.
2. 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**

3. Information on the Farming in Protected Landscapes Programme can be found at: <https://www.gov.uk/guidance/funding-for-farmers-in-protected-landscapes>
4. 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. March 31 2023 marked the end of the second year of FiPL, with 21 months of the FiPL scheme now completed.

## Funding and expenditure 2022/23

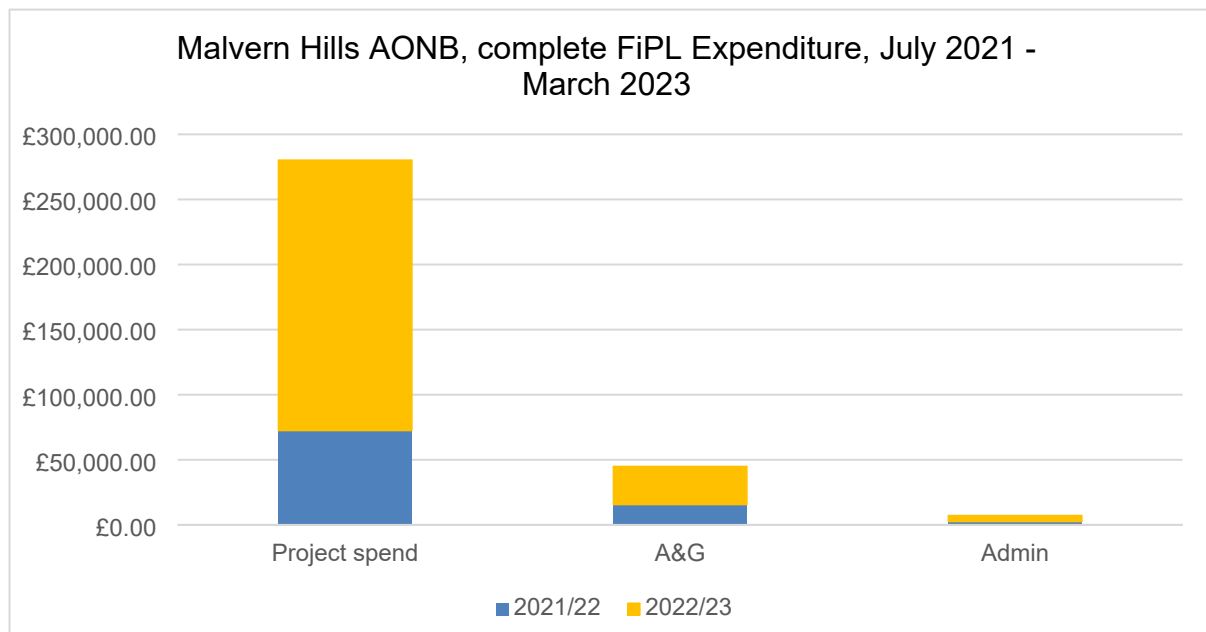
7. Following reprofiling of the FiPL budget in November 2021, the Malvern Hills AONB started the 2022/23 budget year with a budget of £236,538.

8. With FiPL Funding, if there is a Countryside Stewardship rate for a particular item (i.e., sheep fencing [FG2], Native Hedging [BN11]), then that rate must be used in the FiPL scheme. This is to reduce competition between FiPL and the Countryside Stewardship schemes, and to ensure both fairness and value for money.

9. On January 5, 2023, DEFRA announced that it was increasing the capital rates for Countryside Stewardship items and activities (CS rates for revenue items had previously been raised). All live FiPL projects were eligible for the increase in rates *where the items had not been ordered or contractors had not been booked*.

10. For the Malvern Hills AONB, of the 2022/23 projects, 12 projects were eligible for the increase in Stewardship rates for various items, with 2 projects receiving the increased rates in the 2023/24 financial year. The increase in Countryside Stewardship rates took the total budget to £243,739. Defra provided additional funding to meet the shortfall in the agreed budget.

11. At close of play on the 31 of March, a total of £242,878.74 has been spent of the FiPL scheme in the 2022/23 year. Of this, £208,134.33 was spent on projects, £29,680.95 was spent of A&G costs and £5,063 spent on Admin costs, including panel meetings. There was a £860.26 underspend.



## **Staffing**

12. Staffing remains unchanged from that reported at the previous JAC Meeting.

## **Grant Assessment Panel**

13. Emma Hammer (NFU) has replaced Sarah Faulkner (NFU) on the Local Assessment Panel. All other panel members remain the same since the start of the FiPL Scheme.

14. In 2022/23, the Local Assessment Panel met a total of 5 times, approving 10 FiPL projects.

## **Enquiries**

15. There have been many enquires with regards to FiPL. Popularity of the scheme is increasing due to the increase in Countryside Stewardship rates, word of mouth and the fact that the landowner does not need to be registered with the RPA to be eligible for the scheme.

16. The AONB Unit is finding that some people significantly outside the AONB boundary are expressing interest, as are individuals whose potential works fall within domestic curtilage. Regrettably FiPL is not able to support either of these groups.

17. Moving forwards, the AONB Unit would like to target more on-farm applications and landowners and work on projects include Natural Flood Management.

## **Projects in 2022/23**

18. In the 2022/23 Financial Year, a total of 20 projects were approved via either Paul Esrich (application below £5,000) or the Local Assessment Panel (application above £5,000). Of these, 8 projects are “two year” projects, and will be continued in the 2023/24 FY.

19. By March 31 2023, a total of 17 projects were completed, some of which had received project approval in the 2021/22 FY.

20. A summary table of FiPL projects can be found at Appendix 1 to this paper. Key statistics for works completed in the 2022/23 financial year are as follows:

- 0.75 Ha of Native Woodland Creation
- 1.8 Ha of woodland management
- 88 Native Hedgerow and Parkland Trees planted (plus guards)
- 470 Local and Traditional Fruit Trees planted (plus guards)
- 1.42 km of new native hedging planted
- 0.46 km native hedging gapped up/restored

- 0.17 km of hedgerows laid
- 1 pond created
- 4 ponds restored
- 4.45 Ha of Wildflower Meadows created/restored
- 280m of water pipe laid for livestock drinking facilities
- 0.9 Ha of invasive Laurel controlled and removed
- 1 Parkland Management Plan Completed
- 2000 wildflower plug plants sown/grown
- (Contribution to) a disabled toilet block
- (Contribution to) the Malvern Walks app with the addition of the Eastnor Deer Park Route
- (Contribution to) the restoration of the Donkey Shed, including a Bat Hibernaculum
- Used our Brush Seed Harvester to harvest seed from 3 wildflower meadows.
- This work has taken place over a total of 90 Ha
- Engaged with 25 landowners (Projects approved over both years, but completed in 2022/23)
- Supported 15 volunteer opportunities
- Worked with key stakeholders include Herefordshire Country Council, Worcestershire County Council, Malvern Hills Trust, Colwall Orchard Group and Worcestershire Wildlife Trust

#### Appendix 1 – Table of Farming in Protected Landscapes Table (Website only)

##### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

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

##### Specific Contact Points for this report

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Application Reference	Title	Who	Themes	When	FiPL Grant Awarded	Summary	Link to PDF
<b>MH001</b>	Malvern Foothill Connections	Malvern Hills Trust	Nature, Climate, People, Place	Approved 23/09/2021 FiPL Yr 2021/22	£11,231.80	The project supported 471m Of BN11 Native hedging and 574m of FG2 Fencing to connect two blocks of woodland. The project also facilitated the planting of 9 in field trees and a pond restoration as well as volunteer involvement.	Available
<b>MH002</b>	Colwall Orchard Group (COG) Traditional Orchards for the Future Initiative (TOFI) 21/22	Colwall Orchard Group	Nature, Climate, People, Place	Approved 23/09/2021 FiPL Yr 2021/22	£8,520.00	80 Traditional, Local and Heritage variety TE3 Fruit trees were planted as well as TE8 tree guards. Project included volunteer involvement.	Available
<b>MH003</b>	COG Improving equipment for people and nature	Colwall Orchard Group	Nature, Climate, People, Place	Approved 23/09/2021 FiPL Yr 2021/22	£12,760.46	This project supported the purchasing of equipment for orchard and meadow maintenance, for volunteer use. Equipment included a cutter collector, juicer, electric fencing, and hand tools.	Available
<b>MH004</b>	Regenerative Grazing with native breeds (Infrastructure) Alfrick	Farm Business	Nature, Climate, Place	Approved 23/09/2021 FiPL Yr 2021/22	£15,253.83	The re-purposing of a stable block into a cattle shed was supported by this grant, along with LV8 water pipe, FG2 fencing and electric fencing, soil monitoring equipment and software and cattle handling facilities.	Available
<b>MH005</b>	Colwall Orchard Restoration	Private Individual	Nature, Climate, Place	Approved 23/09/2021 FiPL Yr 2021/22	£3,960.00	40 Heritage and local variety TE3 Fruit trees were planted with guard into this old orchard. Project included volunteer involvement.	Available
<b>MH006</b>	Hope End Park Management Plan	Malvern Hills AONB	Nature, Climate, Place	Approved 23/09/2021 FiPL Yr 2021/22 and 2022/23	£21,352.00	Hope End Park was the home of the Poet Elizabeth Barrett-Browning. The park, nationally registered, is now owned by 5 different landowners. The creation of a management plan has allowed for the cohesive management of this parkland to preserve historical features and ecological improvement.	Available
<b>MH007</b>	Donkey Shed Restoration	Malvern Hills Trust	Nature, People, Place	Approved 12/12/2021 FiPL Yr 2022/23	£14,456.00	In the Victorian era, the upper echelons of society would take a Donkey to the top of the Malvern's so save their legs! The Donkey shed was the last of its kind left in the AONB, and the grant supported restoration of this feature along with a bat hibernaculum.	n/a
<b>MH008</b>	Alfrick Orchard Restoration	Private Individual	Nature, Climate, People, Place	Approved 12/12/2021 FiPL Yr 2022/23	£2,556.00	24 TE3 Fruit trees of local and heritage varieties were planted into this old orchard, using TE8 Tree guards.	Available
<b>MH009</b>	Orchard Maintenance and Species rich grassland creation at Alfrick	Private Individual	Nature, Climate, Place	Approved 12/12/2021 FiPL Yr 2021/22, 2022/23 and 2023/24	£7,144.63	With the rare Chafer Beetle known to reside locally, this project has funded for hedge laying, fencing, species rich meadow creation, orchard pruning and fruit tree planting.	Available
<b>MH010</b>	The Tup Paddock at Ledbury South	Farm Business	Nature, Climate, Place	Approved 13/02/2022 FiPL Yr 2022/23	£2,754.50	100m of Native hedge and 200m of FG2 fencing, along with 15 native trees and tree guards have been planted for this project. The fencing and trees will act as both a shelter belt to the farms lagoon and improve the aesthetics of the AONB	
<b>MH011</b>	Conservation enhancement at the North Colwall	Private Individual	Nature, Climate, Place	Approved 31/03/2022 FiPL Yr 2022/23	£19,042.46	This project has seen the creation of 2ha of wildflower meadow, along with new hedge planting, hedgerow gapping up, laying of waterpipe and appropriate livestock fencing. Project received volunteer involvement with the meadow restoration.	
<b>MH012</b>	Conservation enhancement at Colwall	Private Individual	Nature, Climate, Place	Approved 26/09/2022 FiPL Yr 2022/23 and 2023/24	£4,341.20	FiPL Funding is supporting the planting of 10 native trees with tree guards and the creation of a species rich pastureland.	
<b>MH013</b>	Malvern Hills AONB Brush Seed Harvester	Malvern Hills AONB	Nature, Climate, People, Place	Approved 02/02/2022 FiPL Yr 2021/22	£8,087.44	The Malvern Hills AONB purchased its own Logic™MSH420 Brush Seed Harvester for use by both the AONB and partner organisations including the Malvern Hills Trust, Colwall Orchard Group and the Worcestershire Wildlife Trust.	

<b>MH014</b>	COG TOFI 2022/23	Colwall Orchard Group	Nature, Climate, People, Place	Approved 19/05/2022 FiPL Yr 2022/23	£25,798.50	This year's COG TOFI application saw the planting of 155 local and heritage variety TE3 Fruit trees planted across 8 different sites. Additionally, a further 80 trees received orchard pruning and the project included volunteer involvement and watering infrastructure.
<b>MH015</b>	Alfrick Orchard Restoration	Private Individual		Approved 19/05/2022 FiPL Yr 2022/23	£19,596.00	The project supported the planting of 184 TE3 fruit trees and guard into an existing orchard to enhance and expand the important habitat, with the Noble Chafer Beetle known to reside locally.
<b>MH017</b>	Woodshed improvements at Eastnor Castle Estates	Eastnor Castle Estates	Nature, Climate, People, Place	Approved 28/07/2022 FiPL Yr 2022/23 and 2023/24	£31,275.92	The project includes support towards a disabled toilet, the addition of Eastnor's Deer Park Walk to the Malvern Hills Walking App, a woodland playground, the planting of 20 TE2 Parkland trees and tree guards along with interpretation in the parkland.
<b>MH018</b>	Increasing meadow biodiversity for education and as a local seed bank	Private Individual	Nature, Climate, People, Place	Approved 16/08/2022 FiPL Yr 2022/23 and 2023/24	£4,040.00	This project is planting up to 4,000 rare wildflower meadow plants with a view to planting them in existing meadows. Once established, the plants can then be used for seed for other local meadows as well as creating an education resource.
<b>MH020</b>	Meadow Restoration at Mathon	Private Individual	Nature, Climate, People, Place	Approved 26/09/2022 FiPL Yr 2022/23 and 2023/24	£1,951.80	This project has restored 1.9ha of traditional wildflower meadow and will also see the planting of 45m of native hedgerow and fencing to protect the hedge.
<b>MH021</b>	Hedge Laying and Fruit tree planting at Castlemorton	Private Individual	Nature, Climate, Place	Approved 12/01/2023 FiPL Yr 2022/23 and 2023/24	£1,416.56	This project has supported the planting of 8 local variety fruit trees with guards and will also support the laying of 60m of native hedging.
<b>MH022</b>	Hedgerow creation and pond restoration at Alfrick	Private Individual	Nature, Climate, Place	Approved 03/11/2022 FiPL Yr 2022/23 and 2023/24	£17,310.07	The one site pond has been restored thanks to this FiPL grant, and the second year of the project will support hedge plating and electric fencing to protect the new hedging.
<b>MH023</b>	Pond and orchard creation at Storridge	Farming Business	Nature, Climate, Place	Approved 28/09/2022 FiPL Yr 2022/23	£7,717.18	The creation of a farm pond was supported with this FiPL grant, along with the planting of 33 local and traditional variety TE3 Fruit trees.
<b>MH024</b>	All Saints Wood	Malvern Hills Trust	Nature, Climate, People, Place	Approved 18/11/2022 FiPL Yr 2022/23 and 2023/24	£5,692.20	This project has seen the removal of invasive Laurel, and the appropriate felling of the woodland. The area will be replanted with native trees and shrubs and will also include benched for the neighbouring primary school to have a forest school area.
<b>MH026</b>	Hedge laying at Alfrick	Private Individual	Nature, Climate, Place	Approved 06/10/2022 FiPL Yr 2022/23	£1,817.60	This project supported the laying of 142m of native hedging, to bring the hedge back into good condition.
<b>MH028</b>	Hedgerow (re)creation at Lower Moors	Private Individual	Nature, Climate, Place	Approved 17/10/2022 FiPL Yr 2022/23	£2,765.15	This project supported the planting of 145m of native hedging to an existing hedgerow, in need of rejuvenation. The project also supported the appropriate fencing.
<b>MH029</b>	Woodland Management at Alfrick	Private Individual	Nature, Climate, Place	Approved 18/11/2022 FiPL Yr 2022/23 and 2023/24	£6,228.65	Woodland Management and coppicing was supported by FiPL for this project – the woodland in question was immediately next to a SSSI woodland. Additionally, the project also supported the planting of 13 fruit trees and the appropriate fencing.
<b>MH030</b>	Hedgerow and Orchard Creation at Storridge	Farming Business	Nature, Climate, Place	Approved 03/11/2022 FiPL Yr 2022/23	£17,761.20	This project saw the planting of 43 local variety fruit trees and 810m of native hedging to restore the local landscape and improve habitat connectivity. Fencing and tree guards were used where appropriate.
<b>MH031</b>	Dingwood Parkland (Re)creation – Phase 1	Farming Business	Nature, Climate, Place	Approved 03/11/2022 FiPL Yr 2022/23	£29,375.19	Dingwood Park is a parkland of local significance. This first stage of the restoration saw pond and tree works, as well as shelter belt fencing and the planting of 30 parkland trees with guards.

<b>MH033</b>	Hope End Park restoration – Phase 1	Private Individual	Nature, Climate, Place	Approved 03/11/2022 FiPL Yr 2022/23	£9,241.60	Following the MH006 Management Plan, work to restore Hope End Park has begun with this project, with the planting of 6 parkland trees, 6 in hedge trees, hedge planting and fencing to protect a woodland coppice.
<b>MH034</b>	Hedgerow improvements at Colwall	Private Individual	Nature, Climate, Place	Approved 01/11/2022 FiPL Yr 2022/23	£1,775.22	This project funded hedge planting and hedge laying, along with fencing to restore hedge quality of this small holding.
<b>MH035</b>	Shelter belt creation in Mathon	Private Individual	Nature, Climate, Place	Approved 18/11/2022 FiPL Yr 2022/23	£4,969.22	This project supported the planning of 0.75ha of shelter belt using native species, fencing for the shelter belt and the planting of an additional 10 local variety fruit trees.
<b>MH036</b>	Hedgerow creation at Colwall	Private Individual	Nature, Climate, Place	Approved 11/01/2023 FiPL Yr 2022/23	£918.00	This project supported the planting of 40m of native hedgerow for habitat connection.

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## MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

### 28 April 2023.

## SUSTAINABLE DEVELOPMENT FUND 2022/23 – FINAL REPORT

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### Recommendation

#### 1.The Committee is requested to:

- a) Note and comment on the report;
- b) Consider changing the name of the grant fund to ‘MHAONB Community Grants’, bringing us into line with most other AONBs and simplifying the name for would-be applicants. The aims of the grant scheme would remain the same; and
- c) Bring project ideas to the AONB unit for 2023/24.

### Background

2.The table below shows the Sustainable Development Fund’s grant expenditure for the financial year 2022/23. The budget was £12,190 and expenditure £11,533. This underspend was due to the re-allocation of a large project to another grant fund. Of 17 original enquiries 8 resulted in completed SDF projects, 1 was deferred to 23/24 and 1 was funded by the new DEFRA Access Grant.

3.The grants this year were awarded to a wide range of community groups. Their value lies not only in the community activity they support but also in allowing the AONB Unit to make contact with local communities and people who are not part of our more usual audience of farmers and landowners.

4.More information can be found at <http://www.malvernhillsaonb.org.uk/sustainable-development-fund-projects-22-23/>

### Summary - SDF final account

Ref	Project	Grant	Vol value	Notes
256	Colwall Hedgerows – contribution to Parish roadside	£2500 (Overall cost approx. £6660)	£2360 (111 hours vol time)	Report and interactive map will be on the Colwall PC website. To be used for planning considerations and hedgerow repair/planting.

	hedgerow survey and mapping			Vols will now carry out field hedgerow surveys.
253	U3A Natural History Group – ‘Ecology on our doorstep’ - surveying of two sites (Woodfords Meadow and Mill Coppice) and publication of results.	£800	£2494 (data for Woodford’s Meadow only)  £2710 (data for Mill Coppice )	Training of natural history vols and detailed species recording for both sites throughout the year. Talk given to U3A and booklets produced for sale/ give away to interested parties.
258	Colwall Car Club – contribution to ‘Bike to work’ electric bicycle	£1000 (£3200 overall cost)	£381	Part of a drive to help people find green transport solutions. 10 bikes are now available – ours was the 6 <sup>th</sup> – and in full use. Ledbury and Colwall have bike collection centres.
259	St. James the Great, Colwall – tools and courses for churchyard wildflower meadow volunteers.	£1935	£2397.60 (250 vol hours)	Funding has allowed the purchase of tools and machinery, some of which are shared with other local conservation groups. Castlemorton PC visited to learn more about the project, scouts and schools have also visited.
262	Colwall Greener Event – showcase and talks for local green groups to encourage them to work together under the banner of ‘Colwall Greener’.	£1000	£9173	30 stallholders, 6 talks, 590 attendees (43 people signed up to be part of the group – doubling the membership. Colwall Greener is planning monthly talks to keep up the momentum.
266	Malvern Green Space Seed Swap and Networking day	£750	£3,200 – from 8 volunteers	Talks on heritage seeds, soils, growing. Opportunities for seed and plant swaps. Four stall holders, including AONB. 136 people attended (despite snow) providing the opportunity for us to ‘reach out’ to a different audience.
260	Earth Heritage Geovols – work to AONB geology sites - purchase of equipment.	£1500	£1161.25 (15 vols gave 104 hours)	4 sites of geological importance cleared of soil and vegetation covering rock faces and report written.
265	Wellington Heath Local Nature	£1000	£250 est.	Volunteers have maintained the churchyard meadow

	Reserve – new explanatory board			which was awarded local nature reserve status last year. The new signboard will explain this to visitors and walkers on the adjacent Geopark Way.
		Grants Total = £10,485	Vol time total = £23,876.25	
	Admin = 10%	£1048		
	<b>Total</b>	<b>£11,533</b>		

## Contact Points

### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

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

### Specific Contact Points for this report

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## MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

### 28 APRIL 2023

## INFORMATION ITEMS

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### Management Plan ref. (abridged)

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

**HP1 Conserve and enhance the historic and cultural environment of the AONB**

**FP2 Bring woodlands, orchards and other characteristic habitats into favourable conservation condition through encouraging and supporting management regimes that provide an economic return.**

**FP5 Support appropriate measures to monitor and control**

### Project

See FiPL update report.

#### Malvern Wells Parish Council

Limited mowing work has begun as part of the initiative to manage the grassland on the Village Green in a way that should extend the area of nature conservation interest on the site.

#### AONB Landowners event

An event on regenerative farming with livestock due to take place at the end of March 2023 had to be postponed due to snow.

#### Hope End Registered Park Conservation Management Plan

This plan has been completed under a FiPL grant. Under a separate FiPL grant the first works to deliver the plan have been carried out – including new hedgerow and tree planting.

#### Dingwood Management Plan and works

A short Management Plan (including archaeology survey) and FiPL funded works have been completed for this Park near Ledbury.

#### Woodland Management Plans

A Woodland Management Consultant working on our behalf has liaised with and prepared 5 woodland management plans for owners in the AONB.

#### Deer management

A landowner event to discuss deer management and the issue of squirrels took place in late November 2022. At

**pests, diseases and  
invasive non-native  
plant and animal  
species to protect food  
production and  
biodiversity resources**

**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.**

**RP4 Developments that  
are likely to lead to an  
increase in negative  
recreational effects in  
an area should  
contribute to the costs  
of mitigating and  
managing these effects**

**TP2 Provide a Quality  
public realm with good  
access and facilities  
that attract tourists**

**IP3 Raise awareness of  
the MHAONB and the**

present, interest in the possibility of establishing a Deer management group for the area seems very limited

#### Planning

The AONB Unit has submitted significant comments on the Regulation 19 consultation draft of the South Worcestershire Development Plan.

The AONB Partnership's Lighting Guidance has just been revised and updated.

Some case studies of good practice in development can now be found on the AONB website.

#### Planning Officer

A Planning Officer (shared with the Wye Valley AONB Team) began work on 1 February 2023. His name is Josh Bailey and he can be contacted at: [jbailey2@worcestershire.gov.uk](mailto:jbailey2@worcestershire.gov.uk)

#### 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.

#### Demographics Research

The AONB Unit commissioned a researcher to gather demographics data for the AONB and surrounding towns. This is part of our response to the Glover Report which challenged AONB's to understand who their protected landscape serves (and therefore who might be underserved) in order to attract a wider range of visitors. This research builds on previous visitor survey information from 2018 and 2020.

#### Website Revamp

**significance of its designation**

The website continues to evolve and there maybe yet more changes to how it looks and feels with the Rebranding AONBs project below.

Rebranding AONBs

Work carried out by the National Association for AONBs (with Defra funding) to rebrand AONBs as National Landscapes should be available very shortly.

**Vision 2040: people are connected emotionally, and spiritually to the area.**Art in the Landscape Project

The National Association of AONBs is preparing 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.

**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**County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

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

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