

**‘Defining the special qualities of local landscape designations in Aylesbury Vale District (2016)’:  
Addendum, December 2017, LUC**

**Purpose**

1. LUC are asked to respond to the question of whether a landscape may be considered valued for the purposes of paragraph 109 of the NPPF, despite the absence of designation in the Aylesbury Vale District Local Plan (AVDLP) 2004 or as proposed in the emerging Vale of Aylesbury Local Plan (VALP).
2. AVDC have requested this Addendum as a result of queries arising during planning appeals where there have been questions over whether the non-designated areas of the District might be considered ‘valued landscapes’ in the sense meant in Paragraph 109 of the NPPF.

**Background**

3. LUC produced the report ‘*Defining the special qualities of local landscape designations in Aylesbury Vale District*’ in March 2016, primarily as evidence to support the emerging VALP. The purpose of the report was to provide further information on the special qualities of the district’s designated landscapes (AALs and LLAs<sup>1</sup>) to augment information in the Landscape Character Assessment<sup>2</sup> as well as to:
  - Inform the policy approach in the Vale of Aylesbury Local Plan (VALP) Proposed Submission, particularly policy NE5;
  - Inform Section 78 Planning Appeals;
  - Inform Neighbourhood Plans which may have their own landscape policies or even designations.

**Designated and Valued Landscapes in Aylesbury Vale**

4. The designated landscapes in Aylesbury Vale are the Chilterns Area of Outstanding Natural Beauty (national importance) and Areas of Attractive and Local Landscape Areas (local importance). As well as the Chilterns Area of Outstanding Natural Beauty (AONB), the AALs and LLAs are some of the district’s most valued landscapes. However, this does not mean that landscapes outside of these designations do not have landscape value.
5. The NPPF states that the planning system should contribute to and enhance the natural and local environment by “*protecting and enhancing valued landscapes*” (paragraph 109). The NPPF does not provide a definition of ‘valued landscapes’; however it is our professional opinion informed by our expertise in landscape planning and relevant case law<sup>3</sup>, that:

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<sup>1</sup> Areas of Attractive Landscape (AAL) and Local Landscape Areas (AALs)

<sup>2</sup> Aylesbury Vale Landscape Character Assessment, Jacobs, 2008

<sup>3</sup> Notably the appeal by Gladman Developments Ltd against Stroud District Council (2014) where the Inspector determined that for a landscape to be valued would require the site to show some demonstrable physical attribute, rather than just popularity that would take the landscape beyond mere countryside.

- Designated landscapes (the AONB, AALs and LLAs) are likely to be considered ‘valued’ for the purposes of Paragraph 109 of the NPPF;
- Non-designated landscapes can also be considered ‘valued’ for the purposes of Paragraph 109; and
- *Box 5.1* in the *Guidelines for Landscape and Visual Impact Assessment*<sup>4</sup> can be used to identify ‘valued’ landscapes and help define their ‘special’ qualities. *Box 5.1* suggests analysis of a range of factors including: landscape quality (condition), scenic quality, rarity, representativeness, conservation interest, recreation value, perceptual aspects, and associations. Landscape Character Assessments can provide the relevant evidence for analysis of these factors.

## **Conclusion**

6. LUC’s opinion, taking account of the NPPF and case law in (5) above is that a landscape may be considered valued for the purposes of paragraph 109 of the NPPF, despite the absence of designation in the Aylesbury Vale District Local Plan (AVDLP) 2004 or as proposed in the emerging Vale of Aylesbury Local Plan (VALP).
7. LUC recommends that minor changes are made to the VALP Proposed Submission to reflect the above and these are:
  - Remove the definition of ‘sensitive landscapes’ in the Glossary on page 281 as this is not consistent with the rest of the plan which does not refer to sensitive landscapes.
  - Delete the word ‘sensitive’ from Policy S1 (h) on page 31 of the VALP Proposed Submission as the VALP does not have ‘sensitive landscapes’ and the term also does not appear in the NPPF.
  - Change ‘areas of sensitive landscape’ to ‘valued landscapes’ in Strategic Objectives 6 on page 28, to be consistent with Policy NE2 and the NPPF.
  - Para 9.26 of VALP Proposed Submission should be clarified to state that all landscape ‘can have innate value’ rather than saying all landscape is considered to have innate has value’. Also the final sentence pf para 9.26 should be amended to say ‘That said, of the locally designated landscape...’ rather than ‘That said, of the locally significant landscape...’ as this is confusing and not helpful.
  - Para 9.31 of VALP Proposed Submission – a further sentence should be added at the end. ‘AVDC has also accepted the recommendations of the LUC Addendum (February 2018) that notwithstanding the nationally designated landscape (AONB) and locally designated landscapes in the VALP, non-designated landscapes can also be considered *valued* for the purposes of Paragraph 109 of the NPPF’.

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<sup>4</sup> Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute and Institute of Environmental Management & Assessment, 2013, p.84