

Natural England

Surrey Hills AONB Boundary Review

Submitted by email to: [surreyhillsaonbboundaryreview@naturalengland.org.uk](mailto:surreyhillsaonbboundaryreview@naturalengland.org.uk)

9 January 2026

Dear Sir / Madam

**Re : Surrey Hills Area of Outstanding Natural Beauty (AONB) Boundary Review**

Please find below the response of the Land, Planning and Development Federation (LPDF) to Natural England's 'Surrey Hills Area of Outstanding Natural Beauty (AONB) Boundary Review' Notice Period.

The LPDF is a trade body representing land promoters, housebuilders (of all sizes), and commercial developers. Our members take on significant financial risk in navigating the planning system to establish the principle of development, unlocking land for new homes, employment space and infrastructure that supports thriving communities across the country. The LPDF encourages its members to deliver well-designed, high-quality, sustainable places that deliver a mix of housing types and tenures, commercial spaces, and community uses that have a positive social, environmental, and economic impact.

As a consequence of our members' daily interactions with Local Planning Authorities (LPAs) and consultees throughout the country, the LPDF is uniquely placed to comment on the operation of both the plan making and decision taking components of our planning system. It has been estimated that the land promotion sector is responsible for over half of the outline planning consents for residential development on an annual basis.

A number of our members have interests in the various LPAs which are covered by the Surrey Hills AONB designation and they have raised their concerns with us about the potential impacts of the proposed boundary extensions on the delivery of much needed new infrastructure, housing and economic growth in Surrey, especially at a time where we are trying to tackle a housing crisis, to grow the economy, and to deliver the infrastructure that is needed to accommodate a growing national population.



The LPDF has provided responses to both previous stages of consultation relating to the review, including a technical note prepared by LDA Design which is included for reference as an attachment to this representation.

Since the conclusion of the previous consultation periods, the Government has strengthened its commitment to tackling the housing crisis through the Planning and Infrastructure Act, which was granted Royal Assent in December 2023, various consultations on issues related to the planning system which all seek to promote growth and ensure a significant increase in the delivery of housing and economic growth, and most recently, through the consultation on the new NPPF.

### Key Issues

The LPDF do not wish to restate its previous representations to the Surrey Hills AONB Boundary review, but they are attached for reference to this consultation.

However, Surrey is already a highly constrained location with Green Belt, AONB and many other environmental constraints making the delivery of future infrastructure and development needs in the area significantly problematical.

Clearly, increasing the AONB boundaries in this area is only likely to increase the difficulties that these LPAs have in meeting their development needs, particularly for new housing to meet the Government's new housing requirements as set out in the Standard Method. These requirements, as you will be aware, have significantly increased since the initial consultations on the AONB Boundary Review were undertaken and therefore, these new targets will be increasingly difficult to achieve in the Surrey Hills area, if the proposal to extend the boundary to include 129 square kilometres of additional land is approved.

Surrey already has some of the worst unaffordability rates in the country and these proposals are only likely to lead to increasing unaffordability in these areas, a lack of family type accommodation and associated social implications such as young people and families being forced to move out of the area to fulfil their accommodation requirements.

Therefore, the LPDF can only object to the current Notice Period for the revision of the Surrey Hills AONB Boundary. We also call for a public inquiry to be held by the Secretary of State into these proposals, at which all representations to the proposals can be robustly tested against the Government's policies to drive growth and bring a laser like focus to delivery, as set out in the NPPF 2025 consultation.

I hope that you find this representation helpful and the LPDF request that Natural England keep us informed of the progress of the proposals at the appropriate time.



If you need anything further, please do not hesitate to contact me.

Yours faithfully



Phill Bamford

Policy Director

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Natural England

Surrey Hills AONB Boundary Review

Submitted by email to : [SurreyHillsAONBboundaryreview@naturalengland.org.uk](mailto:SurreyHillsAONBboundaryreview@naturalengland.org.uk)

12 June 2023

Dear Sir / Madam

**Re : Surrey Hills Area of Outstanding Natural Beauty (AONB) Boundary Review Consultation**

Please find below the response of the Land Promoters and Developers Federation (LPDF) to Natural England's 'Surrey Hills Area of Outstanding Natural Beauty (AONB) Boundary Review' Consultation.

The LPDF represents land promoters and housebuilders, of all sizes, who due to their land interests, interact with the planning system across England to establish the principle of development, normally for a residential use. As a consequence of these multiple daily interactions with Local Planning Authorities (LPAs) and consultees throughout the country, we are uniquely placed to comment on the operation of both the plan making and decision taking components of our planning system. It has been estimated that the land promotion sector is responsible for over half of the outline planning consents for residential development on an annual basis.

A number of our members have interests in the various LPAs which are covered by the Surrey Hills AONB designation and they have raised their concerns with us about the potential impacts of the proposed boundary extensions on the delivery of much needed new infrastructure, housing and economic growth in Surrey, especially at a time where we are trying to tackle a housing crisis, to grow the economy, and to deliver the infrastructure that is needed to accommodate a growing national population.

Key Issues

The Surrey Hills AONB was established in 1958 and there has been no review of the boundaries of the original designation since it was established. However, there has been considerable change to the area covered by the AONB over the intervening 65 years which is not being properly considered by this review.

New development and infrastructure has been delivered within the Surrey Hills AONB over the period since it was established, and this is highly likely to have altered the landscape and perception of the AONB in the areas that have been impacted by that development. At present, the review of the AONB boundaries only considers an extension to the existing designation. However, for the exercise to be robust and to properly reflect the current situation, a full review of all existing and potential future boundaries of the AONB needs to be considered.

Surrey is a highly constrained location with Green Belt, AONB and other many environmental constraints making the delivery of future infrastructure and development needs in the area

significantly problematical. To illustrate this point, the LPAs which are covered by this designation (Epsom and Ewell, Guildford, Mole Valley, Reigate and Banstead, Tandridge and Waverley) are significantly constrained by the Green Belt, AONB, SSSIs and other such national and local designations ranging from Epsom and Ewell with 46% coverage of such constraints, to Tandridge which has 94% coverage (see table 1 below). Clearly, increasing the AONB boundaries in any of these areas is only likely to increase the difficulties that these LPAs have in meeting their development needs.

<b>Local Authority</b>	<b>Proportion of land designated as a National Park, an Area of Natural Outstanding Beauty, a Site of Special Scientific Interest, or as Green Belt as at 31 March 2022.</b>	<b>Affordability Ratio 2022 - Ratio of median house price to median gross annual workplace based earnings</b>
	Source : DLUHC – Sept 2022	Source : ONS House price to workplace earnings ratio table 5c 2023.
<b>Epsom and Ewell</b>	45.8%	20
<b>Guildford</b>	83.9%	12.67
<b>Mole Valley</b>	76.8%	13.85
<b>Reigate and Banstead</b>	68%	14.38
<b>Tandridge</b>	93.9%	14.97
<b>Waverley</b>	63.8%	17.37
<b>Woking</b>	60.1%	11.07

**Table 1.**

Because many of these LPAs are struggling to meet their identified development needs across their local plan periods, this is leading to significant delays in the preparation of future local plans across the county as the LPAs concerned try to balance the need for development against the need to protect the environment. This has led to recent delays in the preparation of plans in Mole Valley, Tandridge and Epsom and Ewell where the current local plan preparation processes are paused.

Any establishment of new AONB boundaries will also endure for a significant length of time and any extension will have a significant impact on the area in terms of its ability to meet future development needs. Paragraph 177 of the National Planning Policy Framework (NPPF) is extremely restrictive, stating that permission should be refused for major development in AONBs, other than in exceptional circumstances. Therefore, any extension to the AONB boundaries should not be considered lightly and should be robustly justified when considered against wider governmental agendas of delivering economic growth whilst protecting the environment.

There is real concern that if the AONB boundaries are extended as proposed, the areas' development needs will only increase over time as LPAs struggle to meet the wide variety of needs of their area, without detrimentally impacting the AONB. If the government's changes to the NPPF are also

implemented, as set out in the recent consultation, the impacted LPAs will not be required to amend their Green Belt boundaries as part of their plan preparation processes, further reducing their ability to meet their future development needs. These two proposals together will therefore have long-lasting implications for the future planning and economic growth of the area.

It is highly likely that as development options for the affected LPAs are restricted, new development will be concentrated on the existing urban areas which are not affected by the various constraints. Whilst the delivery of gentle densification and the re-use of previously developed land is supported, it does have unintended consequences when it is not balanced with the release of greenfield sites on the edge of those urban areas. Brownfield sites tend to deliver higher density schemes dominated by apartment style accommodation delivering smaller units unsuitable for the majority of families. In addition, because of the viability of many of these schemes, delivery of affordable housing is often significantly less than on greenfield sites where viability can be less of an issue. This has led to woefully poor affordable housing delivery rates across the affected LPAs across recent years.

These consequences are only likely to lead to increasing unaffordability in these areas, a lack of family type accommodation and associated social implications such as young people and families being forced to move out of the area to fulfil their accommodation requirements. In fact, Surrey has some of the worst unaffordability rates in the country ranging from 13.1 to 18.3 across the impacted LPAs (see Table 1 above). Introducing further restrictions on development in these locations is only likely to worsen these issues considerably.

It is therefore essential that any proposal to increase the boundaries of the Surrey Hills AONB is robustly evidenced and publicly scrutinised in the appropriate manner to ensure that the decisions that are made are done so in the best interests of the wider planning and growth ambitions of the area and the government. The LPDF consider that this scrutiny can only be achieved through a public inquiry, held by the Secretary of State into the proposals for the Surrey Hills AONB boundary extensions, at which all objections to the proposals can be robustly tested and an effective solution achieved.

I hope that you find this representation helpful and the LPDF request that Natural England keep us informed of the progress of the proposals at the appropriate points in time.

If you need anything further, please do not hesitate to contact me.

Yours faithfully



Phill Bamford

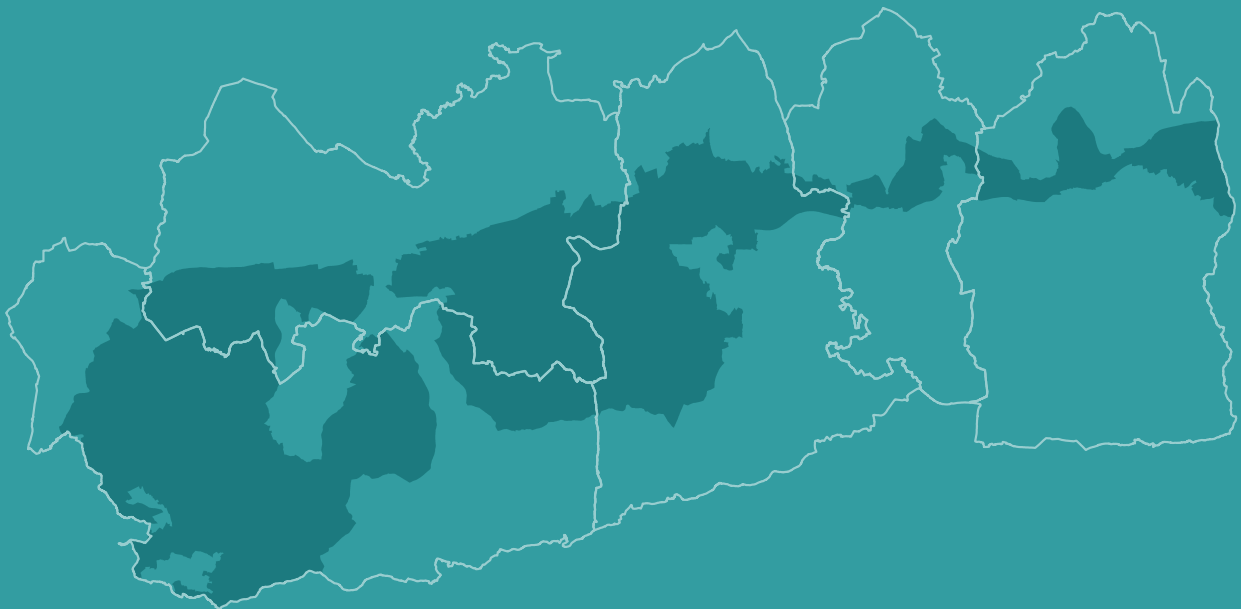
Policy Director

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LDĀDESIGN

# Surrey Hills Area of Outstanding Natural Beauty Boundary Review Second Consultation:

Response of the Land, Planning  
and Development Federation



December 2024

# Introduction

Natural England launched the second consultation on its review of the boundary of the Surrey Hills Area of Outstanding Natural Beauty (AONB) on 17th September 2024. This followed the publication of its report on the first consultation that ran from 7th March to 13th June 2023.

The Land, Planning and Development Federation (LPDF) submitted a response to the 2023 consultation (letter dated 12 June 2023) which highlighted several issues that it felt should be addressed by Natural England in the review process.

This included undertaking an evaluation of the existing boundary (as well as future potential boundary variations) in order to reflect changes that had occurred within the AONB during the 65 years since its designation.

It is accepted that the removal of areas currently designated as AONB from the current boundary is not the focus of the Boundary Review. Therefore, this representation by the LPDF reiterates and expands on a more substantive matter raised by the LPDF, which related to the potential for likely significant impacts the extension of the AONB could have on the ability of local planning authorities (LPAs) to both meet the needs of local communities within an extended AONB, and meets targets for new homes within their administrative boundaries.

# Balancing the Statutory Duty to ‘Further the Purpose’

AONBs (now referred to as National Landscapes<sup>1</sup>) along with National Parks and the Broads have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty. The Countryside and Rights of Way (CRoW) Act 2000 states that the purpose of designating AONBs is the conservation and enhancement of the natural beauty of the area. The Levelling-up and Regeneration Act 2023 amends section 85 of the CRoW Act 2000, to create a new strengthened duty on relevant authorities to seek to ‘further the purpose’ of conserving and enhancing the natural beauty of the area when discharging their functions.

Within this legislative context, national planning policy requires great weight is given to the conservation and enhancement of natural beauty in AONBs and adds that the conservation and enhancement of wildlife and cultural heritage are also important considerations. National planning policy also states that the scale and extent of development within these designated areas should be limited, while development within

their setting should be sensitively located and designed to avoid or minimise adverse impacts. It adds that permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

As well as protecting areas of our finest landscapes for this and future generations, the Colchester Declaration<sup>2</sup> sets out a commitment for AONBs to increase the scale and pace of nature conservation activity and measures that address the causes and effects of climate change. Furthermore, AONBs (along with National Parks and the Broads) have been identified by Government as providing ‘the backbone’ of its commitment to protect 30% of land and sea for nature by 2030 (30by30), to support the global 30by30 target agreed at the UN Biodiversity Summit (COP15) in 2022. This will be driven by the ‘Protected Landscapes Targets and Outcomes Framework’, as well as further action to ensure that these special places are wilder and greener<sup>3</sup>.

<sup>1</sup> The legal designation remains ‘Area of Outstanding Natural Beauty’. The name ‘National Landscape’ was introduced to highlight their national significance. To avoid confusion, this report refers throughout to Areas of Outstanding Natural Beauty/AONBs.

<sup>2</sup> <https://national-landscapes.org.uk/the-colchester-declaration>

<sup>3</sup> 30by30 on land in England: confirmed criteria and next steps - GOV.UK

Whilst recognising these important legislative and policy considerations, it must also be acknowledged that AONBs are ‘living landscapes’; places in which people make their home, create communities, and sustain successful businesses. Agriculture, forestry, and tourism form an important part of the economy of the Surrey Hills AONB. Indeed, in many respects these factors contribute to the intrinsic character and qualities that form and maintain the areas sense of place and the natural beauty and special qualities for which it is designated.

It is generally acknowledged therefore that some degree of development in designated areas is needed in order to sustain vibrant communities and a thriving economy.

By example, the Landscape Review<sup>4</sup>, which was commissioned by Government in response to the 25 Year Environment Plan, highlighted the challenges faced by communities living in designated landscapes. These include an aging population, poor public transport, and the high demand for affordable homes. The Review heard that sites could be found for small numbers of homes, and that communities were keen to see them built, but that builders did not come forward. It added that government schemes, while available to rural communities, are often focused on pressing needs and larger sites in cities.

Further details of relevant AONB guidance and policy are provided in Appendix 3.

## Increased housing targets to ‘get Britain building again’

All LPAs in England are to be given new, mandatory housing targets to help deliver 1.5 million homes across the country and tackle the recognised national housing crisis. The method for calculating housing need is also going to be updated to better reflect where new homes are most required, with focus on areas where homes are particularly unaffordable, such as London and the South-East. There is also an increased emphasis on social rent homes and other affordable tenures, which is compatible with the needs of many communities in the Surrey Hills AONB.

The new method for calculating LPA housing targets will be published in the revised National Planning Policy Framework (NPPF), which, having recently been consulted on, is anticipated for publication in late December 2024.

While the Consultation Draft NPPF maintains the position that plans should first focus on ‘previously developed land in sustainable locations’, along with continued protection of AONB’s (with major development only permissible in exceptional circumstances and where in the public interest), the NPPF does make clear the development decisions within the AONB should consider:

- The need for the development, including in terms of any national considerations.
- The scope for developing outside the designated area or meeting the need for it in some other way.
- The effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

<sup>4</sup> Defra (2019) Landscapes Review Final Report

# Spatial Analysis: A heavily constrained landscape

The existing extent of the Surrey Hills AONB is shown on Figure 1 (Appendix 1) attached. In summary it extends across five LPAs, comprising Guildford, Mole Valley, Reigate and Banstead, Tandridge and Waverly.

Table 1 (Appendix 2) shows the proportion of land within the AONB in each of the LPAs. In summary the AONB covers approximately 34% of land within the administrative areas of the relevant five LPA's. The largest proportions of land designated as AONB are within Guildford, Mole Valley and Waverly.

At its current stage, the Boundary Review has identified seventeen broad areas, where there are proposed extensions or minor boundary alternations. These areas comprise:

- Wey Valley, Farnham
- Hog's Back Figure
- Binscombe Hills and Wey Valley
- Farley Hill
- Enton Hills
- Cranleigh Waters
- Hatchlands and East Clandon
- Headley Hills

- Chipstead Valleys
- Happy Valley and Caterham Woods
- Woldingham Valleys
- Limpsfield Figure
- Godstone Hills
- Betchworth Hills and Mole Valley
- Ockley Low Weald
- Dunsfold Low Weald
- Grayshott and Haslemere
- Dockenfield Hills

Figure 2 (Appendix 1) illustrates the proposed extensions, and Table 2 (Appendix 2) sets out the potential increase to the designated area. In summary this would represent approximately a 13% increase in the extent of the Surrey Hills AONB, relative to the total administrative areas of the five LPA's. In terms of the size of the extension relative to the Surrey Hills AONB itself, the proposed extensions represent around a 38% increase of the designated area.

In addition to the AONB designation and proposed extension areas, these LPAs are also subject to a range of other spatial and environmental designations that have the potential to significantly constrain new development. Key designations include:

- Green Belt – see Figure 3 (Appendix 1)
- Areas of Great Landscape Value – see Figure 4 (Appendix 1)
- Ecology Designations (Special Protection Area, Special Areas of Conservation and Sites of Special Scientific Interest) – see Figure 5 (Appendix 1)
- Heritage Designations (Scheduled Monuments and Registered Parks and Gardens) – see Figure 6 (Appendix 1)

Table 3 (Appendix 2) sets out their coverage of each of these designations / groups of designations relative to each LPA. In summary the Green Belt represents 76% across of the total administrative areas of the five LPA's; Areas of Great Landscape Value 52%; ecological designations 14%; and heritage designations 10%.

In order to fully understand the spatial extent of designations across these LPA's – and acknowledging that many of these designations coincide - the total area of these combined designations is presented in Table 4 (Appendix 2). Figure 7 (Appendix 1) provides an overlay of the various designations, whilst Figure 8 (Appendix 1) illustrates the total extent of designated areas within each LPA.

Collectively these designations present a significant constraint to the delivery of new homes. LPAs such as Tandridge, Guildford, Mole Valley and Waverly in particular have a very large proportion of their administrative areas covered by designations. On average, around 84% (across the total administrative areas of the five LPA's) is constrained by designations and this does not include existing developed / built up areas, or areas that may form part of other strategies – such as Nature Recovery Plans.

Furthermore, the majority of ecological and heritage designations are likely to act as 'absolute constraints' to development. Therefore it will be necessary for LPA's to carefully consider how 'good growth' can be accommodated elsewhere within their administrative areas, including within the (extended) Surrey Hills AONB and its setting, and areas designated as Green Belt.

# Recommendations

The LPDF does not question the value and importance of the Surrey Hills AONB. It also recognises the widespread support for the Boundary Review, and the important role it, and other protected landscapes, have in addressing the twin crises of climate change and biodiversity decline.

However, when considered in the context of the other forms of designation that occur within the LPAs, the LPDF has genuine concerns that the extension to the AONB will both limit the potential for new development within the larger AONB (and its setting) and place greater pressure on areas that fall outside the AONB and its setting, that may be less suited to accommodating new housing and infrastructure development – for example due to poor connectivity to services.

The LPDF therefore requests that Natural England gives very careful consideration to this matter in its ongoing review of the potential additional areas. The LPDF would welcome the opportunity for a public inquiry to allow these issues to be considered in detail and assist in the decision making process.

The LPDF also requests that Natural England, Surrey Hills JAC and the LPAs within the AONB provide clear and proactive guidance that can be used to determine the most suitable locations and form of development within the AONB. This includes, but is not limited to:

- A clear spatial plan – LPAs should identify sustainable locations within and in the setting of the Surrey Hills AONB that are considered to be – or could be – suitable for new housing development, with

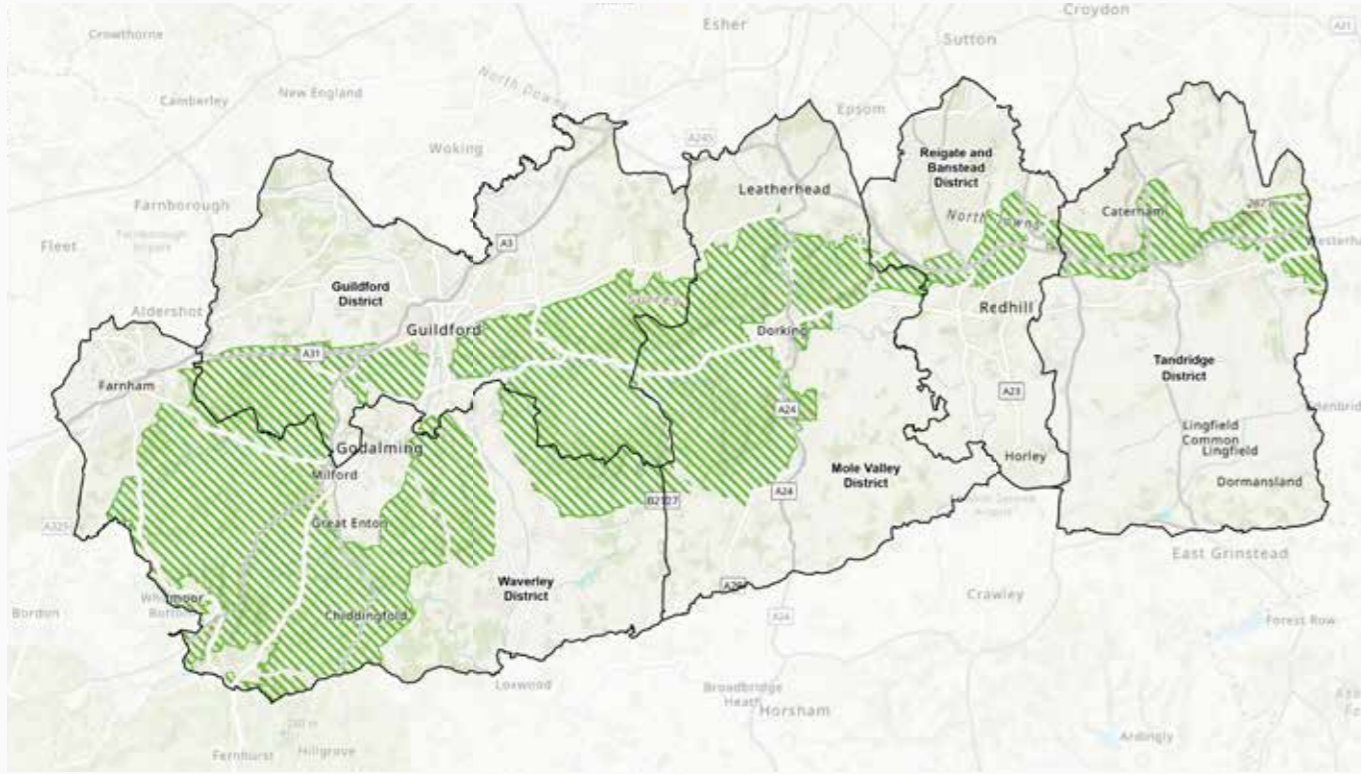
reference to transport connectivity; public transport links; and access to facilities and services. This should be underpinned by an appropriate ‘sequential approach’ to identifying brownfield land first, followed by green-field sites, grey belt sites, and then the remaining ‘need’ for Green Belt release and development within the Surrey Hills AONB.

- Guidance on design and mitigation – LPAs should provide clear guidance and provide examples of what standards of development are considered appropriate within and in the setting of the Surrey Hills AONB, including proportion of affordable housing; achieving certain standards of design; and the necessary contributions towards landscape, biodiversity and recreational functions of a site and its surrounds.
- Position on to ‘further the purpose’ – LPAs should provide clear direction on how they will expect developers to apply the new strengthened duty on relevant authorities to further the purpose of conserving and enhancing the natural beauty of the Surrey Hills AONB in regard to new housing development.

These comments and recommendations should be read alongside the LPDF’s original representations, made in June 2023, which reiterates the potential implications (of the Surrey Hills AONB extension) on the planning and economic growth of the area; and the need for any extensions to be robustly evidenced and publicly scrutinised.

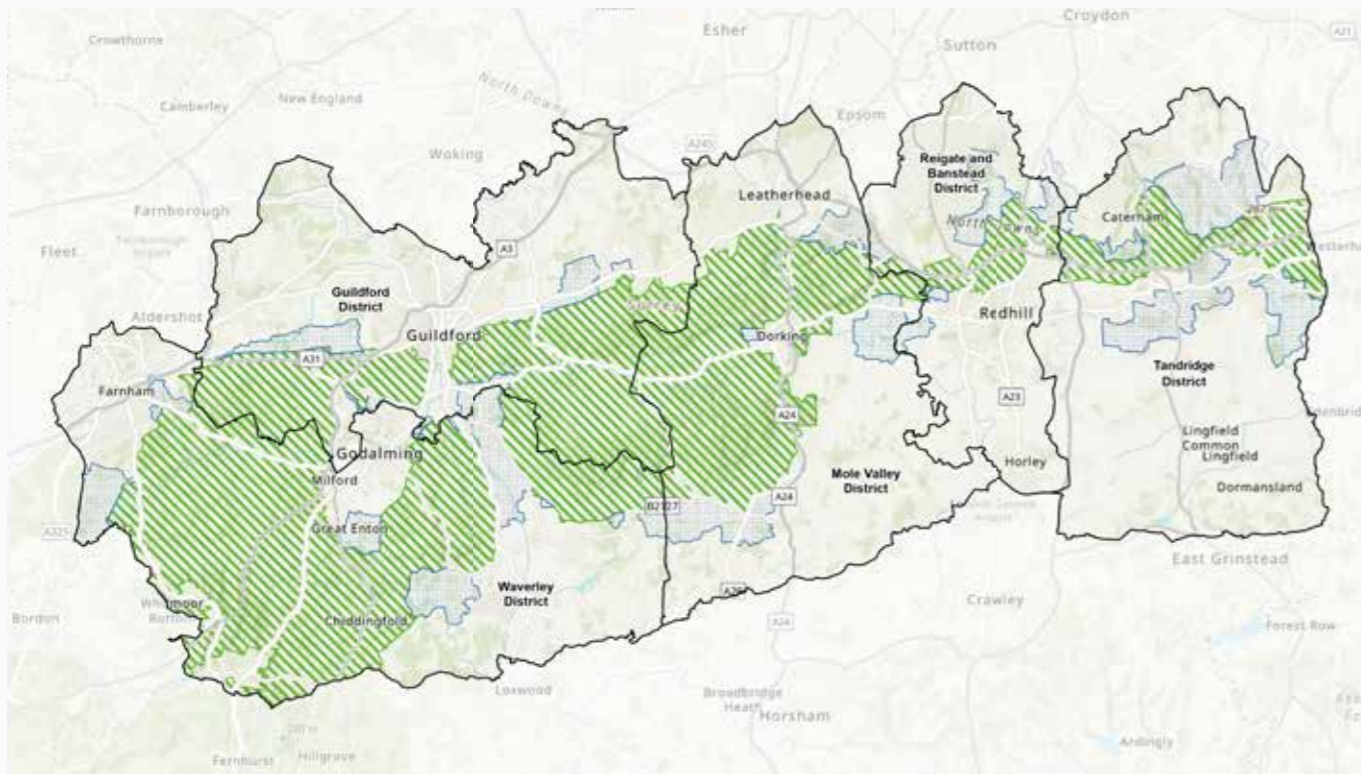
LPDF would welcome the opportunity to discuss the points raised in this representation in further detail with representatives of Natural England; the Surrey Hills JAC; and the relevant LPAs.

## Appendix 1



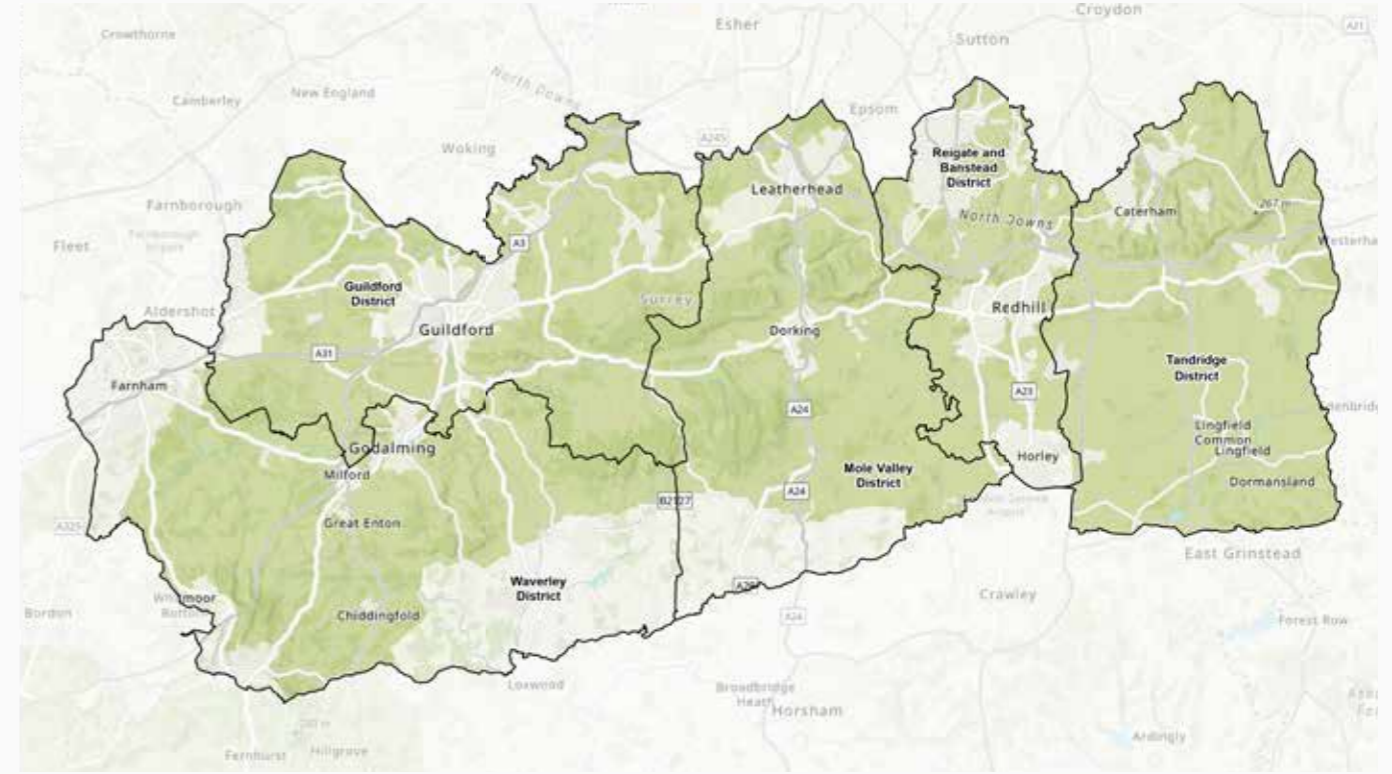
↑ Figure 1: Surrey Hills AONB

District Boundary
  Surrey Hills Area of Outstanding Natural Beauty (AONB)



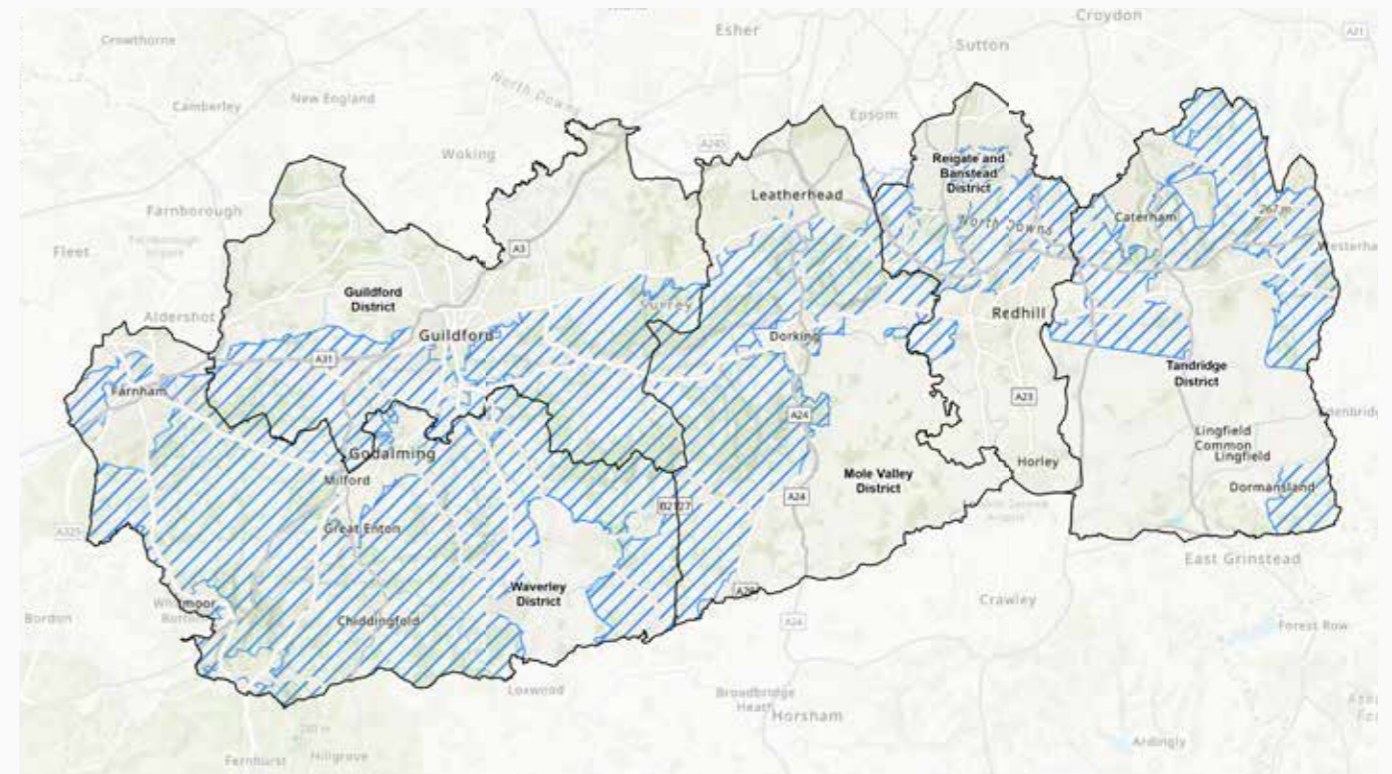
↑ Figure 2: Surrey Hills AONB and Proposed Extensions

District Boundary
  Surrey Hills Area of Outstanding Natural Beauty (AONB)
  Proposed Extensions to the AONB



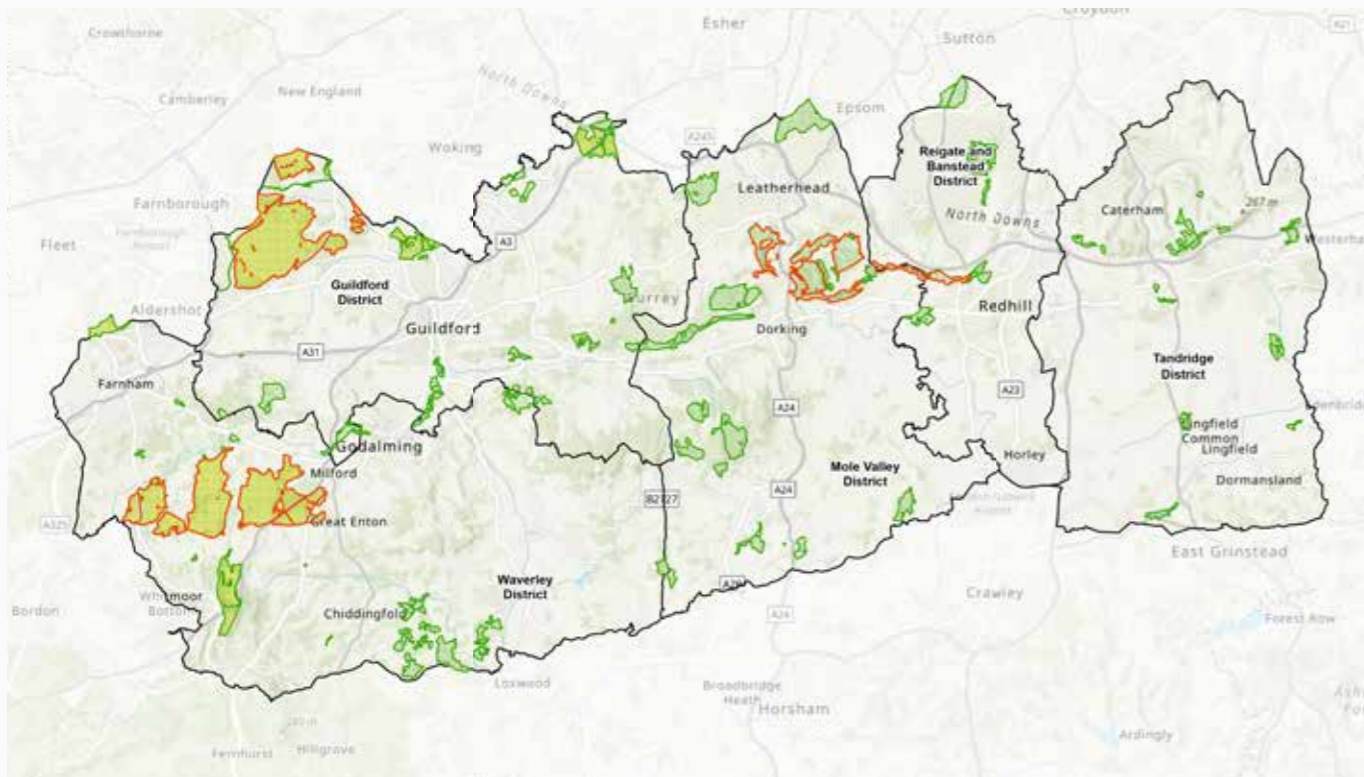
↑ Figure 3: Green Belt

District Boundary
  Green Belt

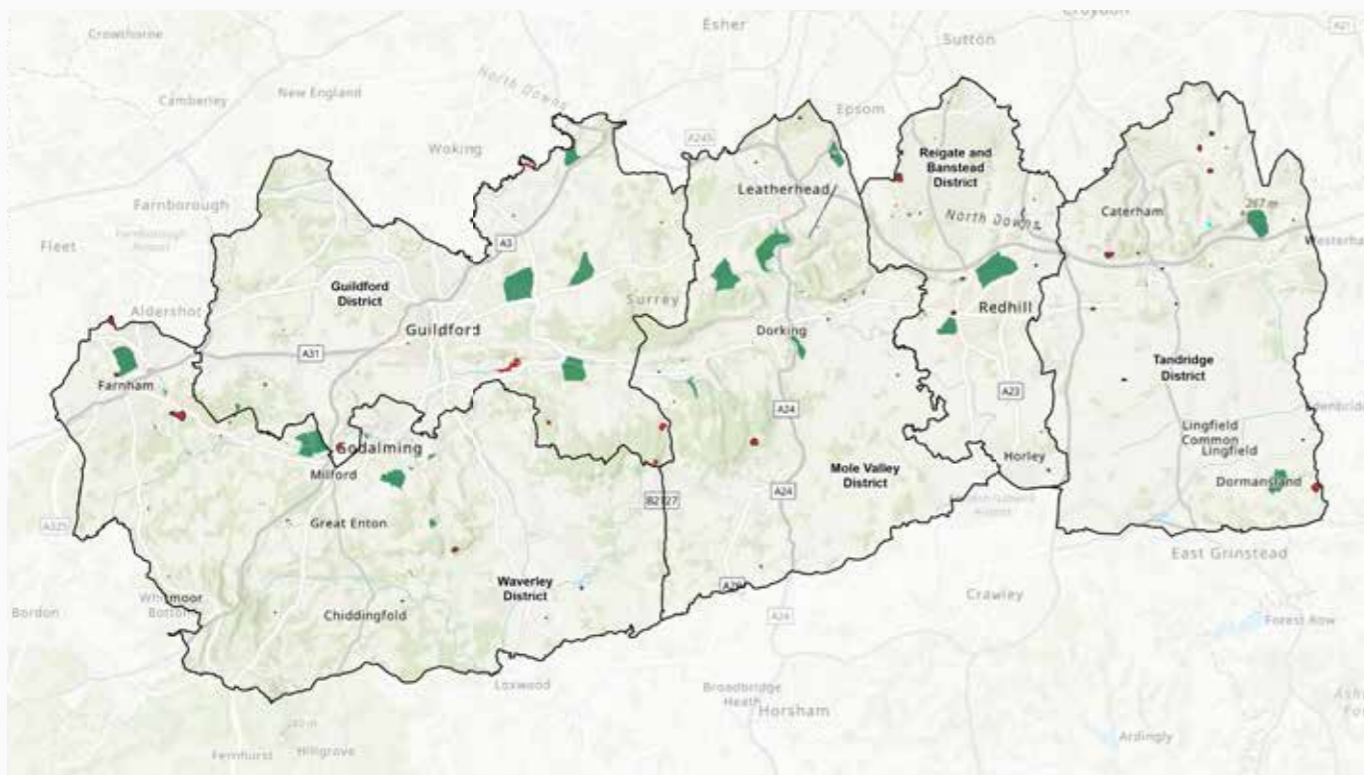


↑ Figure 4: Area of Great Landscape Value

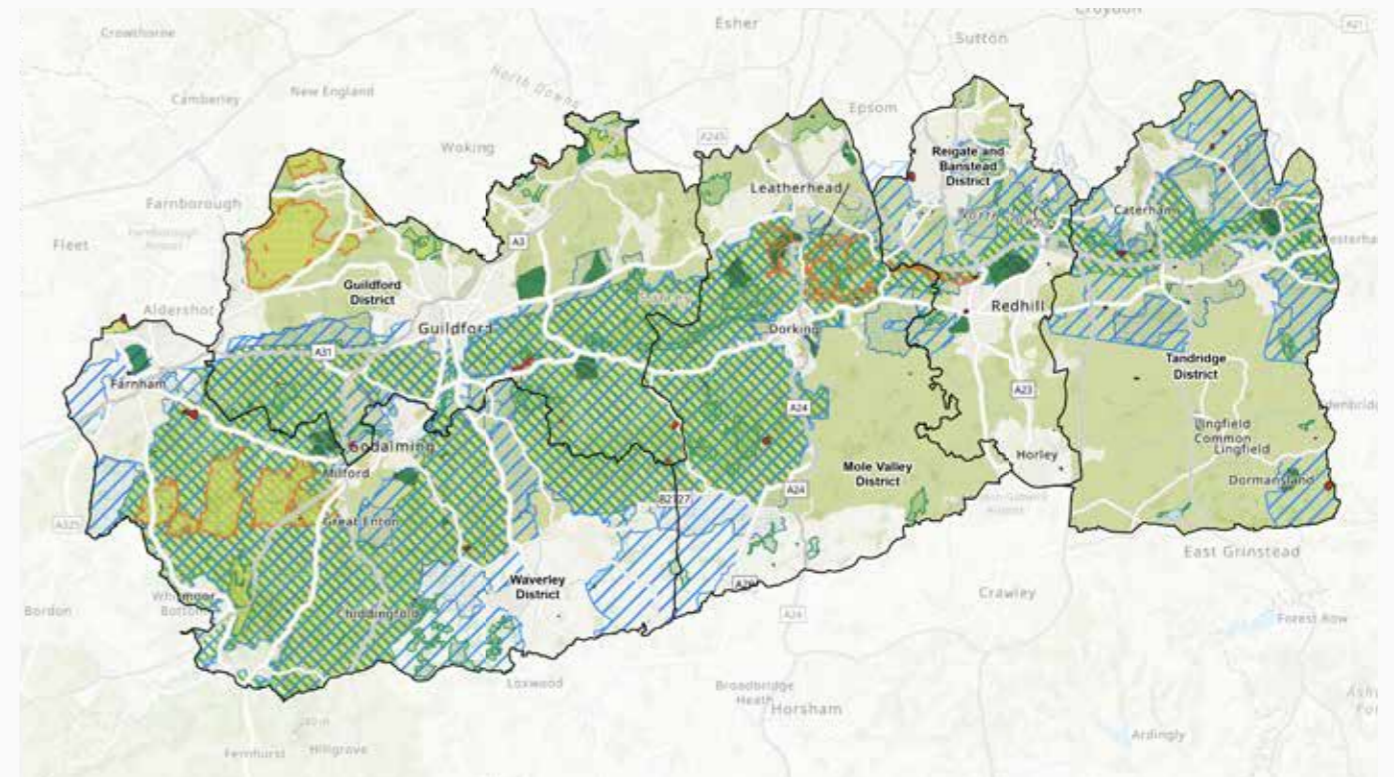
District Boundary
  Area of Great Landscape Value (AGLV)



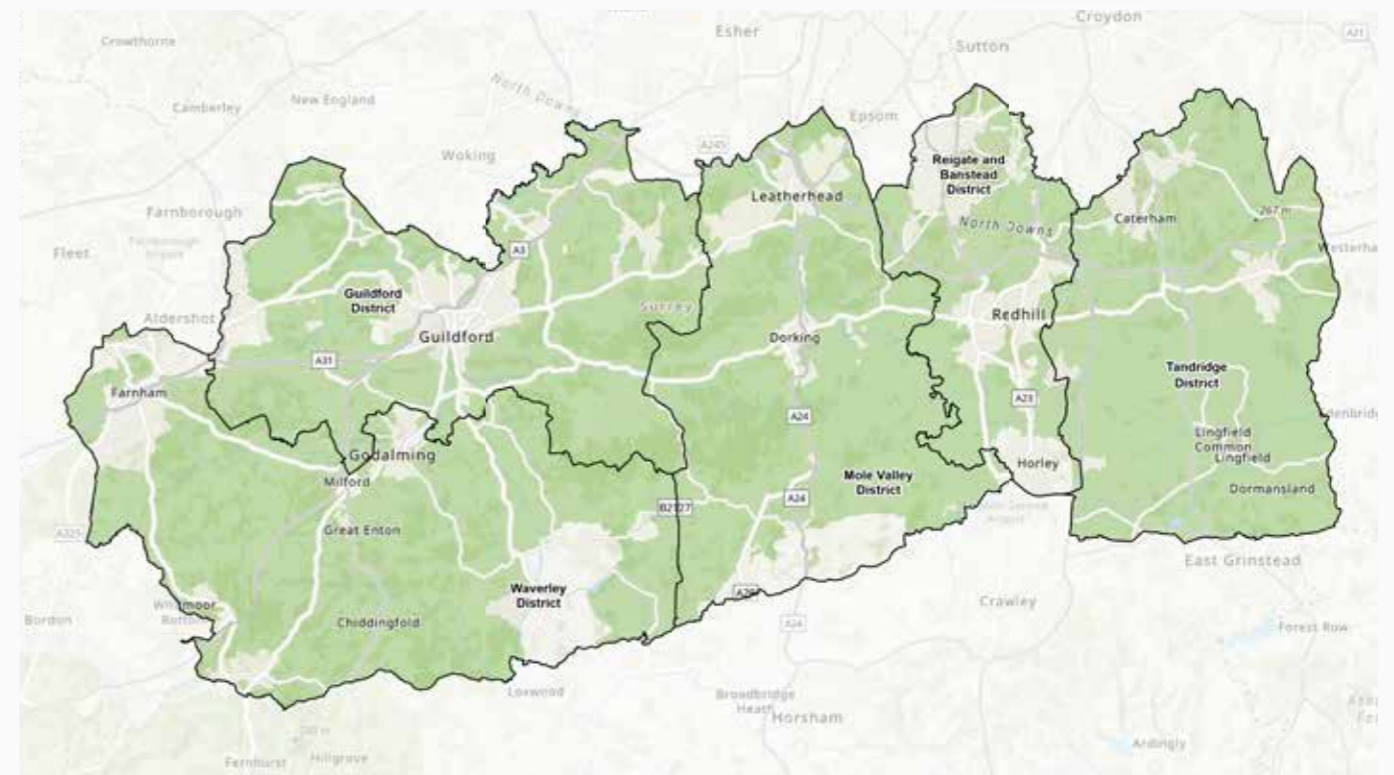
↑ Figure 5: Key Ecology Designations



↑ Figure 6: Key Heritage Designations



↑ Figure 7: All Designations - Individual Extents



↑ Figure 8: All Designations - Combined Extents



## Appendix 2: Tables

**Table 1: Areas of AONB**

Local Planning Authority (LPA)	LPA Area	Area of AONB within each LPA
Guildford	27,094 ha	9,863 ha (36%)
Mole Valley	25,831 ha	9,426 ha (36%)
Reigate and Banstead	12,916 ha	1,536 ha (12%)
Tandridge	24,823 ha	2,994 ha (12%)
Waverly	34,520 ha	18,422 (53%)
<b>Total</b>	<b>125,184 ha</b>	<b>42,241 (34%)</b>

**Table 2: Areas of AONB Extension**

Local Planning Authority (LPA)	Area of AONB within each LPA	Area of AONB Proposed Extension within each LPA	Area of AONB + AONB Proposed Extension within each LPA
Guildford	9,863 ha (36%)	2,399 ha (9%)	12,262 (45%)
Mole Valley	9,426 ha (36%)	2,603 ha (10%)	12,029 ha (47%)
Reigate and Banstead	1,536 ha (12%)	2,532 ha (20%)	4,068 ha (31%)
Tandridge	2,994 ha (12%)	4,278 ha (17%)	7,272 ha (29%)
Waverly	18,422 ha (53%)	4,419 ha (13%)	22,841 ha (66%)
<b>Total</b>	<b>42,241 ha (34%)</b>	<b>16,231 ha (13%)</b>	<b>58,472 ha (47%)</b>

Table 3: Areas of Environmental Designations

Local Planning Authority (LPA)	Area of Green Belt within each LPA	Area of AGLV within each LPA	Area of ecology designations within each LPA	Area of heritage designation within each LPA
Guildford	22,624 ha (83 %)	11,918 ha (44%)	6,140 ha (23%)	804 ha (8%)
Mole Valley	19,634 ha (76%)	11,730 ha (45%)	3,025 ha (12%)	420 ha (4%)
Reigate and Banstead	8,765 ha (68%)	4,740 ha (37%)	549 ha (4%)	361 ha (3%)
Tandridge	23,299 ha (94%)	9,655 ha (39%)	337ha (1%)	326 ha (11%)
Waverly	20,837 ha (60%)	26,949 ha (78%)	6,932 ha (20%)	427 ha (2%)
<b>Total</b>	<b>95,159 ha (76%)</b>	<b>64,992 ha (52%)</b>	<b>16,983 ha (14%)</b>	<b>2,338 ha (6%)</b>

## Appendix 3: Policy and Guidance

Table 4: Areas of Combined Environmental Designations

Local Planning Authority (LPA)	LPA Area	Area of AONB, AONB Extension, Green Belt, AGLV, and ecology / heritage designations within each LPA
Guildford	27,094 ha	22,979 ha (85 %)
Mole Valley	25,831 ha	21,625 ha (84%)
Reigate and Banstead	12,916 ha	8,813 ha (68%)
Tandridge	24,823 ha	23,411 ha (94%)
Waverly	34,520 ha	28,258 ha (82%)
<b>Total</b>	<b>125,184 ha</b>	<b>105,085 ha (84%)</b>

# Overview of Legislation, Policy and Guidance Relevant to the Surrey Hills National Landscape

## National Legislation

### The Countryside and Rights of Way Act (2000)

The Countryside and Rights of Way (CRoW) Act 2000 states that the purpose of designating AONBs (now referred to as National Landscapes) is the conservation and enhancement of the natural beauty of the area.

Section 85 of the Act states that relevant authorities must ‘have regard’ to the purpose of conserving and enhancing the natural beauty of the area when exercising their functions.

### The Levelling-up and Regeneration Act (2023)

The Levelling-up and Regeneration Act 2023 amends section 85 of the CRoW Act 2000, to create a new duty on relevant authorities to seek to ‘further the purpose’ of conserving and enhancing the natural beauty of the area when discharging their functions. The new duty replaces the previous requirement for relevant authorities to ‘have regard’ and is intended as a more proactive and strengthened requirement.

## Guidance related to the application of the CRoW Act 2000 section 85 duty to ‘seek to further the purpose’ in National Landscapes

It is anticipated that guidance on the new duty will be published by DEFRA. However, in December 2023 advice was provided by Natural England in respect of the new duty in its response to the Lower Thames Crossing DCO Examining Authority<sup>5</sup>.

This records:

*“The duty to ‘seek to further’ is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;*

*The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond*

*mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose. If it is not practicable or feasible to take those measures the relevant authority should provide evidence to show why it is not practicable or feasible.*

*The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England’s view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape’s statutory management plan. The relevant protected landscape team/body should be consulted.”*

Further consideration was given to the new duty in the response of the Campaign for National Parks to the Secretary of State in regard to the A66 Northern Trans-Pennine Project<sup>6</sup>.

With reference to the legal opinion provided by Landmark Chambers, it stated “...relevant authorities should ensure, with evidence, that their decisions do all they reasonably can to further the statutory purposes, including going beyond merely mitigating harm.... if there is an obvious alternative approach that better furthers the statutory purposes and the relevant authority cannot evidence (1) why it cannot reasonably adopt that approach or (2) that its chosen approach also seeks to further the statutory purposes, the decision will be open to legal challenge.”

In November 2024, the National Landscapes Association published a briefing paper as guidance for local planning authorities on the application of the CRoW Act Section 85 duty<sup>7</sup> to ‘seek to further the purpose’ in National Landscapes (AONBs).

It clarifies that within the planning context, relevant authorities are the Local Planning Authorities, the Planning Inspectorate and the Secretary of State (e.g., for called-in decisions), along with Parish Councils producing Neighbourhood Plans. The duty applies to all aspects of the development management process and the plan-making process: e.g., planning application decisions, enforcement, and decisions relating to planning policies and site allocations in Local Plans, etc.

It states that the duty applies to plan-making and decision-making ‘in relation to, or so as to affect, land in an AONB’, not only in considering proposals within an AONB, but also, for e.g., affecting its setting. It adds it is important to ensure that ‘to conserve and enhance’ is treated as a singular purpose and that both parts are considered together, in every relevant decision.

Furthermore, it records that the statutory duty needs to be considered in tandem with the National Planning Policy Framework, in particular paragraphs 11, 182 and 183. Paragraph 182 of the NPPF (2023) sets out that ‘great weight’ should be given to conserving and enhancing landscape and scenic beauty in AONBs, whereas conservation and enhancement of wildlife and cultural heritage are ‘important considerations’.

<sup>5</sup> Advice provided by Natural England to the Lower Thames Crossing DCO Examining Authority (Annex 2 of letter dated 15th December 2023)

<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010062/TR010062-002426-Campaign%20for%20National%20Parks.pdf>

<sup>7</sup> [https://national-landscapes.files.svdcn.com/production/assets/images/Documents/Briefings/CRoW-s.85-duty-guidance-for-LPAs\\_NLA-Briefing-Nov-24.pdf?dm=1731077355](https://national-landscapes.files.svdcn.com/production/assets/images/Documents/Briefings/CRoW-s.85-duty-guidance-for-LPAs_NLA-Briefing-Nov-24.pdf?dm=1731077355)

It also confirms that ‘natural beauty’ is not just the look of the landscape, but includes landscape and scenic quality, natural heritage (species, habitats, geology and physical geography), wildness, tranquillity and dark skies, and cultural heritage (including cultural traditions and the historic and other built environment that makes the area unique. It is the conservation and enhancement of all this natural beauty (usually defined in the specific statutory AONB Management Plan) that is the primary purpose of designation, and that Local Planning Authorities must consider in discharging their duty.

With specific reference to the discharge of the duty by local planning authorities in the decision-making process, the Briefing records that:

*“Local Planning Authorities must be able to demonstrate that they have complied with the strengthened duty in any decision or action that impacts or could potentially impact on the AONB.*

*To demonstrate that they have sought to further the purpose of designation in making decisions regarding planning policies, site allocations, and development management (including planning enforcement), it is considered LPAs will need to:*

- **Establish the facts about the natural beauty of the area, especially with reference to the statutory Management Plan for the specific AONB.** Identify what comprises the natural beauty, using:
  - descriptions of natural beauty, including Statements of Significance, description of key characteristics and

*special qualities, as set out in AONB Management Plans; and*

- *the reasons for designation as an AONB.*
- **Understand the key objectives in the statutory Management Plan for the specific AONB,** which give an indication which actions or approaches will further the purpose of designation. These objectives:
  - relate to the applicable legislative purposes;
  - are evidence-based;
  - have been agreed between local partners, in a process convened by the AONB team;
  - include, but are not limited to, national or locally apportioned government targets and outcomes.

*AONB Management Plans are often supported by additional guidance documents that provide more detailed advice and position statements relating to subjects such as design, dark skies, rural roads and public realm, renewable energy infrastructure, and the setting of the AONB, and these should also be considered in the decision-making process, as should any Landscape Character Assessments / Historic Character Assessments that inform Management Plans.”*

## National Planning Policy

### National Planning Policy Framework (2023)

The National Planning Policy Framework (2023) at Paragraph 11 identifies areas of particular importance that could provide a strong reason for restricting development.

The areas or assets of particular importance in respect of landscape and visual matters are Areas of Outstanding Natural Beauty, National Parks (or the Broads Authority); and Heritage Coasts.

Section 15 of the NPPF relates to “Conserving and enhancing the natural environment.” Paragraph 180 identifies ways to contribute and enhance the natural and local environment, including:

In respect of valued landscapes, paragraph 181 states that plans should “...distinguish between the hierarchy of international, national and locally designated sites...”.

Paragraph 182 states “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

Paragraph 183 adds “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a. *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b. *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c. *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Paragraph 184 adds that “*Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character”.*

### Planning Practice Guidance (Natural Environment)

Planning Practice Guidance (Natural Environment) reiterates the legislative ‘duty of regard’ and records that “*This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection*”. [Paragraph: 039 Reference ID: 8-039-20190721 (Revision date: 21 07 2019)]

It adds that “*Management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty do not form part of the statutory development plan, but they 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. They may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications.” [Paragraph: 040 Reference ID: 8-040-20190721 (Revision date: 21 07 2019)]

With reference to how development within designated landscapes should be approached, it states that “*The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.*” [Paragraph: 041 Reference ID: 8-041-20190721 (Revision date: 21 07 2019)]

It also clarifies that “*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)]

## Local Policy and Guidance

### Guildford Borough Local Plan: Strategy and Sites, 2023

The National Landscapes is addressed within Policy P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value where it states “*the Surrey Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced to maximise its special landscape qualities and scenic beauty*”.

### Mole Valley Local Plan, 2024

Mole Valley addresses the National Landscapes within their Policy EN8: Landscape Character. It encourages the use of “*the Surrey Hills National Landscape Management Board to fulfil the statutory purposes of the National Landscape designation to conserve and enhance its natural beauty and implement the statutory management plan*”.

### Reigate and Banstead Local Plan: Core Strategy, 2014 and Reigate and Banstead Local Plan Development Management Plan, 2019

The Local Plan addresses the National Landscape within Policy CS2: Valued Landscapes and the Natural Environment. This states that “*the Surrey Hills Area of Outstanding Natural Beauty (AONB) is a landscape of national importance and therefore will be provided with the highest level of protection*”.

### Tandridge District Core Strategy, 2008

Tandridge addresses the National Landscape within CSP20: Areas of Outstanding Natural Beauty, which states that “*the conservation and enhancement of the natural beauty of the landscape is of primary importance within the two Areas of Outstanding Natural Beauty, reflecting their national status*”. It goes on to say that one of the key principles is to “*conserve and enhance the special landscape character, heritage, distinctiveness and sense of place of the locality*”.

### Waverley Borough Local Plan Part 1: Strategic Policies and Sites, 2018

The Waverley Local Plan part 1 address the National Landscape in Policy RE3: Landscape Character which states “*the protection and enhancement of the character and qualities of the Surrey Hills Area of Outstanding Natural Beauty (AONB) that is of national importance will be a priority and will include the application of national planning policies together with the Surrey Hills AONB Management Plan*”.

### Surrey Hills National Landscape Website

The purpose of the Area of Outstanding Beauty (AONB) designation is to conserve and enhance the natural beauty of the area. However, as noted on the Surrey Hills National Landscape website, “*...the Surrey Hills is not a museum, and development may need to take place from time to time in response to the needs of society, both local and wider*”.

It adds that “*London and the South East’s economic success, combined with the attractive environment of the Surrey Hills, creates substantial demand for development that is constrained by environmental restrictions. These pressures are expected to increase and justify especially stringent controls of development. The cumulative*

*effects of many, often small, developments over decades and centuries would reduce the landscape and scenic beauty of the Surrey Hills and spoil it for future generations. These and other pressures and threats are considered to justify the AONB Management Plan policies for strict controls of development in this most sensitive of landscapes.*”

### Surrey Hills Management Plan 2020-2025

The Surrey Hills Management Plan 2020-2025 has been prepared by the Surrey Hills AONB Board and adopted by Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Tandridge District Council, Waverley Borough Council and Surrey County Council. The Countryside and Rights of Way Act (2000) places a statutory duty on AONB local authorities to produce and review management plans.

The Surrey Hills Management Plan is the principal vehicle for ensuring that the statutory purposes of the AONB are met, and is a material consideration in the planning process. Conserving and enhancing the natural beauty of the specific AONB will normally mean, as a minimum:

- conserving and enhancing the character components or special qualities identified in the Management Plan;
- supporting the Management Plan Objectives, Policies and/or Principles (as applicable) as set out for each of these; and
- following any Management Plan actions set out for each.

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