

## POLICY LINKAGES

The matrix below cross-refers Conservation of Town and Country Policies to other Structure Plan policies which are, or may be, of particular relevance. The Plan however should be read as a whole.

Structure Plan Policy	Links to other policies
CTC.1 Landscape Character	SD.2, CTC.2, CTC.3, CTC.4, CTC.5, CTC.6, CTC.7, CTC.14, CTC.19
CTC.2 Skyline and Hill Features	SD.2, CTC.1, CTC.3, CTC.4
CTC.3 Areas of Outstanding Natural Beauty (AONB)	SD.2, CTC.1, CTC.2
CTC.4 Areas of Great Landscape Value	SD.2, CTC.1
CTC.5 Trees, Woodlands and Hedgerows	SD.2, CTC.6, CTC.14
CTC.6 Green Open Spaces and Corridors	SD.2, CTC.14, RST.12
CTC.7 Agricultural Land	CTC.1, CTC.3, CTC.4, CTC.6
CTC.8 Flood Risk and Surface Water Drainage	SD.2
CTC.9 Impact on Watercourses and Aquifers	SD.1
CTC.10 Sites of International Wildlife Importance	SD.2, D.29
CTC.11 Sites of National Wildlife Importance	SD.2
CTC.12 Sites of Regional or Local Wildlife Importance	SD.2
CTC.13 Protection of Species	SD.2, D.16
CTC.14 Features in the Landscape of Nature Conservation Importance	SD.2, CTC.5, CTC.6
CTC.15 Biodiversity Action Plan	CTC.11, CTC.12, CTC.13, CTC.14
CTC.16 Archaeological Sites of National Importance	SD.2
CTC.17 Archaeological Sites of Local Importance	SD.2
CTC.18 Enhancement and Management of Archaeological Sites	CTC.16, CTC.17
CTC.19 Areas and Features of Historic and Architectural Significance	CTC.20
CTC.20 Conservation Areas	SD.2, CTC.19
CTC.21 Reuse and Conversion of Buildings	SD.2, D.29

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## 5. CONSERVATION OF TOWN AND COUNTRY

### Introduction

**5.1** A main objective of the Plan is to protect from damaging development the important and diverse environmental, landscape, townscape and historic features and characteristics of the County and, wherever possible, to enhance them.

**5.2** Worcestershire has a renowned built and natural landscape and many sites of varying importance from a nature conservation standpoint. A cornerstone of the Vision for the County is to maintain the health and integrity of this overall resource whilst allowing for the development which is necessary for the County's existing and future population to fulfil its social and economic aspirations. The following policies provide the basis on which development in the County can be achieved in balance with the County's valued assets, for which we have a duty to ensure they endure beyond the plan period for the benefit of the next and future generations.

**5.3** It is important that the Plan recognises the inter-linkages between the environment and economic and social considerations in rural areas. Key issues include rural regeneration, positive stewardship of land, partnerships with landowners to maintain the countryside, and economic and social regeneration from the regeneration of the historic environment.

**5.4** The Conservation of Town and Country Chapter of the Plan is divided into three sections – landscape; natural environment; and cultural heritage. Together the three sections provide the strategic policy base for ensuring the objectives of the Plan, with regard to the protection and conservation of the County's environment, are achieved.

### Landscape

**5.5** Landscape conservation has, for a long time, been solely concerned with the safeguarding of designated areas of high quality. The bulk of the countryside, particularly that of the lowlands, has thus remained outside the remit of protective policies yet it is very often these landscapes that the majority of the population has most contact with – the landscapes in which we live and work.

**5.6** PPG7 "The Countryside – Environmental Quality and Economic and Social Development" states "The Government's policy is that the countryside should be safeguarded for its own sake, the priority now being to find new ways of enriching the quality of the whole countryside whilst accommodating appropriate development". The previous Structure Plan recognised that all landscapes are important and it is now becoming increasingly recognised that it is the differences in character between different landscapes, the contrasts, for example, in settlement patterns, building materials, tree cover, topography and land use, that provide the interest to those who visit, and the sense of belonging to those who live there.

**5.7** PPG7 recognises the importance of maintaining and enhancing the character of the landscape, safeguarding the distinctiveness of its countryside, as an integral part of sustainable development. The appearance of the landscape and the vitality of the countryside is central to its economic prosperity.

**5.8** The need to identify what contributes to the landscape character of a particular place and what needs to be done to conserve or enhance it should be an integral element of decision making relating to land use. New development should have regard to the opportunities to contribute particularly to these objectives, avoiding elements of visual intrusion, and seeking ways to integrate with the local landscape character of the area. A positive landscape identity benefits the economy of an

area, it attracts investment and tourism, it becomes a sought after place in which to live and work. It can also promote pride and a sense of stewardship towards its well-being amongst those who live there.

**5.9** Whilst the concept of landscape character is now widely recognised, there has in the past been little work undertaken to define or categorise the areas of different landscape character in the County. The Landscape Character Assessment of Worcestershire, a project undertaken by the County Council in partnership with the Countryside Agency, District Councils, Forestry Commission, Environment Agency and CPRE, identifies the range of landscapes that are found within the County and defines the components that contribute towards the character of these different areas. The study also embraces the concept of landscape sensitivity, identifying those areas that are least tolerant to change.

**5.10** The outputs from this study will be used as Supplementary Planning Guidance to aid the delivery of Policy CTC.1, and subsequent Reviews of Local Plans.

## Policies

### Landscape Character

#### Policy CTC.1

**Proposals for development, and associated land use change or land management, must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place.**

**In considering development proposals, the Local Planning Authority shall take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed.**

**The implications of development proposals relating to the landscape will be assessed having regard to the degree to which they would:**

- (i) be appropriate to, and integrate with, the landscape character of the area;**
- (ii) safeguard or strengthen the features and patterns that contribute to the landscape character and local distinctiveness of the area with particular attention being paid to both the scale, layout, design and detailing of existing buildings and other man-made features; and to the semi-natural vegetation characteristic of that area; and**
- (iii) relate to the sensitivity of the particular landscape, and location, and to accommodate change.**

**Development, or associated land use change or land management, which would adversely affect the landscape character of an area will not normally be allowed.**

## Explanatory Memorandum

**5.11** Landscapes are characterised by combinations of key features which provide their particular identity and local distinctiveness. It is important that when proposals for development in a particular area are brought forward that they are compatible with and sympathetic to the landscape character of the area. This character has been assessed through the Landscape Character Assessment. It must be ensured that the development proposals or associated land use changes or management practices do not have an adverse impact on any particular feature or combination of features to such an extent that the character of the landscape of the area is unacceptably compromised. Policy CTC.1 will only be applied to land management practices where they come within the scope of planning controls.

**5.12** Development should be informed by and be sympathetic to:

- (i) the pattern and composition of woodland, hedgerow and streamside trees together with other components of tree cover including orchards;
- (ii) the pattern and composition of field boundaries;
- (iii) the pattern of settlement and roads;
- (iv) the scale, layout, design and detailing of existing buildings and other man-made features;
- (v) the type and distribution of wildlife habitats;
- (vi) the presence and pattern of historic landscapes, including parks and gardens, commons and patterns of ridge and furrow;
- (vii) natural patterns of drainage; and
- (viii) the sensitivity of a particular landscape to tolerate change.

**5.13** The assessment of landscape character has to date been confined to the evaluation of the rural landscape, but it is recognised that the inherent character of the urban landscape is equally important. It is intended to seek to develop the methodology for landscape character assessment to relate to the urban environment during the period of this Plan. Landscape character incorporates historic landscapes and historic features. This policy needs to be considered in conjunction with Policy CTC.19. It is intended that during the period of this Plan, further work at a finer detail, relating to local distinctiveness, will be undertaken, which will provide information at a more site specific level, and which will have relevance to the policies in this chapter. The concept of local distinctiveness recognises local differences in character between different areas. It incorporates issues of landscape, wildlife, built and historic environment, and cultural identity.

**5.14** In considering development proposals, the Local Planning Authority shall take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. These opportunities should be guided by the following principles:

- (i) where the key features are well represented, the policy should primarily be one of conservation, safeguarding those features that are present;
- (ii) where the key features are still apparent, but have become fragmented, the approach should be one of restoration, strengthening the inherent character of the landscape; and
- (iii) where the key features are either lost or significantly weakened, the approach should primarily be one of enhancement. This should be achieved by strengthening, and where possible, reintroducing, those features that are both appropriate to the inherent landscape character and compatible with the current land uses. Emphasising certain key features at the expense of others can lead to the creation of “new”

landscapes whilst still, however, retaining the association with the inherent character of the particular area. A good example of how landscape features can be protected and strengthened is provided by the linkage of ancient woodlands and the expansion of woodland into adjacent areas.

### **Skylines and Hill Features**

#### **Policy CTC.2**

**Development proposals should, where relevant, demonstrate that they will not have an adverse effect on skylines and hill features, including prominent views of such features. Where development will have a significant adverse impact they will not normally be allowed.**

#### **Explanatory Memorandum**

**5.15** Skylines and hill features and prominent views of such features, contribute to local landscape character and as such should be protected from development. The County Landscape Character Assessment has identified areas of raised topography that will be clearly visible from the surrounding area. It is important that views of these features are maintained and where possible enhanced.

### **Areas of Outstanding Natural Beauty (AONB)**

#### **Policy CTC.3**

**Within the Areas of Outstanding Natural Beauty (AONB), priority will be given to the conservation and protection of the landscape. Development will not normally be allowed except where it has no adverse effect on the landscape, and particularly the key landscape characteristics, of the AONB, and where it is for:**

- (i) small-scale development located within or adjacent to an existing settlement; or**
- (ii) small-scale recreation and tourism facilities, including farm diversification; or**
- (iii) the purposes of agriculture or forestry practices.**

**Exceptionally, major industrial or commercial development will be allowed where there is no alternative site suitable for the purpose and it can be demonstrated to be essential to the overriding national interest. Such development will be subject to the most rigorous examination.**

**In assessing development proposals, Local Planning Authorities will need to have regard to the likely impact on the economic and social well-being of the area.**

#### **Explanatory Memorandum**

**5.16** Within Worcestershire there are two Areas of Outstanding Natural Beauty, the Cotswolds and Malvern Hills, which are recognised as nationally important landscapes of equal status to National Parks. Their management is promoted nationally by the Countryside Agency and carried out by local authorities and other organisations working in partnership, with the priority being one of conserving and enhancing their natural beauty. The Countryside and Rights of Way Act 2000 gave local authorities statutory duties to have regard to the purposes of AONB.

**5.17** The Cotswolds AONB is the largest in Britain and straddles the administrative areas of 17 local authorities. The authorities and other partners have come together to form the Cotswold AONB Partnership to implement the Management Strategy for the AONB, which was published in 1996. This outlines proposals for the AONB as a whole and for particular zones. Local authorities, as partners in the project, will be able to implement some of the

recommendations through development control and the implementation of projects. Under the provisions of the Countryside and Rights of Way Act 2000, consideration is to be given to the setting up of a statutory Conservation Board for the Cotswolds AONB.

**5.18** The Malvern Hills AONB is partly in Worcestershire and partly in Herefordshire and Gloucestershire. A Joint Advisory Committee has been formed and a Management Plan was agreed and published in 1996. The Plan outlines a series of proposals for the AONB and local authorities should be able to assist with their implementation through development control and the implementation of projects.

**5.19** The above Management Strategy and Management Plan should be used as supplementary planning guidance and will be material considerations in any decisions on proposed developments affecting these areas. Both will be replaced by 2004 by statutory management plans required by the Countryside and Rights of Way Act 2000.

**5.20** In the case of exceptions to this policy, judgements on localised impact will be made by reference to the descriptions and guidelines outlined in the Landscape Character Assessment. Developments must not impact on the key characteristics of the AONB and would normally be expected to be of small scale and thus not have a detrimental visual impact beyond the boundaries of the development site. In such cases, the developer will be required to assess the landscape impacts and to incorporate mitigation measures as appropriate.

**5.21** Major development proposals such as waste management sites, mineral workings or new roads will be considered as inconsistent with AONB designation unless it can be shown that the development is in the overriding national interest and that no alternative site is available. Additionally proposals for mineral extraction and associated development will be subject to the most rigorous examination. Such developments will often be subject to an Environmental Assessment and this should address the detrimental effect that any proposal may have on the environment and the landscape, and if

appropriate, assess the extent to which impacts should be moderated. Within the AONBs particular attention should be paid to the differences in landscape character between areas. The County Council is carrying out a Landscape Character Assessment, which identifies landscape types and their key characteristics, together with aims and guidance for their management.

### Areas of Great Landscape Value (AGLV)

#### Policy CTC.4

**Within the Areas of Great Landscape Value (AGLV) priority will be given to the conservation and protection of the key landscape characteristics which comprise the areas, in particular visual sensitivity. Development in these areas will be subjected to close scrutiny and will be required to demonstrate that protection and enhancement of the landscape have been fully considered and that the development will not have significant adverse effects.**

**Where development will have adverse effects it will exceptionally be allowed where it is demonstrated to be necessary to meet local community needs.**

#### Explanatory Memorandum

**5.22** Areas of Great Landscape Value are areas identified as being of regional importance for their landscape. They tend to be areas of high land which are particularly sensitive to landscape change, and are also important areas of working countryside. Their sensitivity to change is to be assessed, along with the rest of the County, as part of the Landscape Character Assessment.

**5.23** It is intended that the concept of Areas of Great Landscape Value will be replaced by a concern for the protection and enhancement of the character of the landscape throughout the County as outlined in Policy CTC.1. This is in line with PPG7 (The

Countryside – Environmental Quality and Economic and Social Development). The County Council is currently preparing the Landscape Character Assessment as supplementary planning guidance for consultation in due course. AGLV designation is to be retained as an interim measure and it is anticipated that there will be a need for an early review of Policy CTC.4. The new guidance should be reflected in the Local Plan review process.

## **Trees, Woodlands and Hedgerows**

### **Policy CTC.5**

**Existing trees, woodlands and hedgerows of nature conservation, amenity or landscape value should be retained and their appropriate management encouraged. The importance of ancient semi-natural woodlands is recognised and particular emphasis should be placed on their conservation. Proposals to conserve and increase the indigenous broadleaved cover in both urban and rural areas are to be encouraged providing these are in keeping with the landscape character of the area and achieve successful integration with the landform. Proposals will be particularly encouraged where these would lead to:**

- (i) the establishment of native woodlands in appropriate places, that expand and link ancient semi-natural woodland remnants;**
- (ii) the restoration to native woodland of non-native plantations on ancient woodland sites in priority locations;**
- (iii) the introduction of management proposals to conserve and enhance trees and woodlands in urban areas and on the urban fringe;**

**(iv) multi-purpose tree planting for nature conservation, amenity, landscape improvement, and timber production; and**

**(v) the conservation of veteran trees.**

### **Explanatory Memorandum**

**5.24** Ancient semi-natural woodlands are the natural vegetation that once covered most of Britain. Areas of woodland have now become fragmented, reducing the nature conservation value of the woodland itself and the ability of wildlife to move between different areas of woodland. Hedgerows provide some of the links between woodlands as well as being important features in their own right.

**5.25** Trees, woodlands and hedgerows are important in the landscape and provide patterns of features which give areas local distinctiveness. They are highly valued by local communities and woodlands are often used for informal recreation. Trees and woodland are important in urban as well as rural areas. Many of these features are of historic value also, and the policy should be read in conjunction with Policy CTC.19.

**5.26** If native species of flora and fauna are to be retained in Britain, it is essential that indigenous species of trees are protected and managed sympathetically. Landscaping proposals associated with new developments in the County should seek to maximise woodland planting, wherever appropriate using indigenous species, and should aim to complement or enhance the landscape character of the particular area (as identified in the Landscape Character Assessment). There may, however, be some areas of the County where new tree and shrub planting is inappropriate to the existing landscape or habitat type.

**5.27** Priority will be given to the protection and improved management of ancient semi-natural woodlands and the establishment of new woodlands should be targeted to complement existing woodland cover. The development of multi-purpose and community woodlands will

enhance the environment as well as provide public benefit, including recreation opportunities and an increase in wood production and markets, so helping to stimulate the local rural economy.

**5.28** The priorities for the conservation of woodlands and hedgerows in the County are being identified through the Worcestershire Biodiversity Action Plan. The relevant detailed Habitat Action Plans are those relating to ancient/species-rich hedgerows, woodland, wet woodland, lowland wood pasture and veteran trees. Species Action Plans have also been produced for nationally important species associated with these habitats. Priorities for these Action Plans should be incorporated into any proposals for development and land use changes.

**5.29** Particular attention should be given to the conservation of veteran trees, whether within a woodland, parkland or hedgerow as they represent an irreplaceable ecological resource. These trees are of conservation value even if they are dead or dying.

**5.30** The Hedgerow Regulation 1997 (Statutory Instrument No. 1160) provides planning authorities in England and Wales with a means of protecting important hedgerows, as defined by the statutory criteria, which includes ecological factors. Good site planning and design, and the appropriate use of planning conditions and agreements can be used to conserve and enhance the linear hedgerow resource of urban and rural areas.

**5.31** Woodland can make a major contribution to the local economy and sustainable development principles. Examples of this are the sustainable production and marketing of timber for local usage and increased levels of public access and provision of recreational facilities.

**5.32** The England Forestry Strategy "A New Focus for England's Woodlands" (1998) has identified 'Environment and Conservation' and 'Rural Development' as two of the four priorities for woodlands and forestry in England. The contents of this strategy together with any

revision of Circular 36/78 should be used as supplementary guidance to inform decisions on land use issues and realising benefits from forestry.

## **Green Open Spaces and Corridors**

### **Policy CTC.6**

**Both within and on the periphery of settlements the creation and conservation of green open spaces and green corridors, including watercourses, appropriate to the landscape character of the area will be encouraged. Where possible these should be continuous and linked to the open countryside in order to maximise their ecological, recreational and landscape potential.**

**Green open spaces and corridors should be identified in District Local Plans as part of Local Plan review process.**

### **Explanatory Memorandum**

**5.33** Green spaces including watercourses within and on the periphery of settlements serve a number of purposes. They can provide recreational open space for local residents, maintain a diversity of wildlife habitats and provide important features in the urban landscape. For maximum benefits to be gained they need to be provided in a strategic manner and a variety of features need to be protected or created.

**5.34** Green spaces will, wherever possible, be expected to link with open countryside and to form wildlife corridors to facilitate the movement of wildlife within urban areas. Where possible existing features should be retained and enhanced to help to maintain landscape character and avoid fragmentation of habitats.

**5.35** Opportunities should be taken to create new landscapes and open spaces as part of any new developments, particularly on housing, commercial and industrial sites, and

these should pay particular attention to the landscape character of the area. Comprehensive development proposals can also provide a means for improving public access to, and preserving, open spaces.

### **Agricultural Land**

#### **Policy CTC.7**

**For all proposed development affecting agricultural land the agricultural value of land will be assessed along with its value to the landscape, wildlife and habitats, recreational amenity and historic and cultural heritage to determine its overall value. This value will be used in deciding on appropriate locations for development.**

**Development of the best and most versatile agricultural land (grades 1, 2 and 3a) will not be permitted unless opportunities have been assessed for accommodating development needs on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.**

**Any development on agricultural land should not prejudice the viability of farming operations on the remaining agricultural land.**

#### **Explanatory Memorandum**

**5.36** The principle of sustainable development needs to be applied to agricultural land, and this will require the protection of the best and most versatile agricultural land for future generations, whilst recognising the environmental, economic and social needs of rural areas. This land is defined as grades 1, 2 and 3a. Protection of this land is considered to be in the national interest and therefore development should be restricted.

**5.37** The Rural White Paper, 'Our Countryside: The Future' proposes that assessments should be made to the overall

value of land in reaching decisions on areas appropriate for development. Decisions on these matters will be entirely the responsibility of local authorities.

**5.38** Development on best and most versatile land should be considered to be exceptional, in cases where there is an overriding need for the development, and either sufficient land in lower grades is unavailable, or available lower grade land has an environmental value recognised by a statutory landscape, wildlife, historic or archaeological designation.

**5.39** Where land in grades 1, 2 or 3a does need to be developed, and there is a choice between the different grades, it should be directed towards land of the lowest grade, unless this is considered to be of particular environmental value.

**5.40** Agriculture in the County is currently undergoing major change. The England Rural Development Programme (October 2000) recognises the importance of rural areas and the issues related to them. It sets out measures to protect and improve the countryside and to encourage sustainable enterprise and thriving rural communities. The programme underpins the implementation of the Government's New Direction for Agriculture by helping farmers and foresters to respond better to consumer requirements and become more diverse, competitive and environmentally responsible as an integral part of the rural and wider community. The social and economic benefits of rural regeneration need to be balanced with the needs of the local environment.

### **Flood Risk and Surface Water Drainage**

#### **Policy CTC.8**

**Development will not normally be allowed where:**

- (i) it is within a floodplain or other area identified by the Environment Agency as being at risk of flooding;**

- (ii) it will increase the risk of flooding or cause new flooding problems either at the site or elsewhere;
- (iii) it will jeopardise existing flood defences, flood volumes or the ability to carry out essential maintenance work.

Any development in areas subject to flood risk will need to demonstrate that adequate flood protection has been incorporated and that effects elsewhere have been fully assessed.

Development should, wherever possible, incorporate sustainable drainage systems to help to retain water at its source, helping to prevent flooding, recharging groundwater resources, treating water pollution and enhancing the environment.

#### Explanatory Memorandum

**5.41** There are a number of rivers in the County that are of strategic importance in reducing the risk of flooding. Of particular concern are the Rivers Severn, Avon and Teme. Detailed attention will be needed in Local Plans to identify specific areas at risk of flooding. Strategic advice on river and water issues is available from the Environment Agency, who have a duty to oversee all matters relating to flood defence.

**5.42** Flooding is becoming a more common feature of the County's rivers and future predictions of climate change suggest it may become even more common in the future. Therefore development within these areas has to be restricted or redesigned to cope with the risk of flooding in the future. Policy CTC.8 seeks to ensure that any development that takes place does not increase the risk of flooding or lead to the loss of flood storage volumes unless adequate compensation is provided.

**5.43** Sustainable drainage systems can be used to dispose of surface water at source rather than allowing it to use sewers and watercourses. The aim should be that the discharge of water from a developed site should

be no more than from the site before development. As well as helping to prevent flooding these systems can help to improve the environment as a whole by, for example, recharging groundwater resources, treating water pollution, creating wetlands and improving the landscape. A number of techniques, such as ponds, swales, storage areas and permeable surfaces are available. Advice on these techniques is available from the Environment Agency.

**5.44** Should new flood defence measures be considered to be the only option for specific developments, they will be expected to be provided and paid for by developers.

**5.45** The Environment Agency have powers to carry out maintenance works on designated 'main rivers' and will continue to require access along both banks of a watercourse for this purpose.

**5.46** The culverting of watercourses can lead to increased flood risk as well as being detrimental to the natural environment. Local plans should incorporate policies to improve and enhance watercourses.

### Impact on Watercourses and Aquifers

#### Policy CTC.9

**Any development proposal will be required to demonstrate that it will not cause pollution of surface water or groundwater, it will not have an adverse effect on groundwater resources, and it will not cause detriment to the existing regime of a watercourse or its environment.**

**Development will be expected to incorporate, where appropriate, water treatment to clean the water prior to any discharge.**

## Explanatory Memorandum

**5.47** Policy CTC.9 seeks to ensure that in determining planning applications account is taken of their possible impacts on surface water and ground water.

**5.48** Where necessary development will be expected to incorporate measures to prevent the pollution of watercourses and aquifers. Surface water and groundwater quality are regulated by the Environment Agency under separate legislation. The Agency can offer advice to developers on likely impacts and appropriate mitigation measures.

## Natural Environment

**5.49** The 1990 White Paper 'This Common Inheritance' made plain the UK Government's commitment to conserving Britain's natural heritage. Following the Rio Summit in 1992, the Government signed the Convention on Biological Diversity and in 1994 published 'Biodiversity – the UK Action Plan', which incorporates expectations that local authorities will play a key role in the conservation of biodiversity. The Government established a steering group to progress the UK Action Plan and in 1995 produced 'Biodiversity: The UK Steering Group Report' which identifies a series of 'key' habitats and species which are nationally under threat and in need of protection and enhancement. This now forms the basis for the action on biodiversity protection at national and local level. The Rural White Paper, 'Our Countryside: the Future' and the Urban White Paper, 'Our Towns and Cities: the Future' in 2000, further committed the UK Government to environmental protection in accordance with sustainable development principles.

**5.50** A key action of the Local Agenda 21 Action Plan for Hereford and Worcester (1996) was the production of a strategic Biodiversity Action Plan for each of the two new authorities being formed in April 1998. To start this process, the former Hereford and Worcester County Council with English Nature and the Worcestershire Wildlife Trust produced, in March 1997, 'Biodiversity Challenge – Worcestershire', which provided the blueprint for

producing the 'Biodiversity Action Plan for Worcestershire'. The Biodiversity Action Plan, published in 1999, translates the national key targets into more focused local ones and also identifies habitats and species characteristic of Worcestershire. These will be taken down to District level in a series of Action Programmes which, together with the County Plan, will provide the focus for prioritising much of the future action to protect key habitats and species.

**5.51** At the same time PPG9 Nature Conservation clearly emphasises the importance that must be attached to nature conservation when local authorities exercise functions relating to land under any enactment (highlighting Section 11 of the Countryside Act 1968). The Planning and Compensation Act 1991 required Structure Plans to include policies in respect of the conservation of natural beauty. The Habitats Directive – The Conservation (Natural Habitats) Regulations 1994 extends the definition of conservation of natural beauty and amenity of the land to include "encouraging the management of features of the landscape which are of major importance for wild flora and fauna". The Directive also identifies priority habitats and species which are of importance at the European level. Local Authorities are expected to make provision for protecting the specific sites identified and also the priority species where they occur outside these sites.

**5.52** In accordance with the need to clearly express the importance of the natural environment within the planning process the following policies, together with the broader sustainable development policy SD.2, address:

- (i) general nature conservation concerns;
- (ii) the protection of important ecological sites;
- (iii) the protection of important nature conservation features in the landscape; and
- (iv) opportunities for enhancing biodiversity.

## Policies

### Site Protection Policies

**5.53** PPG9 divides wildlife sites into three categories ranked according to importance:

- (i) internationally important;
- (ii) nationally important; and
- (iii) regionally/locally important.

**5.54** All of these sites contribute to the wildlife wealth of the County and paragraph 18 of PPG9 indicates that the policies applied to these sites should reflect their relative importance. Sites proposed or identified for designation or listing will be considered in the same way as existing or designated sites.

#### Sites of International Wildlife Importance

##### Policy CTC.10

**Proposals for development or land-use which may affect a European site, a proposed European site or a proposed/ listed Ramsar site will be subject to the most rigorous examination. Development or land-use change not directly connected with or necessary to the management of the site and which is likely to have adverse effects on the site (either individually or in combination with other plans or projects) will not be allowed unless it can be demonstrated that:**

- (i) **there is no alternative solution; and**
- (ii) **there are imperative reasons of overriding public interest for the development or land-use change.**

**Where the site concerned hosts a priority natural habitat type and/or a priority species, development or land-use change will not be allowed unless the Local**

**Planning Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.**

**Where such development does proceed, all appropriate compensatory measures to ensure that the overall coherence of Natura 2000 is protected will be secured, using conditions and planning obligations where necessary.**

#### Explanatory Memorandum

**5.55** For certain habitats and species the UK is bound by the European Community Council Directive on the Conservation of Wild Birds (the Birds Directive) 79/409/EEC and the European Union Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (the Habitats Directive) 92/43/EEC. The UK is also a signatory to the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar 2.2.1971 as amended 3.12.1982), although there are currently no Ramsar sites in the County.

**5.56** The Government's commitment to meeting its international responsibilities and obligations for nature conservation are laid out in PPG9 (Nature Conservation). Certain key sites in a European context have been put forward as candidate Special Areas of Conservation (cSACs) or proposed as SACs under the Habitats Directive, or identified as Special Protection Areas (SPAs) under the Birds Directive (although there are currently no SPAs in the County). The SACs are part of a European network of protected sites called Natura 2000.

**5.57** Species and habitats of European importance are listed in the Habitats Directive; priority species and habitats are asterisked in the Annex. Currently there is a single cSAC in the County (Bredon Hill), although more may be designated in future. Priority habitats and species warrant, and are given, greater protection in the policy in so far as development can only be allowed in cases of public health or safety or for nature conservation reasons.

## Sites of National Wildlife Importance

### Policy CTC.11

Proposals for development, or land use change, in or likely to affect, Sites of Special Scientific Interest (SSSI) will be subject to the most rigorous examination. Where such development may have an adverse effect, directly or indirectly on the SSSI, it will not be allowed unless there are no reasonable alternative means of meeting that development need and the reasons for the development clearly outweigh the value of the site itself and the national policy to safeguard the intrinsic nature conservation value of the national network of such sites.

Where the site concerned is a National Nature Reserve (NNR) or a site identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR) particular regard will be paid to the individual site's national importance.

In all cases where development or land-use change is permitted:

- (i) any damage to the nature conservation and/or geological value of the site will be kept to a minimum; and
- (ii) adequate and appropriate protection and enhancement of the site's nature conservation and/or geological interest will be secured, and where necessary, appropriate and adequate compensatory measures will be provided, using conditions and/or planning obligations where necessary.

### Explanatory Memorandum

**5.58** The concept of Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs), important for their wildlife, geological or physiographical (landform) features was introduced in the National Parks

and Access to the Countryside Act 1949. The protection of SSSIs was greatly increased by the Wildlife and Countryside Act 1981 and the Wildlife and Countryside (Amendment) Act 1985. The Nature Conservation Review and Geological Conservation Review were the results of studies carried out to identify sites of national importance.

**5.59** Currently there are 111 Sites of Special Scientific Interest in the County. These sites cover a range of habitats, including wetlands, open waters, rivers, woodlands, grasslands, heathlands and parklands. In addition, Worcestershire's unimproved neutral grasslands are of particular national importance, with over 25% of Britain's resource of this grassland type, characterised by crested dog's-tail grass and common knapweed, being found in the County.

**5.60** Even if development is some distance from a site of national importance, it may still have an adverse effect by, for example, polluting a watercourse or water catchment area, and account should be taken of this in applying Policy CTC.11.

## Sites of Regional or Local Wildlife Importance

### Policy CTC.12

The nature conservation value of Local Nature Reserves, Special Wildlife Sites, Regionally Important Geological/Geomorphological Sites and sites of wildlife importance subject to a Section 39 Agreement under the Wildlife and Countryside Act found within the County, ranges from that of local to national significance. Development or land-use change, likely to have an adverse effect on such sites will not be allowed unless there are no reasonable alternative means of meeting the development need and it can be clearly demonstrated that the reasons for the development or land-use change outweigh the intrinsic nature conservation and/or geological value of the site which may be affected by the development.

**In all cases where development or land-use change is permitted:**

- (i) any damage to the nature conservation and/or geological value of the site will be kept to a minimum; and**
- (ii) adequate and appropriate protection and enhancement of the site's nature conservation and/or geological interest will be secured, and where necessary, appropriate and adequate compensatory measures will be provided, using conditions and/or planning obligations where necessary.**

#### **Explanatory Memorandum**

**5.61** Local Nature Reserves are declared by Local Authorities under the National Parks and Access to the Countryside Act 1949 and are statutorily protected sites. PPG9 (Nature Conservation) also stresses the importance for nature conservation of sites with no statutory designation. This includes Special Wildlife Sites (SWS), which have been identified by the Worcestershire Wildlife Trust as being of substantive nature conservation value, and Regionally Important Geological/Geomorphological (RIGS) sites which have been identified by the Herefordshire and Worcestershire RIGS group, and which are also given protection by the policy.

**5.62** The former Hereford and Worcester County Council and the current Worcestershire County Council have entered into agreements with landowners under Section 39 of the Wildlife and Countryside Act in order to secure the appropriate management of sites for the benefit of nature conservation, in particular unimproved grassland and wetland sites. Proposals which would affect such Section 39 sites should be discussed at an early stage with the County Council.

**5.63** In assessing development proposals affecting these sites, local planning authorities will have to take into account the level of importance of the proposed development or land

use change viz a viz the level of conservation importance of the site that is likely to be affected by the proposal.

**5.64** Even if development is some distance from the sites specified in Policy CTC.12 it may still have an adverse effect by, for example, polluting a watercourse or water catchment area, and account should be taken of this in applying Policy CTC.12.

### **Protection of Species**

#### **Policy CTC.13**

**Sites, including buildings, supporting species which are protected by law will be safeguarded from development proposals which would destroy or adversely affect them. Planning permission for the development of such sites will not normally be granted unless there is an overriding need for the development. If development is allowed, planning conditions and/or obligations will be imposed, where appropriate, to:**

- (i) facilitate the survival of individual members of the species;**
- (ii) reduce disturbance to a minimum; and**
- (iii) provide adequate alternative habitats to sustain at least the current levels of population.**

#### **Explanatory Memorandum**

**5.65** As detailed in PPG9 (Nature Conservation), protected species often occur outside protected sites and a specific policy is necessary to protect key areas for these species. For example, buildings and other structures may well contain statutorily protected species such as bats and barn owls. Proposals must include surveys for statutorily protected species. Species are protected under the Habitats Directive and Wildlife and Countryside Act 1981 (Schedules 5 and 8).

## Features in the Landscape of Nature Conservation Importance

### Policy CTC.14

**Management appropriate to maintain or enhance the nature conservation value of features in, or areas of, the landscape which are of major importance for wild flora and fauna is to be encouraged. Where development is to take place which may affect, or effect changes in, such features or areas, planning conditions, planning obligations or management agreements should be used to help in the retention or enhancement of the intrinsic value of the feature or area.**

#### Explanatory Memorandum

**5.66** Paragraph 23 of PPG9 (Nature Conservation) establishes the obligation on Local Planning Authorities to include policies in their plans for the management of features of the landscape which are of major importance for wild flora and fauna. This is in order to comply with Article 10 of the Habitats Directive and Regulation 37 of the Conservation (Natural habitats and c.) Regulations 1994. Paragraph 16 of PPG9 explains the particular features of the landscape to which such policies should relate. These include those which by virtue of their linear or continuous structure, such as rivers, field boundaries, and hedgerows or their function as wildlife corridors such as watercourses or woods, are essential for the migration and movement of wild species. There may be other features of equal importance which require consideration, for example road side verges, and established parks and gardens. Management to maintain and, where appropriate, enhance, the particular nature conservation value of such features should be pursued. Positive partnerships with County landowners are the key to the management and enhancement of these features.

**5.67** At the same time it is a feature of the countryside that biological interest can be concentrated in particular areas, such that certain parts of the County can have intrinsically

higher interest for wildlife than others (for example the Malvern and Bredon Hills; the Wyre Forest area; heathlands and wetlands around Kidderminster). Work on these areas by the relevant conservation bodies is ongoing to identify and define "Prime Biodiversity Areas". The importance of these areas should be recognised and appropriate management pursued to maintain the biological resource of such areas and to prevent fragmentation. In the preparation of District-wide Local Plans District Councils should consult with Worcestershire Wildlife Trust and other relevant conservation bodies on the most appropriate management policies to include in their plans for those areas within their District.

## Biodiversity Action Plan

### Policy CTC.15

**When considering development proposals, opportunities should be taken to enhance biodiversity, with particular emphasis placed on the retention and management, and the creation and enhancement of habitats and populations of species identified as priorities in both the Biodiversity Action Plan for Worcestershire and District-wide Biodiversity Action Plans.**

#### Explanatory Memorandum

**5.68** The 'Biodiversity Action Plan for Worcestershire' has translated the Government's 'Biodiversity: The UK Action Plan' and the 'Guidance for Local Biodiversity Action Plans' into an agenda for nature conservation in the County. The County Biodiversity Action Plan (BAP), published in 1999, should be a key reference when assessing both potential impacts on biodiversity and the possible opportunity for improving biodiversity in the County. The habitat action plans and species action plans in the document identify priorities within the County and particular attention should be paid to these by both planning authorities and developers when considering the impact of development proposals. Some District-wide

Biodiversity Action Plans will be produced during the period of this Plan. Where these have been produced they will provide a finer level of detail which will be particularly useful for the preparation of Local Plans.

## Cultural Heritage

**5.69** The cultural heritage of the County includes archaeological remains, the historic built environment and significant historic landscapes. These include individual finds and sites surviving from many different ages, historic settlements and important battlefield sites. The sites comprise the principal physical resource which identifies and explains the cultural history of the County, including evidence of agricultural activity and industrial developments.

**5.70** Over 15,000 known archaeological sites are currently recorded on the County Sites and Monuments Record, maintained by the County Archaeological Service. This total is likely to rise substantially over the next ten years as enhancement to the record focuses on those areas where there are evident blanks and as the information gathered for each individual development site is synthesised and used to better inform planning advice on neighbouring sites or areas. Of these sites, 235 have been designated under the Ancient Monuments and Archaeological Areas Act (1979) as nationally important Scheduled Ancient Monuments (SAMs). It is likely that this number will also increase through the re-survey work currently underway by the Monuments Protection Programme of English Heritage.

**5.71** 6,800 buildings in the County have been Listed as being of architectural or historic significance. Many other buildings contain fragments of structure that are of similar interest and are worthy of preservation and/or recording. Such buildings are of interest in themselves and may also overlie other buried archaeological remains.

**5.72** It is increasingly recognised that archaeological sites and historic buildings need to be considered within their surrounding landscape. This provides the original setting of

the site or building and may also contain evidence as to the use of that site or building. The nature of the landscape can also be of significance in itself in defining the character of a locality, County or region.

**5.73** A Landscape Character Assessment of the County is being carried out by the County Council and it is expected that an Historic Landscape Assessment will be undertaken. Together, these surveys will provide important background information for the assessment of any development proposal.

**5.74** It is fundamental to the Government's and County Council's policies for environmental stewardship that there should be effective protection for all aspects of the archaeological and historic environment. The physical survivals of our past are to be valued and protected for their own sake and as a central part of our cultural identity and our sense of national identity. They are an irreplaceable asset which contributes to our understanding of both the present and past and their presence adds to the quality of our lives by enhancing the local scene and sustaining the sense of local distinctiveness. The historic environment can also have a positive role in promoting economic prosperity, providing a catalyst for regeneration.

**5.75** PPG15 'Planning and the Historic Environment' and PPG16 'Archaeology and Planning' together provide a full statement of the Government's policies for the identification and protection of historic buildings, conservation areas, archaeological remains and other elements of the historic environment. A critical element in both PPGs is the ability for Local Authorities to require archaeological assessments and evaluations and building surveys prior to a planning application being determined, and for a programme of archaeological work or building survey to be incorporated as a planning condition.

## Policies

### Archaeological Sites of National Importance

#### Policy CTC.16

There will be a presumption in favour of the physical preservation in situ of internationally or nationally important archaeological remains, their settings and amenity value. Development which would adversely affect internationally or nationally important archaeological remains, their settings or amenity value will not be allowed.

#### Explanatory Memorandum

**5.76** Many of the more important monuments are protected by the Ancient Monuments and Archaeological Areas Act 1979 and the effect of development on ancient monuments is a legitimate concern in determining planning applications (PPG16 Archaeology and Planning, paragraph 18). This includes monuments and sites which are not scheduled under the 1979 Act (as these may well be an important element of international, or national heritage), and the setting of monuments and sites. Where development would seriously jeopardise the site or the use of sites for educational, tourism and leisure purposes, it should not be allowed.

**5.77** The basis of knowledge on ancient monuments and archaeological sites is the County Sites and Monuments Record. This is a register of all known sites and should be the first stage of consultation on development proposals.

### Archaeological Sites of Regional or Local Importance

#### Policy CTC.17

Development proposals which affect regionally or locally important archaeological remains and their settings

should take account of their relative importance. Where the remains are identified as being particularly worthy of preservation any development which may damage the archaeological importance of the remains or its setting will not normally be allowed.

Where development proposals affect regionally or locally important remains every effort should be made to preserve them intact. Where preservation in situ cannot be justified, arrangements should be made to record those parts of the site that may be destroyed or altered.

#### Explanatory Memorandum

**5.78** The principal aim in managing the archaeological heritage is to preserve important sites and their settings including those of regional and of local importance which are considered worthy of protection (PPG16 Archaeology and Planning, paragraph 16). Where a development proposal affects a site and setting of archaeological interest, an evaluation, by or on behalf of the applicant, which assesses in detail the effect on that site, should be provided. Wherever practicable, mitigation strategies should be sought to reduce the degree of damage to significant archaeological deposits. In circumstances where significant archaeological deposits are unavoidably affected by proposed development, appropriate provision for a suitable level of archaeological recording by or on behalf of the applicant should always be agreed before planning permission is granted.

**5.79** It is often the case that a planning application cannot be fully considered, as the effect on archaeological deposits or their setting cannot be assessed from existing information. In such circumstances the planning authority will require additional information (PPG16 Archaeology and Planning, paragraphs 21 and 22) which may involve small-scale evaluation excavations undertaken by archaeologists.

**5.80** The County Sites and Monuments Record should be the first stage of consultation on development proposals.

## Enhancement and Management of Archaeological Sites

### Policy CTC.18

**The management, understanding and enhancement of archaeological sites is to be encouraged and where relevant should be taken into account by the Local Planning Authority when considering development proposals. To assist in this District Planning Authorities should set out appropriate policies for their area within Local Plans.**

#### Explanatory Memorandum

**5.81** English Heritage, in advice to local authorities on the preparation of Structure Plans (Development Policies for Archaeology 1992), state that detailed policies relating to the management of archaeological sites will normally be set out in local plans. However it is also recommended that there is a need for a broadly-framed policy within the Structure Plan.

## Areas and Features of Historic and Architectural Significance

### Policy CTC.19

**Any development which would adversely affect those features and areas of historic and/or architectural significance which contribute to the character of the urban or rural parts of the County will not normally be allowed. Such features and areas should be retained and their appropriate management encouraged. Features and areas include:**

- (i) listed buildings and their settings and Conservation Areas and their settings;**
- (ii) significant historic landscapes; and**
- (iii) significant buildings or features of local historic and/or architectural interest.**

#### Explanatory Memorandum

**5.82** Buildings and other artefacts listed by the Department of Culture, Media and Sport as being of special historic or architectural interest, besides having their own intrinsic architectural value, contribute significantly to the high quality of the landscape of the County. It is therefore necessary to protect them not only for their own sake but their settings also as a contributor to the quality of the wider landscape. To maintain their value sites need to be appropriately managed to ensure that their important features are retained and where possible enhanced for future generations. Management of this resource should be incorporated into proposals for development or changes of use.

**5.83** The preservation and enhancement of Conservation Areas is a well established planning policy.

**5.84** As set out in PPG15 (Planning and the Historic Environment paragraph 6.40) the whole of the landscape, to varying degrees and in different ways, is an archaeological and historic artefact, the product of complex historic processes and past land use. There are however features or areas within the County which are of particular significance for reasons such as their formation, design or past uses. These include:

- Parks and gardens
- Commons
- Village Greens
- Relic agricultural landscapes
- Areas of archaeological sites and monuments
- Industrial landscapes
- Battlefields
- Historic settlements and their environs
- The settings of both individual monuments and historic settlements in the wider landscape
- Orchard areas
- Ponds
- Localised features such as walls, boundary treatments and street furniture

**5.85** District-wide Local Plans should give consideration to the existence of such features/ areas and the appropriate level of protection they should receive. Information on the features/ areas set out above is available in the first instance from the County Archaeological Service.

**5.86** PPG15 also sets out that it is open to planning authorities to draw up lists of locally important buildings that do not enjoy the full protection of statutory listing, and to formulate local plan policies for the protection through normal development control procedures.

## Conservation Areas

### Policy CTC.20

**To conserve areas of special architectural or historic interest, special attention will be given to the desirability of preserving or enhancing the character or appearance of that area, and the features that positively contribute to that character. Consideration will also be given to:**

- (i) designating additional Conservation Areas;**
- (ii) ensuring that existing Conservation Areas (by extension if necessary) and future Conservation Areas include important settings for architectural or historic features or settlements in the landscape; and**
- (iii) ensuring that applications for the demolition of buildings in Conservation Areas are, where appropriate, accompanied by proposals for the redevelopment of the site which integrate with, and enhance the character of, the area.**

**Within Conservation Areas, natural features such as trees and open spaces will be protected and, where necessary, enhanced, and landscaping schemes will be encouraged on appropriate sites.**

## Explanatory Memorandum

**5.87** Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposed a duty on Local Planning Authorities to designate as Conservation Areas any “areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance”. Designation introduces a general control over the demolition of buildings in conservation areas and provides the basis for policies designed to preserve or enhance all aspects of character or appearance that define an area’s special interest.

**5.88** Proposals to demolish buildings that make a positive contribution to the character of a Conservation Area and proposals to demolish listed buildings should be assessed against the same broad criteria, as set out in PPG15.

**5.89** In many cases new development and investment are necessary to ensure the well-being of a settlement or landscape feature. The purpose of Conservation Area designation should therefore be seen as a reflection of special character which is to be respected in development control decisions and is an area for focusing positive conservation and enhancement resources, not simply a vehicle for preservation and the stifling of development.

**5.90** Traditionally, Conservation Area status has been awarded to settlements or parts of settlements of special character and/or where there is a particular concentration of listed buildings. However there is no statutory restriction on the designation of historic parks and gardens or indeed other historic landscapes including the settings of settlements.

**5.91** The policy emphasises the need to integrate new development but not exclude it, and also deals with the possibility of extending Conservation Areas to include the setting of features or settlements of architectural or historic interest. Assessments of impact will need to be carried out prior to planning permission being granted.

**5.92** In integrating development the importance of open space to the integrity of the Conservation Area should be recognised and not seen just as a potential infill location.

Similarly open spaces should be enhanced where necessary, recognising that in some circumstances enhancement may not always be required or desirable.

## **Reuse and Conversion of Buildings**

### **Policy CTC.21**

**In considering alternative uses which assist in the retention of buildings of special architectural and/or local architectural or historic interest, the primary concern will be the retention of the architectural and/or historic interest that relates to that building. Alternative uses will be supported provided that the building and the proposed uses are compatible and appropriate to the special or local architectural and/or historic character, setting and the environmental character of the area.**

**Conversions to residential or other use of listed buildings which adversely affect the special character and/or historic character of the listed building will not normally be allowed.**

**Where alterations or conversions do take place consideration should be given to the need for the recording of changes, as appropriate.**

building does not militate against the special or local, interest of the building. Proposals should also include surveys for protected species such as bats and barn owls and, if present, habitat and appropriate structures for these should be incorporated into the conversion. When alterations to buildings are to take place the Local Planning Authorities should consider whether it is appropriate to make it a condition of any consent to undertake the works that a suitable programme is instigated to facilitate the recording of features that may be lost or altered. In considering the reuse of buildings reference should be made to Policy D.29.

### **Explanatory Memorandum**

**5.93** New uses can often be the key to a building's preservation. So long as the proposed use is compatible with the building's special architectural or historic character, and is appropriate to the building's setting and the character of the area, proposals should generally be supported. This policy relates to both listed buildings and buildings of significant local or historic interest. An assessment should be made, by the applicant, of the significance of the building and the impact of proposed changes prior to a planning permission being considered. It is important to ensure however that any conversion or change of use of the