

Chapter 12 Caring for our outstanding landscape

East Devon has a beautiful natural environment, which makes the District an attractive place to live and work. This environment also attracts visitors who contribute to the local economy.



East Devon's outstanding landscape

74. Policy OL1: Landscape Features

East Devon's landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where the applicant is able to demonstrate through a proportionate Landscape Appraisal that it will protect and enhance valued landscape attributes and special features and qualities that contribute to the character of East Devon's landscapes, in particular where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

- a) Land form and patterns of settlement.

- b) Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
- c) The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.
- d) Aesthetic and perceptual factors such as tranquillity, wildness and dark skies.

All development in the countryside should have regard to relevant published Landscape Characterisation Assessments as a basis for understanding, maintaining and enhancing local distinctiveness and landscape character

Justification for inclusion of policy

This overarching policy aims to protect important features in the landscape, whether designated or not. A key objective of the Local Plan is to conserve and enhance the environment, the landscape, historic character and archaeological value and its wildlife, agricultural, recreational and natural resource value of countryside areas. All development in the countryside should have regard to the District Landscape Characterisation Assessment (LCA), so as to take account of the different roles and character of different areas.

The landscape of the District includes deep valleys, wooded hills, ancient woodlands, historic parkland, low-lying farmland, riverside meadows and a variety of urban forms. The whole of East Devon is rich in biodiversity, including international, national and locally protected sites and habitats and forms a part of a wider ecological network across the County. Maintaining sustainable agricultural land and practices is important in preserving the district's rural character and landscape.

Proposals should be accompanied by a Landscape Appraisal, which should be proportionate to the size and likely impacts of the scheme. Landscape Appraisals should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment¹ and successor documents. If the proposals require a full Environmental Impact Assessment (EIA) then a Landscape and Visual Impact Assessment (LVIA) undertaken by a Chartered Landscape Architect will be required.

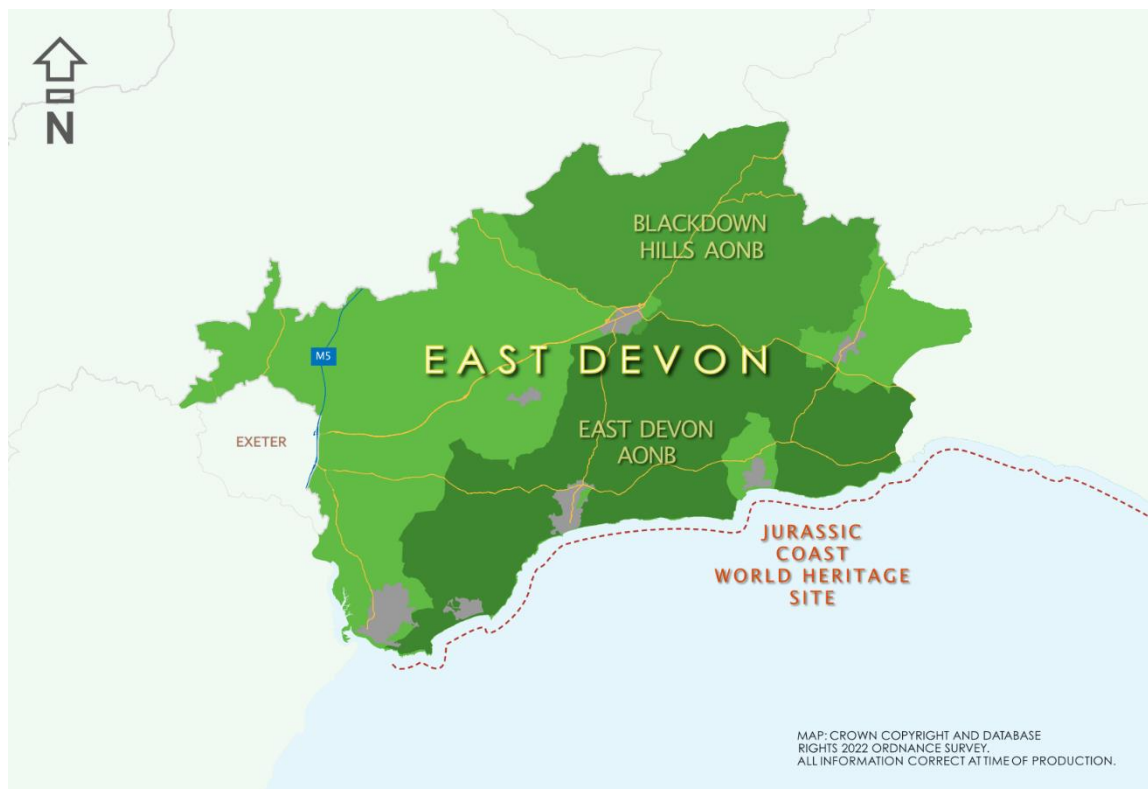
¹ Guidelines for Landscape and Visual Impact Assessment 3rd Edition (Landscape Institute & IEMA, 2013)

75. Strategic Policy OL2: National Landscapes (Areas of Outstanding Natural Beauty)

The highest level of protection will be given to the landscape and scenic beauty of the National Landscapes (NL's) in East Devon:

- a) Development in a NL, or outside but affecting its setting or appearance, will only be permitted where it conserves and enhances the character and natural beauty of the NL;
- b) Major development in a NL will only be permitted in exceptional circumstances and where it can be demonstrated to be in the public interest; and
- c) Any relevant National Landscape Management Plans will be a material consideration in decision making.

This policy will also apply to the Heritage Coast.



East Devon has significant National Landscapes (formerly AONB's). Update map to reflect new terminology

Justification for inclusion of policy

National Landscapes (formerly Areas of Outstanding Natural Beauty) account for around two thirds of the District and cover a number of villages as well as the small town of Budleigh Salterton. There are two NLs in East Devon, the East Devon NL

occupies much of the south of the District, and the Blackdown Hills NL (which although mostly in East Devon also extends into neighbouring mid Devon and Somerset) covering much of the north of the District. It should be noted that a very tiny part of the Dorset NL extends into the extreme east of the District. These areas have the highest level of landscape protection in England, equal to that of National Parks and are designated by the Secretary of State, so the boundaries and statutory protection cannot be amended through the local plan process.

Policy is required to ensure that the District's NLs are protected and conserved in accordance with the Countryside and Rights of Way Act 2000 (CROW Act), Levelling Up and Regeneration Act 2023 and the NPPF.

76. Strategic Policy OL3: Coastal Preservation Areas

Land around the coast and estuaries of East Devon, as identified on the Policies Map, is designated as a Coastal Preservation Area. Development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas.

The Coastal Preservation Area is defined on the basis of visual openness and views to and from the sea. Appropriate proposals which increase public access to the coast will be supported.

Justification for inclusion of policy

The majority of the coastline of East Devon is inscribed by UNESCO as being of international importance, recognised by its status as part of the Jurassic Coast World Heritage Site. Whilst the WHS was chosen for the outstanding value of its rocks, fossils and landforms the wider setting of the cliffs contribute significantly to the landscape (which is, itself, part of the landform). The NPPF (para. 174 c) requires local authorities to "maintain the character of the undeveloped coast, while improving public access to it where appropriate". Policy in the plan protects the character of the undeveloped coast (including the WHS) and designates a Coastal Preservation Area. This local designation is based on a detailed character assessment of undeveloped coast in terms of openness and views to and from the sea.

77. Policy OL4: Areas of Strategic Visual Importance

Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the District, in particular by conserving and enhancing key views and views of local landmarks, including those identified in Neighbourhood Plans.

The following view types are considered to be particularly important:

- a. Landmark views to and from viewpoints and tourism and recreational destinations, including the coast, woodland and open countryside;
- b. Views from publicly accessible areas which are within, to or from settlements which contribute to the viewers' enjoyment of the local area;
- c. Views from public rights of way and other publicly accessible areas;
- d. Night-time views of dark skies, particularly where lighting is to be introduced in areas of low existing light pollution; and
- e. Views which include or otherwise relate to specific features relevant to East Devon and its special qualities, such as key landmarks, heritage assets (either in view or the view from) and biodiversity features.

Development proposals should conserve and enhance sequential views, and not result in adverse cumulative impacts within views.

Justification for inclusion of policy

The purpose of the policy is to ensure that development does not harm important views or landmarks, to encourage conservation and enhancement of key view types and patterns, and to ensure development does not detract from the visual integrity, identity and scenic quality that are characteristic of much of East Devon. Appropriate site based assessment should be undertaken in accordance with the Landscape Institute & Institute of Environmental Managements most up to date guidelines for Landscape and Visual Impact Assessment². A LVIA should be carried out in accordance with these guidelines, and should be proportionate to the size and likely impacts of the scheme. If the applicant can demonstrate to the satisfaction of the local planning authority that an LVIA is not required, a simple landscape assessment may be appropriate.

There are many sources of information which may inform the Assessment including The East Devon and Blackdown Hills Landscape Character Assessment (2019)³, What Makes a View (Blackdown Hills AONB, 2013)⁴, the Devon historic environment record⁵, Village Design Statements, Conservation Area Character Appraisals and Management Plans, Local Landscape Character Assessments and Neighbourhood Plans may provide evidence on views and should inform development proposals.

² Guidelines for Landscape and Visual Impact Assessment 3rd Edition (Landscape Institute & IEMA, 2013)

³ [Cover front.indd \(eastdevon.gov.uk\)](http://coverfront.indd(eastdevon.gov.uk))

⁴ [what-makes-a-view.pdf \(blackdownhillsaonb.org.uk\)](http://what-makes-a-view.pdf(blackdownhillsaonb.org.uk))

⁵ www.devon.gov.uk/historicenvironment/the-devon-historic-environment-record/

This information, together with essential field and desktop studies which are undertaken at an appropriate level to the application, should be provided at the earliest possible stage in the planning application process and would form part of LVIA.

78. Policy OL5: Green wedges

Within Green Wedges, as defined on the Policies Map, development will not be permitted if it would conflict with their purpose which is to prevent the physical or visual coalescence of settlements and maintain a sense of character and identity of those settlements or a sense of intrinsic separation.

Within the Green Wedges permission will only be granted for development where:

- a. it cannot be located elsewhere; and
- b. it would not compromise, individually or cumulatively with other existing or proposed development, the integrity of the green wedge, either by diminishing its physical extent or through visual intrusion.

Justification for inclusion of policy

Green wedges are identified on the policies map. Green wedges are a long-standing local landscape designation that recognises the importance of maintaining open green networks between settlements in close proximity to prevent settlement coalescence in order to maintain a sense of place and identity for local communities. New buildings within the Green Wedge will be restricted to ensure that the openness, role and function of these landscapes are not adversely affected.

Proposals for new buildings will be assessed to ensure that they are proportionate in size and scale in relation to their intended use; in most circumstances, including proposals for new agricultural buildings, evidence may be required to demonstrate the requirement for a building of the size proposed.

Essential infrastructure, such as sewage or water connections, power sources, waste water recycling/treatment sites, electricity substations, new roads, emergency services or telecommunications will be permitted within the green wedge provided it must be situated in the location proposed for connection purposes and the benefits will override the impact on the designation.

Buildings for outdoor sport and recreation will include stabling for horses. Cemeteries, with ancillary buildings, and allotments are also acceptable in principle. The size and scale of these types of development will be judged on a site-by-site basis in relation to their intended use. The Council also recognises that there can sometimes be a need for outbuildings within residential properties because the size or location of the building falls outside of the remit of permitted development. These types of buildings may be used for purposes incidental to the enjoyment of the

dwelling house; it is not intended for the policy to provide new planning units or non-domestic uses within a residential site in the Green Wedge.

The Council supports, in principle, the provision of new buildings for community use including educational facilities that can demonstrate a requirement for a Green Wedge location. This is likely to be due to the location of the community or facility in which it serves.

Economic growth in the Green Wedge, and the re-use of existing buildings for employment purposes is encouraged but new buildings will only be permitted in circumstances where the proposal supports the sustainable growth and expansion of an existing, authorised and viable rural business. The need for the building and its Green Wedge location should be justified. New buildings for start-up businesses will not be permitted in the Green Wedge in order to avoid the proliferation of new buildings which are unconnected to existing sites and uses and may result in harm to the openness and landscape character.

79. Policy OL6: Land of Local Amenity Importance or Local Green Space

This policy will apply to Local Green Spaces, designated through Neighbourhood Plans or SPD (and identified on maps in those documents), and to the established Land of Local Amenity Importance areas (as shown on the Policies Map).

Within the Local Green Space or Land of Local Amenity Importance areas, development will be restricted to those limited types of appropriate development set out below, unless very special circumstances can be demonstrated.

Appropriate development, compatible with the reasons for which the land was designated, is considered to be:

- a) buildings for agriculture and forestry;
- b) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries and allotments, provided they do not conflict with the purpose of the LGS/LLAI designation;
- c) the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same (or a preferable, community use) and not materially larger than the one it replaces.

All development proposals should be carefully designed and managed to minimise visual impact, respect the reasons for which the site was designated, and ensure the continued integrity of the site.

Development proposals outside LLAI or LGS, but conspicuous when viewed from it, should minimise any detrimental impacts to the visual amenity and respect reasons for which the site was designated. Development proposals which improve accessibility to, or enhance the use of LLAI/LGS will be supported.

Justification for inclusion of policy

The policies in this plan provide important protection to the natural environment within East Devon and are likely to help preserve the character and integrity of important green areas within and around the District. However, there is potential for development pressure to erode and impact upon smaller green areas which are particularly important to local communities. This policy seeks to give added protection against development to specific locally valued green areas or open spaces, including those which are identified during the period of this Local Plan.

The Land of Local Amenity Importance designation will convey protection separate to (and in some cases in addition to) the Local Green Space designation which some East Devon communities have identified (and will identify) through Neighbourhood Plans.

Land of Local Amenity Importance is a long standing designation recognising a number of specific small parcels of land highly valued by local communities. The Local Plan recognises the particular visual, and other, importance of 14 sites within 5 of the District's towns and restricts development that is not for a community purpose or that would undermine the open character of the area. The sites are deemed to be locally significant, with opportunities of enhancement to provide multiple benefits, including improved water quality, access, biodiversity, recreational, health and educational benefits.

The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. It is envisaged that communities will use this designation to formally protect such areas in future, rather than identifying additional Land of Local Amenity Importance. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. As outlined in national policy, Local Green Space designation should only be used where the green space is in reasonably close proximity to the community it serves; demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of wildlife; and local in character and is not an extensive tract of land.

As additional Local Green Spaces may be identified during the life of the Local Plan it is not possible to identify these areas on the Policies Map, but the policy will apply to LGS in made Neighbourhood Plans and SPD.

Development within, or in close proximity to the Local Green Space or Land of Local Amenity Importance, should respect reasons for which the site was designed and minimise any impacts on it.

80. Policy OL7: Contaminated Land

Where it is anticipated that contamination may be present on or near to a development site, planning applications should be supported by a proportionate contaminated land assessment. The assessment must:

- a) Identify and characterise the contamination;
- b) Identify the risks; and
- c) Identify remediation and/or mitigation measures if required.

Where identified as necessary, agreed measures must be taken to remediate the site prior to or during development. Ongoing monitoring may also be required.

Development on or in close proximity to active or former waste sites will only be permitted where it can be demonstrated that there will be no harm to future occupiers of the site from leachate or landfill gas or other waste arising

Justification for inclusion of policy

East Devon is fortunate in not having large amounts of contaminated land but where present the safe decontamination of such land can be a desirable outcome that development can help facilitate.

The natural and local environment of East Devon will be enhanced by remediating and mitigating despoiled, degraded, derelict, contaminated or unstable land. The effective re-use of land that has been previously developed (brownfield land) will be encouraged. An application for planning permission must demonstrate that the site is suitable for its new use, taking into account the ground conditions, natural hazards or former activities, the proposals for remediation or mitigation and impacts on the natural environment as well as the water environment. As an absolute minimum, after remediation, land must not be capable of being determined contaminated land under Part 2a of the Environmental Protection Act 1990.

81. Policy OL8: Potentially Hazardous Developments and Notifiable Installations

Proposals for development within a notified consultation zone around a hazardous installation will be permitted only if there is no health and safety risk to that development.

Justification for inclusion of policy

Certain sites and pipelines are designated as notifiable installations by virtue of the quantities of hazardous substance stored or used. The Plan area already contains a number of high-pressure natural gas pipelines and other sites where hazardous substances are stored or used. Whilst they are subject to stringent controls under existing health and safety legislation it is considered prudent to control the kinds of development permitted in the vicinity of notified consultation zones. For this reason the Planning Authority has been advised, by the Health and Safety Executive, of consultation distances for each of these installations. Planning permission for development involving the use, movement or storage of a hazardous substance will not be granted if it would increase the risk to the health and safety of users of the site, neighbouring land or the environment.

82. Policy OL9: Control of Pollution

Permission will not be granted for development which would result in pollution that cannot be adequately mitigated. This will include:

- a) Pollution of the atmosphere by gas or particulates, including: smell, fumes, dust, grit, smoke and soot;
- b) Pollution of surface or underground waters including:
 - 1) Rivers, other watercourses, water bodies and wetlands;
 - 2) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas;
 - 3) Harbours, estuaries or the sea;

- c) Noise and/or vibration;
- d) Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value;
- e) Fly nuisance;
- f) Pollution of sites of wildlife value, especially European designated sites or species;
- g) Odour.

Where there is an identified risk of pollution, new development should be accompanied by a construction environment management plan (CEMP) to include details of protection, mitigation and enhancement measures, including SuDS and how soil will be managed during construction to avoid compaction and sediment laden run-off.

Justification for inclusion of policy

Pollution in the environment has significant implications for people's health and quality of life. The possible pollution effects from proposed development are a material consideration in determining planning applications in so far as they affect development and the use of land. Where the Council considers a proposal may raise such issues the relevant statutory pollution control authorities will be consulted at an early stage.

Where a development proposal may raise potential pollution outcomes the relevant statutory pollution control authority will be consulted at an early stage. Within the powers available to it the Council will control and reduce pollution in the environment. Where external lighting is required as part of a development proposal full details of the proposed lighting scheme will be required to demonstrate that this is the minimum needed for security and working purposes and minimises light pollution from glare and spillage (particularly in areas of open countryside and areas of nature conservation value) and that it will not detract from residential amenity or highway safety. Pollution or nuisance caused by new developments can have significant implications for the health and quality of life of residents. Decision on planning applications will seek to control and reduce environmental impacts or detriment to health or amenity. In particular:

- a) Existing developments must not be put at risk from unacceptable levels of soil, air, water or noise pollution arising from a new development.
- b) New development must be appropriate for the location and the effects of pollution on health, the natural environment and amenity will be taken into account.

- c) An increase in noise level shall not give rise to significant adverse impacts on health, quality of life, or, where appropriate, tranquillity.
- d) The cumulative impacts on air quality shall be taken into account, and developments within Air Quality Management Areas shall be consistent with the local air quality action plan.
- e) The impact of pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation shall be minimised.

Where a development proposal may raise potential pollution outcomes the relevant statutory pollution control authority will be consulted at an early stage. A construction environment management plan (CEMP), to include details of protection, mitigation and enhancement measures, including SuDS and soil and run-off management will be required to inform decision making and ensure that pollution is managed and mitigated in an acceptable way.

Where external lighting is required as part of a development proposal full details of the proposed lighting scheme will be required to demonstrate that this is the minimum needed for security and working purposes and minimises light pollution from glare and spillage (particularly in areas of open countryside and areas of nature conservation value) and that it will not detract from residential amenity or highway safety.

83. Policy OL10: Development on High Quality Agricultural Land

Unless allocated for development under another plan policy, planning permission for development affecting the best and most versatile agricultural land (Grades 1, 2 and 3a) will only be granted if there is an overriding need for the development and either:

- a) Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable, or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation outweighing the agricultural considerations. Or
- b) The benefit of the development justifies and clearly outweighs the loss of high quality agricultural land.

If best and most versatile land needs to be developed, and there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations, including intrinsic nature conservation value of a site, outweigh land quality issues.

Where best and most versatile land is developed a soil handling plan and sustainable soil management strategy based on detailed soil surveys should be submitted as part of the planning application.

Justification for inclusion of policy

Best and most versatile agricultural land

East Devon contains a substantial amount of agricultural land, much of which is of high quality. Some of the areas of highest quality land are in close proximity to settlements where pressures for development are amongst the greatest. Local Plan policy specifically seeks to conserve and protect the highest grades of agricultural land though this aspiration is balanced against the recognition of the need to accommodate development.

Soils should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. Where it is proposed to develop best and most versatile agricultural land, a soil handling plan and sustainable soil management strategy based on detailed soil surveys will be required to ensure that detrimental impact is minimised.