

# Welcome

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- Please type any questions for the speaker into the chat box, *as you think of them*, rather than waiting till the end.
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*Thank you*



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# Tools to protect historic parks and gardens: Designation

Tamsin McMillan

Historic Landscape Project Officer



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A training presentation from the Gardens Trust.

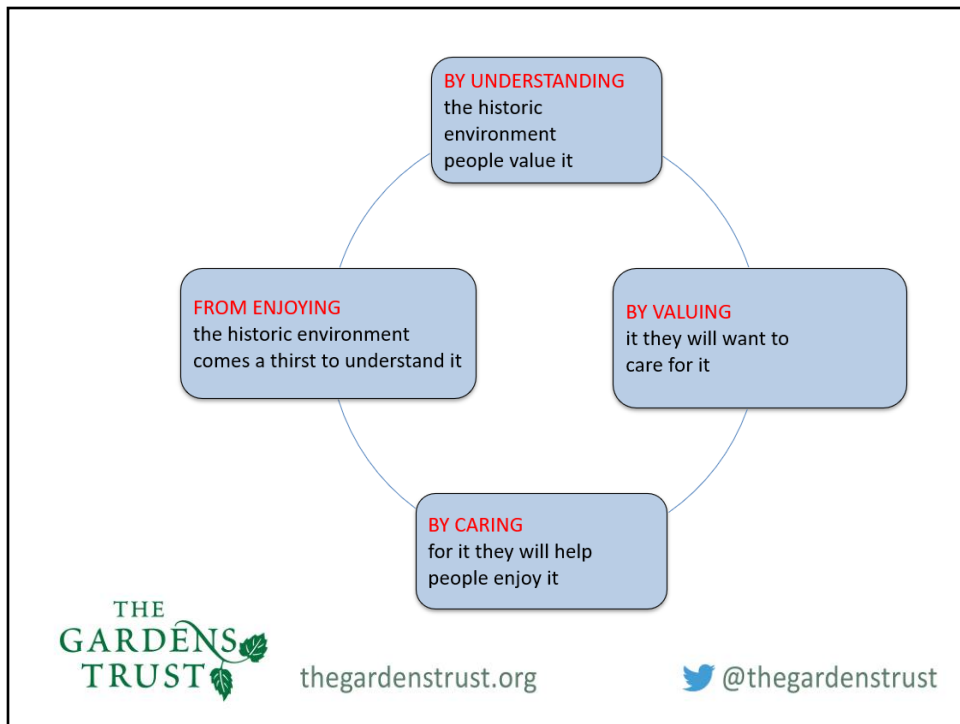
Hello, I'm Tamsin McMillan, one of the Historic Landscape Project team – part-funded by Historic England - which helps to support and train CGT volunteers.

This talk is part of our planning training, which we normally take around the country – so it can take a while to get to everyone. I'm really delighted that we've been able to reach so many more people by taking it online. Thanks so much for your interest.

This presentation will be available shortly on our resource hub, on the GT's website, so don't worry too much about taking notes.

Now, this may not seem like one of the most exciting subjects, but designation is an incredibly useful tool to use if you are trying to protect and conserve HPGs from some of the threats Margie, our Conservation Officer, talked about 2 weeks ago.

This is an introduction to the subject and will be followed up by a deeper delve into the planning system in December, when Victoria Thomson, Head of National Strategy at HE, will be giving a webinar for us.



One of the most useful ways to help protect historic parks and gardens is through raising understanding. We need to raise awareness – amongst the public, volunteers, planners, developers and owners.

This neat diagram from Historic England demonstrates the value of understanding to the conservation cycle.

It's pretty self-explanatory

Starting on the left: if you enjoy visiting an HPG, it's more than likely that you will want to know more about how it came to be

Once you've some understanding of this, you will probably value that landscape even more

Once you value it, you may want to get involved in looking after it

And by doing this, you'll probably help other people to enjoy it

And so the cycle goes on.

Research into the historic development of a garden – which is part of the understanding section of the cycle - is essential in order to understand what we have now, and therefore work out what is significant and of value.

# Gardens Trusts

- 2015 merger of GHS & AGT → the GT.
- Journal, events, conservation team, network.
- 36 County Gardens Trusts, plus Welsh HPGT and Scotland's GLH.
- Autonomous charitable organisations, which are all GT members
- Membership varies 50 to 400+
- Research & Recording, Conservation, Education & working with schools, Events and garden visits.



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And this is where the GT comes in

- The Gardens Trust, formed in 2015 from the merger of the Garden History Society and the Association of Gardens Trusts.
- It publishes a journal of academic research, run events, has a conservation team, and makes sure that it is a useful part of the wider network of heritage organisations.
- There are 36 County Gardens Trusts (CGTs), plus Welsh Historic Parks and Gardens Trust, and Scotland's Garden and Landscape Heritage.
- Each CGT is an autonomous charitable organisation, and all are members of the Gardens Trust.
- CGT membership varies from 50 to 400+, and there are roughly 8000 members in total.
- They typically undertake Research & Recording, Conservation, Education and working with schools, Events and garden visits.

# Planning system

The Gardens Trust has a **statutory** involvement [Planning (Listed Buildings and Conservation Areas) Act 1990 and DETR Circular 01/2001]:

- planning authorities **must consult** with it on planning applications that may affect Grade I, II\* and II sites on the Register of Parks and Gardens of Special Historic Interest.
- Historic England must be consulted on Grade I and II\* sites.



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The Gardens Trust is a statutory consultee so **must be** consulted by local planning authorities on planning applications that may affect sites which are nationally designated on the Heritage List, or rather the Register of Parks and Gardens of Special Historic Interest.

The GT receives hundreds of applications a year, last year we received 1030. The number rises every year. These cannot be adequately dealt with by a tiny team based in one part of the country.

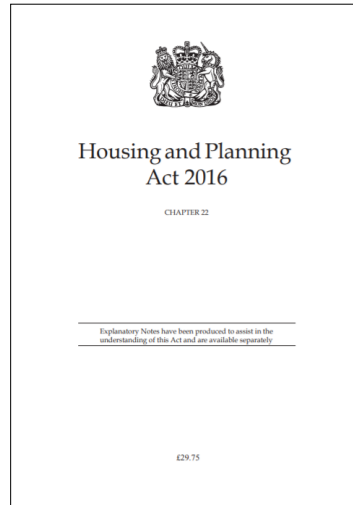
It therefore works closely with CGTs to comment on these applications.

So CGTs are very active in direct conservation works, using their local knowledge to help protect HPGs from inappropriate development.

The photos are of Alison Allighan, our Conservation Casework Manager, and Margie Hoffnung, Conservation Officer, thanking CGTs during Volunteer Week this year.

# Legislation

- Legislation is inflexible, high-level and binding
- Planning and other Acts (and related regulations) set the rules within which planning system operates



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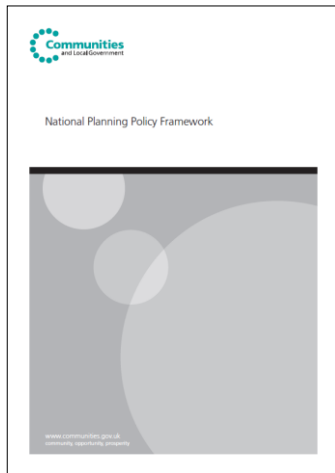
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The highest tier of tools to protect historic parks and gardens (HPGs) is legislation, which is inflexible and binding and which includes Acts regulating planning.

## Part 6 – Planning in England

Incl. Powers to force local authorities to have a [Local Plan](#) where they do not have one.

# Policy



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- Policy is more flexible, still high-level and, whilst not binding, carries a great deal of weight
- National planning policy is produced by Government
- The main component of this is the National Planning Policy Framework (NPPF)
- NPPF covers a wide range of policy areas, from housing to transport to the historic environment (Chapter 16 relates to Conserving and Enhancing the Historic Environment)

The next tier, Policy, is reviewed more regularly. The National Planning Policy Framework (known as the NPPF) was updated in July 2018. The relevant chapter for us is Chapter 16 ***Conserving and Enhancing the Historic Environment*** which we regularly quote when responding to planning applications

The following paragraphs are particularly useful:

- **Para 189 and 190** describe how applicants should be required to describe the significance of any heritage assets affected, including any contribution made by their setting, so that the potential impact of the proposal on this significance can be understood. It requires that, at the minimum the Historic Environment Record should have been consulted.
- **Para 191** Just because a heritage asset is deliberately neglected or damaged, this should not make a difference in the decision i.e. a developer can't just leave something to deteriorate and then argue it's beyond repair in order to get permission to redevelop a site
- **Para 192** is concerned partly with seeking good design that makes a positive contribution and considers the local context.
- **Para 197** describes how balanced judgements should be made on the **scale** of the impact of a development on the **significance of a non-designated heritage asset**.
- **Para 194** lays "great weight" on the conservation of designated heritage assets, and substantial harm or loss be "exceptional" or "wholly exceptional". The benefits of any development causing substantial harm must outweigh the harm or loss itself. This is particularly useful to draw on when considering potentially damaging developments.
- **Paras 189, 190, 194 and 200** all include the setting of heritage assets as part of the consideration of impact on significance of the asset.

And next week, Sally will be talking to us about Setting in more detail.

# Guidance

- Guidance is also produced by Government, and provides more detail on the implementation of legislation and policy
- Online:  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- Relevant guidance Planning Practice Guidance (PPG) for Historic Environment



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Planning practice guidance categories	
We have revised and updated planning practice guidance to make it accessible.	
Search <a href="#">planning practice guidance</a>	
<a href="#">Advertisements</a>	6 March 2014   Guidance
<a href="#">Air quality</a>	6 March 2014   Guidance
<a href="#">Appeals</a>	3 March 2014   Guidance
<a href="#">Before submitting an application</a>	6 March 2014   Guidance
<a href="#">Climate change</a>	11 June 2014   Guidance
<a href="#">Community Infrastructure Levy</a>	11 June 2014   Guidance
<a href="#">Conserving and enhancing the historic environment</a>	9 April 2014   Guidance
<a href="#">Consultation and pre-decision matters</a>	6 March 2014   Guidance
<a href="#">Crown development</a>	6 March 2014   Guidance

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Guidance is also produced by Government and gives more detail about legislation and policy implementation. The GT refers to Historic Environment Planning Practice Guidance, commonly known as PPG

This was updated July 2019



# Historic England

 <p>Historic England</p> <p>The Historic Environment in Local Plans</p> <p><small>Historic Environment Good Practice Advice in Planning: 1</small></p> 	 <p>Historic England</p> <p>Managing Significance in Decision-Taking in the Historic Environment</p> <p><small>Historic Environment Good Practice Advice in Planning: 2</small></p> 	 <p>Historic England</p> <p>The Setting of Heritage Assets</p> <p><small>Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)</small></p> 
<div data-bbox="282 738 496 846"></div> <div data-bbox="525 801 763 836"><a href="http://thegardenstrust.org">thegardenstrust.org</a></div> <div data-bbox="902 801 1158 836"> <a href="https://twitter.com/thegardenstrust">@thegardenstrust</a></div>		

HE produces invaluable guides covering different areas of the historic environment. We frequently refer to these and quote relevant paragraphs in planning responses.

## National designation: Registration

**Grade I** – of exceptional interest (c.9% of sites)

**Grade II\*** - Particularly important sites or more than special interest (c.28% of sites)

**Grade II** – Of special interest warranting every effort to preserve them (c.63% of sites)



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For us, the most important Designation is inclusion in the Register of Parks and Gardens of Special Historic Interest in England.

The government's Historic Buildings and Ancient Monuments Act 1953 enabled HE to compile the register.

First established in 1983, it now lists over 1,600 parks and gardens, with new ones added each year.

Registered parks and gardens do not have statutory protection, as listed buildings and scheduled monuments do, but Registration is a 'material consideration' in the planning process, meaning that local authorities must consider the impact of any proposed development on the landscape's special character.

As we've just seen, NPPF sets out criteria for considering impacts, levels of harm and the affect on the significance of designated designed landscapes (as well as other heritage).

The general criteria for registration are age and rarity. The older a designed landscape is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. As a general guide, sites likely to be designated are:

- Those formed before 1750 where some of the original layout is still in evidence
- Sites laid out between 1750 and 1840 where enough of the layout survives to reflect the original design
- Sites mainly developed after 1840 which are of special interest and relatively intact
- Particularly careful selection is required for sites from the period after 1945
- Sites of less than 30 years old are normally registered only if they are of outstanding quality and under threat.

Further considerations which may influence selection, and may enough in themselves to merit designation, are:

- Sites which were influential in the development of taste, whether through reputation or reference in literature
- Those which are early or representative examples of a style of layout or a type of site, or the work of a designer of national importance
- Sites having an association with significant people or historic events
- Sites with a strong group value with other heritage assets.

[Photo is of Wotton Underwood, Buckinghamshire.]

CGTs are often involved with new Registrations, or getting a site regraded.

Using small grants Buckinghamshire Gardens Trust marked Capability Brown's tercentenary year by researching the 6 or so unregistered parks and gardens he designed or contributed to within their county.

As a result the national significance of one of those, Stoke Place, Stoke Poges, has been recognised and it has been added to the National Heritage List (NHL).

In addition BGT was not satisfied that the significance of Wotton Underwood was fully recognized, where Brown worked but the extent of his input is frustratingly unclear. The researchers convinced HE that it was by Brown, it is therefore a stunning example of his work with water at large scale, almost unchanged, and were successful in regrading it from II\* to I!

# National designation: Registration

## HE / GT collaboration

20 new registrations of  
post-1945 landscapes



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**In August this year (2020), HE announced 20** new registrations of C20 gardens as the result of a three-year collaboration with the GT. Thanks to suggestions from landscape professionals and members of the public, some of the best examples of landscapes designed between the end of the Second World War and the early 1990s have been identified for protection. These include Beth Chatto's garden in Colchester; the Kennedy Memorial landscape, Runnymede, Surrey; and Campbell Park in Milton Keynes. All now Registered Grade II.

The project was initiated to increase understanding, protection and appreciation of these important landscapes, and it is intended that these new registrations will set the benchmark for future registration work.

The Register is thought to represent only around 2/3 of sites potentially deserving of inclusion

WHITE PAPER PLANNING FOR THE FUTURE, which is currently out for consultation, suggests LAs should be given only 30 months to produce local plans which would include unregistered sites. Not enough time to identify and protect these sites – which could include some worthy of registration – and this is a major concern.

## National designation: Listed buildings



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Registration is by no means the only designation we can use to protect HPGs.

The Planning (Listed Building and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest.

Dept for Digital, Culture, Media and Sport, advised by HE, is responsible for Listing.

Listed buildings can take many forms and are the most frequently encountered form of nationally designated heritage asset. A listed building might be a country house;

[Bourton Hall, Warwickshire - Grade II listed house as the focal point of an unregistered early C20 garden by Harold Peto]

Or, interesting to us, it might be a structure specifically designed to fulfil an aesthetic or practical function within a landscape design, such as a prospect tower or folly [Thomas Archer's Pavilion at Wrest Park - Grade I Listed landscape structure in a Grade I registered landscape]

Objects or structures within the curtilage of a listed building prior to 1<sup>st</sup> July 1948 are also protected by the listing and are known as "curtilage listed structures". These might include statues, garden walls, steps, terraces, fountains, ha-has. However in

some cases features of this kind may be listed structures in their own right, especially if they are of particular aesthetic or historic significance. Check the entries on the on-line **National Heritage List for England** to see what is listed at a particular place

**Listed buildings** have statutory protection – in terms of planning, any proposal for change must be accompanied by an application for listed building consent. When considering an application for works either *to* or *affecting* a listed building, the developer must take into account impact on its setting (which may be a nationally or locally designated designed landscape).

And as we've already seen, NPPF Paras 189, 190 and even 197 underpin this. This can be immensely helpful in protecting historic landscapes which so often provide the setting for a principal listed building, or subsidiary listed structures such as kitchen garden walls, gates, gatehouses, temples and follies etc.

## National designation: Listed buildings



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However, like landscapes, it is not just old buildings which are listed. The selection of C20th buildings here gives a broader picture of other less obvious candidates :

TL – 1<sup>st</sup> Severn Bridge & Aust Viaduct – Grade I, © The Forest Review

TR – Trellick Tower, Cheltenham Estate, Ldn - Grade II\* © RIBA

BL – Irene Manton Bldg L & Garstang Building R, at Leeds University - Grade II © Leeds Uni

BR – Skegness Signal Box, Grade II, © Dave Bevis



## National designation: Listed buildings



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What exactly can be Listed has recently come into question:...

In May 2020, the Supreme Court handed down guidance over what constitutes a building when considering whether structures could be listed, and ruled that government must reconsider an owner's appeal which argues that a pair of C18 urns by van Nost should not have been listed, as they are not 'buildings'.

Sold by the owner of a Cotswolds estate for £55,000 at auction in 2009.

The owner didn't realise until six years after he sold them that the urns and their limestone pedestals were protected by the House's Grade II Listing.

However, Stratford-upon-Avon District Council demanded that he get them back and restore them to the grounds of his home.

At appeal, the owner stated that the urns had passed down three generations and had moved with the family from place to place in the 1950s, 1960s and 1970s. They had no relation to the listed houses where they had been situated... and nothing in the listing description recognized their true provenance. He said that he'd had no reason to believe they were listed or that they were "buildings" in law.'

The Supreme Court Judge ruled in his favour.



Regard must be had to their "size, permanence and degree of physical attachment" to the land, the Judge said.

"Relevant also is the apparent ease of their installation and removal. These are issues which can only be satisfactorily investigated and determined in the context of a renewed appeal."

The Court sent the case back to the secretary of state for housing, communities and local government for fresh consideration.

The worrying implication is that perhaps an object which can be removed should not be Listed – potential risk of owners selling off not just urns, but seats, sundials, statues etc, from HPGs

Photo of Idlicote House <https://www.thetimes.co.uk/article/urn-victory-may-herald-more-sales-of-artefacts-xcdz6lhff>

## National designation: Scheduled Monuments



Scheduled Monuments are designated by DCMS, with advice from HE, and provided by the Ancient Monuments and Archaeological Areas Act 1979.

SMs tend to be earthworks, ruins and other archaeological sites, sites such as Roman remains, burial mounds, castles, bridges, the remains of deserted villages and industrial sites

This is Sodbury Camp Hillfort, Glos © Adrian Warren

but SMs can also be built structures, such as this dovecote at High House, Purfleet

Monuments are not graded, but are all considered to be of national importance and have statutory protection.

Once a monument is scheduled any works to it, and flooding and tipping operations that might affect it, with few exceptions, require scheduled monument consent from the Secretary of State, (**not** the local planning authority).

Historic England manages the process of scheduled monument consent on behalf of the Secretary of State. <https://historicengland.org.uk/advice/hpg/has/scheduledmonuments/>

Any development affecting them would still require a planning application, IN ADDITION to SM consent.

Earthworks as evidence of past features in a historic park or garden could be eligible for scheduling. We may tend to think of Scheduled Monuments as “pure” archaeology, but they can sometimes have an intimate connection to a designed landscape. Think, for example, of the ruins of Fountains Abbey and the landscape of Studley Royal; or Warwick Castle and the registered Castle gardens and park. Even relatively small Scheduled archaeological features can sometimes be found incorporated into a landscape design: at Pencarrow, Cornwall, the C19 drive passes through an Iron Age fort which serves as a picturesque ‘incident’ on the approach to the house.

This would not be permitted today!

## National designation: Registered Battlefields



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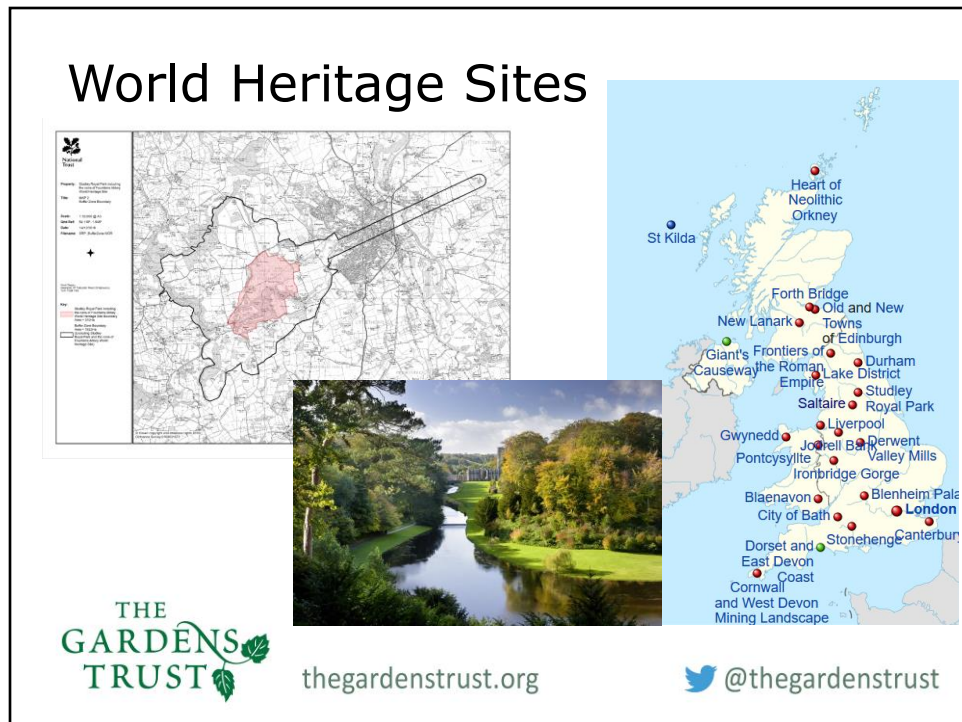
Historic Battlefields might also seem at first sight remote from historic designed landscapes; but some designed landscapes, such as Il\* Radway Grange in Warwickshire, are specifically related to an adjacent historic battlefield, in this case the Civil War Battle of Edge Hill, and form an important element in the setting of the designated battlefield.

The C18 landscape by Sanderson Miller includes a prospect tower said to stand on the site where the Royal Standard was raised at the Battle

Registered Battlefields, which are Designated by HE, do not enjoy statutory protection, but are a material consideration in the planning process.

The impact of development on the **setting** of a Registered Battlefield is also a material consideration.

In such cases, check the Local Plan for relevant policies and see whether the applicant has demonstrated that the proposals will not adversely affect the battlefield or its setting.



World Heritage Sites are designated by UNESCO (United Nations Educational, Scientific and Cultural Organisation) and there are 32 in the UK.

While not part of the legislative framework, the [UNESCO Convention Concerning the Protection of the World Cultural and National Heritage 1972](#) (to which the UK is a signatory) makes provision for the World Heritage List, which is a list of cultural and/or natural heritage sites of outstanding universal value, ie, and I quote: “which is so exceptional as to transcend national boundaries and of importance for present and future generations of all humanity.

It is the duty of the international community to cooperate to ensure the permanent protection of this heritage.”

They are not afforded any statutory protection in England, but Local Plans should include policies for protection of the sites and their buffer zones

And here you can see Studley Royal, which includes the ruins of Fountains Abbey. Note on this map, the great extent of the buffer zone, compared to the size of the site itself.

and obviously there is considerable moral pressure which can be brought to bear to head off inappropriate development. Many World Heritage Sites include registered landscapes and other nationally designed heritage assets and local designations. Eg Much of central Bath is covered by a World Heritage Site designation; it also includes several registered public parks, many listed buildings and a Conservation Area.

Photo ©National Trust Images/Andrew Butler | Credit: ©NTPL/Andrew Butler

WHS map

[https://en.wikipedia.org/wiki/List\\_of\\_World\\_Heritage\\_Sites\\_in\\_the\\_United\\_Kingdom](https://en.wikipedia.org/wiki/List_of_World_Heritage_Sites_in_the_United_Kingdom)

## Local designation: Local Plans

- Strategic priorities for the area
- Policies for conservation and enhancement of the historic environment (including landscape)
- Stating what will or will not be permitted, and where
- To include detailed policies as needed (e.g. parks and gardens)



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Local Plans are produced by local planning authorities (covering a borough, district or unitary council) and are used to plan for development and infrastructure in that area.

These are **crucial documents** which set strategic priorities for local authorities, determining what their policies are for development and infrastructure.

Plan may usefully include policy for the conservation of parks and gardens (in 2012: 68% of LPAs had one of these)

A recent report by the Campaign to Protect Rural England, has found that the majority of [local planning authorities](#) are relying on out-dated local plans, while 10% of authorities have not adopted a local plan at all.

## Local designation: Local Plans

The image is a composite graphic. On the left is a poster for 'Have your say on the local plan' by Wirral Council. The poster has an orange and green color scheme, a silhouette of the Wirral skyline, and the website [www.wirral.gov.uk/localplan](http://www.wirral.gov.uk/localplan). To the right of the poster is a map of Wirral showing various areas and green spaces. Below the map is a legend with categories: Council Boundary, Railway, Town built up areas, Existing Green Belt, and Existing Open Space. At the bottom of the composite are the logos for 'THE GARDENS TRUST' (with the website [thegardenstrust.org](http://thegardenstrust.org)), a Twitter logo, and the handle '@thegardenstrust'.

Local Plans should be reviewed every 5 years and this is where CGTs can get involved, to ensure that detailed policies are included to protect the historic environment.

Register on your Local Plan Consultation Portal to receive updates on when consultations begin and have your say online.

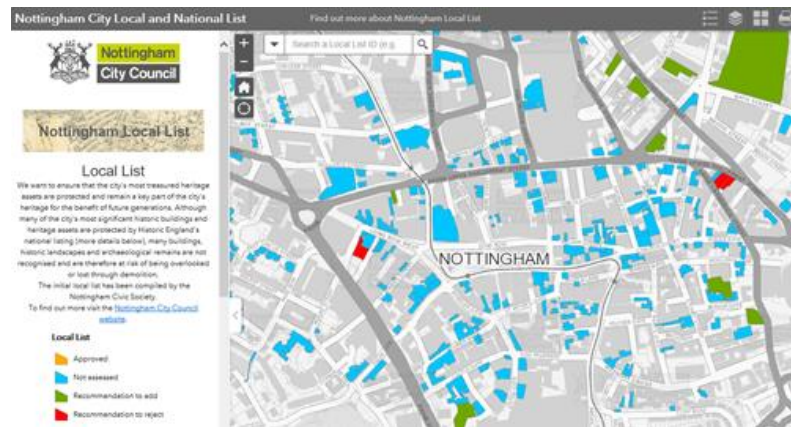
- CPRE's report found that only 40% of Local plans have been updated or reviewed in the last five years;
- over 80% of [local planning authorities](#) will need to review an existing plan or adopt a new one, to meet the Government's aim that local plans must be adopted or up-to-date by December 2023; and
- only 30% of local plans could be considered up-to-date if the definition used was that the council could demonstrate it has sufficient land identified in their plan for five years worth of housing developments.

Neighbourhood plans only required to be in general conformity with strategic local plan policies. It's important that they have clear strategic policies for heritage and these should reflect and respond to the unique characteristics and planning context of the neighbourhood area

WHITE PAPER proposes to keep Neighbourhood plans, but frankly it isn't clear what is left for them to actually *do* - since identifying areas for growth is the role of Local Plans, and policies for managing development will be set nationally by the government. Allowing Neighbourhood Plans to do either of these things would add the complexity the government is seeking to avoid.



# Local designation: Local Listing



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Where **undesigned** buildings or structures in the landscape are affected, the applicant must still consider significance:

NPPF para 197 states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application...a balanced judgement will be required having regard to the scale of harm or loss...".

Plenty of sites are valuable but not eligible for national Registration, so wherever possible these are added to Local Lists held by local authorities.

Around half of local PAs have compiled Local lists of locally important heritage assets which make a positive contribution to local character and sense of place because of their heritage value.

They are given some level of protection by inclusion in the local list.

Not all LAs adopt the local list as part of their local plan.

Whilst local listing provides no additional planning controls, the fact that a building or site is on a local list means that its conservation as a heritage asset is an objective of the NPPF and a material consideration when determining the outcome of a planning application.

You can generally view your local list online and are encouraged to nominate heritage assets for inclusion.

# Contributing to Local Lists



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The Kent Compendium of Historic Parks and Gardens  
for Tunbridge Wells Borough



Broomlands, Speldhurst



February 2009

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Many County Gardens Trusts contribute to the composition of these.

Kent GT's Compendium is always a good example, because their reports are fully compliant with the HE Local Listing guidance!

In the early 1990s, Kent Gardens Trust in association with Kent County Council produced a register of significant parks and gardens within the county (The Kent Gardens Compendium). This has been of considerable benefit to the various planning departments in Kent in enabling them to identify sites which will need to be protected..

But KGT since felt that this register needed to be updated and formalised in greater detail, so embarked on the Kent Compendium Review Project. Since 2009, a group of volunteers have been trained to systematically research and record gardens identified as being of significant historical or social interest. Major gardens in the care of bodies such as the National Trust and English Heritage were excluded as they are already well documented.

Volunteers have now looked at parks and gardens in the areas covered by Tunbridge Wells Borough Council and Sevenoaks District Council and Medway Council and the reports have been presented to the two councils and should provide valuable source material to the respective planning departments. They have also done some reports for Thanet District Council and are researching sites for Dover District Council.



## Local designation: Conservation Areas



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Conservation Areas are perhaps the most important and useful form of designation for helping to protect historic designed landscapes. They are designated by the local planning authority, and are intended to highlight and protect areas of special historic and architectural significance from adverse change.

Conservation area designation carries with it various controls:

- No demolition of buildings (or other structures) without prior consent;
- No work to trees within the area without prior consent
- No development which would adversely affect the special historic or aesthetic interest of the area without justification and consent

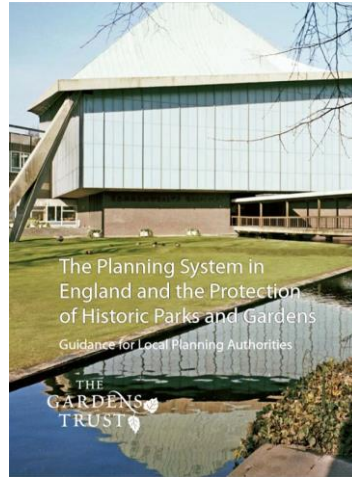
Many Conservation Areas will have an historic designed landscape within them – often, indeed, acting as the focal point of a piece of urban design. Such a landscape might be a town walk, a public park, cemetery or area of historic communal gardens (such as a London Square garden).

In some cases, the area covered by the conservation area designation forms part of a much larger historic landscape design. An example of this might be the late 18<sup>th</sup> century model estate village of Milton Abbas in Dorset, which was probably designed by Capability Brown as a highly picturesque element of the designed landscape. It is outwith the neighbouring Grade II\* Listed Milton Abbey landscape, but designated as conservation area in its own right.

Local authorities are advised to develop Conservation Area Appraisals for these areas, reflecting what features contribute to the special character of an area and there are opportunities for public comment on these.

# LPAs: Obligation to Consult

<http://thegardenstrust.org/conservation/conservation-publications/>



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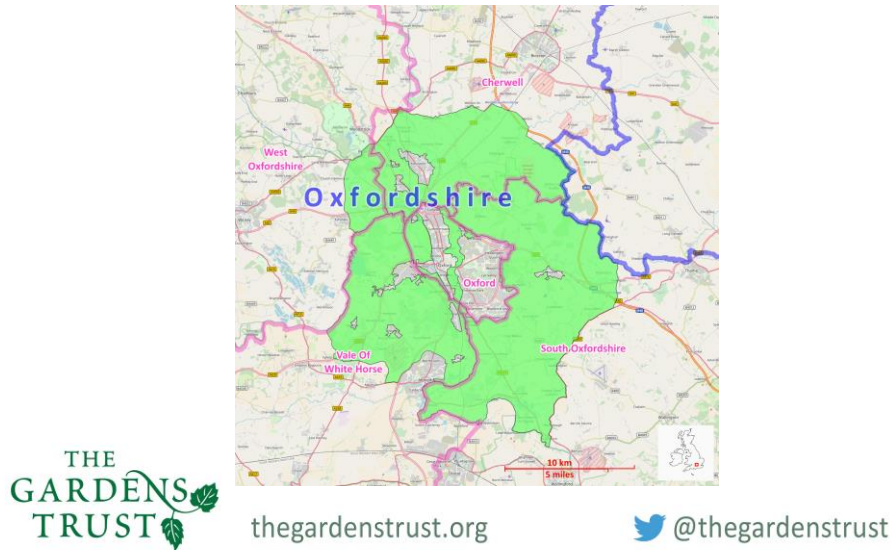
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It's worth building a relationship between your CGT and local planners.

SEND GT PLANNING LEAFLET TO YOUR LA – reminding them of their statutory obligation to consult!

<http://thegardenstrust.org/conservation/conservation-publications/>

## Local designation: Green Belts



**Green Belts/National Parks/Areas of Outstanding Natural Beauty (AONBs)** are designated in order to prevent urban sprawl.

New developments are not normally allowed in Green Belt areas and any new structure will come under considerably scrutiny in any planning proposal.

Paras 136 and 137 of the National Planning Policy Framework (NPPF) lay out how exceptional any development would be.

Unfortunately, councils claim that the need to meet their housing targets is an 'exceptional circumstance' that justifies releasing Green Belt land for development."

# Local designation: National Parks and AONBs

The Telegraph

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A Chilterns walk in the footsteps of Robert Louis Stevenson – do it now before HS2 spoils it

Explore the Chilterns this Easter – before the high-speed train

By Gill Stevenson, international travel expert

It was 20th century

One autumn morning in 1974 a slender young mountaineer and velvet jacket alighted at High

Loch Lomond and the Trossachs

Caingorms

Northumberland

North York Moors

Lake District

Yorkshire Dales

Snowdonia

Peak District

Brecon Beacons

Pembrokeshire Coast

Exmoor

Dartmoor

New Forest

South Downs

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For National Parks and AONBs, the NPPF states that major developments should be refused except in particular circumstances, and that the conservation of wildlife and cultural heritage are of considerable weight in any proposal in these areas (NPPF para 172).

National Parks – the map on the right - act as their own planning authority. One of the aims of National Parks laid down in legislation is to Conserve and enhance the natural beauty, wildlife and cultural heritage.

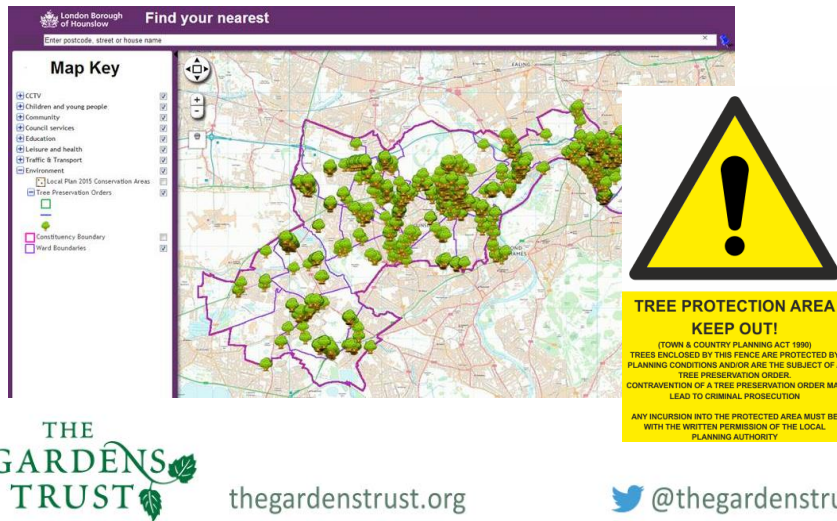
There are 46 AONBs in Britain (33 wholly in England, four wholly in Wales, one that straddles the Anglo-Welsh border and eight in Northern Ireland) The AONBs of England and Wales together cover around 18% of the countryside

AONBs do not have a separate planning authority but do have a management board comprising representatives of the local authority and the local community. These can be very useful allies for CGTs, especially when faced by major development proposals – e.g. HighSpeed2 which affects the Chilterns AONB as well as several registered landscapes such as Hartwell House. AONBs have statutory protection in order to conserve and enhance the natural beauty of the landscape.

HS2 image <https://www.newcivilengineer.com/latest/hs2-slammed-excessive-use-land-possession-orders-27-09-2019/>

National Parks map <https://wheresmollie.com/2020/06/uk-national-parks-guide/>

# Local designation: Tree Preservation Orders



**Tree Preservation Orders (TPO)** are a locally imposed designation which can be intended to protect individual trees, groups of trees, or in some cases whole areas of woodland (known as a "blanket TPO"). The local authority will usually have a Tree Officer who is responsible for monitoring and enforcing TPOs in that area. The designation allows the local authority to fine owners if they carry out unauthorised tree works and re-planting can be made obligatory. The effectiveness of TPOs depends, of course, upon the willingness and resources of the local authority to monitor and enforce them.

TPOs require a note of caution. Where they have been inappropriately designated (without, for example, a thorough understanding of the historic significance - or insignificance - of the tree or trees in question), they can inhibit the proper management of the historic environment. Be careful what you wish for!

You can check to see if a property or area of land has a Tree Preservation Order on it, or if it is located within a Conservation Area, by looking at the council website or by contacting the local council (usually the planning department). If your tree is protected then you will need to apply to the Council to carry out any work



# Historic Environment Records

**YORKSHIRE GARDENS TRUST**  
East Riding Historic Designed Landscapes  
**SALTMARSH HALL**  
Report by David and Susan Neave May 2013

**YORKSHIRE GARDENS TRUST**  
East Riding Historic Designed Landscapes Project  
SITE RECORD FORM

Feature Type	Latest Evidence	Summary	Photos
Entrances and Approaches	Gate	Visited on the ground. Main approach to the house, constructed 1819-20. Northern end marked by an avenue of yew trees.	SAL016 SAL019
Buildings and Structures	House	Visited on the ground. Saltmarsh Hall, Listed Grade II*.	SAL001
Stable block	Visited on the ground. Parts still in use for garden equipment and accommodation.	SAL001	
Garage	Visited on the ground. Integral with back wall of stables, access via interior first floor now blocked.	SAL002	

**YORKSHIRE GARDENS TRUST**  
Saltmarsh Hall park and garden  
**Statement of Significance**

This statement of significance for Saltmarsh Hall park and garden has been created by the Yorkshire Gardens Trust, and is derived from research carried out as part of the East Riding Historic Designed Landscapes project.

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HERs are incredibly important.

They are a county-based collection of information, both textual and mapped, covering thousands of archaeological sites, fieldwork and other elements of the historic environment of the county.

They attempt to gather all the different designations and features of the heritage asset. They include material, including Statements of Significance, Reports, illustrations and site notes, from lots of different sources, including specialist academic groups such as CGTs, and hold this in a database.

There are over 85 HERs in England which are maintained and managed by local authorities as the essential core of historic environment services. These are mainly county council or unitary authority based, but may also be held by joint services, district councils, and national parks. And similar records are maintained by major landowners, such as, the National Trust.

Nearly two-thirds of HERs are searchable online through the Heritage Gateway.

The two main uses of HERs are as material for academics, researchers etc, but also to inform planners and planning decisions.

When a planner receives a planning application, you will remember that NPPF requires them to assess it against the heritage asset's Significance.

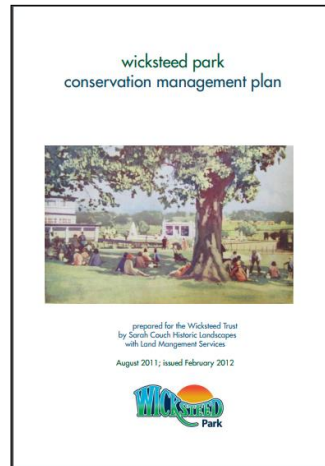
They will need to know more about the heritage asset, in a hurry, and will go to the HER as their main port of call.

If we have ensured that the very best information is in the HER, then we will have armed our planners with the tools they need to assess and perhaps reject that application.

This is particularly where Statements of Significance come in, because planners and developers won't have the time or skills to digest a researcher's huge dissertation, so it's important that material goes onto the HER with an easily pick-up-able Statement of Significance which immediately explains to them what is important to conserve about a heritage asset. (By the way, it's worth remembering that by adding something to an HER you qualify it as a heritage asset, which gives it a degree of protection or at least acknowledgment in the NPPF.)

## Finding Information

- National Heritage List for England
- Heritage Gateway
- Magic.defra.gov.uk
- LPA websites
- P&GUK
- OASIS



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It doesn't take too long to go online and find if any designations affect a site you're interested in:

HE's National Heritage List will find listings and registrations, scheduled monuments and battlefields

The Heritage Gateway will flag up HER records

Defra's magic website will show wildlife designations, such as SSSIs (that's a whole nother webinar!)

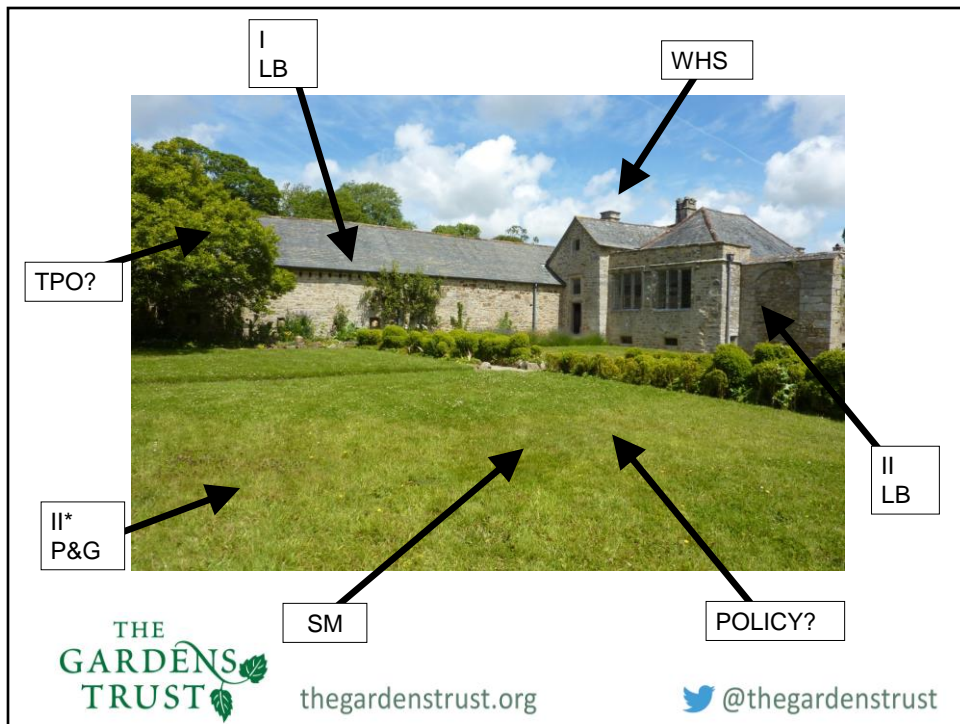
And your local planning authority's website will have information about the Local Plan, Local Listing, Conservation Areas and TPOs.

The GT, PGUK and OASIS have lists of Conservation Management Plans – valuable tools for developing informed management strategies for historic designed landscapes, helping to avoid ad hoc poorly informed decisions, management and development.

CMPs typically include research on a site's history, development and surviving state, and taken together they form a sizeable body of material on the UK's historic designed landscapes.

you may find that a lot of research has already been carried out for a site you're involved with, and CMPs also identify a site's designations and the national and local policy and guidance which protects them – saving you a bit of time looking them up yourself





So, there are a great many different designations to consider, even in a small site, as this image shows, which we can use as tools to protect historic designed landscapes.

Where designations overlap – such as a locally listed garden being part of the setting of a Listed building, and containing a TPO, a degree of cumulative protection may be gained for the historic landscape.

We'll be looking at exactly how to use designations like these more in later webinars.



A green rectangular box containing social media icons and handles for Facebook, Twitter, and a website URL. Below these is a link to a Resource Hub and two lines of copyright notice.

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 [www.thegardenstrust.org](http://www.thegardenstrust.org)

Resource Hub <http://thegardenstrust.org/conservation/hlp-hub/>

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I hope this will have given you some encouragement both to seek out designations in order to protect landscapes you care about; and to help shape the planning process by getting involved at the consultation stage.

If you'd like to find out more, please visit our resource hub, where, under 'Training' you can find an array of presentations and handouts.

Thank you.