

11. LANDSCAPE AND THE GREEN ENVIRONMENT

The landscape setting

11.1 Torbay owes its existence to its magnificent natural setting. The three towns of Torquay, Paignton and Brixham have each in their own way developed in response to their surroundings; the relationship between the urban areas and their landscape and seascape setting is unique. In terms of geographical area, the urban parts cover some 3,400 hectares, the rural areas account for about 2,800 hectares, while the Bay itself (6 kilometres in width between the limestone headlands of Hope's Nose and Berry Head) accounts for roughly 3,400 hectares. The landscape element of this trio is of particular importance because it not only separates the main settlements and preserves their individual identity but also provides a strongly unifying element which underlines Torbay's overall identity.

11.2 The high quality of Torbay's landscape and scenery is not only of intrinsic value. The quality of the environment is fundamental to the economy of the area as a tourist destination, and is of national and regional importance by virtue of the statutory landscape designations. The three towns of Torquay, Paignton and Brixham overlook Tor Bay to the east and are enclosed by three major ridges to the north, west and south, each rising between 120 and 180 metres (400-600 ft.) above sea level. The Bay is sufficiently compact to be considered as a single entity and is of a sufficient scale to give breathtaking panoramic views across it of the landscape and townscape beyond.

11.3 The landform is a consequence of Torbay's varied and interesting geology, with hard limestones forming the headlands of Hopes Nose and Berry Head, while the softer sandstones have eroded to form the Bay. This coastal erosion is an ongoing feature in some areas, which needs to be taken into account in development proposals in the Coastal Protection Zone (**Policy EP12** refers). Other variations in geomorphology have given rise to a variety of natural features and where the hills and valleys meet the sea, they have formed Torbay's unique and fascinating coastline of rock cliffs, attractive bays and sandy beaches.

11.4 Overlying this landform is a great diversity of vegetation influenced by the underlying geology, soil structure, microclimate, and latterly by land use. Encompassing the towns of Paignton and Torquay there is a sheltered and mild zone influenced by the sea, where sub-tropical plants thrive. This is why

Torbay is known as the 'English Riviera'. Even in less sheltered parts, the mild climate has enabled a rich landscape to develop, with extensive tree-lined avenues and wooded areas, especially seen within the towns' Conservation Areas.

11.5 On the edge of the built-up area are the more rugged landscapes of the headlands at Berry Head and Hopes Nose. Pine and evergreen oak are the dominant trees in these areas, with ash and sycamore colonising in scrub.

11.6 Outside the built-up area, the majority of land which is perceived as landscape is in fact in use for agriculture. The classic form of field boundaries with Devon banks and hedgerows also forms a key characteristic of Torbay's rural hinterland, in addition to the extensive areas of woodland that exist within the towns and as part of the agricultural landscape. Some of these are managed for forestry. Within built-up areas, islands and ridges of mature trees or mixed vegetation form key landscape features of our urban environment.

Strategy for landscape and the green environment

11.7 It is Government policy, expressed in PPG7 'The Countryside - Environmental Quality and Economic and Social Development' (1997), that the countryside should be safeguarded for its own sake and that non-renewable and natural resources should be afforded protection (paragraph 2.14). The planning system should endeavour "to integrate the development necessary to sustain economic and social activity in rural communities with protection of the countryside for the sake of its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, agricultural, recreational and archaeological value" (paragraph 2.2). PPG7 was revised in 2001 to reflect the need to support sustainable farm diversification projects and the reuse of redundant farm buildings. Such diversification should be consistent with the scale and rural location of the farm. **Policy LS** sets out a landscape strategy which emphasises the importance of Torbay's urban and rural natural resources and the importance of retaining our countryside landscape.

11.8 The former Regional Planning Guidance for the South West (RPG10 - 1994) recognised the outstanding quality and diversity of both the region's extensive coastline and inland landscape, and the need for development plans to take account of this. It specifically recognised that Torbay, which is set in an area of high environmental quality, had limited scope

for substantial growth. The subsequent Regional Planning Guidance for the South West (RPG10 - September 2001) reiterates these principles, and notes the importance of rural and coastal landscapes for tourism, as well as forming important biodiversity resources, and that the open spaces around and between towns are valuable.

11.9 RPG10 Policy EN1 Landscape and Biodiversity indicates that strong protection should be given to international and national landscape areas and nature conservation sites. Local authorities should also identify, in development plans, other significant areas and take measures to protect the character of the countryside and the environmental features that contribute to that character.

11.10 The Adopted Devon Structure Plan First Review (1999) acknowledges that the landscape designations in Torbay and South East Devon are a significant constraint to development and this is one of the key factors in the Structure Plan's constrained housing provision for Torbay (see paragraph 3.12). The Devon Structure Plan 2001-2016 (expected to be adopted in Summer/Autumn 2004) also recognises the environmental importance of Torbay. Policy CO1 requires Local Planning Authorities to carry out detailed assessments of landscape character and provide an appropriate framework in local plans for dealing with them.

11.11 The strategy of the Local Plan (which is described more fully in Chapter 2) is to conserve the high quality and diversity of Torbay's environment. New approaches such as the Quality of Life Capital Approach (detailed in paragraph 11.26 and in the **Environmental Guide** (see **Section 1**)) can be used to analyse the benefits our green environment provides. Using such innovative methods when assessing development proposals will support the landscape policies in protecting and managing the landscape and the green environment in both urban and rural areas.

Landscape protection

11.12 It is vitally important to maintain both the attractive rural landscapes of Torbay and also the green wedges which separate Torquay from Paignton, Paignton from Brixham, and likewise the villages of Churston, Galmpton, Marldon (outside Torbay) and Maidencombe. These green areas between the main towns and surrounding settlements are considered to be of strategic importance. The ridges which form the rim of Torbay are also significant and although development has topped the ridge line at one or two points, it is important that this is not permitted in the

future, in order to ensure that the landscape surrounding urban areas is maintained. The Local Plan protects the countryside and the gaps between the main towns in a number of ways.

11.13 Many aspects of Torbay's landscape require special protection and this is recognised by the designation of several landscape policy areas, which together cover nearly all the areas of countryside. The Area of Outstanding Natural Beauty (AONB), which is nationally designated, is protected by **Policy L1**.

11.14 The Local Plan includes additional designations and references to landscape protection. Areas of Great Landscape Value (AGLVs - **Policy L2**) cover a large area of Torbay's rural landscape, overlapping in some areas with the Coastal Preservation Area (CPA - **Policy L3**), which seeks to protect the scenic qualities of Torbay's coastline. The Countryside Zone (**Policy L4**) aims to prevent urban sprawl and the coalescence of settlements and underlies most of the above designations. The protection of natural features of landscape value which may include hedgerow boundaries or cliff faces are protected by **Policy L8**. For planning purposes, those designations which affect the coastal fringe apply to the mean low water mark (PPG20 'Coastal Planning' (1992) refers).

11.15 The town of Brixham is surrounded by the only AONB within Torbay and also the CPA (covering land at Galmpton to the west and the coastline at Berry Head / Sharkham to the east). The adjacent South Devon Heritage Coast starts to the south of Sharkham Point and continues south westerly along the South Hams Coast. Most of the remaining open land around Brixham which is excluded from AONB or CPA status is included within an AGLV.

11.16 Unfortunately the urban boundary on the north side of Brixham extended into part of the AONB during the 1960s and the existing designation limit is no longer appropriate. It is not within the remit of the Local Plan to amend the boundary of the AONB around Brixham, as these areas are designated under separate legislation by the Countryside Agency.

11.17 Torquay and Paignton are to a large extent surrounded by an AGLV reflecting the ridges which enclose the towns. The rural coastal belt to the north of St. Marychurch and east of the A379 Teignmouth Road, extending southwards to just beyond Daddyhole Cove in Torquay is a Coastal Preservation Area

11.18 Landscape is not, of course, confined to the countryside. Parts of the urban areas are quite clearly seen as landscape and these have their own special

importance as a foil to the urban surroundings. The Local Plan therefore safeguards both public and private urban green spaces not only for their landscape quality but also for their amenity value (**Policy L6**). It also identifies a number of Urban Landscape Protection Areas (**Policy L5**) which have a special landscape quality of local or wider importance.

Agriculture

11.19 More than half the land in Torbay which has not been built over is in fact used for agricultural purposes. Agriculture is therefore of great importance to the area. There is, however, a limited amount of good agricultural land in Torbay and so wherever possible, the higher grades of agricultural land should be preserved and left free from development (see **Policy L7**).

Landscape management, trees and hedgerows

11.20 Although the landscape is normally considered to be natural, it is in fact almost entirely influenced by human activity. We therefore have a responsibility to improve it where possible and to minimise any damaging effects of development or change in the countryside. The planting of tree belts or in some cases the restoration of the local landscape features like grassland may be appropriate. Where necessary, landscaping schemes should form an integral part of the development process (see **Policies L10, H9 and E9**). The planting of indigenous species also helps to maintain local distinctiveness (see **Environmental Guide, Sections 17 and 18**).

11.21 Trees and hedgerows are part of Torbay's heritage. They enhance the quality of the countryside, provide a habitat for wildlife and soften and add character to built-up areas. Many of the trees within Torbay are mature or over-mature and since the proportion of saplings can be low, there is the prospect of further depletion in the future. The tree stock must be maintained for the future, so the protection and regeneration of our tree cover, and especially the planting of new trees, is essential. This will be achieved by the use of Tree Preservation Orders, Conservation Area legislation and conditions to encourage proper management. **Policies L8, L9 and L10** relate to these issues. The special nature of some landscape features, such as ancient woodlands, calcareous grasslands or sea cliffs, should be protected for their nature conservation value. Some issues may therefore overlap with those considered in the Nature Conservation Chapter. The **Environmental Guide** (see **Sections 17 and 18**) also deals with the importance, protection and management of trees and development, as well as making reference to landscaping considerations.

Access to the countryside

11.22 The countryside represents an opportunity for recreation, relaxation and enjoyment of natural beauty. Historic Parks and Gardens contain a number of features, both formal and natural, that should be protected and managed for future generations to enjoy. The management of the countryside and landscape should, therefore, not only protect the essential features of the countryside, particularly in relation to woodland areas, trees and hedgerows, but also improve accessibility for recreation which is sympathetic to the landscape character and does not have a negative impact. Historic Parks and Gardens also provide areas of public access to a number of features both formal and natural that should be protected. **Policy BE10** in the Built Environment Chapter refers to these areas.

LANDSCAPE AND THE GREEN ENVIRONMENT POLICIES AND PROPOSALS

LS Landscape strategy

The landscape setting of Torbay and its coast and settlements will be protected from development which would harm or detract from local character and distinctiveness. Priority is accorded to maintaining the rural landscape surrounding the built-up area and the strategic green wedges which lie between the main towns and separate them from the surrounding villages. Also, within the urban area, green space of local townscape, recreational and/or amenity value will be retained as open space.

Explanation:

11.23 Landscapes of importance, both urban and rural, should be preserved wherever possible. Countryside Agency research has recognised that the countryside is under greater pressure than ever before. Pressure for housing, commercial out-of-town development, traffic growth and new roads, removal of hedgerows and changes in farming and forestry practices, can all be listed as factors that are threatening the character of our countryside.

11.24 The Local Plan strategy aims to protect Torbay's attractive coastal and rural landscape setting, including the best agricultural land, hedgerows and woodlands, from unnecessary and inappropriate development. Most of these areas are also protected by their countryside zone designation, which addresses the need to keep Torbay's greenfield development to a minimum. In addition to protecting most rural areas

from development, the Local Plan seeks to protect important enclaves of attractive urban open space, which form so much of the character of our towns.

11.25 Any proposals for change of use or development within the countryside that are in conflict with the landscape character of rural areas will be required to justify their choice of site. Exceptions may be appropriate, but are likely to need to demonstrate an overriding need if there are no suitable alternative sites available, including land within the urban area or sites allocated elsewhere in the Local Plan.

11.26 The Quality of Life Capital Approach guidance has been commissioned by the Countryside Agency, English Heritage, English Nature and the Environment Agency (see **Environmental Guide, Section 1**). It is a useful way to clarify the environmental consequences of development through a process which seeks to define the important elements or attributes of the green environment, evaluate the benefits they provide and identify a wide range of environmental (and possibly social and economic) issues. It therefore enables more flexible solutions to mitigation and compensation measures that may be necessary. This methodology is equally relevant to the evaluation of nature conservation interests.

L1 Areas of Outstanding Natural Beauty

In designated Areas of Outstanding Natural Beauty, the conservation and enhancement of their natural beauty will be given priority over other considerations. Within these areas, development will only be permitted where it would support their conservation or enhancement or would foster their social and economic well-being, provided that such development is compatible with their conservation. Development proposals adjacent to the AONB will only be permitted where they would not damage the natural beauty of the area.

Explanation:

11.27 Areas of Outstanding Natural Beauty (AONBs) are designated (under the National Parks and Access to the Countryside Act 1949) by the Countryside Agency and then confirmed by the Secretary of State. AONBs are selected by virtue of their nationally important outstanding landscape quality. The cumulative effect of creeping urbanisation and new development can erode the distinctive character of the South Devon AONB. Increasing traffic, lighting, noise and pollution can all reduce those qualities which are much valued by residents and visitors.

11.28 In line with the objectives of the designation and advice set out in PPG7 'The Countryside - Environmental Quality and Economic and Social Development' (revised 2001), this policy aims to conserve and enhance the scenic beauty of the landscape and protect the special qualities of Torbay's AONB, preventing insensitive development on the rural skyline for example. However, the designation does not preclude minor development of existing uses or development to meet the needs of agriculture, forestry or other rural industries or the economic and social well-being of the community at large. Where development within the AONB is acceptable in principle, it should be in sympathy with its surroundings. Special emphasis will therefore be placed on the scale, location, siting, landscaping and visual impact of such development.

11.29 A Government Ministerial Statement released in June 2000 formally amended paragraph 4.8 of the earlier version of PPG7 to the effect that the landscape quality of National Parks and AONBs are equivalent, and that protection given to both types of areas by the planning system should also be equivalent. Government advice now suggests that major proposals within the AONB need to demonstrate that they are in the public interest before being allowed to proceed. Consideration of applications for major development should therefore normally include an assessment of:-

- the need for the development, in terms of national considerations, and the impact of permitting it or refusing it on the local economy;
- the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way; and
- any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.

11.30 As explained in paragraph 11.27, the designation of AONBs is the responsibility of the Countryside Agency. However, the Council has representation on the South Devon AONB Joint Advisory Committee, whose aims are to ensure that there is a workable balance between landscape protection, nature conservation, recreation, tourism and farming, and to ensure that the area is conserved and enhanced. It also acknowledges that changes which take place within the South Devon AONB should not diminish the very quality that visitors come to enjoy. The Advisory Committee is currently reviewing the management of these areas and is keen to see a review of the existing boundaries. The Council supports these views. It is felt that a more appropriate boundary around the Brixham urban area which

would remove the anomalies of suburban development will make the policy covering the truly rural areas more robust. The South Devon AONB Partnership (which involves Devon County Council, South Hams District Council, Torbay Council and Plymouth City Council) adopted a statutory Management Plan for the AONB during Summer 2004. The Plan sets out a long term vision for the Area together with an action plan to implement policies and priorities.

L2 Areas of Great Landscape Value

Development which is likely to affect, directly or indirectly, designated Areas of Great Landscape Value (AGLV) will only be permitted where it will maintain or enhance the special landscape character of the AGLV.

Explanation:

11.31 AGLVs are areas of considerable importance to the character of Torbay. They are either areas of high land or parts of valley systems which have distinctive local character. These unspoilt areas of Torbay contain historic and traditional buildings complementary to the natural landscape. As such, they warrant recognition and protection. The direct and associated impacts on the quality of the AGLV will be taken into account when considering development proposals (see in particular **Policies IN3 Telecommunications** and **EP2 Renewable energy**).

11.32 The designation includes areas mainly to the west and north of the developed part of Torbay but also extends along the Torquay coastal fringe from Maidencombe to Peaked Tor Cove south of Daddyhole Cove, and includes some areas around Brixham at Galmpton and Southdown Hill. It is vitally important that this landscape framework be retained. The designation of AGLV in Torbay has been the subject of a review by landscape consultants (Leithgoe 1999). Boundaries shown on the Proposals Map reflect those changes put forward by the Consultant and subsequently the Council's landscape officer, which have all been agreed by the Council.

L3 Coastal Preservation Areas

Within Coastal Preservation Areas (CPAs), only the following developments will be permitted:-

- (1) those required for the economic and social well being of the locality which cannot reasonably be accommodated elsewhere;

- (2) those essential in providing public access to the coast and informal open-air recreation;
- (3) alterations and additions within the curtilage and changes in the use of existing buildings which would make little impact upon the character of the protected area;
- (4) improvement of facilities on existing chalet or caravan sites which would make little impact upon the character of the protected area, and
- (5) development required for the purposes of agriculture and forestry.

Such development will only be permitted when it would not detract from the unspoilt character and appearance of the coastal area.

Explanation:

11.33 Coastal Preservation Areas (CPAs) have been identified throughout Devon since 1966 and were essentially designated to safeguard unspoilt stretches of coastline. Torbay is fortunate in having 36 kilometres (23 miles) of coastline which largely defines its landscape character. It is therefore important to protect and enhance the scenic quality of its coastline. These coastal areas are often overlain by other landscape designations and are likely to be of importance to nature conservation. The CPA runs from Torquay's northern most boundary at Maidencombe to Peaked Tor Cove, extending inland at various points. It also covers most of the landscape surrounding Brixham.

11.34 CPAs are defined by a landscape that is substantially unaffected by development and which is generally visible from cliff tops, beaches, the sea or which forms part of the view from the South West Coast Path or other public access / view points. The policy is aimed at protecting this finite resource by ensuring that development which does not need to take place within the CPA, or would detract from the unspoilt nature of the coast, is directed to sites outside such areas.

11.35 The CPA is related to, but should not be confused with, the Coastal Protection Zone (**Policy EP12**) which is primarily concerned with coastal management and geological control. Much of the CPA in Torquay may also qualify as Heritage Coast, valued for its natural unspoilt qualities.

L4 Countryside Zone

Development will not be permitted within the Countryside Zone where this would lead to the loss of open countryside and creation of urban sprawl,

and where this would encourage the merging of urban areas and surrounding settlements to the detriment of their special character and setting. However, the following forms of development will be permitted, provided that the rural character, wildlife habitats and historic features are not adversely affected and mitigation measures are carried out to minimise any harm to the environment:-

- (1) dwellings for which there is a proven agricultural need;
- (2) development required for forestry, horticulture and agriculture;
- (3) development for touring caravans and tents;
- (4) tourist facilities, appropriate to the rural setting;
- (5) development associated with outdoor sport and recreation;
- (6) infill development within the existing areas of settlements;
- (7) facilities essential for the well being of the community at large;
- (8) alterations and extensions to and changes of use of existing buildings;
- (9) conversion of existing buildings;
- (10) essential improvements to the highway network; and
- (11) other uses appropriate to the countryside.

Explanation:

11.36 The Countryside Zone has been designated for the following reasons:-

- to view the countryside around Torbay as a finite resource and to encourage its best use;
- to safeguard Torbay from further urban sprawl;
- to prevent the main urban areas of Torbay from merging with each other and neighbouring settlements;
- to preserve the special character of the towns and villages within Torbay's overall landscape setting;
- to recognise the need to adapt to changing demands in the countryside around Torbay and priorities for development; and
- to concentrate building development within the urban area and prevent the spread of inappropriate uses into the countryside.

11.37 Torbay's amenities and economic well being are heavily dependent on its natural setting and the relationship which exists between urban and rural areas. This is recognised in the Devon Structure Plan which aims to protect the environmental quality of Torbay in the Torbay/South-East Devon sub-region.

11.38 The countryside is a finite resource and it is important to ensure that any further development in the countryside around Torbay does not damage the relationship between urban and rural areas. The Countryside Zone identifies those areas where it is considered desirable to retain the existing rural character, including its amenities, during the Plan period.

11.39 It is considered that new residential, commercial, industrial or other forms of urban development which are not provided for in the Local Plan and which require greenfield sites would lead to unacceptable changes in the character of the Countryside Zone. The only circumstances in which residential development might be considered appropriate could be where individual properties are constructed to infill within the existing village settlements, including extensions to existing dwellings, where such development is compatible with local character.

11.40 Any development which may be allowed in the Countryside Zone will be required to be located and designed to minimise impact on open countryside, and should not accentuate ribbon or sporadic development in rural areas.

L5 Urban Landscape Protection Areas

Development will not be permitted within Urban Landscape Protection Areas, as listed below, which would seriously harm the value of the area as an open element within the townscape and the contribution it makes to the quality of the urban environment.

TORQUAY
1. Watcombe Park
2. Watcombe Heights
3. Steps Cross, Watcombe
4. Mincent Hill, Barton
5. Clennon Lane, Barton
6. Scotts Bridge / Barton Note: Part of this ULPA has been the subject of a challenge to the High Court (see Preface and paragraph 11.43)
7. Browns Bridge Road / Riviera Way
8. Lummaton Hill, Combe Pafford
9. Hele Woods / Windmill Hill Woods
10. Daison Woods
11. Oddicombe Downs
12. Babbacombe Downs
13. Markham Plantation, Shiphay
14. Shiphay Manor (Girls' Grammar School)
15. Rowcroft / Shiphay Plantation
16. Chapel Hill, Torre
17. Stantaway Hill, Upton
18. Grange Road / Warberry Copse
19. The Quinta
20. Lydwell Road
21. Palace Hotel (northern edge)
22. Ansteys Playing Field / Palace Hotel Grounds
23. Whidbourne Copse
24. Lincombe Slopes
25. Daddyhole Plain
26. St. Johns Wood
27. Stentiford Hill
28. Torre Abbey Meadows
PAIGNTON
29. Preston Park
30. Paignton Green North
31. Paignton Green South
32. Victoria Park
33. Monastery, Winner Hill
34. Primley Woods and meadow to south
35. Goodrington Park / Roundham, Paignton
36. Quay West Corner
37. Clennon Hill / Roselands Valley
38. Sugar Loaf Hill
39. Waterside, Goodrington

40. Tor Rocks, Broadsands
BRIXHAM
41. Galmpton Warborough
42. Brunel Woods, Galmpton
43. Battery Grounds
44. Berry Head Road
45. Parkham Field
46. Summercombe

Explanation:

11.41 These enclaves of special landscape quality set in or bordering the urban areas (some of which skirt the coastal fringe) make a considerable contribution in different ways to the environment. Some act as local vantage points, some as amenity open space and others as landmarks in the local scene; in some cases they perform all three roles. Some ULPA's are also of ecological significance.

11.42 It is important therefore that priority is given to protecting the essential landscape features of these areas to ensure that their contribution to the landscape of the urban area is protected. Whilst the policy does not necessarily preclude all developments in these locations, it will be necessary to demonstrate that the quality of these areas is retained. In appropriate cases, the Council will consider the preparation of management plans to safeguard and improve such areas.

11.43 Part of L6.6 Scotts Bridge/Barton, Torquay has been the subject of an application to the High Court under Section 287 of the Town and Country Planning Act 1990 to challenge the validity of the Adopted Local Plan. The challenge relates solely to that part of the Urban Landscape Protection Area known as 'Scotts Meadow', adjoining Riviera Way. A High Court Hearing will be held in Autumn 2004. The remainder of the Local Plan is unaffected by this challenge.

L6 Urban green spaces

Development within urban green spaces, which are used by the community or make an important contribution to the quality of the built environment, will only be permitted where any harm is outweighed by the need to make the most effective use of land within urban areas or where the green space can be replaced elsewhere in a manner which would achieve a more effective provision of such space.

Explanation:

11.44 In addition to those areas identified as ULPA's in **Policy L5**, there is a need to protect the availability and distribution of other open spaces which make an important contribution to the amenity and character of the urban environment. Open space is important for its contribution to the quality of urban life, whether or not there is public access to it. It can enhance local character and historic landscapes. Once built on, such spaces are likely to be lost to the community forever.

11.45 The loss of such space arising from development proposals will therefore form a material consideration in the determination of planning applications. Whilst there is a need to make adequate provision for development in urban areas, this has to be balanced against the effect that any loss of open space can have on a community. Development which would harm these sites will be resisted unless alternative or more beneficial green space would result either on site or elsewhere.

11.46 Urban green spaces may include public parks and amenity areas as well as incidental open spaces which are accessible to the public, such as areas along a public road. These areas may be different in character from formal parks and gardens. All these areas have significant value within the townscape. **Policy R5** in the Recreation and Leisure Chapter refers to the protection of public open spaces and **Policy BE8** in the Built Environment Chapter to Historic Parks and Gardens.

L7 Agricultural land

Development which would result in the detriment to or loss of the best and most versatile agricultural land (Grades 1, 2, or 3a) will only be permitted where there is an overriding need for the development and which cannot be accommodated on lower grade land that does not have environmental value recognised by a statutory

designation. Where development is proposed and there is a choice between sites of different grades, development should take place on land of the lowest grade feasible.

Explanation:

11.47 National policy as set out in PPG7 'The Countryside - Environmental Quality and Economic and Social Development' (revised 2001) is to protect the best and most versatile land (Grades 1, 2 or 3a). Such land in Torbay is limited. There is very little Grade 1 land and this is concentrated mainly on the south western fringes. Grade 2 land is slightly more plentiful and widespread but it still represents a scarce resource which should be conserved. When appropriate, the Farming and Rural Conservation Agency (an executive agency of the Department for Environment, Food and Rural Affairs - Defra) will be consulted on matters that may affect agricultural interests.

11.48 Development and changes of use which result in the loss of high grade agricultural land will need to establish that alternative, previously developed sites within existing developed areas have been investigated. Where there is an over riding need to develop on agricultural land of Grades 1, 2 or 3a and there is a choice between sites of different grades, land of the lowest grade should be developed unless the lower grade land has an environmental value in terms of its landscape, nature conservation and historic or archaeological status which outweighs its agricultural significance.

11.49 Land quality will normally be the most important factor in determining the impact of development on agriculture. However, the detrimental effects of any development on local agriculture, the proximity of other development to farms, and whether loss of land will impact upon the viability of farms in relation to size and structure may all be material considerations.

L8 Protection of hedgerows, woodlands and other natural landscape features

Development will not be permitted which would seriously harm, either directly or indirectly, hedgerows, ancient woodlands or other natural features of significant landscape or nature conservation value. Any development proposals which affect such features should include mitigation measures to at least off-set any such harm and to provide new planting and/or suitable habitats.

Explanation:

11.50 Woodlands and hedgerows can form important landscape features within the local or historic landscape and also provide valuable habitats or wildlife corridors (**Policy NC4** refers).

11.51 Woodlands, and particularly ancient woodlands, (i.e. those dating from about 1600), form traditional elements of the countryside or important islands of green natural habitat within Torbay's urban areas. Such sites have developed a wide diversity of species and habitats through time. Once lost, this part of our heritage cannot be replaced. Two ancient woodlands (designated by English Heritage) have been identified in Torbay, at Rams Hill Copse and Clennon Hill in Paignton. It is considered there may be other areas of woodland worthy of designation. The Council will seek to identify them and bring them to English Nature's notice for consideration.

11.52 Hedgerows, many of which are of traditional Devon Bank construction, are important elements within the landscape of Torbay. They can function as wildlife corridors linking wildlife sites. Hedges can also form very ancient land boundaries and may preserve historically important artefacts (archaeological sites are referred to in **Policies BE9** and **BE10**). It has been estimated that in any given 30 metre stretch of hedgerow, each shrub species represents one hundred years. A quarter of Devon's hedges are more than 800 years old. For these reasons, it is important that significant hedgerows are retained and their appropriate retention will be secured by planning conditions. Legislation exists (Hedgerow Regulations - 1997) to enable the Council to consider wider protection of hedgerows in rural areas.

11.53 All development proposals affecting woodlands and other natural features of significance will be the subject of rigorous examination and if development is permitted, mitigation measures will be required. The Council has produced a Trees and Woodlands Strategy which sets out policies for the management and protection of trees as part of Torbay's landscape. The policies in the Strategy should be taken into account when determining planning applications. Guidance set out in the Council's note 'Trees and development' will also be relevant.

L9 Planting and retention of trees

Development proposals likely to affect, directly or indirectly, trees or woodlands of existing or potential landscape value (including trees within the

highway) will only be permitted where those trees identified will not be harmed as a result of the development and can be retained in future through the use of planning conditions, Conservation Area legislation or Tree Preservation Orders, as appropriate.

Any development proposals which affect such features should include mitigation measures to at least off-set any such harm and to provide new planting and/or suitable habitats, including the retention and management of remaining trees and the planting of new trees as individual specimens, as groups or shelter belts. This planting should be protected where appropriate, by approved management programmes, Section 106 Agreements or use of other methods listed above.

Explanation:

11.54 Trees have a considerable environmental value and are particularly important in urban areas. Not only are they aesthetically pleasing in themselves but they can soften development, improve the environmental quality of our streets and provide a green framework to our towns. They can be important, both individually and in groups. In parts of Torbay, there are whole areas where trees are largely responsible for the character of the environment.

11.55 Although appreciation of trees is widespread, many people are less enthusiastic about trees close to their property where they may be seen as obstructing views, taking away light, as well as causing maintenance problems and sometimes danger. Development may not be permitted if it is essentially incompatible with the retention of trees. Therefore proposals will require careful consideration to ensure that trees which are to remain do not cause unreasonable inconvenience to future occupiers, leading inevitably to a request for consent to fell.

11.56 By its very nature, the carrying out of development work can cause damage to tree roots by compaction and excavation. In determining planning applications, it will be necessary to ensure that construction is not carried out in close proximity to trees in such a manner as to cause damage.

11.57 Trees will be protected by imposing conditions on planning consents for development. These can specify measures to be taken to protect trees during and after the building process. Such conditions will be used whenever trees of amenity value are adjacent to development. Tree Preservation Orders (TPOs) may also be used to safeguard the amenity value of trees

and to prevent them from being felled. They can be made on individual trees, groups of trees or on whole areas. Torbay has a rich legacy of trees, many of which are protected by Tree Preservation Orders (approximately 1700 in 2004). Similar protection applies to trees in Conservation Areas where there will generally be a presumption against felling such trees unless there are sound reasons for doing so.

11.58 Circular 36/78 indicates that every encouragement should be given to the planting of roadside trees and hedges which make an important contribution in the urban and rural scene. They can be used to create a landscape framework, soften unsightly development and to improve the general appearance of roads. Planting and retaining trees in our urban streets and town centres can be particularly beneficial in some places and even a single tree can have a considerable impact. This Circular should be read in association with guidance set out in the DETR booklet 'Tree Preservation Orders - A guide to the law and good practice'.

11.59 Government guidance in relation to public highways identifies the need to preserve existing planting and indicates that the retention of trees together with new planting can provide seasonal change, give shelter from wind and filter dust from polluted air. **Section 17** of the **Environmental Guide** provides useful design guidance.

L10 Major development and landscaping

Planning applications for major development, particularly on the edge of the existing built areas, will only be permitted where necessary mitigation measures are taken to minimise damage to the landscape. The landscaping measures should form an integral part of the development and reflect the character of the local landscape and distinctiveness. They are likely to include the planting of trees as individual specimens, groups, shelter belts or woodland for amenity, environmental and landscape value. Appropriate measures will be taken to protect this landscaping and the Council will seek advance planting where practicable. Appropriate protection measures will include approved management programmes, Section 106 Agreements or the use of planning conditions, Conservation Area legislation or Tree Preservation Orders.

Explanation:

11.60 The Council has identified a number of major development proposals that will require strategic

landscaping. These primarily comprise proposals for new employment development, as set out in **Policy E1**, and for new housing schemes, identified in **Policy H1**. In both instances, footnotes indicate those sites that have a specific requirement for strategic landscaping. However this is not an exhaustive list and the implementation of other proposals for major development within Torbay are likely to require consideration in the context of **Policy L10**, particularly if a site lies within or near to an area which is sensitive in terms of its environmental or landscape setting. Proposals will be considered in accordance with Circular 36/78 which addresses how a proposed development should fit in with retained trees. Existing landscape features of importance should be identified and protected. Layouts may require careful adjustment to ensure that development is not incompatible with the retention of such features and trees and do not cause unreasonable inconvenience to future occupiers.

11.61 An accurate site plan will be required from the applicant showing the proposed siting of structures within the existing contours of the ground and any proposed alterations in ground level, in order to assist consideration of applications. The plan should plot all existing trees, showing height and spread, indicating those to be felled and details of trees to be retained. Landscape plans should also show information on hard surfacing and materials, existing and proposed tree and shrub planting, earth mounding and site grading, the treatment of boundaries and the location of external lighting. Areas awaiting development should be positively managed and not allowed to become derelict.

11.62 Landscaping schemes should not view development sites in isolation. Surveys, where appropriate, should show all features of importance, such as Devon hedges or trees within or adjacent to the site which could be affected by any proposals. It is important to take account of the surrounding species, water features and other natural characteristics which contribute to local distinctiveness and provide habitats for existing indigenous wildlife. Such schemes should also consider the way in which features will develop over time. Some fast growing evergreens can rapidly screen development but can soon reach unmanageable heights, reducing levels of light, blocking views or creating root damage to nearby structures. Neighbour disputes can arise from use of this form of planting, an issue which is addressed in the Anti Social Behaviour Act 2003 (Part 8 - High Hedges).

11.63 The urban fringe can be an area of conflict between the interests of occupiers of properties, developers, agriculture and landscape. The planting of tree belts will ensure that there is a clear break, that appropriate screening of the development can be achieved and neighbours protected. The future responsibility and maintenance of such areas should also be made clear. The careful design of landscaping which incorporates appropriate local species and which does not conflict with nature conservation or safety is referred to in **Sections 17** and **18** of the **Environmental Guide**.

11.64 The establishment of significant tree belts can take a number of years. The Council will seek to achieve early implementation in advance of development through Section 106 Agreements. These tree belts should form part of the overall design in order to allow suitable areas to be set aside. In appropriate cases, land planted in this manner may be considered for adoption on completion of a maintenance period and payment of a commuted sum.

11.65 Trees have a finite life and neither Tree Preservation Orders nor planning conditions can sustain a tree beyond its natural life span. Both, however, include requirements for replanting of trees which have died or which have had to be felled.

11.66 Employment **Policies ES, E1** and **E9** refer to the structural landscaping required in employment sites. The requirement for strategic landscaping in less significant developments, including hard landscaping, is set out in **Policy BE2**.

