

6 Caring for the environment

Policy E34: Areas and features of national and international conservation importance

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted. Exceptions will only be made where:

1. there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
2. In the case of international areas of nature conservation interest where:
 - i. There is no alternative solution; and
 - ii. There are imperative reasons of overriding public interest, including those of a social or economic nature; and
 - iii. If the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
3. In the case of European Protected Species where:
 - i. There is no satisfactory alternative; and
 - ii. There is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
 - iii. The proposed development is in the interests of public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.

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- 6.1 Cumbria is richly endowed with fine landscapes, wildlife, buildings and features of archaeological and historic importance. These resources are valuable assets that underpin the tourism industry, attract business and investment into the area, and contribute to the quality of life of local communities. Environmental conservation can also generate significant economic activity. The Structure Plan protects and, where appropriate, conserves and enhances the environment and cultural heritage.
- 6.2 Conservation and enhancement of the county's environmental and cultural assets is undertaken through a variety of management plans and local partnerships, for example, the Hadrian's Wall Military Zone World Heritage Site Management Plan, Lake District National Park Management Plan, AONB Management Plans, Cumbria Biodiversity Action Plan and Local Agenda 21 Groups and Civic Trusts. The Structure Plan complements this work and provides a framework that allows suitable development and land use considerations to be taken forward in Local Development Frameworks.



Hadrian's Wall - Photo by Cumbria County Council

Protecting environmental assets

- 6.3 Areas and features designated as being of national or international importance must be afforded the strongest level of protection, in accordance with the Habitats Regulations 1994 for European Protected Species (Reg 44) and for International Sites (Regs 48 to 53) and Policies ER2 and ER5 of the Regional Spatial Strategy. These designations cover a range of environmental assets and their conservation, protection and management will be governed by specific national or international regulations and advice.
- 6.4 Government guidance has confirmed that AONBs are equivalent to National Parks in terms of their landscape value and should be given equivalent protection. The Lake District National Park has been identified by the Government for consideration for World Heritage Site status on account of its unique cultural heritage. The Countryside Agency is currently considering proposals to revise the boundaries of the Lake District and the Yorkshire Dales National Parks and AONBs. If any proposal to amend the statutory designations for this area is successful it will automatically be protected under the policy. The county has a number of areas designated as Special Areas of Conservation or Special Protection Areas, owing to their being of European importance for nature conservation. These include coastal estuaries, rivers and lakes and other key habitats. St Bees is designated a Heritage Coast. There are over 50 protected limestone pavements, 25 National Nature Reserves, 274 Sites of Special Scientific Interest, 800 scheduled ancient monuments and 600 Grade I and Grade II* listed buildings in Cumbria.
- 6.5 It is vital that these important assets, whatever their scale, are protected from development or changes in use that harm their special characteristics, including development outside their boundaries, that may have an impact on them. Different types and scales of development will have different impacts. Local Development Frameworks will need to define how these impacts will be assessed. **Policy E34.**

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4. In the case of national areas of nature conservation interest, where the reasons for the development outweigh the national nature conservation value of the site.

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national importance are defined as:

- World Heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding Natural Beauty (AONB)
- Potential and classified Special Protection Areas (SPAs)
- Ramsar sites
- Candidate and designated Special Areas of Conservation (SACs)
- Limestone Pavements protected by Order
- National Nature Reserves
- Sites of Special Scientific Interest (SSSI)
- Statutory protected species
- Buildings or groups of buildings listed as of Grade 1, Grade II* or Grade II architectural or historic merit
- Parks or gardens listed as Grade I, Grade II* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments
- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast

Policy E35: Areas and Features of nature conservation interests other than those of national and international conservation importance

Development and other land use changes that are detrimental to these nature conservation interests will not be permitted unless the harm caused to the value of those interests is outweighed by the need for the development. Where development is permitted the loss of nature conservation interest should be minimised and, where practicable, mitigation should be provided.

These nature conservation interests are defined as:

- County Wildlife Sites (CWSs)
- Regionally Important Geological or Geomorphological Sites (RIGGS)
- The UK Biodiversity Action Plan Priority Habitats that occur in Cumbria
- Species of Conservation Importance in the North West Region that occur in Cumbria
- Landscape features of major importance for wild fauna and flora, which are essential for migration dispersal and genetic exchange
- Local nature reserves

Policy E36: Landscapes of County Importance

Development and land use change detrimental to the distinctive character of landscapes designated as of County Importance will not be permitted, except where required to meet local infrastructure needs, which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design.

- 6.6 Cumbria is noted for a wealth of nature conservation interests. Some of these may be particularly rare or form part of wider biodiversity networks important on a more than local scale. A number of species of national and regional scarcity or importance have been identified in the Biodiversity Audit of the North West. Priority habitats, which are functionally critical, important for priority species, or at risk, have been identified in the UK Biodiversity Action Plan. Some will have been designated as County Wildlife Sites. Other habitats, such as rivers, woods and hedgerows, which help sustain biodiversity have been recognised by the Habitats Directive 1992. Regionally Important Geological or Geomorphological Sites also provide valuable educational assets. These resources require careful management, protection from harmful development and where possible measures secured to enable their enhancement. **Policy E35.**
- 6.7 Outside nationally designated landscapes some landscapes have such distinctive character that they are considered to be of particular importance to the county. Whilst a wider variety of development is likely to be permitted within these county landscapes than in nationally designated landscapes, particular care is needed in assessing proposals for new development within them. Such development must not threaten or damage the particular characteristics that make these landscapes significant. **Policy E36.**
- 6.8 The distinctive character of the landscape needs to be retained through careful control and management. The county has been divided into 37 landscape types or sub-types¹³ based on methodology published by the Countryside Commission in 1992. Each of these areas has characteristics that make its landscape distinctive. The landscape character approach will also be applied to the Lake District National Park. This will be completed in 2006.
- 6.9 A 'character based' approach will be used when assessing development proposals. This involves assessing the effect on the character and distinctive features of the particular landscape. Such features include built features such as traditional farmhouses, barns and walls and natural features such as hedges, woodlands, hay meadows or wetlands. Proposals will be judged to ensure that they enhance or are in sympathy with local character. Further information on landscape character has been published and should be incorporated into Local Development Frameworks¹⁴. The following documents offer guidance and methodology on assessing the impact of development on the landscape:
- The Countryside Agency and Scottish Natural Heritage 'Landscape Character Assessment – Guidance for England and Scotland (2002).'
 - The Landscape Institute and Institute of Environmental Management and Assessment 'Guidelines for Landscape and Visual Impact Assessment 2nd edition (2002).'

- 6.10 Within nationally designated landscapes such as the National Park or AONBs, development proposals will be tested against Policies E34 and ST12. **Policy E37.**
- 6.11 Cumbria's historic environment provides it with a unique cultural heritage. This includes archaeological remains, structures and buildings, ancient woodlands, historic trees, parks and gardens registered as being of historic interest and other elements of the landscape. Cumbria's maritime heritage, the influence of extractive industries and the Anglo-Scottish border disputes contribute to a distinctive man made landscape. The layout, date or design of individual components and the use of traditional materials, in a traditional way, help to give an area its character. The historic environment gives a sense of identity and can be a valuable stimulus for economic regeneration.
- 6.12 Development proposals must avoid damage to and, where possible, should enhance the overall quality of the historic environment. In determining the impact of proposals, reference should be made to the Cumbria Sites and Monuments Record, the Cumbria Extensive Urban Survey and the Cumbria Historic Landscape Characterisation Programme. On sites of potential archaeological interest Local Planning Authorities may need to ensure that an archaeological field evaluation is carried out before an application is determined. Where development is then permitted, conditions may need to be imposed to enable the sites to be recorded, protected or rescued. **Policy E38.**

Policy E37: Landscape character

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types. Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and semi-natural habitats, and
8. openness, remoteness and tranquillity.

Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development.

Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.



Loweswater - Photo by Val Corbett

Policy E39: Enhancement of the built and natural environment

Development that includes measures to regenerate and upgrade rural, urban and urban fringe environments, both built and natural, will be supported, particularly where this protects, enhances or restores biodiversity, landscape and amenity value. Priority will be given to schemes that promote:

1. economic and physical regeneration, or
2. the attractiveness of approaches into key service centres, important transport corridors and entry points to the county, or
3. reuse of previously developed land with the emphasis in open countryside on forestry, woodland, agriculture and other uses which respect the character of the countryside, or
4. restoration and remediation of derelict or contaminated land.

Enhancing the environment

6.13 As well as protection, positive measures are needed to conserve and improve the built and natural landscape, particularly where these are derelict, contaminated or run down or locations where visual enhancement will assist economic regeneration. Utilising previously developed land may also help reduce the need for the development of greenfield sites consistent with Policy ST3. However, not all derelict or previously developed sites will be in appropriate locations or need reuse. This will particularly be the case in the open countryside. In these instances softer uses such as woodland or community forests consistent with Policies E40 and L58 and Local Nature Reserves consistent with L57 may be more suitable. In some cases nature itself may have produced valuable wildlife habitats and intervention will not be required. **Policy E39.**

6.14 The woodlands and forests of Cumbria contribute to the character and qualities of the landscape, provide important wildlife habitats, areas for recreation, and raw materials for industry. Policy ER6 of the Regional Spatial Strategy seeks to increase the level of tree cover across the region by at least 10% by the year 2010 and by at least 15% by the year 2020. It particularly stresses the need for a sustainable expansion of woodland supporting native species.

6.15 Forestry and woodland operations are not subject to control under the planning system, except, for the creation of forest roads and any new access onto the highway. Well designed planting of forests and woodlands can enhance landscape and wildlife value. The county council and the National Park Authority are consulted on large planting schemes and long term forest management plans. Consideration will be given to the impacts of forestry and woodlands on the existing landscape, wildlife or historic interests and ensuring schemes are not harmful to these interests. Where possible schemes should make a positive contribution to other activities, such as recreation.

6.16 When considering new schemes for planting particular emphasis will be placed on proposals that are consistent with the England Forestry Strategy's four programmes which give priority to rural development; economic regeneration; recreation, access and tourism and environment and conservation. Support will be given to the Cumbria Woodland Vision¹⁵, which identifies West Cumbria and the Solway Plain as potential areas for woodland expansion on derelict and rundown land to enhance the environment and improve opportunities for recreation, (see Policy L58). The potential to develop energy crops as an alternative to agriculture will also be encouraged (see Policy R44). The Lake District National Park Management Plan gives further guidance on forestry strategy within the National Park area. **Policy E40.**

Policy E40: Woodlands

The planting of new woodlands will be encouraged where they are compatible with landscape character and avoid loss of important habitats, archaeological and historic features. Priority will be given to schemes that:

1. promote local amenity, public access or enjoyment and recreation, or
2. provide benefits for the environment, wildlife and biodiversity, or
3. support existing agriculture and rural diversification, or
4. provide benefits for economic regeneration.