



## RYEDALE LOCAL PLAN INQUIRY

# Core Proof of Evidence No. 7 Justification for the Wolds and the Fringe of the Moors Areas of High Landscape Value and their proposed boundaries

### Objector Ref. No.

5/29, /30 (DoE Transport and the Regions)	318/2 (Thomas of York Limited)
21/10 (North Yorkshire Moors National Park)	387/8, /9, /10 (British Wind Energy Association)
44/18 (Housebuilders Federation Yorks Region)	425/3, /5 (Thorpe Bassett Estate)
61/28 (Rural Development Commission)	510/2 (Keld A J)
163/1 (Scrayingham Parish Council)	556/2 (Wrigley N H T)
189/1 (Dee Atkinson & Harrison)	558/2 (Kirby C W & Sons)
212/2 (Star Pension Group)	560/2 (Conner P A & E M)
274/1 (Cator M)	607/2 (Barker C J)
276/5 (Tay Homes [Northern] Limited)	621/68, 69 (Hubbard, Jennifer B A M R T P I)
304/2 (Chadwick C)	643/4 (Ulllyott & Butler)
305/2 (Diocese of York)	



RYEDALE DISTRICT COUNCIL  
JUNE 1999

## EXECUTIVE SUMMARY

- 1 This extensive Core Proof of Evidence and its Annexes provide considerable evidence in support of Policy ENV3 and the designation in the Ryedale Local Plan of the Wolds and the Fringe of the Moors as Areas of High Landscape Value. This Proof sets out the development of policies and moves to safeguard these landscapes prior to the inclusion of the AHLV designations in the Ryedale Local Plan. The Proof goes on to discuss the response to this designation and in particular the objections made to Policy ENV3 of the Ryedale Plan. Crucially, as part of the District Council's responses to these objections this Proof sets out (in Annex J) a fully revised Justification for the designation of the two AHLVs based on the formal landscape assessments of these areas. The Proof also outlines the other Pre-Inquiry Changes proposed in response to objections to Policy ENV3. Finally, the Core Proof analyses the effects of the AHLV designation on Development Control decisions at Ryedale.
  
- 2 Section 4 of this Proof charts the development of moves to safeguard the landscapes of the two AHLVs, from the original North York Moors National Park proposal, to designations and policies in the County Development Plans and the subsequent Local Plans, through to the designation of both the Wolds and the Fringe of the Moors as Special Landscape Areas in the North Yorkshire Conservation Strategy. The Proof also details the proposal for a Yorkshire Wolds AONB and the subsequent call by the Countryside Commission for the Wolds' local authorities to work together on planning policies to safeguard the landscape of the area. Detailed information is provided on the agreement between the Wolds local authorities on the Wolds landscape designation and the policies regarding the Wolds landscape that have now been included in all the relevant adopted Local Plans in the East Riding of Yorkshire. This Proof also sets out the particular support expressed by the respective Inquiry Inspectors for such policies in East Yorkshire.
  
- 3 It is demonstrated that there have never been any objections made to the principle of the AHLV designation in the Ryedale Local Plan by the Department of the Environment/Government Office for Yorkshire and the Humber or by MAFF. Indeed there are only 2 such objections to Policy ENV3 of the Deposit Draft Plan and these are detailed in this Proof, along with the other objections to the Policy and supporting text. The District Council's considered response to these objections is all set out in

this Proof together with details of the 14 proposed Pre-Inquiry Changes to Policy ENV3 and Section 15.2.5 of the Local Plan. On the basis of these proposed Pre-Inquiry Changes the GOYH has withdrawn all objections to Policy ENV3. The Policy and the AHLV designation were supported by the Countryside Commission, English Nature, the Yorkshire Wildlife Trust and the North York Moors National Park Authority, amongst others.

- 4 A major part of the District Council's response to these objections is the full revision of the Justifications for the AHLVs that were set out in the Appendices of the Ryedale Local Plan Deposit Draft. These have been extensively revised to set out the key points of the formal landscape assessments that have been carried out of the AHLVs, in particular to define the character of these areas and to demonstrate those aspects of their character which are vulnerable to change through insensitive development. The proposed Justification sets out guidance from Government and the Countryside Commission on local countryside designations and provides a wealth of information regarding both of the two AHLVs in respect of these relevant factors. In particular, the proposed Justification demonstrates that both of the AHLVs have a strong rural character and sense of identity, have a particular scenic quality or charm, have a distinct lack of urbanisation and are unspoilt, are vulnerable to change, and justify an overall strategy of conservation and a policy of protection.
  
- 5 In response to other objections to Policy ENV3 this Proof demonstrates that the Policy applies an appropriate level of protection, and does not unduly hamper consideration of the economic and social benefits of proposals. The Policy is shown to be fully necessary in order to place greater emphasis on landscape considerations and countryside character in these vulnerable areas, yet does not conflict with the advice on development in rural areas that is set out in PPG7. Contrary to objectors' claims, the Policy is shown to be in harmony with Wolds landscape policies in the East Riding, and the AHLVs are shown to have a distinctly different and more vulnerable character than the adjacent Vale of Pickering. The Pre-Inquiry Changes to the Policy that are proposed in response to certain objections will further clarify the purpose of Policy ENV3, improve its relationship to other policies and assist with the application of the Policy.

- 6 The final section of this Proof provides a helpful analysis of the effects of the AHLV designation of Development Control decisions at Ryedale, where the AHLVs have been approved Policy for some considerable time. It is clear that the designation rarely lead to refusals of permission, although this will strengthen refusals where the landscape impact of a proposal would be materially detrimental. The high value and sensitivity of the designated landscapes is also generally recognised by Inspectors in appeal decisions within these areas. However, the AHLV designation generally leads to higher standards of development in the open countryside normally through either amendments to submitted proposals or through pre-application negotiations. It is particularly clear that the designation does not apply excessive restrictions on development that would be of economic or social benefit. Permissions granted in the AHLVs include a 9-hole golf course, a factory extension, various agricultural and intensive livestock buildings, a children's play area, stable and field shelters, a tennis court, a swimming pool and use of land for equestrian purposes. Conversely, objectors to the Policy have not been able to cite any examples of the AHLV designation placing an unreasonable restraint on economic or social activity.
  
- 7 In view of the above it is strongly contended that Policy ENV3 and the AHLV designation in the Ryedale Local Plan are a justified and very necessary element of the Plan's approach of meeting the social and economic needs of rural Ryedale whilst maintaining the character of the countryside and safeguarding the distinctiveness of Ryedale's landscapes. Consequently, the Inspector is requested to recommend that no change be made to Policy ENV3 and to the designated Areas of High Landscape Value other than those set out in Pre-Inquiry Changes 371-384 and proposed by the District Council within this Core Proof of Evidence.

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## **1 INTRODUCTION**

- 1.1 The Ryedale Local Plan was placed on Deposit for a six-week period beginning on 27 November 1997. During that period some 1300 objections and 400 representations of support were received to the Policies and proposals contained in that document. These comments were considered at a number of Special Meetings of the Planning and Development Services Committee held between July and December 1998. As a result of its consideration of these comments, the District Council resolved to make a number of changes to the Plan and a set of proposed Pre-Inquiry Changes were published on 28 January 1999 for public comment. A Public Local Inquiry will commence on 15 June 1999 to consider unresolved objections to the Plan.

## **2 THE CORE PROOFS**

- 2.1 This Core Proof is one of eleven produced by the District Council. The purpose of these documents is:-
- (i) To provide background information in a single document relevant to a number of objections.
  - (ii) To reduce the amount of restatement and repetition in the evidence at the Local Plan Inquiry.
  - (iii) To provide an opportunity for agreement to be reached between the Council and objectors.
- 2.2 This Core Proof explains the purpose of the Area of High Landscape Value (AHLV) designation with reference to Government advice, Structure Plan Policy and local circumstances. This Proof also explains how the Areas of High Landscape Value have been identified within the Local Plan area and sets out the fully revised versions of the AHLV justifications that are contained in the Appendices to the Ryedale Local Plan Deposit Draft.

**3 SUMMARY OF THE OBJECTIONS TO POLICY ENV3 - DEVELOPMENT  
IN THE AREAS OF HIGH LANDSCAPE VALUE**

3.1 The objections to Policy ENV3 can be broadly grouped into the following three categories:-

(i) Objections to the Whole Policy:-

- (a) Those who consider that the justifications given for the AHLVs do not satisfy the advice given by the Countryside Commission (Objection Ref. No. 44/18)
- (b) Those who consider that Policy ENV3 and Appendix 4 and 5 should be deleted (Objection Ref. No. 61/28)

(ii) Objections to the Policy Wording:-

- (a) Those who consider that Criterion (vii) should be deleted and its contents referred to in the justification (Objection Ref. No. 5/29)
- (b) Those who consider that the Policy would benefit from being re-worded (Objection Ref. No. 5/30)
- (c) Those who consider that Criterion (i) should be re-worded (Objection Ref. No. 387/8)
- (d) Those who consider that in Criterion (ii) the words "provision of renewable energy resources" should be added after "proposals" in line 2 (Objection Ref. No. 387/9)
- (e) Those who consider that Criterion (iii) should be deleted (Objection Ref. No. 387/10)

- (f) Those who consider that in Criterion (ii) should be added “affordable housing where this meets the criteria of Policy H22” (Objection Ref. No. 621/68)
  - (g) Those who consider that the relationship between Criterion (iv) and Policy AG2 needs clarifying (Objection Ref. No. 621/69)
- (iii) Objection to the Justification:-
- (a) Those who object to the justification for the Fringe of the Moors Area of High Landscape Value (Objection Ref. No. 21/10)

#### **4 BACKGROUND**

##### **4.1 The Deposit Draft Policy**

###### **4.1.1 Policy ENV3 of the Ryedale Local Plan (Deposit Draft) 1997 states:-**

*“Within the Wolds and the Fringe of the Moors Areas of High Landscape Value, the District Council will:*

- (i) Resist development which would materially detract from the special scenic quality of the landscape;*
- (ii) Permit small-scale development that would benefit the social or economic situation or rural communities including agricultural uses, farm diversification proposals and facilities for tourists and for outdoor sport and recreation, provided that such development could be accommodated without significant detriment to local landscape character;*
- (iii) Only permit large-scale development where it can be clearly demonstrated that the proposal would have significant economic or social benefits, is incapable of being located outside the Areas of High*



*Landscape Value and is designed to do as little damage to the environment as practicable;*

- (iv) Require all non-agricultural buildings and development to reflect the traditional character of buildings and landscape form in terms of siting, design, and use of materials traditional to the area. Agricultural buildings will be required to accord with Criterion (iii) of Policy AG2.*
- (v) Require landscaping schemes to reflect local landscape character in terms of form and extent of planting and in terms of species used;*
- (vi) Encourage the conservation and appropriate management of features important to the local landscape such as trees, hedges, copses, woodlands and grassland;*
- (vii) Resist development which would not accord with the nature conservation policies ENV11 to ENV19.”*

4.1.2 The justification for Policy ENV5 is set out at Section 15.2.5 of the Ryedale Local Plan (Deposit Draft) 1997. This states:-

*“15.2.5.1 In addition to the Howardian Hills, which have been nationally recognised for their landscape quality, Ryedale contains a number of other areas where the landscape is of great quality and attractiveness. Some of these landscape areas have a character which is particularly fragile and vulnerable to damage from inappropriate development and therefore merit an extra degree of protection over and above normal policies for development in the open countryside.*

*15.2.5.2 PPG7 accepts the validity of local countryside designations provided that they carry less weight than policies for nationally-designated landscapes and do not unduly restrict acceptable development and economic activity. Furthermore, the Local Plan must identify the key features of those areas which need to be respected or enhanced and why these areas require*

*extra protection. Such designations should be soundly based on a formal assessment of the qualities of the countryside.*

*12.2.5.3 The North Yorkshire Conservation Strategy, which was adopted in June 1991 following extensive consultations, identifies a number of areas within the County where the quality and character of the landscape is such that special protection from inappropriate development is required. Many of these were previously identified as "Areas of Great Landscape Value" in the County Development Plan for each respective Riding. The Strategy makes clear that appropriate policies and detailed boundaries for these areas should be set out by the relevant District Councils in their Local Plans. Furthermore, the landscape assessment, "Our landscape today for tomorrow", provided a detailed assessment of a significant part of the Local Plan area, which has been supplemented by further work at a local level.*

*15.2.5.4 Ryedale contains two areas which require special protection: The Yorkshire Wolds and the Fringe of the North York Moors. The District Council fully supports a local designation to protect the vulnerable landscape character of these areas and has defined appropriate areas for each on the Proposals Map. A detailed justification for both the need to protect these areas, and for the chosen boundaries, is provided in Appendix 4 and Appendix 5.*

*15.2.5.5 Within the two Areas of High Landscape Value, the District Council will generally resist development proposals which would materially detract from the landscape character of the area. However, the Council is particularly anxious that this landscape designation does not unduly hamper proposals of economic and social benefit and will, therefore, support small-scale proposals provided that they would not significantly detract from the landscape character of the area. The definition of small-scale will focus on an assessment of the proposal in the context of both the amount and nature of built development in the vicinity of the proposal site and the capacity of the local landscape to assimilate the development without detriment to its character. In view of the expansive views within these landscapes and their vulnerable, largely undeveloped character, proposals for large-scale*

*development will be closely scrutinised. Only where a proposal would have significant economic or social benefits and would not be detrimental to local landscape character will proposals be accepted.*

*15.2.5.6 In order to maintain the distinctive character of those landscapes, it is important that new development reflects traditional buildings and landscape form in terms of siting, design and materials. However, it is particularly important that this designation should not unduly hamper agricultural activities within these areas and this requirement will not apply to proposals for agricultural development.*

*15.2.5.7 In order to conserve and enhance the distinctive local character of these landscape areas, particular attention will be paid to landscaping measures to ensure that they closely reflect the form and species characteristic of planting in the area, e.g. woodland shelter belts. Furthermore, the District Council will encourage the conservation and management of existing key landscape features, to help maintain the landscape character. Clearly it will also be vital, in both landscape and ecological terms, that proposals comply with the nature conservation policies of the Plan.”*

- 4.1.3 In addition to the written justification for Policy ENV3 at Section 15.2.5 of the Deposit Draft Plan, a detailed justification for both the need to protect the two AHLVs and the chosen boundaries was set out at Appendix 4 and Appendix 5 of the Plan. These Appendices are reproduced at Annex A of this Core Proof. (N.B. A fully revised version of those Appendices is set out at Annex J of this Core Proof.) The District Council contends that the objections made to the AHLV justifications in the Deposit Draft Plan would be overcome by their replacement with the revised justification set out at Annex J.

4.2 The Development of Landscape Policies for the Fringe of the Moors and the Yorkshire Wolds

4.2.1 The Fringe of the Moors Pre-1974

4.2.1.1 The North York Moors was one of twelve areas identified by the Report of the National Parks Committee (The Hobhouse Report) in 1947 as warranting National Park status (see Annex B). The southern boundary of the area recommended for designation by the National Parks Commission extended approximately to the current line of the A170 between Helmsley and Eberston. However, the Minister of Housing and Local Government when confirming the designation of the North York Moors National Park in 1952 omitted from the Park certain areas on the north-western and southern fringes of the North York Moors. These included much of the Fringe of the Moors AHLV now designated by Ryedale District Council. A copy of a newspaper report from the Guardian (dated 29.11.52) describing the designation of the North York Moors National Park is attached at Annex C.

4.2.1.2 The entire North York Moors National Park, together with all of that area now identified as Fringe of the Moors AHLV, fell within the County of the North Riding of Yorkshire up until 1974. The North Riding County Development Plan (1955) identified a number of Areas of Great Landscape Value, outside the National Parks. The written statement, approved in 1955, stated:

*"The boundaries of the North York Moors National Park and part of the Yorkshire Dales National Park as confirmed by the Minister are drawn on the County map.*

*Areas of special landscape value are indicated upon the County Map, comprising generally the Western moors and dales, the North York Moors, the elevated land lying between the Vale of Pickering and the Southern portion of the Vale of York, and portions of the sea coast."*

4.2.1.3 A map extract from the Written Analysis that accompanied the County Development Plan is reproduced at Annex D. This map, which was produced in 1952 shows only the proposed National Park boundary. However, it is clear from

the above extract that the 1955 Written Statement recognised the new National Park designations whilst applying the Areas of Landscape Value designation to those parts of the Moors outside of the National Park boundaries (including the area designated by Ryedale District Council as AHLV).

4.2.2 The Yorkshire Wolds Pre-1974

- 4.2.2.1 Prior to local government reorganisation in 1974 the whole of the Yorkshire Wolds fell within the East Riding of Yorkshire. The East Riding County Council similarly recognised the landscape value of large areas of the Wolds by designating many individual Areas of Great Landscape Value within the Wolds in the East Riding County Development Plan (1960). The Written Statement of the Plan stated:-

*“Areas of Great Landscape, Scientific or Historic Interest*

*Certain areas which are considered to be of great landscape, scientific or historic value are indicated on the Plan where the need for special protection from incongruous development is apparent. In these areas all new development should be so designed and executed as to be suited to the particular locality, and the architectural character of villages should be maintained.”*

- 4.2.2.2 A copy of the East Riding County Development Plan Map for the north western part of the Wolds is attached at Annex E.

4.2.3 Changes linked to Local Government Re-organisation in 1974

- 4.2.3.1 Local Government Re-organisation in 1974 saw the creation of the new Ryedale District and the new North Yorkshire county.
- 4.2.3.2 The bulk of the Area of Landscape Value identified by the North Riding County Council along the southern boundary of the North York Moors National Park fell within Ryedale District, with the remainder (to the east) falling within the new Scarborough Borough.

4.2.3.3 Following local government reorganisation in 1974, the Yorkshire Wolds were divided between the new counties of North Yorkshire and Humberside, with the County boundary running generally east-west across the northern section of the Wolds. The North Yorkshire section of the Wolds was split between Ryedale District (RDC) and Scarborough Borough on a roughly 80:20 basis. The Humberside part of the Wolds was split primarily between East Yorkshire Borough (EYBC) (to the north) and Beverley Borough (BBC), with a small area also falling within Boothferry Borough (BFBC).

4.2.3.4 The North Yorkshire County Structure Plan (adopted in 1980) only contained landscape policies regarding statutorily designated areas such as National Parks and AONBs. Only as part of the third alteration to the County Structure Plan (adopted in 1995) was a policy (Policy E2) introduced that is applicable to the Wolds and the Fringe of the Moors within Ryedale. This general 'open countryside' Policy states:-

*"Development in the open countryside outside the National Parks, Areas of Outstanding Natural Beauty, Areas of Heritage Coast and Green Belts will normally be permitted only where it relates to:-*

*(i) Small scale proposals requiring an open countryside location for operational reasons; and*

*(ii) Small scale proposals for individual sites or for the re-use or adaptation of existing rural buildings to secure employment uses which benefit the rural economy*

*and provided it would not harm the character and appearance, general amenity or nature conservation interests of the surrounding area."*

4.2.3.5 At Ryedale District level, the Ryedale Rural Areas and Kirkbymoorside Local Plan was adopted in 1987. The Plan, (which was originally published in the form of the Ryedale Rural Areas District Plan in 1979) included all of the areas that fall within the Wolds and the Fringe of the Moors AHLVs. The adopted Plan contained the following policies regarding the need to protect the landscape of these two areas:-

*“Policy D1 Priority will be given to the conservation of the landscapes of the Howardian Hills, the Moorland Fringe and Western Wolds as delineated on the Proposals Map. In the Vale of York, Vale of Pickering and Eastern Wolds, also shown on the Proposals Map measures to enhance the landscape will be taken.*

*Policy D2 Development likely to be injurious to the quality of the landscape will not be permitted.”*

#### 4.2.4 The Yorkshire Wolds AONB Proposal

4.2.4.1 In July 1990, a call was made for the Yorkshire Wolds to be designated an Area of Outstanding Natural Beauty (AONB). This call, made by the North Humberside and the Scarborough & Pickering branches of the CPRE was based not only on the landscape quality of the Wolds, but also their historic and ecological interest. A copy of the CPRE submission to the Countryside Commission is attached at Annex F.

4.2.4.2 A promotional launch of the campaign for a Wolds AONB was held at Londesborough in East Yorkshire in July 1990. At the launch, Roger Ward of the Countryside Commission stated that the Commission was unlikely to accept any further AONB designations beyond those in its current programme. Instead he said that the Local Authorities which covered the Wolds should work together to introduce strong planning policies, linked to a plan-based designation such as ‘area of high landscape value’. This view was mirrored by that subsequently expressed by Sir John Johnson (the then Chairman of the Countryside Commission) who, in writing to David Davis MP (Boothferry Constituency) about the Wolds AONB proposal, described the Wolds as ‘*an important landscape resource*’ and referred the relevant local authorities to advice on planning policy in the Countryside Commission/Nature Conservancy Council guidance note ‘*Countryside and Nature Conservation Issues in District Local Plans*’ 1990. This document contains, amongst others, the following recommendation:-

*“Achieving the objectives of landscape conservation calls for imagination, flexibility and understanding. Since landscapes do not stop at district*

*boundaries, joint working, for example between county councils, adjoining districts and other bodies, is essential. There is much to be gained from a common, agreed approach."*

- 4.2.4.3 Following the Wolds AONB launch meeting, EYBC wrote to RDC, SBC, BBC, and BFBC about planning policies for the Wolds and suggested a meeting to discuss the matter. At the meeting, officers from RDC, EYBC AND BBC agreed that there was *"a strong need on the part of local planning authorities to define and co-ordinate planning policies which reflect the special character of the Wolds"* (extract from EYBC minutes of the meeting). Consequently, it was agreed at the end of the meeting that:

*"each local planning authority should consider geographical boundaries of the Wolds Area of High Landscape Value [the title agreed at the meeting] for their areas. Policies and proposals included in local plans need not be exactly alike, but should be framed with a common aim in mind."*

4.2.5 North Yorkshire Conservation Strategy

- 4.2.5.1 In June 1991, North Yorkshire County Council published a Conservation Strategy which advocated the identification of a number of 'Special Landscape Areas', within North Yorkshire. The Strategy stated:-

*"Special Landscape Areas*

*4.35 The landscapes of the AONBs and Heritage Coasts are important nationally but other areas of the County can also be identified where the landscape quality is high and worth of recognition in a regional or county context. These 'Special Landscape Areas' are identified on Map 8. Here too emphasis needs to be placed on the conservation and management of those features which are responsible for giving the landscape its special character and on protecting the area from inappropriate development.*

*4.36 In certain cases, the quality of these landscapes has been recognised for some time. The County Development Plans of the former West Riding, North*



*Riding and East Riding County Councils identified a number of 'Areas of Great Landscape Value'. These notations have not however been carried through into the North Yorkshire County Structure Plan. Inconsistencies can arise where areas of high quality landscape have been recognised in adjacent counties but these have not been translated across the County boundary. This may be an issue which the County Council needs to address at future reviews of the County Structure Plan.*

*4.37 Whether or not such a formal review of County landscape policy is considered to be appropriate, the County Council hopes that the District Councils will have regard to the Special Landscape Areas identified in this Strategy in preparing their own more detailed landscape policies in District-wide local plans. In some cases work on defining appropriate landscape notations has already begun and there is a need to ensure compatibility with adjacent District Plans. At this stage the Special Landscape Areas have been identified only as broad zones and it will clearly be necessary to look at each area in more detail to define appropriate boundaries."*

4.2.5.2 The County Conservation Strategy differentiated between the areas regarded as Special Landscape Areas and other landscapes on the following basis:-

*"4.38 Outside these Landscape Conservation Areas, some parts of the County have undergone more radical change through agricultural intensification, urbanisation and other forms of intrusive development. In many cases pressures on these areas are continuing with the result that their landscape character may continue to deteriorate unless positive action is taken. Here there is a need to reduce the impact of existing intrusive development and to restore local landscape character. The analysis of the County's landscape character (Appendix 1) has shown that a large part of the lowland area of North Yorkshire has undergone these changes as well as certain upland fringe areas. Within these parts of the county special efforts are needed to upgrade the landscape. The most urgent measures include tree planting, woodland planting and hedge restoration. Where urban pressures have been greatest, there is a need for concentrated action to help integrate development into the landscape."*

4.2.5.3 A copy of the landscape character assessments of the Yorkshire Wolds and the North York Moors Fringe (as set out in the 1991 North Yorkshire Conservation Strategy), together with the map of proposed Special Landscape Areas from the Strategy are reproduced at Annex G.

4.2.6 Development of a Wolds AHLV

4.2.6.1 A further meeting of District Council Officers to discuss a Wolds AHLV took place in March 1992. It was agreed at the meeting that RDC, BBC and BFBC would prepare Wolds AHLV boundaries for their areas based upon the boundaries of the Wolds AHLV as suggested by EYBC in their 1991 report. In this way a uniform landscape designation to be called the Wolds AHLV would cover almost all of the Yorkshire Wolds, extending across local authority boundaries, and be related to a similar landscape protection policy in each of the individual local authorities.

4.2.6.2 In September and October 1992 an Inquiry into EYBCs 'Pocklington and Western Parishes' Local Plan was held. The Inspector, in his report (published in March 1993), described the Wolds within the Plan area as 'a surprising discovery' and 'quite outstanding'. With regard to the Wolds AHLV Policy within the Plan and the general principle of the AHLV designation the Inspector made the following remarks:

*"As I perceive it, an AHLV is a recognition of an area or location being above the ordinary, perhaps marginally if well away, from association with a special or distinctive feature (river, canal, hills as in the Local Plan area). The interpretation may be generous in some places, as has been claimed; but on the whole I would prefer it to be a little to generous than mean. It can be reviewed; and does not have the high degree of permanence (or the influence) of a green belt of AONB. Its role should be clarified, as an extra layer of restriction; as it is seen by some to be just that. It appears rather where first and foremost, open countryside policies apply: and where if development were to be approved, a better standard of design, materials, landscaping might possibly be required, though not necessarily; and a refusal of development could be strengthened if the area happened to be AHLV."*

and:

*“Another matter causing some apprehension, especially among farmers and landowners, appears to be that of the designation ‘area of high landscape value’. This however is not a land use allocation: the open countryside is subject to general planning policies whether it is regarded as being of landscape value or not. However, the Council regard some areas as having a special landscape value. It could be that if development were to be approved in the countryside a better standard of design or use of materials might be the only difference, or if rejected in the countryside, the fact that the areas was also of high landscape value might strengthen such rejection. As I see it, most large areas have significant features, be it a river valley, canal, hills or woods which are rather cherished; and a planning authority may wish to endorse this regard.”*

and also:

*“I also think there has to be, to some extent, a broad brush approach where the landscape is concerned: there might well be discordant features; and indeed developments which for good commercial and planning reasons are allowed (AHLV is far from having a green belt status; and in the latter areas there are, to say the least, often some untidy patches).”*

4.2.6.3 During the mid-1990s all of the three Borough Councils who covered the (then) Humberside section of the Yorkshire Wolds included within their respective Borough-wide Local Plans a policy which afforded protection to the landscape quality of their part of the Wolds landscape and which identified the extent of the Wolds within the Borough. A copy of the relevant policy from each of the three adopted Local Plans is appended at Annex H.

4.2.6.4 Despite objections being made to the Wolds landscape policy in each of the three Borough-wide Plans, every Inspector who considered these objections expressed clear support for such a policy approach:-

(i) Beverley Borough Local Plan - Inspector's Report 1995

*"I have no difficulty in accepting that the Yorkshire Wolds are of a special and attractive character and warrant some form of protection beyond normal planning control. Clearly, in view of the Countryside Commission's rejection of AONB status, this local plan is the vehicle for this protection within the Borough."*

and

*"First I consider whether, in principle, it is correct to seek to include these outer areas [of the Wolds] and I have no difficulty in accepting that it is. In coming to this conclusion I have considered PPG7 and I interpret this to include surrounding areas within which development could harm the area to be protected. If this were not done then I consider that the setting of the Wolds proper would be liable to some degradation from development which, whilst acceptable to normal planning criteria, would be out of place in the same landscape. The Wolds have an attraction which is perceived not just from within but in the external views which they offer."*

(ii) Boothferry Borough Local Plan - Inspector's Report 1996

*"In my view, the advice in paragraph 3.17 of PPG7 is relevant in this case. It recognises that designations may be applied to areas of countryside which have no direct statutory implications for planning permission but which nevertheless serve to highlight particularly important features of the countryside. I consider it is for the Council to decide what parts of the countryside in their district are locally important to them and I would not interfere with their judgement unless it were patently unreasonable. In the present case, I have been able to appreciate the visual quality of the Wolds area in Boothferry at close quarters and I can, with confidence, endorse the designation given to it in Policy EN20 and on the Proposals Map."*

Recommendation

*In line 9 or paragraph 3.11.2 of the reasoned justification, delete all the words from the end of the second sentence to the end of the paragraph and insert the following in their place:-*

*“The authorities adjoining this area, East Yorkshire Borough Council and Beverley Borough Council, recognise the special landscape characteristics of the Wolds and policies providing specific protection of this area are included within their local plans. It is considered that similar protection should be applied to the Wolds within Boothferry to reflect the continuation of the special Wolds landscape into this part of the Borough.”*”

(iii) East Yorkshire Borough-wide Local Plan - Inspector’s Report 1996

*“The Areas of Great Landscape Value shown on the East Riding Development Plan were generally small in size and appear to have related to individual landscape features. Most of these have been incorporated within the proposed Wolds Area of Landscape Protection but this extends to a broader geographical area, which I consider appropriate for the form of designation now proposed.*

*These [Deposit Draft] policies do not require consideration of their prominence in the landscape or to design, materials, colour and landscape treatment. I consider it important that these additional matters should be taken into account, and thus the Areas of Landscape Protection should be extended to include the wider Wolds area.*

*With regard to the wording of the Policy, the joint submission from the adjoining authorities suggests the addition of ‘ADVERSELY AFFECT THE SPECIAL CHARACTER OF, OR’ in Criterion 1 and ‘THE LANDSCAPE QUALITY’ after harm in Criterion 3, to the wording now proposed by the Council. Whilst there are references to landscape and character in Criterion 1 and 2, it is not clear that the character of the landscape has to be protected, and I agree that some additional wording would be helpful. The*

*two suggested additions appear to say much the same, and I consider only on reference is required which should be in Criteria 1. However, the meaning of the term 'special character' is unclear and 'landscape quality' would be more easily understood. No representations have been submitted in respect of the suggested amendments to the justification. I consider that these more accurately explain the aims of the policy, but will require further amendment to reflect the larger area of designation which I am recommending."*

4.2.6.5 The acceptance of a Wolds landscape Policy by all of the above Inspectors led to the subsequent incorporation of such a policy and a defined Wolds area within each of the three formally adopted Local Plans. This meant that the inter-authority approach advocated by the Countryside Commission for the Yorkshire Wolds was achieved for that part of the Wolds within the then Humberside County (now the East Riding of Yorkshire). Consequently, the largest remaining sector to be completed in this jigsaw approach towards recognising the special landscape character of the full extent of the Yorkshire Wolds Character Area became the significant area of the Yorkshire Wolds that fall within Ryedale District in North Yorkshire.

#### 4.2.7 AHLVs in the Ryedale Local Plan

4.2.7.1 The Consultation Draft of the Ryedale Local Plan was published in May 1995. In pursuance of the joint approach to safeguarding the landscape character of the Yorkshire Wolds and as a development of the Special Landscape Areas identified in the North Yorkshire Conservation Strategy, the Local Plan identified two Areas of High Landscape Value (the Wolds and the Fringe of the Moors) and contained the following Policy:-

*"Policy ENV4*

*Within the Wolds and the Fringe of the Moors areas of High Landscape Value, the District Council will:*

- (i) Strongly resist any development which would detract from the special scenic quality of the landscape;*

- (ii) Permit only small-scale development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreation activities, provided that such development is sensitively related to the distinctive local character of the landscape. Large-scale developments will not be permitted;*
- (iii) Require a high standard of design and siting in new development reflecting the traditional character of buildings and landscape in the areas and the use of materials sympathetic to the locality;*
- (iv) Encourage the conservation and maintenance of features important to the local landscape such as trees, hedges, copses, woodlands and grasslands;*
- (v) Resist development which would not accord with the nature conservation policies ENV14 to ENV25."*

4.2.7.2 Only two objections were received to the principle of the AHLV Policy in the Consultation Draft: The Rural Development Commission felt that there was no need for a local designation seeking further restrictions on development in the countryside, whilst the Friends of the Earth were concerned about extra control being placed on renewable energy projects. Both MAFF and the (then) DoE Regional Office accepted the need for a local designation but felt that the Policy should not apply such a high level of constraint. Two other objectors questioned specific aspects of the Policy wording, whilst six statements of support for the Policy were submitted, including support from English Nature, the North York Moors National Park and the Yorkshire Wildlife Trust. The Countryside Commission expressed support for all the policies for conserving and enhancing the countryside in the Local Plan area.

4.2.7.3 In response to the above comments the District Council amended Criteria (i) and (ii) of Policy ENV4 and introduced entirely new versions of Criteria (iii), (iv) and (v). The Authority also substantially rewrote the supporting text for the Policy. These changes had the effect of both clarifying acceptable types of development and making the Policy less restrictive. This amended version of the Policy then

appeared in the Deposit Draft of the Ryedale Local Plan as Policy ENV3, which is set out in Paragraph 4.1.1 above.

## **5 ANALYSIS OF OBJECTIONS AND STATEMENTS OF SUPPORT REGARDING POLICY ENV3 AND THE AHLV DESIGNATION**

### **5.1 Objections to the Policy**

5.1.1 *The justifications given for the AHLVs do not satisfy the advice given by the Countryside Commission (Objection Ref. No. 44/18 - House Builders Federation)*

5.1.1.1 The boundaries of, and the justification for, the two Areas of High Landscape Value are based upon two landscape assessments ('Landscapes of northern Ryedale' [Gillespies 1999] and 'Our Landscape: Today for Tomorrow - An Assessment of the Landscape North and South of the Humber etc.' [Gillespies 1995]). Both of these assessments closely followed Countryside Commission advice on landscape assessment and both were produced partly on behalf of the Countryside Commission, with close support from staff at the Yorkshire and the Humberside Office of the Countryside Commission (now the Countryside Agency).

5.1.1.2 However the District Council accepts that the justifications for the two AHLVs that are set out in Appendix 4 and 5 of the Deposit Draft Plan (which were produced in advance of the formal landscape assessments and were not updated to reflect them) do not fully reflect the basis that the above two formal landscape assessments provide for the designation. As a result the District Council proposed to make a change to the Plan, as detailed in proposed Pre-Inquiry Change No. 371 to make reference to the formal landscape assessments in the supporting text for Policy ENV3. (N.B. There were no objections made to Pre-Inquiry Change 371 or to any of the other proposed Pre-Inquiry Changes to Policy ENV3 and Section 15.2.5.)

5.1.1.3 In addition, the Justifications for the two AHLVs have now been significantly amended to reflect the formal landscape assessment and the proposed revised version is included as Annex J of this Core Proof. Although this was not included within the list of Proposed Pre-Inquiry Changes to the Deposit Plan (due to difficulties with the timing of the most recent landscape assessment) the District



Issue 1

5.1.2.2 It is not accepted that there is 'hardly any difference between Policy ENV3 and Policy ENV2'. The table below illustrates that this is not the case.

POLICY ENV2	POLICY ENV3
"Any development which would adversely effect the natural beauty of the landscape will not be permitted"	"Resist development which would materially detract from the special scenic quality of the landscape"
"Small-scale development required to meet the social and economic needs of rural communities will be permitted so long as such development is consistent with the protection of the natural beauty of the landscape and is compatible with the AONB objectives."	"Permit small-scale development that would benefit the social or economic situation rural communities including agricultural uses, farm diversification proposals and facilities for tourists and for outdoor sport and recreation, provided that such development could be accommodated without significant detriment to local landscape character."
"Large-scale development will be strongly resisted unless they are proven to be in the national interest, incapable of being located outside the AONB and designed to do as little damage to the environment as practicable."	"Only permit large-scale development where it can be clearly demonstrated that the proposal would have significant economic or social benefits, is incapable of being located outside the Areas of High Landscape Value and is designed to do as little damage to the environment as practicable."
"Where development is permitted, it must be of the highest standard of design reflecting the traditional character of buildings in the area, using materials traditional to the area and to sites do as to integrate satisfactorily with the surrounding landscape."	"Require all non-agricultural buildings and development to reflect the traditional character of buildings and landscape form in terms of siting, design, and use of materials traditional to the area. Agricultural buildings will be required to accord with Criterion (iii) of Policy AG2."
"Development in areas adjacent to the AONB which would detract from the natural beauty of the Howardian Hills landscape will be strongly resisted."	"No equivalent Criterion."

5.1.2.3 It is considered that the above table shows that there are clear differences in the level of protection afforded to the locally designated Areas of High Landscape Values in comparison to that afforded to the statutorily designated Areas of Outstanding Natural Beauty. The differences are analogous to the level of protection afforded to locally designated nature conservation sites (i.e. SINCS) in comparison to that afforded to statutorily designated SSSIs. In addition, it is

proposed (Pre-Inquiry Change No. 376) in relation to Objection Ref. No. 621/68/1 to further increase the list in Criterion (ii) of ENV3 of types of development which will be acceptable in the Areas of High Landscape Value, provided that they would not be of significant detriment to landscape character.

- 5.1.2.4 In view of the above it is not accepted that any alteration is required to Policy ENV3 to further increase the difference between the policy for the Areas of High Landscape Value and the policy for the Areas of Outstanding Natural Beauty.

### Issue 2

- 5.1.2.5 It is accepted above in relation to objection 44/18/1 that the AHLV Justifications in the Appendices of the Deposit Draft Plan (which were produced in advance of the formal landscape assessments of the two areas) do not fully reflect the basis that the two formal assessments provide for the designation of these areas (i.e. 'Landscapes of northern Ryedale' [Gillespies 1999] and 'Our Landscape: Today for Tomorrow - An Assessment of the Landscape North and South of the Humber etc.' [Gillespies 1995]).

- 5.1.2.6 Consequently the justifications for the two Areas of High Landscape Values are proposed to be revised to take full account of the formal landscape assessments of these areas. The proposed revised Justification is set out at Annex J of this Proof.

- 5.1.2.7 This revision has also allowed the removal of minor aspects of the justifications which conflicted with the reference in the Written Statement of the Plan to the anxiety of the District Council that the Area of High Landscape Value designation "does not unduly hamper proposals of social and economic benefits".

### Issue 3

- 5.1.2.8 It is accepted above that Appendices 4 and 5 of the Plan require revision and a proposed revised AHLV Justification is set out at Annex J of this Core Proof. It is not accepted that there is any aspect of Policy ENV3 or Section 15.2.5 which suggests that proposals which are of social or economic benefit will never be permitted in areas adjacent to settlements within the AHLVs. Neither does the Plan

state that tourism proposals or wind turbines will not be permitted within the Areas of High Landscape Value. Indeed, wind turbine proposals will be considered against Policy RE1. Furthermore, Criterion (ii) of Policy ENV3 specifically supports small-scale development that would be of social or economic benefit or provide facilities for tourists, with the proviso that proposals would not cause significant detriment to local landscape character. Paragraph 15.2.5.5 of the Draft Plan further reinforces the desire of the District Council not to unduly hamper proposals of economic and social benefit. Indeed Section 8 and Annexes K to M below demonstrate the full regard given to economic and social consideration by the District Council, in considering planning applications within the AHLVs in recent years. This Section and the Annexes clearly demonstrate that the AHLV designation has not placed any undue restraint on social and economic activities in these areas. Furthermore, despite Policy ENV3 having been used by the District Council for development control purposes for some time, the Rural Development Commission have not been able to cite any examples of the AHLV designation placing an unreasonable restriction on economic and social activity in the Plan area.

5.1.2.9 In view of the above and the revision of Appendices 4 and 5 of the Deposit Draft Plan (see Annex J to this Proof) it is not accepted that Policy ENV3 introduces the particular restrictions on development that are alleged by the objection.

#### Issue 4

5.1.2.10 The East Riding of Yorkshire Council has not yet produced a Local Plan/Unitary Development Plan Part II for its administrative area. Instead the Authority is working to the Local Plans that were produced by the former Borough Councils which made up the area prior to local government re-organisation in 1996, including those which oversaw the Wolds area (i.e. Beverley, Boothferry and East Yorkshire Boroughs).

5.1.2.11 Following close working between Ryedale and the three former Humberside Boroughs which covered the Wolds, all of the respective Local Plans actively define a Wolds Area of High Landscape Value/Area of Landscape protection that conforms with Ryedale's 'Wolds Area of High Landscape Value' boundaries and

include policies that are similar to Policy ENV3 in tone and content. (See Section 4 above).

5.1.2.12 East Yorkshire Borough did amend the Wolds landscape policy (EN6) in their Deposit Draft Local Plan to exclude a large area of the Wolds within East Yorkshire Borough from their Wolds designation. However, the Inspector who considered the objections to their Local Plan recommended that the policy wording be strengthened to preclude development which would be prominent in, or have impact on the landscape, and also recommended that the policy of protection be applied to the wider geographical area of the Wolds within the Borough. This support reflected the views expressed by the Inspectors who considered the Wolds AHLV policies at the Inquiries into the Beverley Borough Local Plan and the Pocklington and Western Parishes Local Plan. (See Paragraph 4.2.20 above).

5.1.2.13 Consequently, it is strongly contested that Policy ENV3 of the Ryedale Local Plan is in full harmony with the Local Plan policies for the Wolds that are operated within the East Riding of Yorkshire (N.B. these policies are reproduced at Annex H).

#### Issue 5

5.1.2.14 Experience at Ryedale has shown that Policy ENV3 and the AHLV designation allow more emphasis to be placed upon the likely landscape impact of proposals in these areas, in particular on the scale, siting and design of applications. Within the AHLVs, Policy ENV3 provides a justification to require those amendments to proposals that are necessary in order avoid material detriment to the special scenic quality of the landscape or to local landscape character. Furthermore, where a proposal would have such effects and these could not be avoided, Policy ENV3 significantly strengthens the reasons for refusal of planning permission. The need for and appropriateness of the designation has been supported by a number of Inspectors in relation to Section 78 Appeals. (See extracts from appeal decision letters at Annex L).

5.1.2.15 The value of such a policy over and above a general open countryside policy was recognised by the Inspector who considered East Yorkshire Borough Council's 'Pocklington and Western Parishes Local Plan' when he stated:-

*"the open countryside is subject to general planning policies whether it is regarded as being of landscape value or not. However, the Council regard some areas as having a special landscape value. It could be that if development were to be approved in the countryside a better standard of design or use of materials might be the only difference, or if rejected in the countryside, the fact that the area was also of high landscape value might strengthen such rejection. As I see it, most large areas have significant features, be it a river, valley, canal, hills or woods which are rather cherished; and a planning authority may wish to endorse this regard."*

5.1.2.16 In view of the special character of, the need for conservation of, and the vulnerability to insensitive development of the areas that have been designated on Areas of High Landscape Value (as recognised in the formal landscape assessments of these areas), it is strongly considered that Policy ENV3 is a necessary and valuable policy. The policy indicates to all users of the Local Plan that, within the AHLVs, a higher emphasis will be placed on the impact of proposals on the special scenic quality of the landscape, with particular concentration on the siting, scale, design and materials of development proposals. Consequently, it is not considered adequate to rely a general open countryside policy (i.e. Policy ENV1) to protect the special scenic quality of the landscape within these two parts of the Local Plan area.

#### Issue 6

5.1.2.17 It is incorrect to state that the designated areas are no more important than the surrounding parts of the Vale of Pickering. The formal landscape assessments of the Wolds and the Fringe of the Moors (both produced following the Countryside Commission guidelines) recognised that the areas designated by Ryedale as Areas of High Landscape Value were clearly different from surrounding parts of the Vale of Pickering. The Gillespies 'Landscapes of northern Ryedale' Assessment (1999) identified the differences between the Fringe of the Moors and the Vale of Pickering as being:-

*“Despite the fact that, west of Pickering, the boundary between the Fringe of the Moors and the Vale of Pickering, becomes less well defined, an occurrence that is explained more fully in later text, on close inspection it remains a clearly discernible feature in the landscape. This section of the study seeks to illustrate, in tabular form, the primary physiographic, visual, cultural and ecological reasons that serve to define the boundary between the two areas.*

*The essential difference between the two areas is physiographic. The underlying solid rocks of the Vale of Pickering are blanketed in a thick layer of lacustrine clays that were deposited at the end of the last ice age. This has resulted in the creation of flat low-lying clays that were deposited at the end of the last ice age. This has resulted in the creation of flat low-lying scenery with deep waterlogged soils that have been progressively drained for agricultural purposes. In contrast, the Fringe of the Moors area has no lacustrine clays and consequentially has a character more influenced by the underlying solid geology. This has resulted in the creation of undulating and elevated scenery with shallow, stonier soils.*

*The table below outlines more fully the range of both distinct and subtle, landscape character differences that typify the two areas.*

	<b>VALE OF PICKERING</b>	<b>FRINGE OF THE MOORS</b>
Geology (solid)	Kimmeridge clay	Jurassic limestone and calcareous sandstone
Geology (drift)	Lacustrine clay	Localised boulder clay and alluvium
Soils	Deep	Shallow and stony
Altitude	Low-lying (below 40-50m contour)	Elevated (above 40-50m in contour)
Topography	Flat	Dipping and undulating
Drainage	Modified by man	Mostly natural
Field Pattern	Mostly large and regular	Mostly large and regular
Enclosure	Open and expansive in the east, enclosed in the foreground	Open and expansive
Views	Long views contained by Wolds and Tabular Hills, more locally by woodland blocks	Elevated panoramas

Woods	Tend to be small scale and regular shaped	Often linear and relating to topography
Trees	Varied, including oak, ash, sycamore and holly	Predominantly ash
Hedgerows	Mostly robust and well-maintained	Mostly robust and well maintained
Dry Stone Walls	Absent	Common in east
Villages	Clustered and often located on small hills	Mainly orientated along spring line at base of dip slope
Archaeology	Limited concentrations of pre-historic earthworks and artefacts	High concentrations of prehistoric earthworks and artefacts (particularly in east)
Churches	Central to parish villages	Central to parish villages
Roads	Variable in orientation	Tend to be linear and orientated up and down the dip slope

5.1.2.18 Gillespies (1995), in their study of the landscape north and south of the Humber, similarly recognised a clear distinction between the Wolds and the Jurassic Hills Regional Character Areas (which form the basis of the Wolds Area of High Landscape Value) and nearby land in the Vale of Pickering. Their landscape assessment identified a clearly separate Vale of Pickering Regional Character Area for which the general strategy should be to enhance the landscape quality (as opposed to the conservation recommended for the Wolds and the Jurassic Hills). The study identified a lack of rural structure, flatness and lack of vegetation and features of interest in that part of the Vale of Pickering which was studied.

5.1.2.19 The view of the objector regarding the Vale of Pickering, therefore, clearly does not conform with the Character Map of England or with the formal landscape assessments that have been carried out within the Local Plan area.

## 5.2 Objections to the Policy Wording

5.2.1 *Criterion (vii) should be deleted and its contents referred to in the justification (Objection Ref. No. 5/29 - Government Office for Yorkshire and the Humber)*

5.2.1.1 It is accepted that Policy ENV3, as a policy which considers the landscape impact of development proposals, should not make direct reference to ecological

considerations, which are adequately protected through the nature conservation Policies of the Local Plan. To delete Criterion (vii) would accord with the approach taken to the statutorily designated landscape of the Howardian Hills in Policy ENV2, which makes no direct references to ecological considerations. As a result the District Council has proposed to make a change to the Plan, as detailed in Proposed Pre-Inquiry Change No. 384.

5.2.1.2 However, it is considered appropriate and necessary to clarify within the justification of the policy that proposals which would have a detrimental ecological effect may also have an additional landscape impact. Many features that are of ecological value also have significant landscape importance, e.g. areas of semi and unimproved grassland, areas of scrub, woodland and hedgerows, and many wetlands. Consequently, it is considered that Paragraph 15.2.5.7 should be amended to clarify this relationship. As a result the District Council has proposed to make a change to the Plan, as detailed in Proposed Pre-Inquiry Change No. 373.

5.2.2 *The Policy would benefit from being re-worded to exclude terms such as "the Council will" (Objection Ref. No. 5/30 - Government Office for Yorkshire and the Humber)*

5.2.2.1 The concern of the Regional Office of the DETR regarding the current wording of Policy ENV3 is accepted. Consequently, the District Council has proposed to re-word the Policy so that it applies to everyone concerned with the future planning and development control within these areas. As a result it is proposed to make a number of changes to the Plan, as detailed in Proposed Pre-Inquiry Change Nos. 374, 375, 377, 379, 380, 382, and 383.

5.2.3 *Criterion (i) should be re-worded to 'resist development which is likely to result in unacceptable intrusion on the intrinsic landscape qualities of the area' (Objection Ref. No. 387/8 - British Wind Energy Association)*

5.2.3.1 It is not accepted that the requested re-wording provides any benefits over the current wording of Criterion (i). Both refer to the particular qualities of the landscape zone and both allow a measure of the amount of harm that a proposal would cause. Consequently, it is not considered that any amendment to the



criterion is required. As a result it is not proposed to make a change to the Plan in this respect.

5.2.4 *In Criterion (ii) the words “provision of renewable energy resources” should be added after “proposals” in line 2 (Objection Ref. No. 387/9 - British Wind Energy Association)*

5.2.4.1 Policy RE1 sets out clear policy guidance against which proposals for wind turbine development throughout the Local Plan area can be assessed. Criterion (i) of Policy RE1 requires that proposals for such development would not have any significant adverse effect on the quality of the landscape. Consequently, there is already explicit policy guidance in order to allow the visual impact of wind turbine proposals to be assessed. Therefore, it is not considered that there is any need for specific mention of such development within Policy ENV3.

5.2.4.2 Furthermore, it is not accepted that renewable energy proposals could appropriately be included within the category of ‘small-scale development that would benefit the social or economic situation of rural communities’ that is the concern of Criterion (ii) of Policy ENV3. However, a minor typographical error in the fourth line of the Criterion does require correction. As a result the District Council has proposed to make a change to the Plan, as detailed in Proposed Pre-Inquiry Change No. 378.

5.2.5 *Criterion (iii) should be deleted as it is unduly restrictive (Objection Ref. No. 387/10 - British Wind Energy Association)*

5.2.5.1 The current wording of Criterion (iii) does actually differ from the requirements of the equivalent Criterion (iv) of Policy ENV2. Within the statutorily designated AONB, large-scale development will only be allowed if it is in the national interest, in addition to the requirements of ‘being incapable of being located outside the designated area’ and ‘being designed to do as little damage to the environment as practicable’ which are also applied to large-scale development proposals within the Areas of High Landscape Value Policy.

5.2.5.2 Given the need to strictly control new building in the open countryside that is set out in PPG7, and the particular need to protect the landscape qualities of the

AHLVs that is made clear in the landscape assessments of the areas (which also refer to the specific difficulty in accommodating large new buildings in those areas), it is not accepted that any change should be made to the current wording of Criterion (iii). As a result it is not proposed to make a change to the Plan.

5.2.6 *In Criterion (ii) add "affordable housing where this meets the criteria of Policy H22"* (Objection Ref. No. 621/68 - Jennifer Hubbard)

5.2.6.1 It is accepted that Policy H22 does make clear that affordable housing can be provided as an exception to other Local Plan policies. Furthermore, it is clear that such development would generally benefit the social and economic situation of rural communities. Consequently, it is agreed that criterion (ii) of Policy ENV3 should be amended as requested. As a result the District Council has proposed to make a change to the Plan, as detailed in Proposed Pre-Inquiry Change No. 376.

5.2.7 *The relationship between Criterion (iv) and Policy AG2 needs clarifying* (Objection Ref. No. 621/69 - Jennifer Hubbard)

5.2.7.1 It is accepted that there is potential for confusion in the Deposit Draft Plan with regard to the issue of new agricultural buildings. There is a lack of consistency between the advice provided in the supporting text for Policy AG2 and that provided in the supporting text for Policy ENV3.

5.2.7.2 This is primarily due to the second sentence of Paragraph 15.2.5.6 which suggests that the requirement to reflect the traditional character of buildings in terms of siting, design and materials does not apply at all to agricultural buildings within the AHLV. However, Paragraph 7.4.2 does rightly make clear that design and use of materials can be particularly important when assessing proposals for new agricultural buildings within the AONB or the AHLVs.

5.2.7.3 Consequently, it is considered that the Policy approach of assessing proposals for new agricultural buildings within the AHLVs against Criterion (iii) be continued (it is considered unreasonable to require such development to reflect the traditional character of buildings) but that the second sentence of Paragraph 15.2.5.6 be amended to make clear that concerns regarding the siting, design and use of

materials for new agricultural buildings can also apply within the AHLVs. It is also considered that Criterion (iv) of Policy ENV3 should also require that new agricultural buildings also accord with Criterion (i) of Policy AG2 in order that the issue of siting of buildings is also covered. As a result the District Council has proposed to make changes to the Plan, as detailed in Proposed Pre-Inquiry Change Nos. 381 and 372.

5.3 Objection to the Justification

5.3.1 *Object to the justification for the Fringe of the Moors Area of High Landscape Value as it does not refer to the need to protect the setting of the North York Moors National Park (Objection Ref. No. 21/10 - North York Moors National Park Authority)*

5.3.1.1 It is accepted that the need to protect the setting of the North York Moors National Park is an additional supporting factor in the designation of the Fringe of the Moors as an Area of High Landscape Value and that this should be recognised in the justification for the designation.

5.3.1.2 However, it is accepted in relation to objection 44/18 that the justifications for the Wolds and the Fringe of the Moors Areas of High Landscape Value that are set out in the Appendices to the Deposit Draft Plan require revision to reflect the landscape assessments of these areas. Consequently, the need to protect the setting of the North York Moors National Park has been incorporated into the proposed revised Justification for the Fringe of the Moors Area of High Landscape Value that is set out at Annex J of this Core Proof. As a result it is not proposed to make any other change to the Plan.

5.4 Statements of support for Policy ENV3 and the AHLV designation

5.4.1 Six statements of support for the Policy were submitted, including support from English Nature, the North York Moors National Park and the Yorkshire Wildlife Trust. The Countryside Commission expressed support for all the policies for conserving and enhancing the countryside in the Local Plan area.

## **6 PROPOSED PRE-INQUIRY CHANGES**

- 6.1 In total 14 Pre-Inquiry Changes (Nos. 371-384) were proposed to Policy ENV3 and Section 15.2.5 of the Deposit Draft Local Plan (see 'Ryedale Local Plan Proposed Pre-Inquiry Changes - January 1999'). No objections were received to any of these proposed Pre-Inquiry Changes, however the Government Office for Yorkshire and the Humber supported Pre-Inquiry Change Nos. 374 - 384 inclusive and conditionally withdrew their objections (5/29 and 5/30) to the detailed wording of Policy ENV3 in the Deposit Draft Plan.
- 6.2 In addition to the above proposed Pre-Inquiry Changes to Policy ENV3 and its supporting text the District Council also proposed a Pre-Inquiry Change (No. 455) regarding the south-western boundary of the Wolds AHLV. The basis for amending the AHLV boundary to include additional land in Scrayingham and Buttercrambe Parishes is outlined in Section 7 below. No objections were received to this proposed Pre-Inquiry Change, whilst one statement of support for the Change was received from Scrayingham Parish Council who conditionally withdrew their original Objection (163/1) to this aspect of the Deposit Draft Plan.

## **7 AMENDMENTS TO THE BOUNDARIES OF THE AHLVs AS DEFINED IN THE DEPOSIT DRAFT PLAN**

- 7.1 It is accepted elsewhere in this Proof that the AHLV Justifications set out in the Appendices of the Deposit Draft Plan were in need of updating to fully reflect the conclusions of the formal landscape assessments that have been carried out of these areas. Similarly there are certain, mostly minor, discrepancies between the boundaries identified for these character areas in the formal landscape assessments and those set out for the respective AHLVs in the Deposit Draft Plan.
- 7.2 The only major discrepancy between the Wolds AHLV boundary and the findings of the relevant landscape assessments was challenged by Scrayingham Parish Council in an objection (163/1) to the Deposit Draft Plan. The Parish Council contended that the whole of their Parish should be included in the Wolds AHLV in any meaningful assessment of landscape character and value.
- 7.3 The District Council's analysis of this Objection to the Deposit Draft Plan stated:-

*"When Gillespies prepared 'Our Landscape: Today for Tomorrow - An Assessment of the Landscape North and South of the Humber' on behalf of the Countryside Commission in partnership with this and other adjacent Authorities they studied the landscape between the Wolds and the Derwent, including Scrayingham Parish.*

*Gillespies divided that area to the south of Malton and Norton, between the Wolds in the east and the Derwent in the west, into two different Regional Landscape Character Areas: the Jurassic Hills and the Vale of York. Within these RLCAs a number of local landscape types were then identified for which highly detailed landscape guidelines were prepared.*

*The Jurassic Hills were described as an agricultural landscape of intimate woodlands, hedgerows and villages set in gently rolling hills close to the escarpment slopes of the Yorkshire Wolds. The Landscape Assessment went on to state that "this is a scenic landscape in which the principal landscape strategies should be to conserve the appearance of the land while offering opportunities for local enhancement". Conversely the Vale of York is described as a lowland agricultural landscape area typical of lowland landscapes throughout central England. As a reflection of the scenic quality of the landscape and the need to conserve the landscape, almost all of the Jurassic Hills RLCA is designated as part of the Wolds Area of High Landscape Value in the Ryedale Local Plan. However, this currently excludes most of Scrayingham Parish.*

*With regard to the divide between the Jurassic Hills and the Vale of York within Ryedale, the Landscape Assessment stated that this boundary was more difficult to define. The Assessment explained that "Along this line the heavy drift geology of the Vale of York changes to a shallower drift geology underlain by Jurassic shales, muds and limestones. This geological transition is not strongly perceptible in the landscape. However, travelling in a northerly direction from the Vale of York into the Jurassic Hills, the terrain become progressively more rolling and the scenery more intimate, wooded and pastoral."*

*However, it is clear from both the text and the maps that accompany the Assessment that the vast majority of Scrayingham Parish was considered to fall within the Jurassic Hills RLCA. This is reflected by a recent officer survey which confirmed that almost all the Parish comprises of gently rolling rounded hills with strong tree and hedgerow boundaries to fields, particularly alongside streams, interspersed with frequent copses and woodland blocks i.e. the scenic landscape which should be conserved that Gillespies described.*

*Consequently it is now considered appropriate to amend the Area of High Landscape Value boundary to include most of the Parish as shown on the map on page 101. This amendment to the Area of High Landscape Value boundary should have been carried out in the Deposit Draft of the Local Plan as the Gillespies Landscape Assessment was published soon after the publication of the Consultation Draft of the Ryedale Local Plan, however this change was overlooked.*

*The Gillespies study did not extend to cover the landscape to the west of the Derwent in this area. However, the Landscape Assessment that was carried out by SGS Environmental of the area of search for a proposed new settlement in 1994 did cover this area. The SGS Assessment recommended that "Consideration could be given to extending the proposed Area of High Landscape Value to include a section of the attractive River Derwent Valley, especially to the south of Howsham Bridge. This might provide a stronger natural boundary than the currently proposed line."*

*In order to include this area within the Area of High Landscape Value it would clearly be inappropriate to use the River Derwent itself to mark the edge of the designated area as the landscape character is very similar on both sides of the river. Between Buttercrambe and Howsham the Derwent meanders through a relatively shallow but well wooded valley that is of a similar intimate scenic character to much of the Jurassic Hills RLCA. Consequently it is considered that this part of the Derwent valley should, as recommended above, be included with the Area of High Landscape Value. Once again it is difficult to identify a clear point at the western edge of the*

*valley at which the Vale of York effectively begins, however to the west of the boundary identified on the map on page 101 the character of the landscape changes and is progressively less rolling, and more open with larger fields, and less pasture i.e. the typical lowland landscape of central England that is described by Gillespies.”*

- 7.4 Consequently the District Council proposed to amend the south-western boundary of the Wolds AHLV as Pre-Inquiry Change 455. As discussed in Section 6 above there have been no objections made to this proposed Pre-Inquiry Change.
- 7.5 The other boundaries of the Wolds RLCA and Jurassic Hills RLCA as identified by the 1995 Gillespies Study generally link closely with the Wolds AHLV boundary as defined in the Deposit Draft Plan. Although there are minor discrepancies between the two, the formal landscape assessment makes clear that boundaries between landscape areas are usually transitional and it is, therefore, not considered that other amendments to the Wolds AHLV boundary are essential.
- 7.6 There are more significant discrepancies between the boundaries of the Fringe of the Moors AHLV and boundaries of the corresponding RLCA identified by Gillespies in their 1999 study of that area. Whilst the boundaries of the two areas are generally similar for much of their length, the Gillespies Study excluded a significant area of land to the south of Harome from the Fringe of the Moors RLCA in their study. As this study was not fully completed until after the publication of Pre-Inquiry Changes to the Deposit Plan it has not been possible to amend the Fringe of the Moors AHLV boundary to ensure consistency with the formal landscape assessment. There are also a number of instances where the landscape assessment of the Fringe of the Moors includes areas of land within the RLCA which have not been included within the AHLV, such as in the Kirkbymoorside and Wombledon areas.
- 7.7 Given the difficulties of amending the Deposit Draft Plan at this late stage it may be necessary for the District Council to carry out Post-Inquiry Modifications in order to achieve greater consistency between the RLCA boundaries identified within the landscape assessments of the District and the AHLV boundaries within the Ryedale Local Plan.

## **8 CONCERNS AND CRITICISMS**

### **8.1 The Area of High Landscape Value Designation and Development Limits**

- 8.1.1 Appendices 4 and 5 of the Ryedale Local Plan Deposit Draft (which are proposed to be replaced by the revised Justification at Annex J) and paragraph 7.5.1 above make clear that the Area of High Landscape Value (AHLV) designation does not apply to those areas within Development Limits. Despite many of these settlements making a considerable contribution to the character of both the Wolds and the Fringe of the Moors, this designation is intended to apply to, and protect, the open countryside outside of, and adjacent to, settlements. The designation is, though, intended to be a consideration when assessing the expansion of settlements into the adjacent countryside where it is included in the AHLV.
- 8.1.2 Whilst the AHLV designation does not apply within settlement limits, the policy does apply once outside of the defined limits. A broad-brush approach has been taken towards the inclusion of land adjacent to Development Limits within the AHLVs. The designation has been taken up to the Development Limits of each settlement which falls entirely within the Wolds or Fringe of the Moors landscape, and up to the appropriate section of the Development Limits of each settlement which lies directly adjacent to an AHLV.
- 8.1.3 To have made an assessment of the particular landscape value of each individual site around each settlement within the two AHLVs would have been an enormous task for the District Council and is not considered to be practical or desirable. The AHLV designation is not an allocation of land and does not seek to prevent all change. Instead the Policy serves to strengthen the ability of the Authority to reject poor and inappropriate development and, where a proposal is appropriate, to seek a higher standard of design or more appropriate siting than might otherwise be obtained.
- 8.1.4 The AHLVs will inevitably contain discordant features and development, as indeed do statutorily designated landscapes. Indeed any attempt to categorise landscapes into zones or areas according to their character or sensitivity to development will almost always contain sites or areas which do not reflect that character or quality.



Such is the broad-brush approach that is intrinsic to landscape assessment and subsequent designations.

- 8.1.5 However, Policy ENV3 is sufficiently flexible to take account of the development of discordant sites and, indeed, supports small-scale development that would be of social or economic benefit provided that it would not be of significant detriment to local landscape character. Clearly if a site is considered to be discordant with the basis for the landscape designation this can be recognised in the application of Policy ENV3 to any proposals that may come forward for the site.
- 8.1.6 Given the above it is contended that it is fair and reasonable to pursue the current approach of including all land outside of Development Limits within the AHLV designation in the relevant parts of the Local Plan area.

8.2 The Application of the AHLV Policy by Ryedale District Council

- 8.2.1 The Area of High Landscape Value designation and the accompanying Policy ENV3 have been applied as development control policy throughout the two designated areas since the adoption of the Ryedale Local Plan Deposit Draft for development control purposes in October 1997. Prior to this, the designation and the accompanying policy (ENV4) within the Consultation Draft were used as development control policy within the eastern part of the Wolds between mid-1995 and October 1997 with the designation used as an additional consideration alongside the adopted development plan policy in other parts of the District during that period.
- 8.2.2 As the AHLV policy approach has been used to guide development control decisions in the designated parts of Ryedale for a significant period of time, it is now possible to examine the influence of the Policy upon development control decisions since its introduction, particularly with regard to the suggestion that the designation places an unreasonable constraint on economic and socially beneficial development within these areas.
- 8.2.3 The experience at Ryedale District Council is that very few planning applications are refused as a result of the AHLV policy. However the Policy is very regularly

used during pre-application enquiries and during negotiations on planning applications to require high standards in terms of the siting, scale, design or the materials of a development proposal. Developers may be required to modify the scale of their original proposals or carry out particularly extensive landscaping works, occasionally extending to the excavation of the site to lower the height of the proposed buildings in order for an application to be acceptable in terms of the AHLV policy.

- 8.2.4 In order to help illustrate the impact of the AHLV policy upon development control decisions, a pertinent selection of recent applications for development within the designated areas are described in Annexes K, L and M. In Annex K, details are provided of a number of applications which have been approved within the AHLVs. Annex L outlines a number of applications which have been refused due (at least in part) to likely impact of the proposal upon the AHLV. In order to further illustrate the impact of the AHLV policy, Annex M sets out details of the decisions of all planning applications for development outside of Development Limits within two example parishes within the AHLVs during the period May 1997 - April 1999.
- 8.2.5 It is clear from the information set out in Annexes K-M that in practice, the AHLV designation leads to few refusals of planning permission. However, where a proposal would have a detrimental impact on the landscape the AHLV designation highlights the vulnerable character of the landscape and strengthens the grounds for refusal.
- 8.2.6 The general effect of Policy ENV3 is that higher standards of development in the open countryside are required in terms of the siting, scale design and materials. These are normally achieved through either pre-application negotiations or through amendments to submitted applications.
- 8.2.7 The details of applications approved and refused within the AHLVs show clearly that the policy does not place an unreasonable brake on development outside of development limits. During the operation of the AHLV Policy the District Council has granted planning permission for a wide range of development that was not considered likely to materially detract from the special scenic quality of the landscape. These permissions include a 9-hole golf course, a factory extension,

various agricultural and intensive livestock buildings, a children's play area, stable and field shelters, a tennis court, a swimming pool and use of land for equestrian purposes.

- 8.2.8 Consequently it is strongly contended that the tone and operation of Policy ENV3 strongly accord with Government advice in PPG7 regarding the need to meet the economic and social needs of people who live and work in rural areas, whilst maintaining the character of the countryside and safeguarding the distinctiveness of its landscape.

## 9 CONCLUSIONS

- 9.1 This extensive Core Proof of Evidence and its Annexes provide considerable evidence in support of Policy ENV3 and the designation in the Ryedale Local Plan of the Wolds and the Fringe of the Moors as Areas of High Landscape Value. This Proof sets out the development of policies and moves to safeguard these landscapes prior to the inclusion of the AHLV designations in the Ryedale Local Plan. The Proof goes on to discuss the response to this designation and in particular the objections made to Policy ENV3 of the Ryedale Plan. Crucially, as part of the District Council's responses to these objections this Proof sets out (in Annex J) a fully revised Justification for the designation of the two AHLVs based on the formal landscape assessments of these areas. The Proof also outlines the other Pre-Inquiry Changes proposed in response to objections to Policy ENV3. Finally, the Core Proof analyses the effects of the AHLV designation on Development Control decisions at Ryedale.

- 9.2 Section 4 of this Proof charts the development of moves to safeguard the landscapes of the two AHLVs, from the original North York Moors National Park proposal, to designations and policies in the County Development Plans and the subsequent Local Plans, through to the designation of both the Wolds and the Fringe of the Moors as Special Landscape Areas in the North Yorkshire Conservation Strategy. The Proof also details the proposal for a Yorkshire Wolds AONB and the subsequent call by the Countryside Commission for the Wolds' local authorities to work together on planning policies to safeguard the landscape of the area. Detailed information is provided on the agreement between the Wolds

local authorities on the Wolds landscape designation and the policies regarding the Wolds landscape that have now been included in all the relevant adopted Local Plans in the East Riding of Yorkshire. This Proof also sets out the particular support expressed by the respective Inquiry Inspectors for such policies in East Yorkshire.

- 9.3 It is demonstrated that there have never been any objections made to the principle of the AHLV designation in the Ryedale Local Plan by the Department of the Environment/Government Office for Yorkshire and the Humber or by MAFF. Indeed there are only 2 such objections to Policy ENV3 of the Deposit Draft Plan and these are detailed in this Proof, along with the other objections to the Policy and supporting text. The District Council's considered response to these objections is all set out in this Proof together with details of the 14 proposed Pre-Inquiry Changes to Policy ENV3 and Section 15.2.5 of the Local Plan. On the basis of these proposed Pre-Inquiry Changes the GOYH has withdrawn all objections to Policy ENV3. The Policy and the AHLV designation were supported by the Countryside Commission, English Nature, the Yorkshire Wildlife Trust and the North York Moors National Park Authority, amongst others.
- 9.4 A major part of the District Council's response to these objections is the full revision of the Justifications for the AHLVs that were set out in the Appendices of the Ryedale Local Plan Deposit Draft. These have been extensively revised to set out the key points of the formal landscape assessments that have been carried out of the AHLVs, in particular to define the character of these areas and to demonstrate those aspects of their character which are vulnerable to change through insensitive development. The proposed Justification sets out guidance from Government and the Countryside Commission on local countryside designations and provides a wealth of information regarding both of the two AHLVs in respect of these relevant factors. In particular, the proposed Justification demonstrates that both of the AHLVs have a strong rural character and sense of identity, have a particular scenic quality or charm, have a distinct lack of urbanisation and are unspoilt, are vulnerable to change, and justify an overall strategy of conservation and a policy of protection.

- 9.5 In response to other objections to Policy ENV3 this Proof demonstrates that the Policy applies an appropriate level of protection, and does not unduly hamper consideration of the economic and social benefits of proposals. The Policy is shown to be fully necessary in order to place greater emphasis on landscape considerations and countryside character in these vulnerable areas, yet does not conflict with the advice on development in rural areas that is set out in PPG7. Contrary to objectors' claims, the Policy is shown to be in harmony with Wolds landscape policies in the East Riding, and the AHLVs are shown to have a distinctly different and more vulnerable character than the adjacent Vale of Pickering. The Pre-Inquiry Changes to the Policy that are proposed in response to certain objections will further clarify the purpose of Policy ENV3, improve its relationship to other policies and assist with the application of the Policy.
- 9.6 The final section of this Proof provides a helpful analysis of the effects of the AHLV designation of Development Control decisions at Ryedale, where the AHLVs have been approved Policy for some considerable time. It is clear that the designation rarely lead to refusals of permission, although this will strengthen refusals where the landscape impact of a proposal would be materially detrimental. The high value and sensitivity of the designated landscapes is also generally recognised by Inspectors in appeal decisions within these areas. However, the AHLV designation generally leads to higher standards of development in the open countryside normally through either amendments to submitted proposals or through pre-application negotiations. It is particularly clear that the designation does not apply excessive restrictions on development that would be of economic or social benefit. Permissions granted in the AHLVs include a 9-hole golf course, a factory extension, various agricultural and intensive livestock buildings, a children's play area, stable and field shelters, a tennis court, a swimming pool and use of land for equestrian purposes. Conversely, objectors to the Policy have not been able to cite any examples of the AHLV designation placing an unreasonable restraint on economic or social activity.
- 9.7 In view of the above it is strongly contended that Policy ENV3 and the AHLV designation in the Ryedale Local Plan are a justified and very necessary element of the Plan's approach of meeting the social and economic needs of rural Ryedale whilst maintaining the character of the countryside and safeguarding the

distinctiveness of Ryedale's landscapes. Consequently, the Inspector is requested to recommend that no change be made to Policy ENV3 and to the designated Areas of High Landscape Value other than those set out in Pre-Inquiry Changes 371-384 and proposed by the District Council within this Core Proof of Evidence.

## ANNEXES

- A Appendices 4 and 5 of the Deposit Draft Plan (Justification for the AHLVs)
- B Extract from Report of the National Parks Committee (Hobhouse Report) 1947
- C Report from the Guardian 29.11.52 regarding designation of the North York Moors National Park
- D Map Extract from North Riding County Development Plan 1952
- E Extract from East Riding County Development Plan Map showing north-western part of the Wolds (1960)
- F CPRE Submission in support of their call that the Wolds should be designated an AONB
- G Extract from North Yorkshire Conservation Strategy 1991 - character assessment of Wolds and Fringe of the Moors plus map of proposed SLAs
- H Yorkshire Wolds landscape policies from adopted Local Plans in the East Riding of Yorkshire
- J Proposed revised Justification for the Wolds and the Fringe of the Moors AHLVs
- K Examples of planning applications approved by Ryedale District Council within the Areas of High Landscape Value since the adoption of the Policy for development control purposes
- L Examples of planning applications within the AHLVs which have been refused on landscape grounds by Ryedale District Council since the adoption of the Policy for development control purposes
- M Details of all planning application for development outside of Development Limits in two example AHLV parishes (Burythorpe and Foxholes) during May 1997 - April 1999