



Version 1 as at September 2021

## Briefing Note

### Defining Valued Landscapes

#### **Introduction**

1. The purpose of this Note is to set out the background to Valued Landscapes and their place in plan-making and decision-making and to propose an approach to defining them by local communities and interest groups.

#### **Background**

2. The protection and enhancement of valued landscapes has been a feature of national planning policy for a number of years, The NPPF 2012 advised that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes geological conservation interests and soils Ref para 109. The advice was retained and revised in the NPPF 2018 para 170 ... 'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);' The NPPF 2019 retains the same revised wording ref para 170a). The text is repeated in the NPPF 2021(July) ref para 174

3. The designation of Valued Landscapes sits comfortably within the proposed changes to the planning system set out in the Government's White Paper: Planning for the Future 2020. It is a tool which would enable neighbourhoods and communities to articulate and inform the future of their area and promote the stewardship and improvement of the countryside and environment (para 1.12)

#### **Issues**

4. In considering the merits of making the case for an area to be a Valued Landscape it is important to remember that such a designation should not be seen as preventing development. That is not the case, but it is now accepted by the Courts and Inspectors on appeal that classification as a Valued Landscape indicates development should be restricted on the basis that the social and economic benefit of development would be significantly outweighed by the environmental harm caused, and this is a material consideration to be



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taken into account in the decision-making process. It may be that benefits of other consideration outweigh the impact on the Valued landscape. Inspectors at a number of appeals have been clear on the matter. Designation as a Valued Landscape does not cut across the presumption in favour of sustainable development. The designation and the impact on it of a proposal would form part of the normal balancing of the issues.

### *Definition*

5. Neither the NPPF nor the Planning Practice Guidance(PPG) defines what comprises a Valued Landscape or set out any criteria by which an area should be assessed. In the absence of any guidance the approach to identifying a Valued Landscape has been shaped by the approaches taken by inspectors at appeal and the courts when decisions have been challenged.

6. The key legal judgements and appeal decisions have been issued prior to the NPPF 2021. The Stroud Case 2015 is often regarded as providing the leading authority on the issue of Valued Landscapes. It establishes that a Valued Landscape is a landscape showing "demonstrable attributes beyond the ordinary". An appeal decision issued in February 2021 ref 3255846 referred to the Stroud case (2015) which suggests that it and the other judgements remain relevant. However, the judge in the Stroud case in a later case he considered (CEG Land Promotions 2018) advised that in the earlier case he was not laying down any general principles.

### *Designation*

7. The wording of the NPPF would suggest that to be considered a Valued landscape an area would need to be defined and designated as such in a development plan. An inspector concluded that as the site, at appeal (ref appeal3197293, 2019), was not designated as such in the development plan it could not be considered to be a Valued Landscape with reference to para 170 of the NPPF. The Secretary of State in his decision letter agreed with the recommendations of the inspector and dismissed the appeal. He made no specific comment on the inspector's interpretation of para 170. A second appeal ref 3200409,2019 took a similar approach concluding that the preparation of a local plan was the proper place to consider the issue of Valued Landscape

8. This approach is not universally shared by inspectors with a number of decisions referring to the view that a lack of designation does not mean a landscape has no value shared (ref 3200335 2019, 3207509 2019, and 3190779, 2018).



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9. Case law has confirmed that the concept of Valued Landscape is not confined to landscapes which have a particular designation ref Stroud D.C versus SSCLG and Gladman Developments 2015. It is also the case that a site sitting within a wider landscape which had demonstrable physical characteristics which took it out of the ordinary may not include any of those features could be considered to be covered by the NPPF para 170 if it formed part of the wider valued landscape ref CEG Land Promotions versus SSHCLG and Aylesbury Vale 2018

10. It is also the case that just because a landscape is not the subject of a designation or is not a Valued Landscape does not mean it has no protection under the planning system ref Cawrey v Secretary of State 2016, ref appeal 3190236.

### *Current practice*

11. The inclusion of designated Valued Landscapes in local plans post 2012 does not appear to have been widely undertaken in the absence of such designations where landscape assessments have been undertaken which have identified terms such as areas of special landscape quality or special landscape areas these have formed the basis for identifying Valued Landscapes at appeals. A recent appeal decision ref 3259839 suggests that inspectors are not necessarily convinced of that approach. However, such studies may provide an important source of evidence when applying the Landscape Institute's guidance see below.

### *Criteria*

12. The lack of any national guidance regarding the definition of a Valued landscape has in many appeal cases been filled by the use of the advice published in the Landscape Institute's GLVIA 2013. It includes advice on the attributes to be considered, ref Box 5.1 of the guidance. An inspector at an appeal in 2015 did make the point that he did not consider the only way to define the value of landscape was to carry out an analysis using Box 5.1 as the framework. However, in the absence of any formal guidance from the Government the advice of the landscape Institute would appear to be as good a starting point as any.



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13. The criteria in Box 5.1 and how they could be applied are set out below.

## GLVIA Box 5.1

criteria	Application
Landscape quality(condition)	A measure of the physical state of the landscape, may include extent to which typical character is represented in individual areas, intactness of the landscape and the condition of individual elements.
Scenic quality	Extent to which the landscape appeals primarily to the senses (visual senses primarily)
Rarity	Presence of rare elements or features in the landscape or the presence of a rare landscape character type.
Representativeness	Whether the landscape contains a particular character and/or feature or elements which are considered particularly important examples.
Conservation interests	Presence of features of wildlife, earth science or archaeological or historical and cultural interest which add to the value of the landscape as well as having value in their own right.
Recreational value	Evidence that the landscape is valued for recreational activity where experience of the landscape is important
Perceptual aspects (wildness, tranquillity)	A landscape may be valued for its perceptual qualities notably wildness and/or tranquillity.
Association	Association with particular people such as artists or writers or events in history that contribute to perception of the natural beauty of the area

Note: In applying the factors in Box 5.1 an inspector has concluded that one does not need to score high in all of the criteria for an area to be considered a Valued landscape ref 3188474



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14. The Landscape Institute has published a Technical Guidance Note (TGN) Landscape Value and Valued Landscape Consultation 02/21 which is intended to provide guidance to landscape professionals who need to make judgements about the value of landscape. It has identified a number of criteria which can be used to inform judgements in determining the value of landscapes. They cover the same ground as set out in the GLVIA using slightly different terms and with one addition. Ref Table 1 which is set out below.

15. Conservation interest has been separated into natural and cultural heritage; landscape condition is used in place of landscape quality; rarity and representativeness has been combined into distinctiveness and a new criteria function has been included which addresses the value attached to landscapes which perform a clearly identifiable and valuable function.

Factor	Definition	Examples of indicators of Landscape Value	Examples of evidence
Natural heritage			
Cultural heritage			
Landscape condition			
Associations			
Distinctiveness			
Recreational			
Perceptual(scenic)			
Perceptual (wildness & tranquillity)			
Spatial function			

Source Table1 TGN 02/21



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16. The TGN provides guidance on the definition of each factor, examples of indicators and where evidence of those factors could be located. See TGN for details

17. Drawing together the issues a number of key points can be identified:

- To be considered as a Valued landscape it would need to be shown that there are demonstrable physical attributes beyond the ordinary that justifies its status rather than just popularity
- An area needs to be more than appreciated to elevate it out of the ordinary
- An area can be a Valued Landscape even if it was not part of a designated landscape
- A particular site may not itself be seen as a Valued landscape, but it could form part of a wider area which is a Valued Landscape and be considered as forming part of it
- All landscapes are valued by someone at some time, to be a valued landscape would need to have particular attributes
- Designating Valued Landscapes in a development plan document would provide a measure of certainty as to its status regarding the NPPF
- It would assist the inclusion of Valued landscapes in neighbourhood plans if local plans included a policy which enabled them to be designated outside of identification in a local plan
- Applying the methodology set out by the landscape Institutes guidance would support the case for a Valued Landscape designation

### **A Way Forward**

18. It is not yet the case that only those areas designated as Valued landscapes in Development Plan Documents(DPD) can be considered as such. However, local communities should promote the inclusion of a generic policy in local plans which would enable designations to be made and for areas to be identified. Local planning authorities having regard to NPPF para 174 should ideally undertake an appraisal of its area and identified Valued landscapes to be included within its Development Plan. An up to date Landscape Character Assessment (LCA) would provide the basis for assessing if any areas should be considered as Valued landscapes. The assessments should take account of previous studies.

19. The policy should include a requirement for a Landscape and Visual Impact Assessment where development might have an adverse impact on a Valued Landscape.

20. In the absence of a policy or designation in local plans communities could undertake their own assessments of the merits of a site or area under paragraph 174 of the NPPF to include



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in a neighbourhood plan. In the absence of any formal guidance from the Government and in the context of the general acceptance the Landscape Institute's guidance should be used to undertake assessments.

### **Undertaking an assessment**

21. Undertaking an assessment to demonstrate that an area should be considered as a Valued Landscape can appear to be a complex and daunting task to those not professionally qualified in landscape or planning. The landscape profession will be familiar and at ease in applying an assessment methodology and understand the language used. However, most people will know a good view when they see one (which is why they visit locations and take photographs) but may be less confident in articulating the reasons why and in a form which sits within the lexicon of planning professionals.

22. If the resources are not available for a professionally qualified person to undertake an assessment the Landscape Institute's TGN provides a guide which is relatively easy to apply. The key issue is identifying and assessing the relevant available sources of information.

23. It is suggested that the involvement of local interest groups or individuals such as local history societies, nature conservation groups, recreational organisations (walkers, horse riders and cyclists) should be involved given their local knowledge and appreciation of an area. The assessment should ideally involve a number of people and would benefit from the involvement of individuals with some relevant professional knowledge and or experience of planning and landscape. The exercise could play an important role in engaging residents in the plan-making process and enhance their appreciation of their area.

24. The TGN helpfully sets out a definition for each factor, examples of indicators and examples of sources of evidence and provides a good starting point. The local planning authority may hold information which would assist in completing the template such as landscape character assessments. They are usually referred to as landscape character assessments (LCA). Natural England has produced National Character Areas. They cover extensive areas of land but again can be a useful reference point.

25. There may also be other studies and sources of information which are relevant to the criteria set out in the table above such as: settlement patterns, archaeological records, listed buildings and conservation area appraisals, biodiversity action plans and local ecological networks and countryside access plans in respect of the public rights of way network.



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26. The association of places with people and or events can contribute to its potential designation as Valued Landscape. Reviewing local history records and contact with local history groups may assist in identifying potential links

27. Set out in Appendix One are a number of tables which are based on the TGN template which include examples of information sources, and which could provide a framework for the assessment of an area's merits as a Valued Landscape.

28. Where there are designated landscapes such as National Parks and Areas of Outstanding Natural Beauty in close proximity and land outside of them may be considered as contributing to their setting or exhibits similar characteristics it would be useful to review relevant information relating to landscape issues.

29. The on-site assessment is perhaps the most important stage of the process in seeking to establish if the area has attributes which are beyond the ordinary. That assessment will be a subjective one, but one which will be informed by the research. It is established practice within the landscape profession to assess landscapes within a graded framework low, medium high. An alternative could be to assign numerical values which some may be more comfortable with. With either approach the difference between either the descriptions or numbers should set out.

30. In any 'scoring' exercise there is a temptation to add the scores in doing so there is a risk in adding the scores which rather belies the subjective nature of the judgements. However, as a means to inform the process a simple 1-5 to mirror the range above may be helpful.

31. Whatever approach is adopted the key question is 'does the landscape demonstrate attributes which go beyond the ordinary?'

### **Summary**

32. The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment. One of the ways this can be achieved is the protection and enhancement of valued landscapes. In designating areas, as Valued landscapes it is necessary to demonstrate that they have features which take them out of the ordinary. The Landscape Institute has published guidance to assist the process and has been recognised by inspectors as providing a useful tool.





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33. The designation of an area as a Valued landscape does not mean that it is protected from development. However, its designation is a material consideration in the decision-making process and highlights its particular qualities.

20.08.21

## Appendix One

Attribute	Natural Heritage
Guidance	Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape
Information sources	National Character Area Landscape Character Assessment Local Ecological Network, BAP
Key Features	
Description	
Value /Score	

Attribute	Cultural Heritage
Guidance	Landscape with clear evidence of archaeological, historical or cultural interest which contribute positively to the landscape



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Information sources	<p>conservation area designations, listed buildings, Scheduled Ancient Monuments</p> <p>historic settlement patterns</p> <p>historic maps</p> <p>site survey</p>
Key Features	
Description	
Value /Score	

Attribute	Landscape Condition
Guidance	Landscape which is in a good physical state both with regard to individual elements and overall landscape structure.
Information sources	<p>NCA</p> <p>LCA</p> <p>Natural England SSSI condition surveys. County SINC condition surveys</p> <p>Hedgerow surveys, tree surveys</p> <p>Site survey</p>
Key Features	Physical condition, landscape features such as walls, hedgerows woodlands ponds
Description	
Value /Score	



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Attribute	Associations
Guidance	Landscape which is connected with notable people, events and the arts
Information sources	Historical records, Guidebooks, traditions
Key Features	
Description	
Value/ Score	

Attribute	Distinctiveness
Guidance	Landscape that has a strong sense of identity
Information sources	NCA LCA
Key Features	Ancient woodlands, water courses geology, settlement pattern, field patterns, historic routes Site survey
Description	
Value /Score	

Attribute	Recreational
Guidance	Landscape offering recreational opportunities where experience of landscape is important



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Information sources	Public Rights of Way network, long distance trails (walk, cycle, horse), evidence of use
Key Features	PROW network Scenic drives, locations Visitor surveys Site survey
Description	
Value /Score	

Attribute	Perceptual (scenic)
Guidance	Landscape that appeals to the senses, primarily the visual sense
Information sources	NCA LCA Local surveys Site survey
Key Features	E.g. long distance views, what is within the view, historic buildings, landmarks
Description	
Value /Score	

Attribute	Perceptual Aspects (wildness tranquillity)
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Guidance	A landscape may be valued for its perceptual qualities notably wildness and/or tranquillity.
Information sources	Dark Skies mapping, Tranquillity Maps
Key Features	Sense of seclusion or openness,  Birdsong
Description	
Value /Score	

Attribute	Spatial function
Guidance	Landscape which performs a clearly identifiable and valuable function, particularly in the healthy functioning of the landscape
What Do We Know	NC  LCA  Local Plan designations e.g. green wedges, green gaps, local gaps
Key Features	Gateway/approaches to settlements, sense of arrival/departure, setting of settlement.
Description	
Value /Score	