

Milton Keynes Borough Council

Valued Landscapes Policy Review

Final report

Prepared by LUC

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Milton Keynes Borough Council

**Valued Landscapes
Policy Review**

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Chapter 1

Introduction

1.1 LUC was commissioned by Milton Keynes City Council (MKCC) to review the effectiveness of current landscape policy in relation to valued landscapes within the borough, and to provide recommendations towards new policies which would allow for the protection of these valued landscapes.

1.2 In this report 'Milton Keynes' refers to the administrative area covered by MKCC, and will be abbreviated to MK. Until it was awarded city status in 2022, the local authority was called Milton Keynes Council (MKC).

Valued landscapes

1.3 The National Planning Policy Framework (NPPF)¹ requires that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan) and recognising the intrinsic character and beauty of the countryside (paragraph 170).

1.4 The phrase "in a manner commensurate with their statutory status or identified quality in the development plan" infers there is a hierarchy of valued landscapes. Nationally designated landscapes (National Parks, Area of Outstanding Natural Beauty and the Broads) are clearly 'valued landscapes'. However, outside the national designations, there is no definitive threshold across the UK above which a landscape is considered to be a 'valued landscape'. It is a judgment that must be made at a local authority scale, and based on evidence. There should be a weight of evidence that supports the recognition of a landscape as valued above more everyday landscapes, and justification will need to be set out.

1.5 The Landscape Institute (LI) has set out the ways in which landscape value can be recognised in Local Plans in their guidance note 'Assessing landscape value outside national designations'². This explains that landscape value at the local authority or neighbourhood level can be:

- assessed and mapped spatially, i.e. through identifying areas for local landscape designation. The guidance note goes on to say; "studies to support spatial

¹ National Planning Policy Framework (2021), <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² Landscape Institute (2021), TGN02-21: Assessing landscape value outside national designations, <https://www.landscapeinstitute.org/publication/tgn-02-21-assessing-landscape-value-outside-national-designations/>

designations should identify the landscape qualities of each area of landscape proposed for designation”; or

- part of the evaluation stage of a landscape character assessment. In this case landscape qualities will be identified in relation to individual character areas or types. Currently these are commonly described as 'valued landscape characteristics' or 'landscape qualities'.

1.6 The LI support both approaches as they are both capable of highlighting the particular aspects of a landscape that are valued. However, only local landscape designation actually identifies 'valued landscapes'. Where value has been placed on a landscape by the local planning authority (whether spatially or attributed to specific characteristics or features), this should ideally be defined in the development plan documents.

Purpose of identifying valued landscapes

1.7 The European Landscape Convention recognises that all landscapes are of value whether they are designated or not. However local landscape designations can play a role in protecting and enhancing landscapes which are of particular value in the context of the local authority area.

1.8 The existence of local landscape designations may therefore be useful for a number of purposes³:

- Recognise that a specific landscape has special importance, helping to protect it from inappropriate development by highlighting the landscape values that are important to local communities
- May encourage positive landscape management, prioritising resources for positive action
- Play an important role in developing an awareness of the landscape qualities that make particular areas distinctive
- Promote a community's sense of pride in its surroundings, raising awareness and understanding among communities and wider stakeholders

³ Nature Scot and Historic Environment Scotland, Guidance on Designating Local Landscape Areas (2020)

Chapter 2

Former and existing landscape designations in Buckinghamshire

Inconsistent use of local landscape designations

2.1 The inconsistency in use of local landscape designations from district to district is not uncommon in England, largely due to the former Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas (ODPM 2004) which advised local planning authorities to only maintain local designations where it could be clearly shown that criteria-based planning policies could not provide the necessary protection. In the 1990s to early 2000s therefore many councils removed local landscape designations from their policies.

2.2 In 2012 the NPPF replaced the former planning policy statements, and introduced the notion of 'valued landscapes', which has led to an increased interest in local landscape designations as a means of identifying these valued landscapes.

Local landscape designations in Buckinghamshire

2.3 Areas of Attractive Landscape (AAL) were first introduced in the Buckinghamshire County Structure Plan, in 1979. The AAL accorded generally with previously defined Areas of Great Landscape Value, first identified in the early 1950s. The 1979 report described the areas as having 'sufficient county-wide landscape value as to justify the application of the same planning restrictions on development as apply to the Chilterns AONB'.

2.4 The two criteria used in the 1979 report to identify AALs were 'that the area has a special quality and that it is large enough to warrant identification at the county wide scale'.

2.5 The AALs were carried through into the Buckinghamshire County Structure Plan 1991-2011. The constituent local district authorities adapted the AALs as follows:

South Bucks District

2.6 AALs were broadly defined in the Structure Plan for South Bucks, and detailed boundaries provided in the 1989 Local Plan, defined as 'areas of significant county-wide value'. In addition to the areas of county-wide value, South Bucks

also defined Local Landscape Areas (LLA). The criteria used to define LLA were:

- the area has to be large enough to warrant identification at the district-wide scale; and
- the area has to have a special quality which is characteristic of the attractive landscape of the District; and
- the area should be largely unspoilt and free from major intrusions which harm the character of the landscape.

2.7 All local landscape designations were subsequently removed in the next (current) South Bucks District Local Plan (adopted 1999, consolidated 2007 and 2011), so South Bucks now does not have any local landscape designations.

Chiltern District

2.8 Chiltern District also adopted the two-tier approach to landscape designations, retaining AALs and introducing smaller Locally Important Landscape Areas (LILAs). Chiltern contained one AAL at Bulstrode Park, carried through from the Buckinghamshire Structure Plan. LILAs were identified as areas of landscape which were significant at a local level. Nine LILAs were identified, with the reasons for identification set out in the Local Plan. The policy for LILAs was not saved in the 2007 Chiltern District Local Plan. The Core Strategy for Chiltern District adopted 2011 also withdrew the Area of Attractive Landscape policy. Chiltern now does not have any local landscape designations.

Wycombe District

2.9 Wycombe District also adopted the two-tier approach to landscape designations, retaining the AALs from the Buckinghamshire County Plan and introducing smaller Local Landscape Areas (LLAs). As with South Bucks, the criteria used to define these LLA were:

- the area has to be large enough to warrant identification at the district-wide scale; and
- the area has to have a special quality which is characteristic of the attractive landscape of the District; and
- the area should be largely unspoilt and free from major intrusions which harm the character of the landscape.

2.10 The Wycombe District Local Plan, adopted 2019, deleted the 2004 policies for Areas of Attractive Landscape and Local Landscape Areas. Wycombe now does not have any local landscape designations.

Milton Keynes Borough

2.11 Milton Keynes was part of Buckinghamshire County Council and became a separate borough in 1997. It retained the two AALs previously identified by the county, as shown in **Figure 2.1** at the end of this chapter. These are:

- Ouse Valley (downstream from Newport Pagnell); and
- Brickhills.

2.12 The precise boundaries of the AALs within Milton Keynes were defined with the Milton Keynes Local Plan in 1995 and confirmed in the 1999 Landscape Character Study undertaken by LDA⁴. The study followed guidance published by the Countryside Agency and undertook a comprehensive and systematic evaluation of the whole landscape within Milton Keynes against selection criteria. These criteria included scenic quality, unspoiled character and tranquillity, sense of place, condition, intactness and integrity, visual or topographic unity and setting, landscape as a resource, conservation interest and consensus (public opinion and professional judgement).

2.13 The study concluded that the Ouse Valley and the Brickhills were still the only landscapes of sufficient quality to merit AAL status. The study also suggested boundary modifications to improve consistency of the local landscape designation.

2.14 A more local level designation of 'areas of locally attractive landscape' were also identified which were not of sufficient extent or quality to merit AAL status, were suggested as a potential designation but not taken forward.

2.15 The main drawback of the 1999 LDA study is the lack of transparency in the workings of the evaluation, which were not appended to the report. There is also no mention of public consultation.

2.16 Policy S11 from the Local Plan 2005 identified the location of the AALs (with evidence from a subsequent study by the Landscape Partnership in 2005) and set out criteria that development in these areas should:

- not damage the special character of the area;
- enhance important landscape features where possible;
- protect and enhance features of natural conservation value; and
- retain and improve public access and opportunities for countryside recreation.

2.17 This policy approach to landscape protection was reviewed in the subsequent Milton Keynes Local Plan

⁴ :LDA (1999), Milton Keynes Landscape Character Study

(Plan:MK 2016-2031) and Policy S11 (Areas of Attractive Landscape) was not retained in the Development Plan for Milton Keynes when the Plan was adopted in 2019.

2.18 This was in line with government guidance at the time, which directed local authorities away from using local landscape designations to protect landscape towards a criteria-based approach to the assessment of the impact of development on landscape character (see para 2.1 above). MKC decided that the updated 2016 Landscape Character Assessment (LCA)⁵ could provide sufficient evidence by which development could be assessed. However, the 2016 LCA did not set out landscape qualities for each of the identified Landscape Character Types as part of the evaluation stage of the assessment, as suggested in later LI guidance published in 2021 (see para 1.4). This has subsequently been addressed in the current Milton Keynes LCA (2022).

Aylesbury Vale District Council

2.19 A different approach was taken by Aylesbury Vale District Council (AVDC). The county-level AALs were retained in successive plans in AVDC. The Rural Areas Local Plan, adopted in 1995, identified a further level of landscape designation, Local Landscape Areas (LLA). These were identified as 'areas of distinctive quality at the district rather than county level' and defined as 'areas that make a special contribution to the appearance and the character of the landscape within Aylesbury Vale'. Six LLAs were created, in addition to the six AALs.

2.20 In 2016 LUC defined the special qualities of the local landscape designations in the district. This evidence base 'Defining the special qualities of local landscape designations in Aylesbury Vale District' was published to support the emerging Local Plan⁶.

2.21 The report recommended that AVDC retained the hierarchy of AALs and LLAs in order to distinguish the different scales at which the landscapes are valued. AVDC accepted these recommendations, and together with the support for locally designated landscapes received in response to the VALP Issues and Option consultation, designated new AALs and LLAs.

2.22 The LUC report provided further information on the special qualities of the district's 12 designated landscapes to augment information in the Landscape Character Assessment. This information also fed into the landscape policy approach in

the Vale of Aylesbury Local Plan (VALP), adopted September 2021. AALs and LLAs were incorporated into the VALP as policy NE5 Landscape character and locally important landscape.

2.23 In 2018 LUC provided an addendum to the 2016 report in response to the questions that had arisen during planning appeals, over whether the non-designated areas of the District might be considered 'valued' in the sense meant in Paragraph 109 of the NPPF. The Addendum confirmed that in LUC's professional opinion, informed by expertise in landscape planning and relevant case law (notably the appeal by Gladman Developments Ltd against Stroud District Council (2014))⁷ a landscape could be considered 'valued' for the purposes of Paragraph 109 of the NPPF despite the absence of designation in the emerging Vale of Aylesbury Local Plan.

Recent developments

2.24 In April 2020 Buckinghamshire County Council, Aylesbury Vale, Chiltern, South Buck and Wycombe District Councils were all dissolved. The new Buckinghamshire Council was formed in their place.

2.25 The individual Local Plans are retained currently, including the new VALP, which runs to 2033. A new Buckinghamshire Local Plan must be in place by April 2025 and will cover the whole council area, for the period up to 2040.

2.26 At this early stage it is unclear what the approach to local landscape designation will be across the Buckinghamshire Council area.

2.27 MKCC is preparing its review of Plan:MK, with a new Local Plan anticipated to be submitted for examination in 2025.

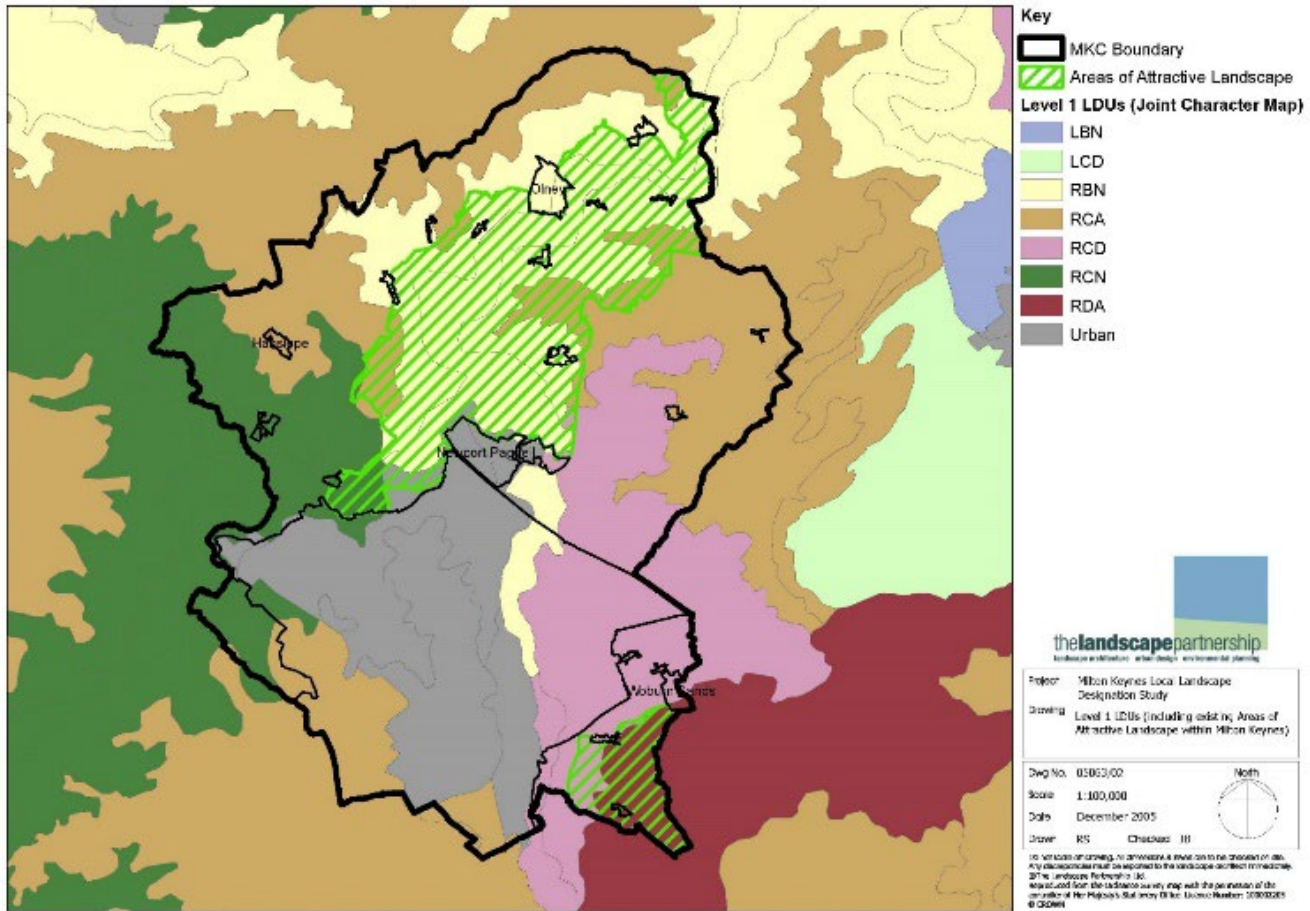
⁵ Gillespies (2016), Milton Keynes Landscape Character Assessment, Gillespies, https://www.milton-keynes.gov.uk/sites/default/files/2022-02/OX5198%20MK%20Landscape%20Character%20Assessment%20FINAL%20160628_.pdf

⁶ LUC (2016), Defining the special qualities of local landscape designations in Aylesbury Vale District, https://www.aylesburyvaledc.gov.uk/sites/default/files/page_download

<s/Aylesbury%20Vale%20Local%20Landscape%20Designations%20FINAL%20REPORT%2027%2004%2016.pdf>

⁷ Appeal by Gladman Developments Ltd against Stroud District Council (2014) where the Inspector determined that for a landscape to be valued would require the site to show some demonstrable physical attribute, rather than just popularity that would take the landscape beyond mere countryside.

Figure 2.1: Areas of Attractive Landscape in Milton Keynes (The Landscape Partnership, 2005)



Chapter 3

Effectiveness of local landscape designation policy in Milton Keynes and Aylesbury Vale

3.1 This chapter reviews the effectiveness of past and current policies in relation to local landscape designation adopted in MK and Aylesbury Vale District. Aylesbury Vale District Council (AVDC) has retained local landscape designation-based policies, while MKC adopted a landscape character-based policy in 2019. The effectiveness of these divergent approaches to landscape policy is tested through comparing the outcomes of a number of applications and appeals in similar or contiguous landscapes across the local authority areas.

3.2 Examples of relevant planning applications and appeals were provided by MKCC.

Local Landscape Designation Policies

Local Landscape Designation Policies in Milton Keynes Borough

3.3 MKC retained locally designated landscapes (AALs) until 2019. **Policy S11 Areas of Attractive Landscape** of the Milton Keynes Local Plan 2001-2011 provided protection for AALs in the Brickhills and Ouse Valley. The policy sought to ensure that development should protect and enhance the special character, landscape features and nature conservation interests of AALs and gave some broad criteria that should be met by any development, including opportunities for public access and countryside recreation.

Policy S11 stated:

The following areas are defined on the Proposals Map as Areas of Attractive Landscape:

- 1 The Brickhills
- 2 The Ouse Valley, north and west of Newport Pagnell

Within these areas, development should:

- (i) Not damage the special character of the areas
- (ii) Enhance important landscape features where possible
- (iii) Protect and enhance features of nature conservation value
- (iv) Retain and improve public access and opportunities for countryside recreation.

3.4 When the new local plan, Plan:MK (2016-2031), was adopted in March 2019 MKC moved to a LCA based approach as set out in **Policy NE5 Conserving and Enhancing Landscape Character**.

Policy NE5 states:

A. Where development in the open countryside is acceptable in principle under other policies in this plan, it will need to be undertaken in a manner that respects the particular character of the surrounding landscape.

B. In particular, development proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

1. The locally distinctive natural and man-made features that contribute towards the landscape character and its quality.

2. The historic setting and structure of the villages and hamlets.

3. Important views e.g. of local landmarks.

4. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

C. Development proposals should take into account the findings of the Milton Keynes Landscape Character Assessment (2016) and any other relevant landscape and visual assessments or studies. Where appropriate a site-specific landscape and visual impact assessment (LVIA) will be required as part of a planning application and it must be demonstrated that the development proposal has been informed by a LVIA written in accordance with the standard method, Guidance for LVIA version 3 from the Landscape Institute

Local Landscape Designation Policies in Aylesbury Vale

3.5 AVDC retained **Policy NE5: Landscape character and locally important landscape** in the Vale of Aylesbury Local Plan adopted in 2021. The policy will remain in place until a new Buckinghamshire Local Plan is adopted.

Policy NE5 states:

The Policies Map defined areas of attractive landscape (AALs) and local landscape areas (LLAs) which have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities. Of the two categories, the areas of attractive landscape have the greater significance.

Development in AALs and LLAs should have particular regard to the character identified in the

report 'Defining the special qualities of local landscape designations in Aylesbury Vale District' (Final Report, 2016) and the LCA (2008).

Development will be supported where appropriate mitigation to overcome any adverse impact to the character of the receiving landscape has been agreed. Where permission is granted, the Council will require conditions to best ensure the mitigation of any harm caused to the landscape.

Local Landscape Designation Policies tested through planning application and appeal

Land at Eaton Leys, Little Brickhill: Planning Application 15/01533/OUTEIS and 19/0412/REM

3.6 In June 2015 an outline application was made for up to 1,800 dwellings on a green field site that straddled the local authority boundary, with part of the development located within MK and part falling within AVDC. Permission was sought for the development of up to 600 dwellings within MK and up to 1,200 dwellings in AV.

3.7 The open and agricultural appearance of the site, and the context of its rural surroundings, meant that the proposed development was contrary to the **Policy S10** of the Milton Keynes Local Plan (the objective of which was to protect the open countryside and to concentrate new development within existing settlement boundaries). The site, although well screened by existing landscaping, was visible from various points outside the site, and it was considered by the MKC landscape officer that the site formed a visually important setting to the adjacent Brickhill Greensand Ridge LCA.

3.8 The southern part of the site lay within AVDC and was subject to local landscape designation (Brickhills AAL). The land in Milton Keynes was not subject to a landscape designation, however there was no distinction in landscape character terms between the landscape within MK and that in AV, as it was all part of the same landscape character area. Therefore, the MK **Policy S11** (Areas of Attractive Landscape) and AVDC policy **NE5** (Landscape character and locally important landscape) were also relevant.

3.9 Outline permission was given in 2017 in the context of the Council's inability to demonstrate a 5-year housing land supply and the provision of paragraph 49 of the NNP.

3.10 By the time the reserved matters application came forward at the end of 2019, Policy S11 Areas of Attractive Landscape had been deleted from the MK Local Plan. The reserved application sought permission for 450 dwellings and associated infrastructure and landscaping, all within MK.

3.11 On the other side of the local authority boundary, in a response dated November 2016, AVDC did not accept the

findings of the LVIA contained within the ES on either landscape or visual impact. The landscape officer considered that development of the site would have a harmful landscape and visual impact on qualities and key characteristics of the AVDC AAL. AVDC also considered the site within MK to make a significant contribution to the immediate foreground to the Brickhills AAL. Subsequently the developers withdrew their application. AVDC has rejected the site for possible future development in the Vale of Aylesbury Local Plan.

This case would seem to illustrate the effectiveness of the extant local landscape designation in AVDC to protect the landscape from development despite the similarities of the landscape on either side of the authority boundary.

Land off High Street, Sherington: Appeal decision ref APP/Y0435/W/15/3133886 (March 2016)

3.1 In September 2014 an application was made for 36 residential units on a site off High Street, Sherington in MK. The application was refused in March 2015 and the Council cited Policy S10 within its reasons for refusal as the site was located in open countryside outside the defined settlement boundary for Sherington. The site was located within the Ouse AAL with reference to Policy S11, however this was not cited in the decision notice as a reason for refusal.

3.2 An appeal was allowed, and outline permission granted in January 2016 due to the council's inability to demonstrate a 5-year housing land supply. However, the effect of development on the character and appearance of the site and the local landscape were raised as important considerations by the Inspector. The Council Officer reported that the site was part of the Ouse AAL with reference to Policy S11 but at the Hearing, MKC confirmed the site was not a 'valued landscape' for the purposes of paragraph 109 of the NPPF (paragraph 18). In conclusion, the Inspector considered that harm to the character and appearance of the surrounding area would be limited (paragraph 30) and as such would not be contrary to Policy S11 and Policy NE4.

Designation as part of the Ouse AAL was not cited by MKC as a reason for refusal, and at the Appeal designation as an AAL was not enough to identify the site as a 'valued landscape'.

Land at Linford Lakes, off Wolverton Road, Milton Keynes APP/Y0435/W/3175391

3.3 In August 2016 an outline application was made for residential development, up to 250 units, and car parking off little Linford Lane, as an extension of the River Valley Park. The application was refused in April 2017. An appeal was made at the end of that year and dismissed in early 2018.

3.4 The proposed effect of the development on the character and appearance of the landscape was one of the main issues identified at appeal. The site lay within the Ouse Valley AAL (saved Policy S11) and was also within the Ouse Valley Linear Park (Saved Policy S12). The Inspector referenced both the 2016 LCA and the 1999 LCA descriptions of the Ouse Valley.

3.5 *'...to my mind, these assessments accurately describe this part of the Ouse Valley. The valley and its floodplain are among the most significant and influential landscape features of the Milton Keynes area...In my view these are demonstrable physical attributes that more than justify the area's designation as an AAL and OVLP, and the protection given to it by Policies S11 and S12. It follows, in my view, that this section of the Ouse Valley may justifiably be regarded as a 'valued landscape', falling within the terms of the advice in NPPF paragraph 109.'* (para 43)

3.6 The Inspector concluded that the site played a role as part of a valued landscape.

3.7 *'I note the appellants' view that the 'Box 5.1' criteria⁸ for valued landscapes are not met. However, the appeal site lies within the designated AAL and, OVLP and thus in planning policy terms, its value is already established'.*

3.8 Despite the Council's lack of a 5 year housing supply, the Inspector concluded that the appeal proposal would conflict with Policy S11, by failing to protect or enhance the AAL, with Policy NE1, and Policy S12's requirements as to landscape and nature conservation matters.

The Appeal illustrates the effectiveness of the extant local landscape designation in the Ouse Valley to protect the landscape from development. In the Inspector's opinion the location of the site within the designated AAL established its landscape value, citing qualitative descriptions in the Landscape Character Assessment to justify this decision.

However, the site's location within the Ouse Valley Linear Park and a Wildlife Corridor were also cited as a reason for dismissal.

⁸ In the Guidelines for Landscape and Visual Assessment, 3rd edition ('the GLVIA'), published by the Landscape

Institute and the Institute of Environmental Management and Assessment

Land at Long Street Road, Hanslope: Appeal decision ref APP/Y0435/W/17/3177851 (March 2018)

3.9 In October 2016 an application was made for up to 141 dwellings on land at Long Street Road, Hanslope in Milton Keynes. The application site was not part of an AAL. The application was refused in April 2017. Among the reasons for refusal were the effect of the scheme on the character of the rural landscape, setting of Hanslope and the gap between settlements.

3.10 At appeal in late 2017, MKC and the appellants agreed that the site was not part of a 'valued landscape'. MKC raised objections due to the loss of open countryside with reference to Policy S10.

3.11 The application was allowed March 2018, due to the Council's inability to demonstrate a 5-year housing supply. However, the Inspector concluded that the proposal would conflict with Policy S10, and amongst other issues, cause moderate harm to the character of the local area. The Inspector agreed that the site contributed to the countryside setting of Hanslope and that development would significantly reduce the sense of a gap between Hanslope and Long Street, although the remaining gap, albeit limited, would be sufficient to enable the two settlements to be distinguished from one another and to retain individual identities (paragraph 14).

MKC and the appellants agreed that the site was not a 'valued landscape'. Nevertheless, harm to the character of the local area, with reference to Policy S10 was acknowledged by the Inspector

Land off Olney Road, Lavendon: Appeal decision ref APP/Y0435/W/17/3182048 (May 2018)

3.12 In January 2017 an application was made for 95 dwellings and associated public open space for a site off Olney Road, Milton Keynes. The Ouse AAL lay on the southern edge of the site and was extended following the 1999 study to include the appeal site and its environs. The application was refused in July 2017 due to the site being within an area designated as Open Countryside (Policy S10), and within an AAL (Policy S11).

3.13 The application was taken to appeal in 2018, and in May 2018 the appeal was allowed. At this time the Policy S11 was still current. The effect on the character and appearance of the landscape of the AAL was one of the main issues at the appeal.

3.14 MKC suggested that AALs differentiate between locally designated and therefore valued landscapes, and the remaining non-designed landscape. The Inspector referred to *Stroud DC v SoSCLG*⁹, which states that designation and value do not mean the same thing. The Inspector in *Stroud DC v SoSCLG* noted that a landscape needs sufficient 'demonstrable physical attributes' to take it beyond 'ordinary landscapes'. The land under appeal was noted in the report on extending the AAL (LDA, 1999) as a 'fairly undistinguished landscape along the sloping ground to the south of Lavendon'. The inspector therefore did not consider the site to be a 'valued landscape'.

3.15 As the AAL policy and designation did not set out the special qualities and values of the land, the Inspector used the LCA to set out the special character of the site (paragraphs 25 and 27). The Inspector concluded that there would be neutral effects on the majority of the special characteristics of the landscape of the landscape as set out in the LCA (mixed field pattern retained, woodland cover increased, views of the church tower partially lost), and the proposed development would cause limited harm to the open countryside.

In the Inspector's opinion, designation as an AAL was not enough to identify the site as part of a 'valued landscape'. In Milton Keynes the local landscape designation policy was not supported by a report which set out the special qualities and values of the local landscape.

Land at Brickhill Street, South Caldecotte: Appeal decision ref APP/Y0435/W/20/3251121 (October 2020)

3.16 In July 2019 an outline application was made for a logistics and distribution space on land at Brickhill Street in MK. The proposed site was located on land below the Brickhills AAL, although the local landscape designation was in the process of being dropped from the Local Plan that year. Landscape officers at MKC raised objections on the landscape and visual grounds, including impacts on the wider landscape referencing Policy NE5 (Conserving and Enhancing Landscape Character) and harm to the setting of the Brickhills AAL with reference to Policy S11. With the imminent removal of Policy S11 in Plan:MK, the Landscape Officer proposed that weight be placed on the recommendations of the MK LCA 2016, which stated that it was important to '*Retain the visually important setting of the ridge in the context of Milton Keynes...*'.

3.17 The application was refused by MKC in February 2020, by which time Policy S11 had been dropped from the Local Plan. Reasons for refusal were stated as harm to the historic

⁹Stroud DC v SoSCLG [2015] EWHC 488

environment, loss of priority habitats and ecological assets which would result in an impact on biodiversity, and the harmful impact on the transport network.

3.18 The application was allowed on appeal in October 2020. Impacts on the landscape and visual amenity were raised by local residents objecting to the scheme, and the Inspector considered these under ‘other matters’. The Inspector agreed with the conclusions of the LVIA that the proposed development would not give rise to *significant* effects in terms of landscape character and that the proposed development could be integrated without significant harm to the receiving visual environment. The Inspector concluded that *‘Whilst some longer views would be available from the Greensand Ridge, these would be in the context of a panoramic view of Milton Keynes which includes some larger buildings. The separation between the foot of the slope and the built up area would still be apparent and the general character of the view would be maintained...My overall assessment is that the scheme has demonstrated that place-making principles have been considered, to the extent that is possible at this outline stage, consistent with Policy SD1. The proposed building heights have been informed by the LVIA and would avoid unacceptable impact on the wider landscape, consistent with SD14(6)’*.

3.19 In his summary of landscape and visual issues, the Inspector referenced strategic development policies, including Policy SD1 which required development to demonstrate that place-making principles have been considered, and the site-specific policies of the strategic employment allocation within SD14.

The Greensand Ridge was no longer locally designated as an AAL within MK at the time of the Appeal, and the visual impacts of the development on the ridge were not considered to be significant by the Inspector as the general character of the view would be maintained.

Chapter 4

Future approaches and recommendations

4.1 Based on Landscape Institute's guidance and how landscape value has been approached in the planning applications and appeals reviewed, the Council have two options for identifying landscape value/ valued landscapes within the context of the UK Town and Country planning system:

- Reference in policy the landscape values expressed in the updated Landscape Character Assessment
- Commission a local landscape designation study /update

4.2 The LI supports both approaches, as they are both capable of highlighting particular aspects of a landscape that is valued.

4.3 Local designations do not mean other places are unimportant or not valued, and GLVIA3 recognises that landscape value is not always signified by designation: *'the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value'* (paragraph 5.26).

4.4 Landscapes that are not designated are still likely to have value, and NPPF paragraph 170 b requires planning policies and decisions to recognise the intrinsic character and beauty of the countryside. It is well established that a landscape does not have to be a 'valued landscape', or designated, to be afforded protection from inappropriate development.

4.5 Local designations can also overlap with other non-statutory local designations, including nature conservation sites, the protection and enhancement of green infrastructure or future local nature recovery networks, as well as facilitating enjoyment and understanding of natural and cultural heritage among the local community.

4.6 However, local landscape designations can be a valuable tool in the development plan toolbox. Local designation is a long established and well-regarded means of identifying areas with particular landscape value, as has been shown in some (but not all) of the appeals illustrated Chapter 3 above, such as the appeal at Eaton Leys which was successfully dismissed within AV (but not within MK) and the appeal at Linford Lakes which was dismissed by the Inspector due to its location within both the Ouse Valley AAL and Ouse Valley Linear Park .

4.7 However local designation as Areas of Attractive Landscape or similar is not enough to identify a site as 'valued' (as illustrated in the appeals at Sherington and Lavendon). For a local designation policy to be effective it must be backed up by evidence highlighting particular landscapes and aspects to be safeguarded, clearly setting out the special qualities and values of each landscape.

4.8 Many local authorities have undertaken reviews of their landscape in recent years and updated or reinstated their Local Landscape Designations. This has enabled them to strengthen the protection of their valued landscapes. Examples relevant to Milton Keynes includes authorities such as Canterbury City and Bracknell Forest, where areas of land adjacent or near to the existing settlement edge often provide a sustainable location for development which consequent pressures on land use and condition.

Future Approaches

Option 1: Set out a criteria-based policy relating to information in the updated MK LCA 2022

- Reference, in policy, the value expressed in the **landscape qualities** identified for the individual Landscape Character Type in the updated MK Landscape Character Assessment (2022). Refer specifically to relevant landscape character area and the role they play and related landscape guidance. Any linked policy should specify a requirement to reinforce/enhance these key qualities of the landscape.

Option 2: Retain and refresh the existing AALs

- **Retain the AALs broadly as they were defined in 1999** as a local landscape designation (excluding recent allocations/development and/or with some small boundary extensions). Use the existing evidence from the 1999 LDA study as a starting point, broadly following the AAL boundaries suggested by this report, updating these with a statement of significance / report on special qualities. From our knowledge of the landscapes of MK, we would not recommend other areas within MK for local designation.
- Stakeholder engagement and collaboration with local communities could be utilised to help understand what people value about the local landscape (especially as no public consultation seems to have been undertaken in 1999).
- Include policy recognition that these areas are valued for the quality of the landscape as well as the role that the landscape plays in views and the setting of the city.

Option 3: commission a new local landscape designation study

- Commission a more wide-ranging study to identify the spatial boundaries and special qualities of areas of landscape proposed for **local designation**. This study could start at first principles, considering all landscapes within the local authority area to assess them against a set of criteria.
 - The Landscape Institute TGN 02-21 refers to guidance on how to identify local landscape designations produced in Scotland and Wales that may be helpful for other nations that do not have their own guidance (such as England).

4.9 Other possible landscape-related designations which MKCC may want to consider include:

- **Strategic or local gaps** which can be used to identify areas between specified settlements that play a role in preventing coalescence of settlements and maintain settlement pattern. Strategic green gaps are, however, not focussed on the conservation and enhancement of the landscape and ecological assets in the open countryside. The disadvantage of this approach is that local green gaps are not referenced in the NPPF, so a need would have to be identified.
- **Local Green Space designation** (ref. Para 101-103 of NPPF) – which can be used to identify local green areas of particular importance to local communities. This enables communities, in particular circumstances, to identify and protect areas that are of value to them through local and neighbourhood plans. The land has to be 'demonstrably special to a local community' in terms of historic significance, recreational value, tranquillity, habitats, and local in character, 'not an extensive tract of land'.
- **Green Belt** - as set out in the NPPF the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Current planning guidance makes it clear that the Green Belt is a strategic planning policy constraint designed primarily to prevent the spread of built development and the coalescence of urban areas. It is not a landscape protection designation. NPPF paragraph 139 emphasises that 'the general extent of Green Belts across the country is already established' and 'new Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions'.

Recommendations

4.10 As shown in **Chapter 3 Effectiveness of local landscape designation policy in Milton Keynes and Aylesbury Vale**, no single designation or policy solution delivers a guaranteed level of protection for valued landscapes in MK.

4.11 It is recommended that **Option 2** is followed, creating a new local landscape designation broadly based on the existing evidence from the 1999 LDA study. This should be developed with reference to the 2022 landscape character assessment.

4.12 Local landscape designation criteria include criteria such as:

- Local distinctiveness and sense of place;
- Landscape quality;
- Scenic qualities and perceptual aspects;
- Natural and cultural qualities;
- Recreation value;
- Associations.

4.13 The 1999 using similar criteria to those above and could be used as a baseline for the study.

4.14 However, for some authorities a further criterion is included considering spatial function which puts additional emphasis on the role the landscape plays in relation to the setting of a town or city (including its role as a wooded/rural backdrop and opportunities for views).

4.15 Much of the 'value' of the former Brickhills AAL relates to its functional context to Milton Keynes, the visual/physical connections to the city and the role of the hills in relation to providing a wooded skyline, rather than just landscape quality. It is recommended that a consideration of spatial function should be included in the update to the LLD.

4.16 The relevant policy should consider the following:

4.17 Preamble: Highlight the landscape context of Milton Keynes in its setting and the important contribution and role of wooded valley slopes around the city and the floodplain and valley slopes along the Ouse Valley. Highlight the relevant landscape character areas and associated guidelines, and link to key views.

4.18 Suggested policy:

- Development will be permitted that:
 - does not adversely affect the special landscape character of the area and landscape context of Milton Keynes City
 - makes a positive contribution to the landscape character of the area

- It is recommended that any proposal for development within this LLD should be accompanied by a Landscape and Visual Impact Assessment (LVIA) or landscape appraisal to show how the proposed change will conserve and enhance the rural landscape, including conservation and protection of valued views.