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Working locally and nationally for
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Examination of the Winchester District Local Plan 2020-2040

Hearing Statement re Matter 14 (Biodiversity and the Natural Environment)

Response to Inspector's Matters, Issues and Questions by CPRE Hampshire, The Countryside Charity

Strategic policy NE1 Protecting and enhancing biodiversity and the natural environment

1. Would strategic policy NE1, overall, accord with national policy?

Response: No, for the reasons set out below

3. Would it appropriately protect and enhance valued landscapes in accordance with NPPF paragraph 180a?

Response: No, for the reasons set out below

Policy NE9 Landscape Character

3. Would the Plan and in particular policies NE3 and NE9 accord with national policy in relation to valued landscapes as set out in NPPF paragraph 180a?

Response: No, for the reasons set out below. Unsure of the relevance of policy NE3

CPRE Hampshire considers neither Policy NE1 or Policy NE9 accord with national policy in that they do not provide for protection of "valued landscapes"

1.1 A longstanding key strategy of the Council has been to protect and enhance the high quality natural beauty of the area, encompassing landscape value, landscape character, scenic quality, relative tranquillity and natural heritage, albeit now confined to the area of the District outside the South Downs National Park.

President
Earl of Malmesbury

Chair
Margaret Paren

1.2 It is clear from the Vision in the submitted Plan that enhancement of the natural environment and natural beauty continues to be a key strategy. This has our strong support. Accordingly, our strong support is given also to the Objectives designed to achieve that aspiration, notably; by prioritising the development of brownfield land (Objective ii); to conserve and enhance Winchester Districts valuable environments including both the urban and rural areas as well as the built, historic and natural environments (Objective iii); and to ensure that development does not have an adverse impact on landscape character or the unique and special characteristics of the national park (Objective iv).

1.3 These Objectives are expanded in the supporting text to Policy NE1, paragraphs 7.3 to 7.7 which emphasise that; the aims of the Plan are to ensure the natural environment is protected, maintained and enhanced (7.3); the Hampshire countryside is an irreplaceable natural resource supporting biodiversity, the rural economy, including agricultural and recreational uses (7.4); the districts countryside is a key natural asset, sustaining biodiversity, offering tranquillity and providing an important resource for carbon storage, and comprising a range of landscape types (7.5); the need to protect the countryside from unplanned and large-scale development, recognising the intrinsic character and beauty of the countryside (7.6); one of the key aims of the Local Plan is to concentrate development within the most sustainable locations and to protect the countryside from unnecessary development (7.7). In the following Key Issues it is recognised that a high quality natural environment is a key contributor to sustainable development (Key Issue i.) and that the Local Plan helps to ensure that the landscape and natural environment of the district which is valued so highly is protected and enhanced (Key Issue iv.) All these principles have our strong support and it is right that this key strategy should be carried forward by way of an overarching strategic policy, which is policy NE1.

1.4 However no distinction is made in the Vision, Objectives or Policy NE1 between "ordinary" countryside and that of higher landscape value. Yet **2023 NPPF paragraph 180(a)** states:

180. Planning policies.....should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes,(in a manner commensurate with their.....identified quality in the development plan).

This requirement is in fact recognised in the supporting text to Policy NE1, paragraph 7.22, which states that the NPPF and associated Guidance makes it clear that "*Valued landscapesshould be protected and enhanced*". Notwithstanding that recognition, there is no reference to "valued landscapes" in the Policy wording and accordingly no specific protection is provided by the policy.

[While not strictly relevant to this Examination, it is noted that the wording of this paragraph is not altered in the December 2024 version of the NPPF, now appearing at paragraph 187(a).]

1.5 While policy NE9 on Landscape Character has our support, the process of Landscape Character Assessment which underpins Policy NE9 has the object only of identifying what makes one area "different" or "distinct" from another. Often it also identifies relevant issues and planning considerations but it is nevertheless a separate process from landscape evaluation, which concentrates on relative value. Landscape Character Assessment does not identify any landscape as "valued", with the result that neither policy NE1 or policy NE9 make specific provision for protecting and enhancing "valued landscapes" as required by the NPPF.

1.6 In response to calls from CPRE Hampshire for protection for "valued landscape" in meetings and responses to public consultations the Council has stated the view that the case law on the subject is contradictory, and accordingly it would not be appropriate to add this protection. We do not know what case law the Council is referring to as, while the meaning of "valued landscapes" is not defined within the NPPF, it has in our view become clearly established and accepted by way of court judgments and Inspectors' and Secretary of State decisions that a "valued landscape" is a landscape outside a "designated landscape" (i.e., outside a national park or AONB) that is more than 'mere countryside' but is a landscape that has sufficient demonstrable physical attributes to take it beyond ordinary landscape or 'out of the ordinary'. It is similarly established and accepted that development in a "valued landscape" should be restricted, on the basis that the social and economic benefit of development would be significantly outweighed by the environmental harm caused, and that this is a material consideration to be taken into account in the decision-making process.

1.7 The fact that the landscape of the plan area (ie outside the national park) contains landscape of high value is acknowledged within the wording of the Plan, as outlined above, and by the need for a key strategy and strategic policy to protect the natural environment.

1.8 It is further confirmed by the fact that a map from the 1999 Local Plan (see Appendix) shows areas designated as Areas of Special Landscape Quality. Such local landscape designation were discouraged by central government in England and so not carried forward into the current Local Plan; but CPRE Hampshire can assert from its own knowledge that, on the whole, the quality of these areas of landscape remains high and if reassessed would qualify as "valued landscape". Indeed, in assessing landscape in planning applications, it is acknowledged by case officers that some landscape is "valued landscape" and that this is a material consideration. For example, the Officers Report to the Planning Committee in 23/01025/FUL (Land South Of Crabwood, Sarum Road, Sparsholt, Hampshire) in which it is acknowledged that "the higher test as set out in para 180(a) NPPF applies".

1.9 While it is sometimes suggested that the words "*(in a manner commensurate with their..... identified quality in the development plan)*", added to the NPPF in 2018, requires "valued landscapes" to be identified in the development plan, eg by way of a policies map, this is by no means a universal view and has not been endorsed by court judgment. While CPRE Hampshire would prefer such mapped identification, we consider it essential only to have a specific policy to protect and enhance "valued landscapes", both to be consistent with the national policy and as a critical part of implementing the key Plan strategy to

enhance the natural environment and natural beauty. This should be contained within Strategic Policy NE1.

1.10 There is clear precedent for policy to protect and enhance "valued landscapes" within Hampshire. By way of example Policy 5 in the submitted version of the Hampshire Minerals and Waste Plan provides:

3. Minerals and waste development which is considered to be within a valued landscape shall only be permitted where they meet the above criteria, and where it protects and where possible, enhances the landscape with particular regard to:

- i. The intrinsic landscape character and quality;*
- ii. The visual setting (including key views);*
- iii. The landscape's role in natural capital and ecological networks;*
- iv. The local character and setting of built development (including historical significance); and*
- v. Natural landscape features (including ancient woodland, trees, hedgerows, and water courses etc).*

and the Basingstoke and Dean Local Plan consultation version provides:

Landscapes of particularly high value outside of the National Landscape are identified as Valued Landscapes on the Policies Map. Development proposals will only be permitted in these areas where they protect and enhance features that contribute to the character, quality and interpretation of these landscapes

And, where Areas of Special Landscape Quality are stated in the Plan to be "valued landscapes", the adopted Fareham Local Plan provides;

Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.

Accordingly, CPRE Hampshire submits that neither strategic policy NE1 or policy NE9 accord with national policy to protect and enhance "valued landscapes" as set out in NPPF 2023 paragraph 180(a) and without including such protection are not worded appropriately to implement the key strategy of protecting and enhancing the natural environment and natural beauty of the Plan area.

2.1 CPRE Hampshire proposes the following policy to be added to strategic policy NE1

Development which is considered to be within a valued landscape shall only be permitted where it protects and, where possible, enhances the landscape with particular regard to:

- i. The intrinsic landscape character and quality;*
- ii. The visual setting (including key views);*
- iii. The landscape's role in natural capital and ecological networks;*
- iv. The local character and setting of built development (including historical significance); and*
- v. Natural landscape features (including ancient woodland, trees, hedgerows, and water courses etc).*

Such a policy would not preclude appropriate development within a "valued landscape", but would ensure proper consideration is given to the need for the proposed development to be within a "valued landscape" and, if so, its location within that landscape and its design so as comply with NPPF paragraph 180(a).

13 April 2015

CPRE Hampshire South Downs & Central Planning Group

References

CPRE Hampshire Position Statement - Landscape and Valued Landscape

[CPRE-Hampshire-Position-Statement-Landscape-and-Valued-Landscapes-V2-Aug23.docx \(live.com\)](#)

CPRE Hampshire Briefing Note - Defining Valued Landscapes

[Defining-Valued-Landscapes-CPRE-Hampshire-Briefing-Documents-Sept-2021.pdf \(cprehampshire.org.uk\)](#)

