

APPENDIX 3: RELEVANT LEGISLATION, NATIONAL PLANNING POLICY AND GUIDANCE

European Landscape Convention (ELC)

1. The European Landscape Convention (ELC)¹ is an international treaty dedicated to the protection, management and planning of all landscapes in Europe. It was signed by the UK government in 2006 and introduced in March 2007.
2. The ELC contains 18 articles which, collectively, promote landscape protection, management and planning as well as European cooperation on landscape issues.
3. Article 1 defines the terms used in the ELC including the term 'landscape' which has been adopted for the purposes of this assessment.
4. Articles 5 and 6 commit signatory states to a number of actions which are designed to help ensure compliance with the overarching aims of the ELC. These include the need to recognise landscapes in law; to establish policies aimed at landscape planning, protection and management; and the integration of landscape into other policy areas.
5. The ELC is a convention of the Council of Europe, not the EU. Therefore, the UK's departure from the EU does not affect the status of this convention, and at the time of writing (June 2026), the UK remains a signatory.

Countryside and Rights of Way Act 2000

6. The primary statutory protection for National Landscapes in England and Wales (formerly Areas of Outstanding Natural Beauty (AONBs)) is derived from the Countryside and Rights of Way Act 2000².
7. Section 85 (1) of the Act states that:

'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'

Planning Policy Wales (PPW) 12th Edition, 2024

8. Planning Policy Wales (PPW)³ sets out the government's planning policies and how these should be applied. PPW is a material consideration in planning decisions. It was last updated in February 2024, and released as the 12th Edition. It is supplemented by a series of Technical Advice Notes (TANs), Minerals Technical Advice Notes (MTANs), Welsh Government Circulars, and policy

¹ Council of Europe (2004, amended 2016). ETS No. 176 Landscape Convention. Available at: <https://www.coe.int/en/web/landscape>

² Countryside and Rights of Way Act (2000). Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents>

³ Welsh Government (2024). Planning Policy Wales Edition 12. Available at: <https://www.gov.wales/planning-policy-wales>

clarification letters, which together with PPW provide the national planning policy framework for Wales.

9. Section 3: Strategic and Spatial Choices of PPW focuses on good design and notes the following at paragraphs 3.8-3.10, 3.14:

‘Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of ‘ecosystems services’ and sustainable management of natural resources where multiple benefits solution become an integral part of good design ...’ (Page 27, para. 3.8).

‘The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process ...’ (Page 27, para. 3.9).

‘In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.’ (Page 27, para. 3.10).

‘Site and context analysis⁴ should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.’ (Page 28, para. 3.14).

10. In relation to minerals planning, Section 5: Productive and Enterprising Places notes:

‘The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment. The key principles are to [inter alia]: ...

- *protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features ...*
- *achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment’ (Page 110, para. 5.14.2)*

⁴ Further information is contained within Welsh Government Practice Guidance on Site and Context Analysis: www.gov.wales/planning-developments-site-and-context-analysis-guide

'Minerals development should not take place in National Parks and AONB except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of: ...

- the detrimental effect of the proposals on the natural and historic environment and local community and landscape and the extent to which that can be moderated ... ; and*
- in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape ...' (Page 118, para 5.14.35)*

'Development adjacent or close to these areas may have a significant detrimental effect on their special qualities. Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.' (Page 119, para 5.14.36)

'Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.' (Page 121, para 5.14.47)

'Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity ... Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. The statutory five year aftercare period should be extended as appropriate for the intended end-use. End uses such as nature conservation will normally require a minimum of 15 years and commuted sums may be required to cover long term maintenance costs ...' (Page 121, para 5.14.50)

11. Section 6: Distinctive and Natural Places states (*inter alia*):

'The special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles.' (Page 129, para. 6.0.2).

12. When discussing the landscape of Wales, Section 6 states:

'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places ...' (Page 139, para 6.3.3)

13. On the subject of National Parks and Areas of Outstanding Natural Beauty (AONB, now known as National Landscapes), Section 6 states:

'Planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas ... and planning authorities should have regard to their identified special qualities in the exercise of their functions ...' (Page 140, para 6.3.5)

'In AONBs, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development planning and the development management process.' (Page 140, para 6.3.7)

'The special qualities of designated areas should be given weight in the development planning and the development management process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.' (Page 140, para 6.3.9)

14. With regards to Landscape Information, Section 6 states:

'LANDMAP is an important information resource, methodology, and monitoring baseline for the landscapes of Wales, which can help inform planning for the sustainable management of natural resources in an area.

LANDMAP describes and evaluates the physical, ecological, visual, cultural and historic aspects of the landscapes of Wales, and provides the basis of a consistent, quality assured national approach to landscape assessment ...' (Page 143, para. 6.3.19).

15. With regards to Trees, Woodlands and Hedgerows, Section 6 states:

'Planning authorities must protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function. Planning authorities should consider the importance of trees and woodland, particularly native woodland and valued trees, and should have regard to local authority tree strategies or SPG and the Green Infrastructure Assessment ...' (Page 158, Para 6.4.39)

'Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long-term growth to optimise the environmental and ecological benefits it affords.' (Page 159, Para 6.4.42)

Minerals Technical Advice Note (MTAN) 1 Wales: Aggregates, March 2004

16. MTAN1 sets out detailed advice on the mechanisms for delivering the policy for aggregates extraction by both mineral planning authorities and the aggregates industry. It is based on the

overarching objective to ‘ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance’ (Page 5, para 7). The MTAN is a material consideration for planning decisions.

17. Paragraphs 51-53 on page 23 relate to aggregate quarrying within National Parks and National Landscapes (formerly Areas of Outstanding Natural Beauty) as follows (*inter alia*):

‘To justify ... extensions to existing sites ... AONBs, it must be demonstrated ... that the detrimental effects of the proposal can be mitigated or compensated for ...’ (Page 23, para 52)

18. Paragraphs 89-94 on pages 35-37 relate to landscape and visual impacts of aggregate quarrying as follows (*inter alia*):

‘... Proposals for new aggregates extraction or significant extensions to existing operations should be assessed carefully to determine the potential impact on the landscape character of the setting. This assessment will enable a comprehensive understanding of the visual impact of the proposed development from various locations to determine the acceptability of the development, the phasing and layout of the development, and, the most appropriate restoration strategy ...’ (Page 35, para 89)

‘... Visual impact assessment should be undertaken from viewpoints including main settlements, major traffic routes and footpaths, both close to the site and from greater distances to reflect its landscape setting ...’ (Page 35-36, para 90)

‘... Specific site appraisals of landscape character will be required whether or not the site is within or close to a landscape designated for its intrinsic importance. Topography and vegetation cover are critical factors that influence the ability of the landscape to absorb the development ...’ (Page 36, para 91)

‘There are a number of remedial measures to ameliorate visual intrusion caused by aggregates extraction or ancillary development:

- *Quarry faces/rim - choice of direction and method of working; screening by mounds and planting; bench planting; restoration blasting;*
- *Spoil disposal - choice of location, including perimeter tipping; use for screening purposes; infilling old quarries, voids or worked out areas; landscaping;*
- *Stockpiles (location) - enclosure and screening;*
- *Plant/buildings (location) - avoiding skyline development; screening; design – choice of colour and low profiles; suppression of dust and steam plumes;*
- *Road/rail access-site location – screening; landscaping; designed to prevent views of operational areas; well presented signage; high specification layout with kerbs and metalled surfaces;*
- *Restoration - improved techniques and best practice; careful management of soils and vegetation; monitoring and enforcement of conditions; forward planning and progressive restoration.’ (Page 36, para 92)*

‘An adequate site margin is essential to provide a transition between the extraction area and its surroundings; it enables ... existing vegetation to be retained to form immediate screening; it enables flexibility in providing protection of visual amenity ... Progressive and phased restoration

minimises the undesirable impacts on visual amenity and is particularly important for operations of long duration, and must be used wherever possible.’ (Page 36-37, para 93)

19. Paragraphs 97-139 on pages 39-53 relate to the restoration and aftercare of quarry sites. Key points are as follows (*inter alia*):

‘For new quarries and quarry extensions and for the future development of sites subject to mineral review applications, a quarry restoration design in a working plan (see paragraphs 97 and 106) must be submitted and approved by the MPA, before any work commences on site. This can form part of the planning application for the quarry development or a subsequent scheme required by a planning condition or Section 106 Agreement. The restoration design must include where appropriate:

- *Existing, phased and final landforms;*
- *Quarry floors, faces and spoil tips;*
- *Soil storage areas including an assessment of volumes and quality;*
- *Phasing of progressive restoration;*
- *Location of proposed bunds and screening to mitigate environmental impact;*
- *Landscape strategy – areas of existing planting for retention and proposed planting;*
- *Where applicable, proposals for on or off site drainage, water storage, or new or diverted water features or water courses;*
- *Where applicable, proposals for reinstatement of footpaths;*
- *Mechanisms for protecting or recording existing site features such as interesting geological exposures or historic structures;*
- *Strategy for aftercare including timing of restoration proposals;*
- *Strategy for the after-use of the quarry area ...’ (Page 40, para 100)*

20. Annexes B-D contain guidance on Reclamation to Agriculture; Soil; and Planting and Seeding respectively.