

Conservation and development are regulated by numerous Acts of Parliament. Landscape issues such as the preservation of unique landscape character, Historic Parks and Gardens and the protection of landscape features such as buildings, trees, woodland, hedges, habitats and geological landforms are dealt with. In addition Planning policy from national to district level aims to protect those areas and structures which have statutory designations and protection as well as ensure good integrated design in development.

Legislation

National and international legislation protecting the environment in which we live includes measures which ensure the protect and consideration of the landscape and elements which make up the landscape. Legislation has enabled designations for protection to be made and a list of designations relevant to the landscape is given below. In addition to designations regulations have been introduced which contribute to the protection of the landscape.

The Residential Design Guide and the Biodiversity Design Guide also refer to relevant legislation related to development and conservation.

The following is some of the key legislation and regulations which is relevant to and has influenced the landscape of our countryside, towns and cities:

- **The Countryside and Rights of Way Act 2000**
- **Town and Country Planning (Trees) Regulations 1999**
- **The Hedgerow Regulations 1997**
- **Planning and Compensation Act 1991** sets out requirements for planning permission
- **Town and Country Planning Act 1990** provides for additions to types of projects requiring EIA and strengthens LA powers to safeguard conservation areas
- **Planning (Listed Buildings and conservation Areas) Act 1990**
- **Town and Country Planning (Assessment of Environmental Effects Regulations) 1988** requires EIA for all schedule 1 projects and for schedule 2 projects under certain conditions as set out in the EC directive 85/337
- **Wildlife and Countryside Act 1981** deals with designation of SSSIs, NNRs, MNRs and Areas of Special Protection for Birds (AOSPs), Nature Conservation Orders, Limestone Pavement Order and protected species.

- **Ancient Monuments and Archeological Areas Act 1979**
- **The Countryside Act 1968**
- **National Park & Access to the Countryside Act 1949** is the primary enabling act for National Parks and Areas of Outstanding Natural Beauty. Although sections of this act have been superceded by the 1968 and 1981 Acts.

Various EC Directives and International Agreements not mentioned here have influenced national legislation.



Knaresborough Castle (Ancient Monument No. 481)

Planning Policy

Guidance for local planning policy is given at a national level using Planning Policy Guidance Notes (PPGs) and Department Circulars. At a regional level there are Regional Planning Guidance (RPGs) notes. These feed into Planning policy developed at a county and district level. PPGs including advice related to landscape issues include:

- PPG1 General Policy and Principles (1997) includes guidance for good design and states that “*landscape design should be considered as an integral part of urban design.*”
- PPG2 Greenbelts (1995)

- PPG3 Housing (1992)
- PPG7 Environmental Quality and Economic and Social Development (1997) includes advice on achieving good quality development and respecting the character of the countryside.
- PPG15 Planning and the Historic Environment (1994) gives guidance on the importance of historic landscapes, not just those designated but the wider landscape as an "archeological and historic artifact, the product of complex historic processes and past land-use."
- PPG16 Archaeology and Planning (1990) highlights the importance of archaeological remains and their potential contribution to historic landscape character in both urban and rural situations.
- RPG12 This is the Regional Planning Guidance for Yorkshire and the Humber. Policy N3 states "the quality, diversity and local distinctiveness of landscape character throughout the region should be protected and enhanced.

The North Yorkshire County Council Structure Plan sets out the policies relating to the responsibilities of the County. Landscape is addressed directly in Chapter six: Built and Natural Environment. Policy BNE1: states that "*development should conserve, or where appropriate, enhance the character and distinctiveness of the built and natural landscape resource.*" Other Policies relevant to landscape in this chapter include BNE2: and BNE3. Chapters throughout the Structure Plan have relevance to landscape issues and have guided the development of the Harrogate District Local Plan.

The Harrogate District Local Plan contains a comprehensive set of policies relating to the overall landscape and the elements which contribute to landscape character. Key policies are contained in the Countryside section of the local plan:

- C1 Conservation of the Nidderdale Area of Outstanding Natural Beauty
- C2 Landscape Character - development should protect existing landscape character, opportunities should be taken for the design and landscaping of development proposals.
- C3 River and Stream Corridors - development will not be permitted where it is likely to have a significant adverse effect on the landscape character and amenity of river and stream corridors.
- C5 Woodland and Forestry - development will not be permitted where it would harm the landscape, screening or wildlife value of woodland.
- C5A Hedgerows - development which would require the removal of important hedges will not be permitted, unless justified in the wider public interests.

- C9 Special Landscape Areas - nine SLAs have been designated in the District around Harrogate, Knaresborough and Ripon. Development which would have an adverse impact on landscape character in these areas will not be permitted. Where development *is* permitted a high standard of design will be required.
- C10 Green wedges in Harrogate - these provide an important link between town and countryside and their character will be protected and access to open land maintained.
- C11 Landscaping of Development sites - for development a landscape scheme is required which takes account of surrounding landscape features and character.
- C18 Extension of Curtilages into the countryside -these will only be permitted where there will not be an adverse impact on the character and appearance of the countryside or the setting of a settlement.

In addition to these key policies there are other policies which are relevant to landscape issues. In particular, there are policies relating to Nature Conservation, Green Belt, Heritage & Design, and Recreation & Amenity, which require the protection, maintenance, restoration and enhancement of key landscape features and landscape character.

The Council's Design Guides for Biodiversity and Residential Development (as well as this Landscape Design Guidance) augment Local Plan policies.

The General Development Order sets out what is considered Permitted Development and what requires planning permission.

The Government's position is set out clearly in the Action Plans for Biodiversity and Sustainability, and White Papers "This Common Inheritance" and "Rural England".



Harrogate's "Hydro" swimming pool