



Malvern Hills
National
Landscape



Position Statement 1: Development and Land Use Change in the Setting of the Malvern Hills National Landscape

A quick note on terminology

On 22 November 2023, the Malvern Hills Area of Outstanding Natural Beauty (AONB), was re-branded as the Malvern Hills National Landscape. National Landscapes are designated AONBs. Consequently, the name Malvern Hills National Landscape is commonly used throughout this document. However, since 'AONB' remains the legal name for the designation, this term is also used in appropriate places, for example, when referring to the Malvern Hills AONB Management Plan which is a statutory plan or when directly quoting from older documents. The name used for the partnership associated with the designation is the Malvern Hills National Landscape Partnership.

This Position Statement was endorsed by the Malvern Hills AONB Joint Advisory Committee at its meeting on 10 November 2023.

Please Note: This position statement has been amended following the introduction of the National Landscape brand on 22 November 2023 and to also reflect up-to-date planning policy and guidance, including a revised National Planning Policy Framework on 20 December 2023. This does not alter the position statement's content in any way.

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1. INTRODUCTION

- 1.1** National Landscapes are designated Areas of Outstanding Natural Beauty (AONBs) by the UK Government for the purpose of ensuring that the special qualities of the finest landscapes in England and Wales are conserved and enhanced. In planning policy terms, they have the same planning status as National Parks, in that 'great weight' should be given to conserving and enhancing landscape and scenic beauty, which have the highest status of protection in relation to these issues¹.
- 1.2** The Malvern Hills AONB Joint Advisory Committee (JAC) is the body responsible for coordinating, on behalf of the constituent local authorities, the management of the Malvern Hills National Landscape. The principal purpose of the JAC is to enable the relevant local authorities, 'acting jointly', to fulfil their duties under Part IV of the Countryside and Rights of Way Act 2000 (the CRoW Act), to conserve and enhance the natural beauty of the AONB designation.

2. PURPOSE OF THE POSITION STATEMENT

- 2.1** The primary purpose of the Malvern Hills National Landscape Partnership Position Statements is to expand on relevant policies within the current Malvern Hills AONB Management Plan. They provide further context, guidance, and recommendations in relation to specific policies and associated issues. They do not create new policies.
- 2.2** The recommendations within the Position Statements intend to help local authorities, particularly plan-making bodies, as well as other relevant stakeholders, including those involved in decision-making and developers to:
- have regard, and positively contribute to the purpose of the AONB designation;
 - ensure that the purpose of AONB designation is not compromised by development, and that the outstanding natural beauty of the Malvern Hills National Landscape is conserved and enhanced;
 - fulfil the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
 - take account of relevant case law;
 - have regard to and be consistent with the AONB Management Plan and guidance published by the Partnership;
 - emulate best practice in the Malvern Hills National Landscape and other protected landscapes and
 - develop a consistent and coordinated approach to relevant issues across the whole of the Malvern Hills National Landscape and its setting.

¹ Paragraph 182 of the revised National Planning Policy Framework (2023)

- 2.3** This Position Statement is intended to provide guidance to local planning authorities, landowners, developers, Parish and Town Councils and other interested parties in connection with the need to consider the impacts on the Malvern Hills National Landscape of development and land management proposals which lie outside it but within its 'setting'.
- 2.4** This Position Statement has been produced because of growing pressure for development in these areas. For example, the area of land approved for housing in the setting of the English AONBs increased nine-fold between 2012 and 2017, with 60% of this on greenfield land².
- 2.5** The market towns of Malvern and Ledbury – which fringe parts of the Malvern Hills National Landscape boundary – are and have been subject to considerable development pressure. Some 1500 new dwellings have been approved or are currently being considered in the setting of the Malvern Hills National Landscape around Ledbury alone³.
- 2.6** The Position Statement also reflects land uses changes such as an increase in the use of plastic and fleece used in agricultural operations outside of the Malvern Hills National Landscape, including at some distance from the AONB boundary designation.
- 2.7** This Position Statement also aims to clarify and expand upon issues raised in the Malvern Hills AONB Management Plan and seeks to assist in the implementation of that plan, in particular with reference to the special qualities of the Malvern Hills AONB, the significance of the setting of the Malvern Hills AONB designation, and a number of key issues and plan policies as set out under Appendix 1 to this Position Statement. It also seeks to reflect key changes in national and local planning policy and guidance which has been introduced since the Malvern Hills AONB Management Plan was adopted.

2 CPRE (2017) Beauty betrayed: how reckless housing development threatens England's AONBs.

3 As of December 2023 – refer to Herefordshire Council Planning Services – Planning Application search.

3. STATUS OF THE POSITION STATEMENT

- 3.1** Position statements are supplementary to the Malvern Hills AONB Management Plan. Policy BDP2 of the Malvern Hills AONB Management Plan 2019-2024 states that *“development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership”*. As such, for development proposals to be compatible with the AONB Management Plan, they should also be compatible with the relevant position statements.
- 3.2** The Malvern Hills AONB Management Plan is a material planning consideration in decision-making. However, it must be acknowledged that, in a plan-led planning system, it is the policies of the relevant adopted local authority development plan that have the greatest weight. As such, within this planning system, the hierarchy is as follows:

Decision-making is taken in accordance with the adopted development plan unless material planning considerations indicate otherwise. The adopted development plan comprises the Local Planning Authority Development Plan, and any 'made' Neighbourhood Development Plan.

The Malvern Hills AONB Management Plan, like the National Planning Policy Framework, is a material planning consideration but does not form part of the adopted development plan. Malvern Hills National Landscape Position Statements and guidance documents supplement the AONB Management Plan.

4. THE SETTING OF THE MALVERN HILLS NATIONAL LANDSCAPE

- 4.1** The setting of the Malvern Hills National Landscape can be defined 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 National Landscape and/or on peoples' enjoyment of it.
- 4.2** In terms of landscape character, it can be considered to include the area outside the Malvern Hills National Landscape whose character compliments that of the Malvern Hills National Landscape, either through similarity or contrast.
- 4.3** In terms of views, it can be considered to include those areas which are visible from the Malvern Hills National Landscape, and which offer views towards it (i.e. are intervisible). The Malvern Hills AONB Management Plan lists dramatic scenery and spectacular views as one of the area's special qualities. In a recent visitor survey 48% of all respondents cited the 'beautiful/great views' when asked what they particularly liked about the area, making it the most popular response⁴.

- 4.4** It is inevitable that the Malvern Hills themselves provide much of the focus in any discussion on setting. The Hills form a highly distinctive and iconic feature in the region and exert a strong and widespread influence on the landscape in all directions. They are the most visited part of the Malvern Hills National Landscape and the views they afford are highly valued. However, the setting of the Malvern Hills National Landscape exists all of the way around the designated landscape, including those areas which are less obvious and less visited.
- 4.5** The setting of the Malvern Hills National Landscape has not been defined geographically by a line on a map and such a line would probably be all but impossible to draw. The extent of the setting of the Malvern Hills National Landscape varies depending on the nature and location of the change being proposed. For example, a very tall, prominent structure with moving parts such as a tall wind turbine which is visible from high ground may be considered to be in the setting of the Malvern Hills National Landscape, even if it is many kilometres from the AONB boundary designation.
- 4.6** By contrast, a much smaller, discrete development close to the edge of the Malvern Hills National Landscape may have little impact. However, a similar sized development in the same location which is brightly coloured and/or highly reflective of sunlight may have an impact on the special qualities of the AONB and/or peoples' enjoyment of the area.
- 4.7** Appendix 2 to this Position Statement provides a useful Planning Appeal decision which discusses the 'setting' of the Malvern Hills AONB designation⁵ in detail.

5. LEGISLATION, NATIONAL POLICY PLANNING POLICY FRAMEWORK AND NATIONAL PLANNING PRACTICE GUIDANCE

- 5.1** No legislation makes a direct reference to the setting of designated landscapes. However, Section 85 of the Countryside and Rights of Way (CRoW) Act (2000) imposes a duty on all public bodies in so that,
- "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty."*⁶
- 5.2** The words 'so as to affect' in this context include, in our consideration, developments of significance in the setting of the National Landscape.

5 Appeal Decision APP/W1850/W/19/3225309 was issued prior to the Malvern Hills AONB Partnership re-brand to the Malvern Hills National Landscape Partnership.

6 The CRoW Act has been amended following the Levelling Up and Regeneration Act (2023).

- 5.3** The National Policy Planning Policy Framework⁷ (NPPF) constitutes government policy for England and how this is expected to be applied by local planning authorities and decision-takers in drawing up plans and in determining planning applications. Section 15 of the NPPF sets out a range of measures through which planning policies and decisions should contribute to and enhance the natural and local environment. Whilst these do not directly allude to the setting of designated landscapes they do refer to 'valued landscapes'⁸ (which are undefined⁹), as well as to the need to ensure that new development is appropriate for its location, taking into account the potential sensitivity of the site and the wider impacts that could arise from the development.
- 5.4** Planning Practice Guidance (PPG) supports the NPPF and adds further context to it. It is intended that these two documents are read together. PPG for the Natural Environment makes clear that, whilst AONB Management Plans do not form part of the statutory development plan, they do help to set out the strategic context for development. They provide evidence of the value and special qualities of these areas, provide a basis for cross-organisational work to support the purposes of their designation and show how management activities contribute to their protection, enhancement and enjoyment. Further, it states that they may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications.
- 5.5** Changes to Planning Practice Guidance introduced in July 2019 make direct reference to the setting of designated landscapes, as follows.

"How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?"

Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account."

*Paragraph: 042 Reference ID: 8-042-20190721
Revision date: 21/07/2019'*

7 As most recently amended in 2023

8 Refer to Paragraph 180 of National Planning Policy Framework (2023).

9 The landscape profession's understanding of landscape value is still evolving – particularly in light of the climate and biodiversity emergencies. TGN 02-21: Assessing landscape value outside national designations is the Landscape Institute's current reflection on the subject of landscape value.

6. EXAMPLES OF ADVERSE IMPACTS ON THE SETTING OF THE MALVERN HILLS NATIONAL LANDSCAPE

6.1 Examples of adverse impacts on the setting of the Malvern Hills National Landscape could include:

- development which would have a disruptive visual impact on views out of the Malvern Hills National Landscape, into the Malvern Hills National Landscape or between parts of the Malvern Hills National Landscape, including consideration of the cumulative effect of several similar forms of development;
- loss of tranquillity through the introduction or increase of lighting and or noise (including consideration of the cumulative effect of several similar forms of development);
- other environmental impact and forms of pollution like dust;
- introduction of abrupt change of landscape character (including the addition of tall structures, masts, wind turbines etc);
- loss or harm to heritage assets and natural landscape, particularly if these are contiguous with the AONB designation;
- impact on special associations and interrelationships of settings (for example between the Malvern Hills National Landscape and Bredon Hill or the Cotswolds Escarpment, within the Cotswolds National Landscape);
- change of use of land where of a significant enough scale to cause harm to landscape character;
- development individually or cumulatively giving rise to significantly increased traffic flows to and from the Malvern Hills National Landscape (resulting in loss of tranquillity and erosion of the character of rural roads and lanes) and
- inappropriate use of external materials, external colours, reflective surfaces, and inappropriate landscaping.

7. CONSERVING AND ENHANCING THE MALVERN HILLS NATIONAL LANDSCAPE AND ITS SETTING

7.1 A number of measures can be taken to ensure that development in the setting of the Malvern Hills National Landscape does not impact on the natural beauty designation by which AONBs are defined, or the special qualities and/or enjoyment of the National Landscape. Some measures are a legal requirement or relate to the discharge of local policies.

7.2 Recommendations:

The Malvern Hills AONB Joint Advisory Committee (JAC), in principle, supports the following measures:

- to introduce policies into statutory plans, including Local Plans and Neighbourhood Development Plans, which protect the setting of the AONB designation, including incorporating policies which seek to protect key views;
- carry out Landscape Sensitivity and Capacity Assessments to inform the allocation of land for development, which help to objectively identify sites which have the highest capacity in landscape and visual terms¹⁰;
- ensure that Landscape and Visual Impact Assessments work related to potential development in the area around the Malvern Hills National Landscape includes a detailed consideration of effects on the designated landscape itself, as well as on views to and from it;
- ensure that new development is in accordance with relevant guidance produced by the Partnership, in particular '*Guidance on how development can respect landscape in views*¹¹.' This will help to ensure that the effects of new development are minimised through good orientation, layout, landscaping etc;
- ensure the considered use of existing landform and landscaping and the provision of new appropriate landscaping to help screen local views of development which is further afield, including agricultural fleece, polytunnels etc;
- where new landscaping is proposed under development proposals/planning applications, to ensure it is of sufficient detail, quantity and quality; and has a suitably agreed management plan to ensure its long-term effectiveness and
- avoiding external lighting or, if it is required, ensuring its effects are minimised through the use of 'dark night skies' compliant design and timing switches to ensure it is switched off when not needed. Adherence to the Partnership's Guidance on Lighting could be used to help reduce the effects of lighting.

10 Further information on this can be found within the Malvern Hills National Landscape Landscape-led Development Position Statement.

11 Published August 2019

Appendix 1: Excerpts from the Malvern Hills AONB Management Plan (2019-24) relevant to the setting of the AONB.

- AONB special quality - *'Dramatic scenery and spectacular views arising from the juxtaposition of high and low ground.'*
- AONB Special quality - *'A sense of remoteness and tranquillity, underpinned by dark night skies and limited noise and disturbance. People feel calm and spiritually refreshed.'*
- *'Views are a crucial component of setting, being associated with the visual experience and aesthetic appreciation of the wider landscape. Views are recognised as being of particular importance in the AONB because of the juxtaposition of high and low ground and because recreational users value them so highly. This was confirmed in a visitor survey of the Malvern Hills which took place in summer 2018 when 48% of all respondents cited the 'beautiful/great views' when asked what they particularly liked about the area. This was by far the most popular response to the question, with just 24% of respondents mentioning the next most popular response.'*
- *'The extent of the setting of the AONB has not been defined and is not fixed but will vary depending on issues being considered.'*
- *'If the quality of the setting declines, then the appreciation and enjoyment of the AONB diminishes.'*
- *'Without careful management views within, from and to the AONB may be lost or degraded as vegetation grows or structures are built.'*
- *'Inappropriate development adjacent to the AONB can influence landscape character within the designation, for example through associated noise and disturbance.'*
- Objective LO1 is the overarching objective relating to landscape in the plan, it sets out to: *'Conserve and enhance the distinctive landscapes of the AONB and its setting, particularly those that are most sensitive or have little capacity for change.'*
- Objective BD01 is the overarching objective relating to built development in the plan, it states: *'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.'*
- *'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 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.'*

Appendix 2: Planning Appeals

Planning appeal decisions are a material planning consideration in decision-making. The example below references the importance of the setting of protected landscapes in a positive way.

Appeal Ref: APP/W1850/W/19/3225309

Dymock Road, Ledbury HR8 2HT

The erection of up to 420 dwellings with public open space, land for community facilities, landscaping and sustainable drainage system (SuDS) with all matters reserved save for access.

Planning Inspectorate Decision Date: 1 November 2019

Herefordshire Council's failure to determine this application for outline planning permission within the prescribed period led to this appeal, although the Planning Inspectorate dismissed the appeal, subsequently refusing planning permission. Selected excerpts from the appeal decision, in relation to the 'setting' of the Malvern Hills AONB designation¹² are provided as follows:

'All in all therefore, the open undeveloped nature of the appeal site together with the attributes I have described, means that it contributes positively to the rural character and appearance of the area and the setting to Ledbury and the AONB.'

'The Council's particular concern with regard to the setting of the AONB relates to views across the appeal site from the west. From Dymock Road, although the community facilities would be in the foreground when approaching Ledbury, the housing would be visible in the context of AONB, particularly that on the higher slopes of the appeal site. While the planting would provide some screening in the longer term, this would be less effective in the wintertime and would be limited along the majority of the southern boundary where the housing would be particularly prominent.'

'Users of Dymock Road would be drivers, and therefore have a lower level of sensitivity. Furthermore, Dymock Road is a minor road. However, it is still a route that is used to access Ledbury from the south, where I have found the sensitivity of the landscape to be medium to high given its relationship to the AONB, and the landscape features it contains.'

'Viewpoints from Durnlow Common and Marcle Ridge on the Hereford Trail have been identified within the Malvern Hills AONB Views Project as being a Special View Corridor (Viewpoint 20) and an Exceptional View Corridor (Viewpoint 21). I saw that the relationship between Ledbury and the AONB, and the particular contribution to setting made by the juxtaposition of high and low ground, including the appeal site, could be readily appreciated from these viewpoints. The PPG6 states that land within the setting of an AONB often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important as is the case here.'

'I saw that even though the viewpoints are 7-8 km from the appeal site, both it and the Barratt's site are visible, although the latter appeared contained within the existing urban influence of Ledbury. However, the quantum of development on the appeal site, would extend the settlement to a significant degree to the south, creating a large suburban mass of built form that would replace the current open setting of the AONB to a considerably harmful degree. There is minimal space allocated for planting to the west of the appeal site and therefore, even in the long term and with a careful choice of a materials palette, the housing would be visible in the landscape from these important viewpoints.'

12 Appeal Decision APP/W1850/W/19/3225309 was issued prior to the Malvern Hills AONB Partnership re-brand to the Malvern Hills National Landscape Partnership.

'The Malvern Hills AONB Management Plan states that if the quality of the setting declines then the appreciation and enjoyment of the AONB diminishes. I appreciate that views from the west are just one part of the wider setting of the AONB. However, given the particular contribution the appeal site and its surroundings make to its setting, then the proposed development would lead to material harm to that setting.'

'Bringing all the above together, I am of the view that the proposal would be considerably harmful to the character and appearance of the area and the landscape setting of Ledbury and the AONB. It would therefore be contrary to Policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy 2011-2031 adopted 2015 (the CS), Policy BE2.1 of the LNP and paragraph 170 of the National Planning Policy Framework (the Framework). These require that development recognises the intrinsic character and beauty of the countryside, development proposals conserve and enhance those environmental assets that contribute to the County's distinctiveness, in particular its landscape and hedgerows. Development should also demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas and conserve and enhance the natural, historic and scenic beauty of the AONB and respect the setting of the AONB.'

The following bodies provide core grant support to the Malvern Hills AONB Partnership:



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