

Matter 10 Environment

Issue 10 – Does the Plan set out a positively prepared strategy for the natural, built and historic environment that is justified, effective and consistent with national policy? Does the Plan adequately address other environmental matters and are the policies sound?

Matter 10a Sustainable future

Core Policy DCP1 Delivering Carbon Neutral by 2030

1. Core Policy DCP1 sets a target of achieving net zero by 2030, ahead of the national target which is to achieve the same by 2050.

a. Is this target achievable? Is it justified and viable?

- 10.1.1 As of November 2021, 75% of District, County, Single-Tier Councils and Combined Authorities have declared a climate emergency of which the majority have selected 2030 as their target for achieving net zero emissions.
- 10.1.2 Whilst the Council's 2030 target is more ambitious than the national 2050 commitment set out in the Climate Change Act, the government has already committed to reduce emissions by at least 68% by 2030¹ as part of its nationally determined contribution. Stroud District Council's carbon reduction efforts in addition to the efforts of the majority of other councils nation-wide represent the 'locally determined contributions' to the national Net Zero target and make the achievement of our national commitments more likely.
- 10.1.3 Every fraction of a degree of warming that is averted by carbon reduction will lessen the severity of climate impacts that we are already experiencing and the economic, social, and environmental harms that will result from them. As detailed below, the UK is not on track to achieve its carbon reduction commitments and globally carbon emissions continue to rise. The latest progress report from the Committee on Climate Change² specifically mentions "*policy gaps must be closed, notably on land use – potentially enabled by new legislation on the environment – and on energy efficiency of buildings.*"
- 10.1.4 The recently issued Inspectors report³ for the Cornwall Climate Emergency DPD considered whether it was legitimate for the council to adopt carbon reduction targets which are more ambitious than our national statutory commitment within the Climate Change Act, and the weight that can be given to their Climate Emergency Declaration, which likewise targets achieving net zero emissions by 2030. The Inspector concluded that:

"30. There can be no sensible doubt that some areas of the UK will find it much easier to achieve carbon neutrality than others. Indeed, it may be the

¹ www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035

² Progress in reducing emissions 2022 Report to Parliament – Committee on Climate Change (2022)-
www.theccc.org.uk/publication/2022-progress-report-to-parliament/

³ www.cornwall.gov.uk/media/10pmiq1e/appendix-1-cornwall-climate-emergency-dpd-final-report-1.pdf

case that some areas of the UK will need to go further, in order to compensate for areas that cannot attain carbon neutrality....

32. While I acknowledge that there are still those who express scepticism, the scientific community and governments worldwide fully accept the dangers posed by climate change, and the need for urgent action to address it. In that context, it seems to me that it would be perverse to criticise the Council for attempting to do too much, too soon.”

- b. How will ‘net zero carbon’ be defined and measured and is this clearly set out in the Plan? How will progress towards meeting this target be monitored? On what basis will the target be measured as having been achieved?

- 10.1.5 Core Policy DCP1 targets Stroud District becoming Carbon Neutral by 2030. The 2030 Strategy, referred to in supporting paragraph para. 2.9.5 defines carbon neutral as “pertaining to, or having achieved a state in which the net amount of carbon dioxide emitted is zero because it is balanced by actions to reduce and to offset those emissions.” The Council would accept a modification to clearly define Carbon Neutral either in the supporting text to the policy or in the Glossary.
- 10.1.6 The oversight of the Council’s 2030 Strategy progress is held by the Strategic Director of Place and the Environment Committee, a Strategy Manager and Environmental Performance Officer, with progress being reported annually. This will be referred to in the Monitoring Framework which the Council will develop for the SDLP, as set out in para. 7.12 of the SDLP (CD1).
- 10.1.7 Policy ES1 requires all new development to achieve a net zero carbon standard. The final paragraph within this policy makes it clear that this relates to regulated emissions only with efforts being taken to minimise unregulated carbon emissions. Net zero carbon is defined as “When the amount of carbon emissions associated with the building’s operational energy on an annual basis is zero or negative. A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balance offset.”⁴ The Council would accept a modification to clearly define Net Zero Carbon either in the supporting text to policy ES1 or in the Glossary.
- 10.1.8 To assess compliance with policy ES1, detailed guidance will be produced to explain how the enhanced standards can be complied with. Statements will be required from developers at the planning application stage to demonstrate how these standards will be met and what data inputs are needed. The Council will put in place monitoring and reporting arrangements to ensure policy compliance and to assist with reviewing the effectiveness of the policy.

⁴ <https://ukgbc.s3.eu-west-2.amazonaws.com/wp-content/uploads/2019/04/08140941/Net-Zero-Carbon-Buildings-A-framework-definition.pdf>

- c. Are all the policy requirements set out in Core Policy DCP1 justified for a strategic policy and are they achievable? How will a decision-maker determine whether the requirements have been met, for instance how will they know that green infrastructure has been maximised?
- 10.1.9 All of the bullet points identified in Core Policy DCP1 seek to address strategic issues relating to climate mitigation and adaptation as set out in the NPPF overarching para. 20 and other land use specific requirements (see below). As with other core policies of the SDLP, DCP1 seeks to establish broad requirements of development, which are then articulated in more detail if necessary, through subsequent Delivery Policies.
- 10.1.10 With reference to maximising green infrastructure, the first requirement would be to meet any relevant open space standards set out in Delivery Policy DHC7 and to meet the criteria set out in Delivery Policy DES2 and the second requirement would be to address the net gain targets and criteria set out in Delivery Policy ES6 relating to biodiversity (which includes maximising opportunities to enhance and create links between ecological networks).
- d. Does the policy strike the right balance between encouraging sustainable modes of transport whilst recognising that in rural areas some local residents and businesses may be more reliant on the private car? Is the policy approach consistent with paragraph 105 of the Framework?
- 10.1.11 The NPPF makes clear that planning has a role in seeking to promote sustainable travel modes that limit future car use (NPPF, para.124). The second bullet point of Core Policy DCP1 seeks to limit car use by delivering the highest possible share by the most sustainable travel modes. These objectives seem entirely compatible. By seeking “the highest possible”, this is both aspirational, but also inherently recognises that in some, particularly rural areas, it may not be possible to achieve as high a share of trips as in more sustainable locations. The policy wording is therefore sensitive to practical consideration and is thereby consistent with NPPF para. 105.
- e. The policy states that all new development must be designed to discourage the use of the private car, irrespective of fuel source. Does this acknowledge opportunities to encourage EV usage through the provision of, for example, a network of electric charging points across the District, including the rural area?
- 10.1.12 The NPPF seeks to limit future car use. The second bullet point of Core Policy DCP1 seeks to achieve this. In terms of supporting EV usage, Delivery Policy ES1 requires new developments to provide electric vehicle points in accordance with Local Plan standards, which responds positively to the NPPF support for new developments to enable low emission vehicles (see para. 107 and para. 112).
- f. Does the policy provide sufficient support for the use of land for the production of food?

10.1.13 The policy seeks to support food production to address NPPF para. 92 and para. 120. This is considered to offer sufficient support in principle, with more detail set out, for example, in Delivery Policies DHC7 and ES3.

g. Would the policy requirements for new development result in developers having to build to a higher level of standards than that required by the Building Regulations (whether current or those planned to be implemented)? Are these requirements justified and consistent with national policy? What, if any, would be the implications of this for delivery of development across the District (specifically viability)?

10.1.14 Core Policy DCP1 does not explicitly set standards of a higher level than Building Regulations, although the objectives of the policy to deliver Carbon Neutral by 2030 are acknowledged to be in advance of Government targets. As set out above, the SDLP's aspirations should not be criticised. However, Delivery Policy ES1 would result in developers having to build to higher standards than currently required by Building Regulations. The justification for these and the viability impacts of these requirements are discussed in relation to policy ES1 below.

h. Is the policy as a whole consistent with national policy?

10.1.15 Policy DCP1 is in complete accordance with the NPPF and PPG. It supports sustainable development (NPPF para. 16) by helping to make new and existing buildings more efficient in their use of energy, water, materials and land and thereby also help to tackle fuel poverty.

10.1.16 Policy DCP1 also tackles a host of more specific issues that the NPPF addresses including promoting sustainable modes of transport and modal shift (NPPF para. 104 – 105, DCP1 bullets 1 - 2), promoting food production and carbon sequestration (NPPF para. 120, DCP1 bullet 3), reducing emissions and maximising renewable energy generation (NPPF para. 152 & 154 – 155, DCP1 bullet 4) and reducing vulnerability to climate impacts (NPPF para. 20 & 154a, DCP1 bullet 5).

10.1.17 In particular, Policy DCP1 helps to fulfil NPPF paras 152 to 155 on 'Planning for climate change'. Para. 152 states that the planning system should "shape places in ways that contribute to radical reductions in greenhouse gas emissions". Para. 153 (and footnote 53) advises that plans should take a proactive approach to mitigating and adapting to climate change, in line with the objectives and provisions of the Climate Change Act 2008.

10.1.18 Policy DCP1 seeks to do precisely this through promoting sustainable development patterns and transport modes, reducing carbon emission from buildings and improving resilience to climate impacts.

High quality sustainable development – Core Policy CP14

2. This policy states that development will be supported where it achieves the requirements listed in 14 criteria. Several requirements appear to be included in other Plan policies. Is the purpose of the policy clear and does it provide sufficient clarity for a decision-maker to determine whether proposals accord with the policy? Or does it confusingly and unnecessarily duplicate national policy and other Plan policies?

10.2.1 The approach of the SDLP is for matters of broad policy and principle to be set out within core policies and for more specific policy to be provided through the various detailed delivery policies set out in the SDLP. In this case, the policy CP14 contains strategic requirements and signposts the reader to more detailed matters covered elsewhere when the plan is read as a whole. Therefore, the Council does not consider there is any unnecessary duplication between this policy and any detailed delivery policies.

A quality living and working countryside – Core Policy CP15

3. Under policy CP15, land outside of identified settlement development limits is treated as open countryside. The policy states that in these circumstances, development will not be permitted except where several specified criteria are complied with.

- a. Is the wording of this policy suitably positively worded and is it sufficiently flexible to ensure that desired outcomes are achieved?

10.3.1 Core Policy CP15 is an important strategic policy which seeks to deliver part of the development strategy, by seeking to protect the separate identity of settlements and the quality and character of the countryside. These are positive objectives. This overall approach is justified by the evidence underpinning the development strategy, which seeks to concentrate development at sustainable locations and avoid unsustainable dispersal patterns within the countryside.

10.3.2 National policy, as set out in the NPPF, for example at paragraphs 80 and 174, recognises the intrinsic character and beauty of the countryside and seeks to avoid the development of isolated homes in the countryside. The current wording of the policy reflects the wording in the NPPF at paragraph 80 which seeks to avoid isolated homes in the countryside unless certain circumstances apply (i.e. it is negatively worded). Given that Core Policy CP15 is seeking to deliver this aspect of the NPPF through the SDLP, the Council considers this form of wording is appropriate.

10.3.3 Core Policy CP15 includes an extensive list of forms of development which would be acceptable within the countryside, whilst being mindful of the overall strategic approach to managing growth towards land within settlements and at strategic allocations. It is not clear what type of 'flexibility' is required, given the development strategy is clear about the unsustainability of providing for a dispersed pattern of growth. The policy provides for development associated with essential rural needs including at exception sites and also allows for small sites at

smaller settlements to meet local needs or address demographic imbalances (criterion 9). This latter criteria is a new policy approach which will provide some additional 'flexibility' beyond that which is set out within the current adopted Local Plan.

b. Are the criteria set out in the policy consistent with national policy, for example, on the re-use of rural buildings?

10.3.4 Generally speaking, these criteria are retained from Core Policy CP15 in the adopted Local Plan, which was considered sound in 2015. In the case of the approach to the re-use of redundant or disused buildings, this is fundamentally the same wording as in the adopted Local Plan, with the addition of references to the need to enhance its immediate setting, which reflects the NPPF at paragraph 80 (c). The other change is to require the conversion to maintain the character of the original building. As the adopted Plan already requires the building to have an established local character, this additional wording simply seeks to ensure that this character is not lost through an insensitive conversion. This is considered to be fully in accordance with the NPPF which seeks more broadly to ensure development reflects local character (NPPF, paragraph 9).

c. Do the criteria strike the right balance between enabling suitable development in rural area whilst seeking to prevent development that would be unacceptable? Are there additional types of development that should be included in the policy, for example essential infrastructure?

10.3.5 The Council considers the policy does strike the right balance as it seeks to avoid development which might undermine the development strategy or adversely affect local character, whilst providing for an extensive list of types of development considered acceptable within the countryside. The Council considers 'essential community facilities' provides for new infrastructure but is happy to consider including the word 'infrastructure' within the definition of community facilities set out within supporting text paragraph 6.6, if required.

d. Criteria 9 of the policy limits schemes within Tier 3b, 4a or 4b settlements to 9 dwellings. Is this justified?

10.3.6 Criterion 9 is to be delivered through Delivery Policy DHC2. The justification for this policy approach is set out within Matter 7c. In summary, the Council is justified in providing additional flexibility at smaller settlements, due to the demographic challenges facing many smaller settlements and because many local communities do not have the resources to develop neighbourhood plans.

e. Overall, does the policy unnecessarily duplicate other more detailed Plan policies?

10.3.7 Core Policy CP15 is an essential part of the development strategy as it summarises the strategic approach of the SDLP towards development outside of settlement development limits and within the countryside. A number of the criteria are subject to more detailed delivery policies within the SDLP. This is not unnecessary duplication, but part of the essential structure of the SDLP.

Sustainable Construction and Design - Delivery Policy ES1

4. Policy ES1 requires development proposals to meet a number of requirements, including the achievement of a net-zero carbon standard.

- a. Is this policy consistent with national policy and relevant Building Regulations and is it justified and necessary? In the event that Building Regulations are altered or updated, how would the policy deal with this?

10.4.1 Following a period of uncertainty, the Government has stated that local authorities will retain powers to set local energy efficiency standards. The Planning and Energy Act 2008 enshrines the powers for local authorities to stipulate energy performance standards that exceed the Building Regulations, and this was again re-confirmed in July 2018 in the Government's response to the technical consultation on updates to national planning policy and guidance (answer to Q33):

"A number of local authority respondents stated the view that the text in the revised Framework restricted their ability to require energy efficiency standards above Building Regulations. To clarify, the Framework does not prevent local authorities from using their existing powers under the Planning and Energy Act 2008 or other legislation where applicable to set higher ambition. In particular, local authorities are not restricted in their ability to require energy efficiency standards above Building Regulations. The Government remains committed to delivering the clean growth mission to halve the energy usage of new buildings by 2030".

10.4.2 Armed with such powers, efforts from leading planning authorities to accelerate the pace of carbon emission reductions within their local areas are valuable and contribute to national strategies, some of which are currently in danger of failing to meet targets therein.

10.4.3 In the national context, although the Climate Change Act commits the UK to reducing emissions to net zero by 2050, the Committee on Climate Change (CCC) in their July 2019 progress report⁵ warns that "*Current policies and plans are insufficient to meet the fourth or fifth carbon budgets (covering 2023-2027 and 2028-2032)*" i.e. budgets which were set against the previous lower target of an 80% reduction by 2050 are not likely to be met. The 2022 progress report commented "*there are considerable risks to the delivery of the Government's emissions reduction pathway.... the policy framework does not yet provide confidence that full delivery will ensue.*"

10.4.4 Furthermore the Balanced Pathway to Net Zero⁶, which represents a scenario that places the UK in the best and most realistic position to achieve net zero by 2050, states that all new builds will need to be net zero by 2025 at the latest (page 40). Given the national target of net zero by 2050, this evidence suggests that local

⁵ [Reducing UK emissions - 2019 Progress Report to Parliament - Climate Change Committee \(theccc.org.uk\)](https://www.theccc.org.uk/2019/07/23/reducing-uk-emissions-2019-progress-report-to-parliament/)

⁶ Climate Change Committee Sixth Carbon Budget (Sector Summary: Buildings) <https://www.theccc.org.uk/wp-content/uploads/2020/12/Sector-summary-Buildings.pdf>

authority policies must lead the way in aiming to achieve net zero new buildings by 2025. The report also states that “*policy ambition and implementation now fall well short of what is required*” in order to meet the net zero target and includes a recommendation to “*Embed net-zero policy across all levels and departments of government*”. Additionally, emissions from buildings have not been falling at the pace required, with the CCC finding that buildings emissions in 2018 remained higher than 2015 levels.

- 10.4.5 Similar policies have been developed and adopted or are in development by many councils across the country, including most London Boroughs, Manchester, Bristol, Bath and North-East Somerset and South Gloucestershire. Those in London have been in successful operation for several years now, with a policy on building performance standards for new development very similar to those in Stroud’s Policy ES1 having been adopted within the London Plan.
- 10.4.6 Policy ES1 (and DCP1) would require developers having to build to higher fabric efficiency standards than those imposed by the interim Building Regulations standards which came into force in 2022, but the standards for on-site carbon savings will be superseded by the Future Homes and Buildings Standard which will come into force nationally in 2025. The policy will however require residual carbon emissions not mitigated on-site to be offset by contributions to fund carbon savings elsewhere within the district. Further details in respect of the impact on viability and development deliverability are given below in response to question 4b below.
- 10.4.7 Since the policy was originally drafted the Building Regulations have been revised to tighten emission standards on new buildings with interim standards coming into force in June 2022 and tighter standards planned to come into force in 2025. Part L of the Building Regulations (June 2022) now requires new homes to produce 31% less carbon emissions than what was previously acceptable in the 2013 Part L regulations. Policy ES1 is more ambitious, requiring new development to reduce emissions by 35% beyond the 2013 Building regulations, of which 10% and 15% must be achieved through fabric energy efficiency improvements for respectively homes non-domestic developments respectively. To achieve net zero carbon, once on-site carbon savings have been maximised, the policy requires developers to offset the residual carbon emissions.
- 10.4.8 The introduction of the Future Homes and Buildings Standard in 2025 will ensure that from this point new homes will produce at least 75% lower emissions than one built to the 2013 Building Regulations. These full national standards will supersede the requirements for on-site emission reduction set out in ES1 (bullet 1 and 2) although the requirement to calculate and off-set residual emissions in order that new development is zero carbon will still be in force.
- 10.4.9 The specific standards, to achieve net zero carbon for all new development, are justified by the international importance of minimising climate change as soon as possible and are consistent with the UK’s Climate Change Act 2008 and its commitments under the Paris Agreement (2016) and for the reasons rehearsed in response to questions 1a and 4a.

b. Are the requirements set out in the policy achievable and viable?

- 10.4.10 The wording of policy ES1 is closely based on that developed for adopted policy SI2 of the London Plan (adopted March 2021) both in terms of the overall percentage improvement on the building regulations required and the proportion of emissions reductions required through fabric efficiency.
- 10.4.11 Evidence⁷ for the (now adopted) London Plan demonstrates the technical achievability of the carbon reduction targets within ES1. This found:
- *A domestic lean (fabric efficiency) CO2 target of 10% is technically achievable and would help lock in long-term carbon reductions through improved building fabric rather than shorter-life heat generation technologies.*
 - *A non-domestic lean (fabric efficiency) CO2 target of 15% is technically achievable in many cases, however there is significant variance across non-domestic building types.*
- 10.4.12 The London Plan Viability study (Addendum Report)⁸ specifically considered the viability impact of their proposed policy, finding that *“the cumulative costs of the policies of the plan would not threaten the viability of development and put implementation of the plan at serious risk.”*
- 10.4.13 The Stroud Viability Assessment 2022 Refresh (EB111) comments on the costs associated with bringing forward the standards set out in the policy (paragraph 8.74-8.84) and includes these costs within the viability scenarios including within Appendix 13. The conclusion of the assessment as a whole is that greenfield sites are viable with the policy requirements set out in the SDLP, but there are challenges with brownfield sites and the Council should only include these sites where it is demonstrated that they are actually deliverable. It should be noted that there was little material difference in the viability results set out in Appendix 15 for sites applying the full policy requirements of ES1 and those applying the Government’s Future Homes Standard.
- 10.4.14 In the light of the interim Part L 2022 standards (31% carbon reduction on 2013 standard) and the standards to come into force in 2025 (75% carbon reduction), the policy approach is conservative and well founded, but will nevertheless deliver valuable additional on-site carbon savings over and above the baseline national regulation, with policy ES1’s carbon off-setting requirement ensuring new development is net zero carbon. Nevertheless the main effect of policy ES1 will be to bring into force at an earlier stage the enhanced policy requirements that are already planned by government.

c. Should the policy incorporate transitional arrangements? If so, why and what should these be?

- 10.4.15 No transitional arrangements are necessary; however, the Council considers that some minor policy word changes are required to clarify how the policy should be

⁷ www.london.gov.uk/sites/default/files/energy_policies_topic_paper.pdf

⁸ www.london.gov.uk/sites/default/files/london_plan_viability_study_addendum_report_1.pdf

applied and interpreted in the light of the changes to the buildings regulations which have already come into force and the further changes planned for 2025.

Delivery Policy ES1 Sustainable Construction and Design

Sustainable design and construction will be integral to new development in Stroud District. Development proposals should meet the following requirements:

1. Achieve net-zero carbon – all new development should achieve a net zero carbon standard by means of:

- a) an overall minimum 35% reduction in emissions over Part L 2013 Building Regulations achieved onsite, until superseded by higher standards set through further revisions to the Building Regulations;
- b) a minimum of 10% and 15% reduction in emissions over Part L 2013 Building Regulations achieved respectively in homes and in non-domestic developments through fabric energy efficiency improvements, until superseded by higher standards set through further revisions to the Building Regulations;
- c) residual emissions offset through payments to a Stroud District Council carbon offset fund

9. Applications for all development will need to be accompanied by a completed Stroud District Sustainable Construction Checklist and an energy statement reporting carbon emission reductions against clauses 1(a) and 1(b) and residual emissions.

All development will be built in accordance with the approved plans, and the Sustainable Construction Checklist and energy statement.

- d. What is the Stroud District Council carbon offset fund and how will it be managed and administered?

10.4.16 Carbon offsetting is an increasingly standard feature of binding zero carbon policies within local plans, with active carbon offset regimes in the majority of London Boroughs. The Greater London Authority has published guidance for how carbon offset regimes within the context of the planning system⁹.

10.4.17 Stroud District Council will establish and administer a ring-fenced carbon offset fund into which offset payments will be collected. The fund will enable residual emissions not reduced on site to be offset by investment into projects that deliver carbon reductions elsewhere, including building retrofit projects.

10.4.18 Potential carbon offset projects will be assessed against defined criteria, to ensure that funded projects generate carbon savings or reductions which are genuinely additional to what would have happened anyway. The operation of offset funds and progress with achieving carbon emission reductions will be monitored and reported on annually.

⁹Carbon Offset Funds - Greater London Authority guidance for London's Local Planning Authorities on establishing carbon offset funds - July 2022
www.london.gov.uk/sites/default/files/gla_carbon_offsetting_guidance_2022.pdf

- 10.4.19 Additionally the forthcoming planning guidance will provide a template and methodology for how energy statements submitted in support of planning applications should calculate and report carbon saving, against the sub-headings of policy ES1.
- 10.4.20 Where possible and where acceptable to developers, contributions will be secured by means of unilateral undertakings and the Council will develop standard text that can be included within legal agreements to secure contributions. The Council will also develop template condition wording to ensure that the promised carbon emission reductions are delivered.
- e. Is the policy sufficiently flexible to allow for situations where the achievement of the requirements may not be possible due to the individual circumstances of a site?
- 10.4.21 The policy is flexible, setting out an overall 35% target for carbon saving over 2013 building regulations (and a betterment on the interim 2022 building regulations), yet providing flexibility as to how this is achieved, and the extent of carbon savings to be delivered by fabric efficiency improvements, zero carbon heating and the incorporation of on-site renewable energy generation or the type of renewable energy generation which might be fitted.
- 10.4.22 These policy requirements strike a reasonable and appropriate balance between driving up standards for development, reducing fuel poverty whilst taking into account technical feasibility, financial viability and flexibility in technology selection.
- f. Is the reference to the Home Quality Mark justified?
- 10.4.23 HQM helps house builders to demonstrate the high quality of their homes and to differentiate them in the marketplace. At the same time, it gives householders the confidence that the new homes they are choosing to buy or rent are well designed and built, and cost effective to run. Whilst the policy refers to this best practice, developers do not have to comply with this specific scheme as other equivalent standards are allowed for.

Renewable or low carbon energy generation – Delivery Policy DES2

5. Has the assessment methodology, including the Landscape Character Assessment and the identification of suitable areas, which support this policy taken sufficient account of the Cotswold AONB? For example, has sufficient account been taken of the Cotswold AONB Management Plan (2018-23), AONB Character Assessment and AONB Landscape Strategy and Guidelines?
- 10.5.1 The AONB Management Plan and the AONB Renewable Energy Position Statement are referenced in the Stroud District Renewable Energy Resources Assessment (EB56) and were taken into account in the Assessment of Landscape Character Areas in Stroud District (ALCA) (EB56a).

10.5.2 The AONB Landscape Character Assessment formed part of the written evidence base used to inform the judgements within the ALCA. The Council believes that the landscape sensitivities identified within the AONB and its setting (within the ALCA) are consistent with the sensitivities identified in other evidence documents including the Cotswold AONB Management Plan (2018-23), AONB Character Assessment and AONB Landscape Strategy and Guidelines.

10.5.3 The ALCA findings identified that the AONB landscapes have high or moderate-high sensitivity to all wind energy development scenarios (e.g. small, medium, large and very large scale wind turbines) considered within the assessment. Similarly, the LSA identified high or moderate-high sensitivity to all solar development scenarios except small-scale solar PV installations (i.e. less than five hectares).

6. Are the Landscape Character Types used in the AONB consistent with those used in the Council's LCA? What, if any, difficulties may arise during the planning process if there are differences?

10.6.1 The Landscape Character Types defined within the ALCA were used to provide a consistent spatial framework that covered the whole of the study area – i.e. the whole District as opposed to just the AONB. However, due regard was afforded to the Cotswolds AONB LCA and the document forms part of the evidence base used to inform the judgements of the ALCA.

10.6.2 The boundaries and typology of the Landscape Character Types in the Cotswolds AONB Landscape Character Assessment are broadly consistent with those in the Stroud District ALCA. Some of the names of the Landscape Character Types vary, (e.g. the Stroud ALCA uses 'Secluded valleys', while the Cotswolds AONB LCA uses the name 'High Wold Valleys' for the same area. There are also some slight differences in boundaries, for example, the area between Wishanger and Whiteway is classified as 'High Wold' within the Cotswolds AONB LCA and 'Secluded Valleys' within the Stroud ALCA. The Council is however confident that the Stroud District ALCA areas form a robust and consistent framework for the ALCA.

10.6.3 The findings are strategic and indicative of the potential landscape sensitivity to a given development scenario (wind or solar and of varying scales). They do not replace the need for a more detailed analysis of potential impacts at the site level (e.g. through the Landscape and Visual Impact Assessment process for planning applications). This is stated in paragraph 1.15 of the Landscape Sensitivity Assessment methodology (EB56, Appendix 2, para. 1.15): *'Whilst the Landscape Sensitivity Assessment results provide an initial indication of landscape sensitivity, they should not be interpreted as definitive statements on the suitability of individual sites for a particular development. All proposals will need to be assessed on their own merits through the planning process, including – where required – through proposal-specific Landscape and Visual Impact Assessments (LVIAs).'*

10.6.4 While Policy ES2 states that proposals for ground-mounted solar and wind energy developments *'are more likely to be supported if they fall within Landscape Character Areas of lower sensitivity to the relevant development scale'*, it is important to note that the text does not say that developments in Landscape Character Areas of lower sensitivity will be supported. Proposals for renewable energy developments are also subject to the following clause with the text of Policy ES2:

'In determining applications for renewable and low carbon energy, and associated infrastructure, the following issues will be considered: ...

...b) the impact of the scheme, together with any cumulative issues, on landscape character, visual amenity, water quality and flood risk, heritage significance, recreation, biodiversity and, where appropriate, agricultural land use, aviation and telecommunications...'

This is further reiterated in the accompanying text to policy ES2.

10.6.5 The Cotswolds AONB Landscape Character Assessment and Stroud District Landscape Character Assessment (LCA) have therefore been considered in the preparation of the LSA (which provides a strategic assessment of potential landscape sensitivities) but these would be considered in more detail at the planning application stage (in line with point b of policy ES2).

7. Do the issues set out in the policy take sufficient account of the benefits of renewable energy generation at the national strategic level?

10.7.1 In line with the NPPF para. 155, Policy ES2 states that renewable and low carbon energy schemes will be supported and encouraged whilst ensuring that adverse impacts are addressed satisfactorily. The policy seeks to be supportive of renewable energy whilst making it clear what issues need to be considered in order for an application to be approved. The areas of potential suitability for wind have been defined by identifying all land that is 'technically suitable' for wind. This approach ensures that the SDLP maximises the opportunity for the development of wind by not precluding land which may be suitable for development subject to detailed site assessments being undertaken.

Heat supply – Delivery Policy DES3

8. Is this policy supported by the evidence base and is it viable and deliverable?

10.8.1 Following a review of the policy wording, the Council would like to propose some revised wording to help avoid ambiguity and clarify the heating hierarchy when applied to different scales and types of development. The proposed changes also place greater emphasis on the need for efficient zero carbon heating systems whilst minimising running costs. The revised policy is set out within an appendix to this statement.

10.8.2 The requirement for zero carbon heat avoids the use of fossil fuels such as mains gas which must be rapidly phased out if the UK is to meet its net zero emission targets. The relative importance given to heat networks within the hierarchy

reflects their importance to heat decarbonisation, with the Committee on Climate Change estimating that around 18% of UK heat will need to come from heat networks by 2050 to support net zero targets. The UK is nowhere near this goal and consequently there is an overarching need to maximise opportunities for heat networks.

10.8.3 The Department for Business, Energy & Industrial Strategy (BEIS) is currently rolling out a Heat Network Zoning Pilot to help understand and plan how to develop heat network zones to provide the lowest-cost zero carbon heat to end-users through regulation, mandating powers and market support. This will help local authorities to identify the best locations for heat networks in their areas. New development offers enhanced opportunities for heat networks which can potentially link up with adjacent networks serving existing buildings. Local authorities therefore need robust local policies on heat supply within new developments to encourage and maximise opportunities for heat networks.

10.8.4 Where the individual circumstances of the site mean that heat networks are not feasible or viable, the policy allows for non-networked solutions such as individual heat pumps serving individual properties or buildings which are assumed to become zero carbon in the future when the grid decarbonises.

9. Does the policy take sufficient account of opportunities to provide communal heating systems when considering issues relating to feasibility (as a separate consideration to viability)?

10.9.1 The hierarchy provides alternative options if communal heating systems are shown to be unviable (which would also be the case if shown to be technically unfeasible).

10. Should the policy be applicable to all site sizes? Are there particular issues relating to small and medium sites that should be taken account of?

10.10.1 The policy is designed to cover all site sizes. The hierarchy allows a variety of networked or non-networked zero carbon heat solutions to be used, including an option for smaller sites to adopt measures to which they may be more suited e.g. individual heat pumps, which will become zero carbon once the electricity grid decarbonises in the future.

11. Is the wording of the policy suitably flexible to take account of individual site circumstances?

10.11.1 As explained in the responses above, the policy offers a hierarchy with sufficient flexibility to account for individual site circumstances.

Water resources, quality and flood risk – Delivery Policy ES4

12. Given that Defra has designated the Severn Trent Area as being under serious water stress (July 2021), does the policy incorporate sufficient water efficiency standards?

10.12.1 New development in the District, and the Severn Trent region as a whole, will result in a need for an increase in the amount of water to be supplied across the Severn Trent region. Issues with the sustainability of some of the water sources are placing our supply resilience at risk. The Council therefore agrees with the Environment Agency and Severn Trent that we reduce the amount of water used. Stroud District Council lies within the Severn Trent Strategic Grid and Forest and Stroud Water Resource Zones, both of which are identified as ‘high vulnerability’ within the Water Resource Management Plan (2019). It is therefore important that the amount of water used is reduced and that new developments install water efficient fittings and appliances in new homes. More generally, improved water efficiency provides wider benefits to the water cycle and environment.

10.12.2 In July 2021 the Environment Agency published a document ‘Water Stressed area – final classification, this document outlines how the approach to determining classification of which areas are ‘Water Stressed’ has been updated to reflect the considerable changes made in the field since the previous classification in 2013. Delivery against the optional higher target of 110 l/p/d provides wider benefits to the water cycle and environment as a whole and is therefore the most sustainable. The Environment Agency and Severn Trent are supportive of the policy that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day (l/p/d), this goes beyond the 125 l/p/d that is specified in Part G of Building Regulations. The 110 litres of water per person per day was accepted at the recent Gloucester City Local Plan examination by the Inspector owing to the water stressed classification. All parties are supportive of planning policy that takes an approach of installing specifically designed water efficient fittings in all areas of the property as this should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations. The NPPF sets out that plans should take a proactive approach to mitigating and adapting to climate change, taking into account long-term implications including flood risk and water supply.

13. Is the requirement, where appropriate, for contributions towards surface water flood projects, including ‘upstream rural SuDS projects’ that are outside a site application boundary, justified?

10.13.1 NPPF at Paragraph 153 states “*Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.*”

- 10.13.2 Sustainable drainage systems (SuDS) are designed to manage stormwater locally (as close its source as possible), to mimic natural drainage and encourage its infiltration, attenuation and passive treatment. Stroud District comprises steep sided incised river valleys that drain the higher land in the Cotswolds. The main rivers of the District all form tributaries of the River Severn and are the River Frome, River Cam and Little Avon that all flow in a westerly direction on the flat, low lying land along the Severn Estuary – a distinctive landscape. The uplands are generally devoid of surface water, the streams emerging at seeps and springs along the base of the limestone areas to feed headwaters. The rivers have reactive catchments and are generally rapidly flowing. These flows historically were adequate for powering mills. Many of the lesser streams of the District are short and steep, arising in small valleys and coombes in the escarpment itself and issuing onto the Severn Vale through the main rivers. The complex hydrology means there is a clear need to manage stormwater locally and as close to its source as possible.
- 10.13.3 Stroud District is highlighted as an example of best practice this week, with the publication of the Environment Agency's *National Flood and Coastal Erosion Risk Management Strategy for England*. The Stroud Rural Sustainable Drainage Project has achieved some very impressive results that are protecting our communities and helping to make them more resilient to the increasing risks of climate change. Working with the Environment Agency, County Council, landowners and communities, the project has enhanced nearly 27km of river length in the Stroud Valleys with a range of natural features to 'slow the flow' downstream at times of heavy rainfall. Residents have told us that they feel safer, more informed and that the project has made a significant difference to protect their home from flooding.
- 10.13.4 On March 23 2015, the Department for Environment, Food and Rural Affairs (Defra) published the Non-Statutory Technical Standards for SuDS. These standards are used in conjunction with the NPPF and NPPG and covers a range of aspects including flood risk outside the development. Source Control is often necessary as it deals with water at the place where it falls (the source), reducing the volume of runoff from a particular site by intercepting water and increasing storage whilst slowing infiltration. By storing water close to the source, the water does not quickly flow to a different area and cause problems elsewhere. There are three types of drainage methods involved in source control, they allow for the interception, infiltration and storage of water.
- 10.13.5 The Council believes that in this context that Natural Flood Management and SuDS should be considered as part of development both on-site and off. SuDS and drainage should also be considered early within the development lifespan. SuDS have a wide of range of benefits including flood risk reduction on-site and elsewhere, improving water quality, biodiversity and improving the amenity value of the locality. The Council believe that contributions to upstream rural SuDS projects' outside a site application boundary can be justified. They will need to comply with the NPPF paragraph 57 on meeting the three tests. Finally Defra recommended as part of Making Space for Water that the delivery of "land management changes which have the potential to deliver multiple benefits

including flood risk management” rather than with flood risk reduction as the sole driver.

Maintaining quality of life within our environmental limits - Delivery Policy ES3

14. The policy sets a number of criteria against which development proposals will be assessed. Some relate to environmental limits and some relate to living conditions issues (such as noise disturbance and outlook). Is the scope of the policy justified in terms of the policy issues it seeks to cover? Is the policy effective or should it be split into two policies covering environmental limits and living conditions respectively?

10.14.1 The Local Plan provides environmental criteria against which individual development proposals can be assessed to seek to maintain the quality of life of residents, workers and visitors alike. The effect of a development on the safety and/or amenities of any residents, visitors or occupiers of adjacent land and premises are a consideration as part of living within our environmental limits. The likelihood of development on particular sites causing harmful or disturbing effects will vary greatly, depending on the nature of the development proposed, and the number and proximity of nearby residential properties and other occupied property. The important point is that such effects should be considered when putting forward a scheme. The policy was updated from the adopted Local Plan version working with our environmental health officers. The previous Local Plan Inspector in his report at Paragraph 189 considered *“Policies ES3-ES5 set out criteria for new development to address environmental limits, water resources, flood risk and air and water quality. These policies have been discussed with the relevant statutory bodies, including the EA, ...They clearly set out how the policies will be applied, including explanations of more subjective terms such as “overbearing”. The policies are effective, consistent with NPPF and soundly based.”*

10.14.2 The NPPF has changed since 2015 but statements remain relevant. The NPPF sets out three overarching objectives which are interdependent in paragraph 8 where the social and environmental objectives are relevant. Paragraph 11a sets out that plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects; seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 130 f seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 185 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The Council therefore conclude that to link environmental limits and amenity is both justified and effective. The ES3 delivery policy is well established in the District since 2015 and there is no need to split the policy into two elements of environmental limits and living conditions respectively.

15. Are the criteria set out in the policy justified and consistent with national policy, for example criteria 8 which relates to the best and most versatile agricultural land?

10.15.1 The criteria set out in the policy are considered justified and consistent with national policy. All these factors are referred to in the Ground Conditions and pollution section of the NPPF (paragraphs 183-188) where the thrust is to seek planning policies and decisions ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

10.15.2 Paragraph 174 b of the NPPF recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. The term 'best and most versatile land' refers to: 'Land defined as grade 1, 2 or 3a of the Agricultural Land Classification. This land is considered the most flexible, productive and efficient and is most capable of delivering crops for food and non-food uses. Natural England published guidance "Guide to assessing development proposals on agricultural land". Developers and local planning authorities (LPAs) are expected to refer to the following government policies and legislation when considering development proposals that affect agricultural land and soils. They aim to protect:

- the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals
- all soils by managing them in a sustainable way

10.15.3 The NPPF in Chapter 15 refers to making decisions about the natural and local environment to:

- protect and enhance landscapes, biodiversity, geology and soils
- recognise soils as a natural capital asset that provide important ecosystem services
- consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land
- prevent soil, air, water, or noise pollution, or land instability from new and existing development.

10.15.4 The policy and in particular criterion 8 are considered justified and consistent with national policy in this context.

16. Does the policy take sufficient account of mitigation measures that might be used to make developments acceptable where there would be some level of harm, for example regarding soil resources?

10.16.1 The opening paragraph of the policy clearly states that development proposals (as appropriate to their nature and scale) will demonstrate that environmental risks

have been evaluated and that appropriate measures have been taken to minimise the risks of adverse impact to air, land and water quality. Any evaluation would include mitigation measures. For example, soil erosion is the process by which wind or water removes soil from the earth's surface and can cause the loss of topsoil, degradation of agricultural land by reducing crop production, clogging of rivers and streams, damage to property, and dust storms. Some ways to prevent or mitigate soil erosion include building retaining walls or drainage systems, planting vegetation, mulching, and spreading awareness about the issue. Afforestation: planting of trees along the edges of the fields, the waste land and on steep slopes to prevent soil erosion as well as to enhance the capacity of the soil to retain water. increase area under forests and avoid indiscriminate felling of trees. The mitigation proposals would be considered on their own merits and evaluated. They could be used to make developments acceptable where there would be some level of harm but nevertheless could minimise the risks of adverse impact.

17. When the policy refers to 'an unacceptable level' is it clear what is meant by this term and how development proposals will be assessed against it?

10.17.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council would describe something as unacceptable, if professional officers and their expert advisors strongly disapprove of it ie. object to it and feel that it should not be allowed in planning policy terms. A level is a point on a scale, for example a scale of amount, quality, or difficulty that would merit consideration in planning decisions. The level of unacceptability may be prescribed in legislation while others may be more subjective and based on professional expertise. All would need to be weighed in a planning decision and a reasoned justification would be required to show the interpretation to be right and/or reasonable in light of the evidence provided. As stated previously the delivery policy ES3 has been used since 2015 successfully and the criteria have been updated where necessary.

Matter 10b Air quality

18. The Plan at paragraph 6.40 states that air quality within the District is 'predominantly good' but also identifies that a very small number of locations could potentially exceed the annual average for nitrogen dioxide (NO₂) and fine particulation (PM10). Which locations is the Plan referring to and how have these been identified?
- 10.18.1 The Council publishes annually Air Quality Status Reports at <https://www.stroud.gov.uk/environment/environmental-health/pollution-and-nuisance/air-quality>
- 10.18.2 Road traffic emissions are the single most significant influence on air quality within the Stroud district. The principal pollutant of concern from road traffic is Nitrogen Dioxide (NO₂). Within the Stroud District, in 2019, a new major source of emission commenced operations. The source is a 65.3 MW Energy from Waste plant at Javelin Park, near Haresfield. To account for any potential impact on air quality from this development, Stroud District Council continues to monitor NO₂ at seven nearby locations. Aside from Javelin Park, there are no new major sources of emissions within the district. The concentrations in the District do not exceed the nationally set levels.
- 10.18.3 Development proposals which by virtue of their scale, nature or location are likely to exacerbate existing areas of poorer or marginal air quality, will need to demonstrate (potentially by provision of a formal air quality assessment) that effective measures can be taken to mitigate emission levels in order to protect public health and well-being, environmental quality and amenity.
- 19 Reference is also made in the same paragraph to the Gloucestershire Air Quality and Health Strategy. Can the Council please point us to where this is located in the evidence?
- 10.19.1 This is not located in the current evidence base, the Council will add this to the Examination Library as EB125.
- 20 At paragraph 6.41 the Plan seeks to minimise 'any potential air quality issue by locating development 'where there is a viable range of transport choices'. Have appropriate assessments of the effect of the planned growth on air quality been carried out to ensure that this is the case? Does the Plan provide appropriate measures to mitigate any impacts, including cumulative impacts?
- 10.20.1 Detailed work to identify and address the impact of proposed development will be achieved through the planning application process. Planning applications will be determined in line with the SDLP air quality policy. Transport Assessments will analyse the transport implications of development proposals and be required to identify site-specific impacts and mitigation requirements. The Council as the Local Planning Authority (LPA) will work with developers/landowners, the Council's Environmental Protection Team, Gloucestershire Public Health Officers and the Highways Authorities (GCC, NH) through this process, and will involve

neighbouring authorities where there are cross-boundary impacts. This will include securing the mitigation required, and the funding/delivery mechanisms.

Air quality - Delivery Policy DES5

21 The policy seeks development that is 'likely to exacerbate existing areas of poorer or marginal air quality' to provide mitigation measures.

a. Does the Plan clearly define where these areas of poorer or marginal air quality are located?

10.21.1 The NPPF in paragraph 186 seeks that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

10.21.2 Since December 1997 each local authority in the UK has been carrying out a review and assessment of air quality in their area. This involves measuring air pollution and trying to predict how it will change in the next few years. If a local authority finds any places where the objectives are not likely to be achieved, it must declare an Air Quality Management Area there. Then the local authority will put together a plan to improve the air quality - a Local Air Quality Action Plan. Air quality levels for PM in Gloucestershire are in line with regional averages. However, there is marked variation between and within districts. The Council publishes annually Air Quality Status Reports at <https://www.stroud.gov.uk/environment/environmental-health/pollution-and-nuisance/air-quality>

10.21.3 Road traffic emissions are the single most significant influence on air quality within the Stroud district. The principal pollutant of concern from road traffic is Nitrogen Dioxide (NO₂). Within the Stroud District, in 2019, a new major source of emission commenced operations. The source is a 65.3 MW Energy from Waste plant at Javelin Park, near Haresfield. To account for any potential impact on air quality from this development, Stroud District Council continues to monitor NO₂ at seven nearby locations. Aside from Javelin Park, there are no new major sources of emissions within the district. The concentrations in the District do not exceed the nationally set levels. Further information about air pollution can be found at www.airquality.co.uk. This site sets out that Air Quality Forecasts are issued on a national scale but can also be searched by postcode or favourite location. Development proposals which by virtue of their scale, nature or location are likely to exacerbate existing areas of poorer or marginal air quality, will need to demonstrate (potentially by provision of a formal air quality assessment) that effective measures can be taken to mitigate emission levels in order to protect public health and well-being, environmental quality and amenity.

b. How will a decision-maker know whether development is likely to exacerbate air quality issues?

10.21.4 The decision-maker will work with the Council's Environmental Protection officers whom carry out the annual air quality reporting. They will assess whether development proposals which by virtue of their scale, nature or location are likely to exacerbate air quality issues. They engage with decision makers and the public through a number of forums. The Gloucestershire Pollution Group is made up of environmental protection professionals from all of the Gloucestershire local authorities as well as air quality representatives from Gloucestershire County Council (GCC). The forum allows for good practice and ideas for improving air quality to be shared as well.

c. Is it clear when a formal air quality assessment may be required?

10.21.5 The air quality monitoring reports and web links quoted earlier contain links to documentation such as Defra online information on air quality as part of the Government's central website. This includes a Guide to UK Air Pollution Information Resources. Supporting text to Policy ES5 requires that all development which either because of the size, nature or location will have the potential to exacerbate known areas of poor or marginal air quality, is required to overcome this barrier to development by demonstrating the measures they will take to help mitigate these impacts. The Council considers that the applicant and/or their agent consider when to send an air quality assessment with a planning application. The Council's Environmental Protection Team can also advise such matters. Based on experience it is likely that a formal air quality assessment could be required for the following:

- all major development;
- development involving biomass boilers, biomass or gas CHP (including connections to existing networks where the increased capacity is not already covered in an existing AQA);
- substantial earthworks or demolition;
- any development that could have a significant impact on air quality, either directly or indirectly.

22 The HRA report accompanying the Plan concluded that there would be no adverse effects on the integrity of the Cotswolds Beechwoods SAC, alone or in combination with other projects. However, it is understood that discussions are ongoing with Natural England and other LPAs regarding the future monitoring of air quality at this SAC. How will any recommendations for future monitoring be taken account of?

10.22.1 Development which could potentially impact upon Natura 2000 sites through contributions to aerial deposition e.g. industrial process within 10km of a Special Protection Area (SPA) or Special Area of Conservation SAC, will require an assessment of the likely impacts. The Council will take account of air pollution (CO₂, ammonia, methane, NO_x, particulates for example) that arise from some farming activities. Combinations of these gases along with traffic pollution has the potential to cause harm to human health and wider environmental harm. Within

Stroud District there is a 65.3 MW Energy from Waste plant at Javelin Park, near Haresfield. To account for any potential impact on air quality from this development, Stroud District Council continues to monitor NO₂ at seven nearby locations. Aside from Javelin Park, there are no new major sources of emissions within the district. The concentrations in the District do not exceed the nationally set levels. Any future review of the Local Plan would need to address any air quality issues. The Cotswolds Beechwoods SAC are a cross boundary issue working with a range of local authorities in Gloucestershire. Whilst Stroud District is monitoring this site and nearby, there is a need to co-ordinate monitoring points with other Districts to avoid unnecessary repetition of data. If there is any change in air quality the Council would need to review HRA outputs and actions in the adopted mitigation strategy. This could be addressed through the future review of the Local Plan which should happen every 3-5 years.

23 Does the policy take sufficient account of the potential impact of any air quality at other wildlife sites?

10.23.1 The Local Plan identifies that gases and particulates along with traffic pollution has the potential to cause harm to wider environment. When the Local Plan is read as a whole, Delivery Policy ES6 would ensure sufficient account of the potential impact of any air quality at other wildlife sites is considered.

24. The policy provides an open list of potential mitigation measures which a development may include. It is not prescriptive. How will a decision-maker know which mitigation measures are necessary for a proposed development? Are the measures listed justified and effective?

10.24.1 The decision-maker would take account of advice of a range of expert staff (from Environmental Protection to Ecology) at the Council. Equally the applicant or agent can seek advice on potential mitigation measures and consider their effectiveness working with their experts. The measures listed are intended to give a flavour of mitigation actions and the list is not exhaustive. Technology and means of addressing air quality issues are constantly developing over time. It would be wrong to be too prescriptive in this context. The approach is consistent with the NPPF paragraph 187 that states “Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

25. Overall is the policy effective and consistent with national policy?

10.25.1 The NPPF in paragraph 186 seeks that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. In Paragraph 189 of the Inspector’s report in 2015 in commenting on air quality, the Inspector found Delivery Policy ES5 effective, consistent with NPPF and soundly based. The Council see no justification to alter that conclusion on the current draft ES5 given the annual air quality monitoring

and continued working with statutory bodies. The focus of the policy is compliant with paragraph 188 of the NPPF that states decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

Matter 10c Natural and historic environment

Biodiversity and geodiversity – Delivery Policy ES6

26. Policy ES6 requires development proposals to provide a minimum of 10% net gain in biodiversity (BNG). How will this requirement take account of emerging statutory requirements in the Environment Bill regarding BNG to ensure that there is no overlap or that the policy becomes outdated?

10.26.1 Biodiversity net gain in development is defined as “development that leaves biodiversity in a better state than before” – Paragraph 175a. The National Planning Policy Framework (NPPF) states that planning policy should identify and pursue opportunities for securing measurable gains for biodiversity. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date. The Council expects the mandatory requirement to come into place in Winter 2023. The Government's response to the 2018 consultation on net gain set out that there would be a 2-year implementation period for mandatory BNG once the Environment Bill received Royal Assent and became the Act (which happened on 9 November 2021). A parallel process to deliver net gain for certain protected species is still being developed. Therefore the policy was drafted to give sufficient flexibility to accommodate any secondary legislation and future guidance.

27. Is the minimum 10% BNG requirement justified and consistent with national policy? Should the amount requested be less, or indeed greater in some circumstances such as on strategic site allocations?

10.27.1 National policy sets out that planning should provide biodiversity net gains where possible. [National Planning Policy Framework \(NPPF\)](#) Paragraphs 170(d), 174(b) and 175(d) refer to this policy requirement and the [Natural Environment Planning Practice Guidance \(PPG\)](#) provides [further explanation](#) on how this should be done. Delivering net gain is also referred to in the [National Infrastructure Commission's Design Principles](#), [National Policy Statements](#) and the [National design guide](#). Under the [Environment Act 2021](#), all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date, expected to be in November 2023.

10.27.2 In the NPPF, Defra makes it clear that net gain does not replace the Mitigation Hierarchy - NPPF Para 175 a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The Council supports this and believe that net gain must be additional to the hierarchy and come into play only once the impacts of development on biodiversity have been avoided, mitigated and compensated.

10.27.3 BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years. This sits alongside:

- a strengthened legal duty for public bodies to conserve and enhance biodiversity,
- new biodiversity reporting requirements for local authorities, and
- mandatory spatial strategies for nature: Local Nature Recovery Strategies or 'LNRS'.

10.27.4 The minimum 10% BNG requirement is therefore justified and consistent with national policy.

28. Is the policy clear as to how 10% BNG will be calculated? Is additional information needed to make the policy effective?

10.28.1 The BNG metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management. The metric is a habitat based approach to determining a biodiversity value. The metric calculates the values as 'biodiversity units'. Biodiversity units are calculated using the size of the habitat, its quality and location. The [biodiversity metric calculation tool and user guide](#) are published on Natural England's Access to Evidence website. The user guide describes how to gather the information needed for the metric calculations. To provide clarity and consistency for developers, local planning authorities and those organisations assessing the likely impact of development on biodiversity, there should be one standard biodiversity metric. If this is not agreed, the market may create a number of spurious and convenient metrics. This was an issue when the Council was drafting the Policy ES6 where a number of metrics were being created such as the DEFRA one, Warwickshire model and others.

10.28.2 Defra's biodiversity metric is now generally accepted as rigorous, standard, tested and commonly applied within industry. The Council could recommend endorsing the revised Defra metric in the Local Plan if necessary and when the metric is confirmed in final guidance.. An updated [Biodiversity Metric 3.1](#) was published in April 2022. This is an update to version 3.0 [launched in July 2021](#).

10.28.3 In this context, the Council does not consider additional information is needed to make the policy effective.

29. Should the policy specify transitional arrangements for the implementation of this policy? A period of two years has been suggested. Is a transitional period justified or necessary?

10.29.1 The transition period over the next 20 months or so, is an opportunity to get ready for BNG as a requirement on most Town and Country Planning Act developments. For this Council it provides an opportunity to how think about how biodiversity net gain fits in with our existing plans and strategies and how it can support our wider objectives and corporate priorities. BNG can complement our wider biodiversity objectives, whether creating new green infrastructure or improving climate resilience. Clearly, it's also an opportunity to talk to others, including local wildlife groups and nature partnerships and to work collectively to define what the priorities are for biodiversity in our area. To specifically reference the transitional period will prematurely date the Local Plan and would require review after two

years (in a Local Plan intended to run until 2040). The Council do not consider a transitional period reference is either justified or necessary when the Local Plan would not be likely to be adopted until post this period. Reference is made to transition in national guidance and it would be unnecessary to repeat this short-term requirement.

30. When the provision of a minimum of 10% BNG is not achievable on a development site, the policy requires off site measures to be provided. How will this requirement be implemented?

10.30.1 The Council is currently working with and making headway with partners such as the Gloucestershire Local Nature Partnership and Gloucestershire County Council in preparing delivery mechanisms such as the Gloucestershire nature recovery strategy (LNRS) and the creation of the new Gloucestershire Nature and Climate Fund (GNCF). The GNCF now has secure funding including bridge funding to be put in place between projects coming forward through Biodiversity Net Gain credits and the cash arriving. The aim is to ensure that resources originating in the County remain in the County, to support the implementation of the LNRS wherever feasible. The GNCF Manager has run a number of workshops with LNP partner organisations.

10.30.2 The approach to addressing development impacts on protected sites, priority habitats and species is being developed. The BNG metric approach to quantifying biodiversity net gain should enable this, and ensure all biodiversity, of high, medium and low value is taken into account in the calculation. Net gain is not just about an improved compensation offer. It should apply to all developments regardless of scale and level of impact on wildlife. In the NPPF, Defra makes it clear that net gain does not replace the Mitigation Hierarchy - NPPF - Para 175 a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The Council supports this and believe that net gain should be additional to the hierarchy. It should only come into play only once the impacts of development on biodiversity have been avoided, mitigated and compensated.

10.30.3 The Government published a [consultation on Biodiversity Net Gain Regulations and Implementation](#) on 11 January 2022. The consultation sets out proposals on the detail of implementation of mandatory BNG and closed on 5 April 2022. The Council are awaiting the Government response to BNG and LNRS consultations and the secondary legislation and guidance.

31. The policy does not currently explicitly refer to the delivery of new areas of SANGs. Is such a reference necessary?

10.31.1 Such a reference is not necessary. 'Suitable Alternative Natural Greenspace' (SANG) is the name given to green space that is of a quality and type suitable to be used as avoidance within the zones of influence on the SAC and SPA. Its role is to provide alternative green space to divert visitors from visiting the identified SPA and/or SAC. SANG are intended to provide avoidance measures for the

potential impact of residential development on the SPA by preventing an increase in visitor pressure on an identified SPA/SAC. The effectiveness of SANG as mitigation will depend upon the location and design. These must be such that the SANG is more attractive than the SPA/SAC to users of the kind that currently visit the SPA/SAC. The identification of SANG should also seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Such damage may arise, for example, from increased disturbance, erosion, input of nutrients from dog faeces, and increased incidence of fires. These aspects are covered in the Stroud evidence base in detail at EB85 HRA, EB128, EB129 and Mitigation EB48, EB130 and EB131. The adoption and implementation of the Cotswold Beechwoods Mitigation Strategy allows the principle of SANG and it is unnecessary to repeat this as part of this biodiversity policy. The Severn Estuary Mitigation Strategy is under review, however the existing Strategy does not preclude SANG as the HRA recommendations and the proposed allocation requirements at Sharpness demonstrate. It is likely that the future mitigation strategy on the Severn Estuary will, like the adopted Cotswold Beechwoods, include two elements to mitigation payments, Strategic Access Management and Maintenance (SAMM) and SANG.

32. Natural England have proposed some detailed amendments to the wording of this policy regarding Habitats and the HRA process. Has agreement between the Council and NE been reached on this issue? What amendments, if any, are suggested as necessary to make the policy sound?

10.32.1 The SoCG sets out that Natural England broadly welcome the policy and recommend some text to both strengthen it and link it more closely with the HRA findings and recommendations. Working together with Natural England these word changes can be agreed and are set out below. Modified text shown by strikethrough and italics (new wording) proposed:

- a. There is ~~are~~ no suitable alternative to the development *alternative solutions*; and
- c. Appropriate compensatory provision can be secured to ensure that the overall coherence of the sites *National Site Network* is protected and enhanced.

33. Has the Council's viability assessment made a sufficient and realistic assessment of the costs associated with implanting this policy for developers?

10.33.1 Stroud District Council Local Plan Viability Assessment (August 2022) EB111 has anticipated that each development will make provision for biodiversity improvements under Delivery Policy ES6 and in the context of latest emerging national policies and guidance. Paragraphs 8.92 to 8.97 show that the costs used were based on the appropriate published data and can be considered to be based on best available data and represent a realistic assessment. Whilst it has been suggested that the costs in relation to this policy were understated, no details were provided in any representations.

34. The policy states that development should not adversely affect local wildlife sites, local nature reserves, local geological or geomorphological sites or local ecological or green infrastructure networks. Is this justified and consistent with national policy? Does the policy draw sufficient distinction between the different levels of protection that apply to international, national and local sites respectively?

10.34.1 The Council believe the approach is consistent with national policy and guidance. The policy sets out the hierarchy of sites of biodiversity or geological value (in a manner commensurate with their statutory status or identified quality) required by with Paragraphs 174a and 175 of the NPPF. The Council considers there is sufficient distinction between the different levels of protection and the Local Plan and this forms part of the SOCG with Natural England. Green infrastructure networks are covered in Delivery Policy DES2 and it is noted that the Local Plan should be read as a whole.

35. Is the policy as a whole worded sufficiently flexibly and positively to ensure that development that takes account of biodiversity and geodiversity (and complies with relevant legislation and regulations) is enabled? If not, what are the reasons for this?

10.35.1 The Council believes the policy as a whole is worded sufficiently flexibly and positively to ensure that development that takes account of biodiversity and geodiversity legislation, the planning framework and other guidance. It was drafted in the context of a range of biodiversity policy options and planning tools. The Council took care to work with Natural England to secure a policy they could both support and that was future proofed by not being overly prescriptive.

Landscape character – Delivery Policy ES7

36. Is the policy consistent with national policy relating to AONB?

10.36.1 The Council considers the policy consistent with national policy relating to landscape Paragraph 20 (a) and the AONB. Paragraphs 176 – 177. The policy is a criteria based policy as to how development proposals will be judged. Reference to Landscape Character Assessments helps to provide an objective and consistent way of assessing the impact of new developments on the landscape. These policies provide an appropriate, effective, justified and soundly based framework against which to consider the impact of development within the landscape of the area.

37. The policy refers to the Cotswolds AONB as a whole and the types of development that may be acceptable subject to specified criteria. Is the policy as worded sufficiently detailed or should more specific mention be made of areas within the AONB? If so, would this be necessary to make the policy effective?

10.37.1 The Council has specifically referred to Landscape Character Assessments (LCA) that provide an objective, detailed and consistent way of assessing the impact of new developments on the landscape. Further advice is also contained in the Landscape Sensitivity Assessment which examines landscape sensitivity around

our larger villages and towns to potential housing and employment development. The LCA assessment is a recognised and established planning tool and operates at a number of scales from national to local levels. LCA documents identify and explain the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas. The use of LCA has been established in the District since 2000.

- 10.37.2 The previous Local Plan Inspector in 2015 considered the matter: “Policy ES7 sets out criteria against which development proposals will be considered, including within the Cotswolds AONB, in line with NPPF; the associated PPG confirms that this covers development proposals which might have an impact on the setting and implementation of the statutory purposes of protected areas, such as AONBs. Reference to Landscape Character Assessments helps to provide an objective and consistent way of assessing the impact of new developments on the landscape. These policies provide an appropriate, effective, justified and soundly based framework against which to consider the impact of development within the landscape of the area.” (Paragraph 197).
- 10.37.3 Both the policy and paragraph 6.58 of the Local Plan were revised so as to set out the range of landscape and management documents available from the Cotswolds AONB Conservation Board which will assist consideration of detailed landscape matters. This was a consequence of discussion with statutory bodies and development management officers who have to consider the impact of development within the landscape of the area. The Council does not consider more specific mention be made of areas within the AONB necessary to make the policy effective.
38. The policy states that major development will not be permitted unless it is demonstrated to be in the national interest and there is a lack of alternative sustainable development sites. In setting the bar at ‘major development’ is this the right one, should it be lower (for example 5 or more dwellings) or indeed higher? If so, why and on what basis?
- 10.38.1 The Council sets out in Appendix E – The Glossary of the Local Plan what major development is defined as: “in respect of residential is 10 or more dwellings or a site area of 0.5 hectares or more. For other uses- the floorspace to be built is 1000 square metres or more, or where the site area is 1 hectare or more. This definition does not apply to development within an AONB.” This is based on the Town and Country Planning (Development Management Procedure) Order 2010 Article 2 includes in its definition of major development.
- 10.38.2 However national planning policies seek to protect designated areas such as Areas of Outstanding Natural Beauty (AONBs). There is a presumption against approval of major developments in an AONB unless there are exceptional circumstances. Unfortunately, planning policy does not define major development within the AONB. Instead it is left to planners to decide whether a planning application represents a major development and to those allocating development sites in an AONB to make a reasoned and reasonable judgement. NPPF states:

‘177. When considering applications for development within a National Park, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- (i) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- (ii) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- (iii) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’*

10.38.3 The Planning Practice Guidance on the Natural Environment restates the NPPF requirements for AONBs and says that planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest.

10.38.4 In *Aston v Secretary of State for Communities and Local Government* [2013] EWHC 1936 (Admin), The judge concluded that: ‘the word major has a natural meaning in the English language albeit not one that is precise’; and ‘to provide a precise definition would mean that the phrase has an artificiality which would not be appropriate in the context of national planning policy’. In another judgement, in *R. (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin), the judge affirmed the approach taken in the *Aston* case in defining “major development” according to “the normal meaning to be given to the phrase” and confirmed that the decision as to whether or not a development was “major development” was a matter of planning judgement. These judgements would appear to confirm that the determination of whether an application is “major development” is fact-specific and a matter of judgment for the decision maker. In so doing, and as the judge in the *Aston* case refers to the natural meaning of the word major in the English language, then the Oxford English Dictionary definition which is “Important, serious or significant” is relevant.

10.38.5 So in conclusion the Council consider it a matter of planning judgment in the context of the application site. You must consider the application in its local context. In so doing it is important to keep in mind the ordinary, common sense, meaning of the word “major”. You may consider whether the development has the potential to have a serious adverse impact on the natural beauty of the AONB by reason of its scale, character or nature. This is the right approach within the AONB, and it should not be lower (for example 5 or more dwellings) or indeed higher. ‘Major development’ cannot be determined by scale alone but requires an assessment rooted in the local context.

39. Does the policy aim of seeking to retain the existing distinctive qualities of the landscape take account of the challenges presented by climate change and changes in the agricultural industry (for example changes to agricultural payments)? Can this aim be achieved and if not, why not?

10.39.1 Climate change is happening and this theme of mitigation and adaptation underpins the Local Plan approach. Global and UK average temperatures have increased by around 1.2°C since the 1850 – 1900 period. The 2018 Climate change projections for the UK are broadly consistent with the UK Climate Projection 2009 (UKCP09) showing a change towards warmer, wetter winters and hotter, drier summers and an increasing frequency and intensity of extreme weather events which will continue to amplify as climate change intensifies.

10.39.2 The Council acknowledges many of the defining characteristics and Special Qualities of the Cotswolds National Landscape are threatened by climate change and potentially our responses to it. There are similar issues in the wider District. However any action needs to be well thought out and carefully implemented. Improving carbon literacy and understanding of the landscape character will help ensure these landscapes including the Cotswolds National landscape remains both beautiful and resilient into the future. Farming needs to change to improve soils to continue producing food, reduce soil loss, sequester carbon and help with improving water quality and flood management; tree cover needs to increase to contribute to national woodland creation targets to capture carbon and support nature recovery; to reduce emissions by 80%, much more of our energy needs will have to be met through low carbon energy technologies, buildings need to become energy efficient and infrastructure needs to be more resilient.

10.39.3 The Cotswolds National Landscape is not immune or exempt from playing a full part. To this end the Cotswold National Landscape (CNL) Climate Change Strategy (February 2022) was produced updating of the 2012 Strategy based on the UKCP18 figures, Government policy and targets and the recommendations of the Landscapes Review. The strategy is for the whole of the Cotswolds National Landscape. This is a single ecological and cultural landscape with similar soils and farming and land management challenges. The policy whilst seeking to protect the existing distinctive qualities of the landscape does avoid the term preservation and the term conservation is used to allow the potential of some change over time. Key characteristics such as the mosaic of habitat types will be sought to be strengthened but this does not specify individual tree species for example. The CNL Climate Change Strategy seeks to take a landscape-led approach, identifying actions to help decision makers, farmers, landowners, communities and businesses to respond to climate change and make the Cotswolds more resilient in ways that are compatible with and, ideally, make a positive contribution to the statutory purpose of AONB designation. Actions to tackle climate change and its impacts are in two groups:

Mitigation – actions that limit the rate and magnitude of climate change and its related effects by preventing and reducing emissions of CO₂ and other greenhouse gases and enhancing capture and storage of greenhouse gases.

Adaptation – the process of adjustment to actual or expected changes in climate and its related effects to moderate harm and exploit beneficial opportunities.

10.39.4 With this work the Council is of the opinion that it is on target to meet part of the Government's 25 year environment. The Landscapes Review reported in 2019 and stated that 'Our National Landscapes should be at the forefront of our national response to climate change. The government has committed to net-zero carbon emissions by 2050.' The CNL Board adopted a Climate Crisis Commitment in October 2021. The commitment recognises the need to fulfil the CNL purposes in light of the likelihood of significant impacts of climate change on farming, soil health and biodiversity. It recognises that it is unrealistic to argue for no or little change and that the CNL Board should lead on shaping the extent and nature of the CNL's contribution to mitigation in ways most compatible with AONB closely working with its partners and stakeholders.

40. Is the desire for development to protect or enhance the landscape character consistent with the need for planning to deliver appropriate levels of housing and jobs within the AONB?

10.40.1 The Council recognises that the AONB has two purposes:

- Conserve and enhance the natural beauty of the Cotswolds AONB
- Increase public understanding and enjoyment of the special qualities of the Cotswolds AONB

10.40.2 There is also a duty to seek to foster economic and social well-being (in delivering the two purposes).

10.40.3 There are 46 AONBs across England, Wales and Northern Ireland. These outstanding landscapes, unique and irreplaceable national assets, are some of our most special and cherished places. Natural beauty goes well beyond scenic or aesthetic value. The natural beauty of an AONB is to do with the relationship between people and place. It encompasses everything - 'natural' and human - that makes an area distinctive. It includes geology and landform, climate and soils, flora and fauna. It includes the rich history of human settlement, land use over the centuries, archaeology and buildings, cultural associations, and the people who live in it, past and present. AONB Partnerships work to conserve and enhance natural beauty in the interest of everyone - for local residents, businesses and visitors – for nature and for culture - and for future generations. Supplementary purposes to AONB designation were developed by the National Association of AONBs and are:

- In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local community.
- Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

10.40.4 At the heart of the NPPF is a presumption in favour of sustainable development. This is set out at paragraph 11 which states that local planning authorities should

meet their objectively assessed development needs and grant development proposals that accord with up to date development plans unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

10.40.5 Footnote 7 to paragraph 11 clarifies that 'specific policies' include those relating to AONBs.

In this context the Council considers therefore that the need to protect or enhance the landscape character is consistent with the need for planning to deliver appropriate levels of housing and jobs within the AONB. Planning policy and decisions seek to protect the natural beauty and character of AONBs and are the responsibility of local authorities, under national guidance. This does not mean no development but ensuring that development complements the character of the landscape, is sustainable and is of an appropriate scale and nature. Policy safeguards are provided in this Local Plan and within the Cotswolds AONB Management Plan. For example Policy CE12 of the Management Plan requires robust evidence of local needs arising from within the AONB. The Council has carefully considered the needs of communities and determined allocations be made at appropriate locations at higher tier settlements such as Painswick and Minchinhampton. The approach is in accordance with the NPPF.

41. Does the policy draw sufficient distinction between the approach to development within the AONB and development outside of it but within its setting? Is the policy consistent with national policy in this regard?

10.41.1 AONBs are designated by the Government to ensure that the special qualities of our finest landscapes are conserved and enhanced. Section 82 of The Countryside and Rights of Way Act (CROW) 2000 confirms that the primary purpose of AONB designation is to conserve and enhance the natural beauty of the area. Section 85 of the CROW Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to, or affecting land within these areas. This is known as the 'duty of regard'. Although the National Planning Policy Framework (NPPF) does not specifically refer to setting in the context of AONBs, the national Planning Practice Guidance (nPPG) confirms that the Duty of Regard is "relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection."

10.41.2 The NPPG was revised in 2019, and provides for the first time advice on how development within the setting of AONBs should be dealt with: "Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the

designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.”. There have been various High Court judgements and appeal decisions that confirm that setting of AONBs can be a relevant consideration.

- 10.41.3 The upland nature of the Cotswolds including its scarp makes it a prominent feature in the wider landscape, particularly in views towards the scarp from the Severn Vale and Estuary. Long distance panoramas are offered across open countryside, particularly from the scarp, primarily in westerly and southerly directions. Views from locations such as Coaley Peak and Edge in Stroud District have remained critical to its value and to public enjoyment. The setting of the scarp has long been held to be integral to the experience of the AONB and a particularly important element of the AONB that merits protection. The setting of the Cotswolds AONB does not have a geographical border. In most cases, the setting comprises land outside the AONB which is visible from the AONB and from which the AONB can be seen. The setting may be wider however, for example when affected by features such as noise and light. In some cases the setting area will be compact and close to the AONB boundary, perhaps because of natural or human made barriers or because of the nature of the proposed change. However, the setting area maybe substantial for example where there is a contrast in topography between higher and lower ground in this District.
- 10.41.4 This policy is an evolution of the Landscape Character Policy ES7 in the Stroud District Local Plan (November 2015). The Local Plan Inspector considered at that time in Paragraph 197 of the Report that the policy “*confirms that this covers development proposals which might have an impact on the setting and implementation of the statutory purposes of protected areas, such as AONBs.*”. In the context of the national advice at that time. The Council does believe there is sufficient distinction between the approach to development within the AONB and development outside of it as well as within its setting consistent with National policy.

Trees, hedgerows and woodlands – Delivery Policy ES8

42. In requiring ‘no net loss of hedgerow’ is the wording sufficiently flexible to take account of site specific circumstances? Is the approach justified?

- 10.42.1 The use of the wording ‘net’ does give sufficiently flexibility to take account of site specific circumstances. Such an approach would allow some loss of hedgerow where appropriate and new planting elsewhere within the site.
- 10.42.2 The policy approach is long established in the District and has been updated since the last local plan 2015 to take into account the requirements of the NPPF at paragraphs 131, 174b and 180d.

43. How will this requirement interact with policy ES6 and the policy regarding BNG?

10.43.1 The policy is consistent with ES6 as trees, woodlands and hedgerows would form part of the assessment of biodiversity net gain using the DEFRA metric. It is unlikely that trees, hedgerows and woodland would be the sole interest on a site considered within the metric. The policy provides a framework for considerations to take into account which should maximise the opportunities to enhance and create links between ecological networks and habitats of principle importance on site and where possible offsite near by.

44. The policy refers to the 'unacceptable loss' of trees, hedgerows and woodland etc. What criteria will be used to determine whether a loss is 'unacceptable'? Is the policy wording clear?

10.44.1 The supporting text at paragraph 6.60 and 6.61 require surveys and assessments carried out in accordance with recognised standards to inform the design process and minimise impacts. Where trees within or adjoining a site could be effected by development a full tree survey and arboricultural implications assessment to British standards BS5837 will be required as part of the planning application. The Council's tree officer and biodiversity officers will determine the unacceptability of a proposal through the at the development management stage and through the determination of a planning application.

45. The policy also refers to 'locally valued' trees, hedgerows and woodland etc. How will the term 'locally valued' be defined and on what basis will this be determined? Will it be clear to developers and local communities what is 'locally valued' in addition to those assets which are already protected?

10.45.1 The value ascribed to trees can be highly subjective, and there are few parameters to assess trees' values which are not to some degree arbitrary. Most would agree that the value of a tree is greater than the cost of replanting another, for example a 100 year old oak offers far greater benefits to people and wildlife than a newly planting sapling. Understandably there is not a single system of measuring the value of tree which is completely accurate, and any valuation of a tree will be to some extent arbitrary. The main two methods which arborists use to assess tree value in the UK are the Capital Asset Value for Amenity Trees (CAVAT) and the Helliwell systems. Also the Council's Design Statements and NDPs have sometimes consideration to identifying trees with local amenity and cultural associations.

Valuing our historic environment and assets – Delivery Policy ES10

46. Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk, in accordance with national policy?

10.46.1 The Council considers that the Plan as a whole does set out a positive strategy for the conservation and enjoyment of the historic environment, in accordance with

national policy, in particular paragraphs 189-208 of the NPPF and National Planning Practice Guidance on the Historic Environment.

- 10.46.2 The Council considers Delivery Policy ES10, together with the Plan's vision, strategic objectives and a number of strategic and local sites allocations, demonstrates a commitment to the aims and requirements of NPPF Paragraph 190.
- 10.46.3 Through a rigorous site selection process (as evidenced through Topic Paper – Assessment and selection of sites, October 2021, EB9), the Council has attempted to identify specific opportunities where the delivery of development can make a positive contribution to, or better reveal the significance of, a range of heritage assets across Stroud District. Allocation policies seek to achieve development that will reflect and enhance local character and distinctiveness in such instances, in accordance with Planning Practice Guidance (Paragraph: 003 Reference ID: 18a-003-20190723). Scope for conservation or enhancement of heritage assets formed a key part of the Strategic Assessment of Land Availability (SALA Heritage Impact Appraisals 2017–2020, EB50 - EB53).
- 10.46.4 Delivery Policy ES10 Valuing our Historic Environment and Assets forms part of the current Adopted Local Plan 2015 (EB114, page 167). The Council considers the existing policy to provide a fundamentally sound starting point, as a key part of the Plan's positive strategy for the conservation and enjoyment of the historic environment.
- 10.46.5 In his examination of the current Adopted Local Plan 2015, the Inspector found that:
“Policy ES10 sets out principles to preserve, protect or enhance the district's historic environment, reflecting national policy ... and recognising the particular heritage assets within this district, including the many conservation areas, listed buildings, scheduled monuments and other historic buildings, parks, gardens and significant sites.... the policy is appropriate, justified, effective, soundly based and consistent with national policy” (Inspectors Report for Adopted Local Plan 2015, EB115, paragraph 198).
- 10.46.6 Through the Local Plan Review, the original ES10 policy has been subject to minor changes and the supporting text has been amended and expanded, to reflect the updated national policy context and to improve clarity and effectiveness.
- 10.46.7 Draft policy wording (without supporting text) was published for consultation at Draft Plan stage in 2019 (EB106, page 188), incorporating minor changes to strengthen and clarify the existing policy in relation to locally distinctive landmark features. Further amendments to policy and supporting text were made in response to public consultation, the results of Sustainability Appraisal and further evidence gathering; those changes and the reasons for them are set out in the Council's Regulation 18 Draft Plan Consultation Report (April 2021) (CD4d, page 126).

10.46.8 Furthermore, as supporting text for policy ES10 explains, “*The Council has produced a Heritage Strategy to positively address the issues and pressures that are facing our heritage assets, including a programme for the appraisal and management of our conservation areas and the monitoring of any heritage assets ‘at risk’.*” (para. 6.69). The Heritage Strategy for Stroud District (February 2018) (EB49) supports and supplements the Plan’s positive strategic approach to the conservation and enjoyment of the historic environment.

47. Is Delivery Policy ES10 consistent with national policy and are the criteria justified and effective? In particular:

10.47.1 The Council considers Delivery Policy ES10 to be fundamentally consistent with national policy, justified and effective, as outlined in response to Question 43, above.

d. Is it clear from the wording of the policy in what circumstances archaeological assessments would be required?

10.47.2 The NPPF (para.194) requires the following:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

10.47.3 The Council considers that the ES10 policy wording (Criterion 1), together with supporting text paragraphs 6.70-6.71 broadly accords with national policy requirements and clearly sets out that proportionate archaeological assessment using appropriate expertise (and potentially comprising field evaluation, not just desk-based assessment) will be required in all situations where proposed development may impact on archaeological remains, whether designated or undesignated. It sets out that this will be sought prior to determination, rather than as a planning condition, where necessary.

10.47.4 The requirement set out in criterion 1 (and the supporting text at 6.71) are essentially reproduced from Policy ES10 in the current Adopted Local Plan 2015 (EB114). Procedurally, the Council’s development management process ensures that archaeological assessment is carried out at application stage in accordance with this current policy and with national guidance. Typically, a desk based assessment is required in the first instance. Depending on the level of archaeological significance and likely degree of harm/risk identified in the assessment, a decision is then taken on whether further investigative work (e.g. trial trenching on site or a geophysical survey) would be proportionate. This is

assessed is on a case by case basis, with reference to the Council's specialist archaeology advice.

10.47.5 For some of the allocated sites in this Plan, archaeological potential is highlighted as a particular matter to be addressed (either in policy wording or supporting text). However, the Council is confident that ES10 provides a mechanism for potential archaeological impacts to be properly considered on all development sites, whether allocated or not.

- e. Criterion 4 of the policy refers to the protection and enhancement of key views and vistas. Is the policy clear on how these terms will be defined? Is it intended to refer to those which are relevant to the heritage asset's setting or all views?

10.47.6 Criterion 4 states that proposals will be supported which protect and, where appropriate, enhance key views and vistas. Criterion 4 notes that this is especially the case where locally distinctive landmark features (such as spires and towers of historic churches and mill chimneys) are concerned.

10.47.7 Supporting text (para. 6.67) highlights that national policy expects that the contribution of heritage assets to local character and sense of place is recognised and valued and that policies ensure they are conserved in a manner appropriate to their significance. Paragraphs 6.70-6.71 support Criterion 1 in requiring a (proportionate) explanation of an affected heritage asset's significance (including any contribution made by its setting, which can include the identification of key views and vistas), to ensure that development proposals have fully considered the conservation or enhancement of those heritage assets and their settings, in a manner appropriate to that significance (in accordance with NPPG Historic Environment Paragraph: 007 Reference ID: 18a-007-20190723).

10.47.8 The Council acknowledges that the policy wording in criterion 4 does not explicitly define a "key" view as one that is relevant to the asset's setting and/or makes some contribution to its significance. But the Council considers that this is implicit in the distinction made between "key" views and vistas, rather than just any or all views and vistas.

- f. Is criterion 5 consistent with national policy, for example in its approach to the level of any harm or loss and the differences between designated and non-designated heritage assets?

10.47.9 The Council considers criterion 5 to be consistent with national policy and guidance about the need to consider development impacts on both designated and non-designated heritage assets, including harm or loss, set out in NPPF (para. 199-208) and NPPG (Reference ID: 18a-018-20190723 and 18a-019-20190723), which make clear that any harm to a designated heritage asset requires clear and convincing justification; and that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, as part of a balanced judgement.

10.47.10 Supporting text (6.70-6.72) allows for a tailored level of detail and a proportionate approach in respect of ES10 points 1 and 5, relative to the significance of the heritage asset and the likely degree of harm. The Council considers that an element of justification, incorporated into a Heritage Statement (6.71) is a necessary and justified requirement, in order to inform the balanced judgement that is required by the NPPF in respect of non-designated heritage assets.

48. Is the wording of the policy consistent with the recommendations in the SA to guide the form of future development and minimise harm to heritage assets (with reference to comments from Historic England)?

10.48.1 In response to Regulation 19 pre-submission consultation, Historic England (CD5d Rep no. 813; summarised in SLP-01b, page 280) commented on the partial effectiveness of ES10 in relation to allocated sites with heritage sensitivities, noting that ES10 (along with “generic place making policies” and a requirement for master planning of allocated sites) may help to ensure that the significance of heritage assets in relation to these development sites may be appropriately conserved.

10.48.2 The Council considers that the form of future development will be guided principally through the individual site allocation policies. But the ‘whole ‘plan’ approach means that more specialist policies, including ES10 and others dealing with design and placemaking, will shape the detail. The intention is certainly to ensure that the significance of heritage assets in relation to these development sites may be appropriately conserved.

10.48.3 As Historic England noted, the Sustainability Appraisal (SA) and Strategic Assessment of Land Availability (SALA) highlights those specific proposed allocations where the significance of designated heritage assets may/will be affected. In particular, there is specific detail set out in the SALA Heritage Impact Appraisals 2017–2020, EB50 - EB53.

10.48.4 Historic England noted that the SA underlines the value and importance of explicit advice in the SALA to guide the form of future development and minimise harm; however, Historic England also consider that this advice is not necessarily carried forward and included in the Plan:

“Without explicit reference in the Plan to these specific recommendations from the evidence base, there is a risk they will not be appreciated by prospective developers, nor given appropriate weight and applied. We would therefore suggest that consideration is given to inclusion of these conditions from the evidence base into the body of the Plan to provide clarity and certainty ensuring that the significance of designated assets is sustained.” (CD5d, Rep. no. 813)

10.48.5 The Council does not consider the wording of Delivery Policy ES10 to be inconsistent with the recommendations in the SA and there is nothing in the policy wording or supporting text that would undermine decision-makers’ ability to refer to the evidence base.

Maintaining, restoring and regenerating the District's canals – Delivery Policy ES11

49. Parts of the policy read as Council objectives. Is the policy justified and effective?

10.49.1 The policy seeks to achieve some clear objectives which appear at the beginning of the policy. This reflects a format for many of the detailed delivery policies of the SDLP and is considered justified by the evidence and ensures policies are delivered and monitored effectively.

50. Is the purpose of the policy clear? Is it for proposals to carry out restoration works to the canals, or is it for other forms of development on or adjacent to them, or is it for both?

10.50.1 The policy makes clear that it is for both the restoration and making functional improvements to the District's canals and for developments adjacent to the canals which may impact upon the canals.

51. Is it clear what 'on the route of' and 'adjacent to' means when determining when the policy would apply to development proposals? Are the canal routes clearly defined on the policies map?

10.51.1 The phrase 'on the route of' is clear as the policy refers to both the existing canals and the route of the old canals where they are not restored or navigable. References to achieving a required width of 10 metres also assists with clarity on the typical dimensions of the functional improvements required. In terms of wider impacts, the presence of the Industrial Heritage Conservation Area and guidance on assessing the settings of conservation areas provides clarity relating to heritage matters at the Cotswold Canals. Biodiversity value will depend upon site specific assessments.

10.51.2 The Council accepts that the existing canals and the historic routes are not clearly shown on the Policies Map and need to be identified through consequential factual modifications to the Policies Map.

52. Is it clear what is required from development or are the requirements duplicated in other Plan policies e.g. green infrastructure, design and biodiversity?

10.52.1 The policy relates to a specific featured location in the District and identifies the range of factors which need to be taken into consideration at this location when assessing development proposals. Policies which relate to how heritage, biodiversity, transport and leisure matters are to be assessed are set out in detail elsewhere within the SDLP. There are no duplicated requirements.

53. Is the policy sufficiently clear about the need for canal restoration works to take account of designated biodiversity sites or core parts of the local ecological network?

10.53.1 The policy specifically requires development to respect the biodiversity value of the canals and to enhance that value. Other specific sites of biodiversity value and those core parts of the local ecological network are clearly referenced in Delivery Policy ES6. Further references within the canals policy to these wider resources would involve unnecessary duplication of the SDLP, which should be read as a whole.

Conversion of redundant agricultural, forestry and rural buildings

54. Does the policy take sufficient account of the need to assess effects on biodiversity and protected species?

10.54.1 Paragraph 6.48 of the supporting text to policy DES1 sufficiently makes the linkage between biodiversity and conversion matters as follows:
“Barns and other rural buildings may also provide habitat and shelter for protected species such as owls and bats for example. An assessment by a qualified ecological surveyor should be carried out and options explored to both conserve and secure appropriate biodiversity net gain in that location.”

When the Local Plan is read as a whole, other specific policies such as Delivery Policy ES6 and Policy DES2 Green Infrastructure, for example, may have a material role in the planning balance considerations of a site or location of the proposal.

10.54.2 In this way, it is considered that the policy takes sufficient account of the need to assess effects on biodiversity and protected species by highlighting this potential issue.

55. Is criteria 7 of the policy justified and consistent with national policy? Specifically, the hierarchy set out and the requirement for robust evidence including marketing over a reasonable period? Under the terms of the policy, how would a ‘reasonable period’ be defined?

10.55.1 The NPPF at Paragraph 84 states Planning policies and decisions should enable:
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

10.55.2 Paragraph 85 states *“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

10.55.3 The application of Criterion 7 is considered both justified and consistent with national policy. Supporting text paragraphs 6.44 - 6.47 of the Local Plan sets out a hierarchy of alternative uses, which should be considered in turn, only proceeding with uses lower down the hierarchy are demonstrably not viable or possible. It is important that policies and decisions should recognise that sites to meet local business and community needs in rural areas can be provided in a sustainable manner and where suitable opportunities exist. The hierarchy is considered to reflect both the local plan strategy and the issues and priorities of the rural communities in the District.

10.55.4 The term “reasonable period” is not fixed. It would be for the decision-maker to determine what would be appropriate or fair or moderate period dependant on a range of factors such as any efforts to date, the state of the economy, previous uses, marketing efforts and price for example. What is reasonable is determined by the circumstances and the nature of the thing to be done. Any decision would be based on or using good professional judgment and be fair and practical. In some cases 6 months may be fair and appropriate or more typically 12 months to demonstrate the market interest in a fair and appropriate manner.

Equestrian Development – Delivery Policy ES9

56. Does the policy as worded take sufficient account of the keeping of horses for sport and exercise?

10.56.1 The Council considers recreation and leisure are terms that can often be used interchangeably by the public. Both relate to what people choose to do in their free time; time that is not otherwise used for work, school, or other activities like appointments and chores.

10.56.2 However leisure time is defined as any free time that can be used to pursue personal interests.

10.56.3 Recreation, on the other hand, is planned and structured. It usually involves physical activity and is often used to improve fitness or health of an individual. Sport here only adds a competitive element, skill and prowess to fitness and health.

10.56.4 It is during leisure time that people participate in recreation including sporting activities.

10.56.5 In conclusion the Council believes here that the terms recreation and leisure can reasonably include the keeping of horses for sport and exercise.

Matter 10d Design

Better design of places – Delivery Policy ES12

57. In relation to Delivery Policy ES12:

- a. Is it clear what the purpose of this policy is and what it is seeking to achieve?

10.57.1 Paragraph 8 of the NPPF seeks achieving sustainable development. It sets out three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways including fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. Paragraph 28 sets out that non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include establishing design principles. Section 12 of the NPPF seeks the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.57.2 Following on from this the title of the policy and the accompanying supporting text to Delivery Policy ES12 (Paragraphs 6.79 – 6.80) sets out that the Council are seeking high quality designed places. This includes making buildings attractive in their own right, appropriate to their setting and fit for their purpose to meet Local Plan environmental commitments. The Council has well established adopted design documents produced working with our local communities. Going forward the Council encourages the use of design codes in neighbourhood development plans such as at Cam. In this way the Council sets out expectations for the quality of the places to be created.

- b. Is it clear how a decision maker would use this policy when determining development proposals?

10.57.3 The Policy is effective as it sets out what should be taken into account to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings in accordance with the NPPF. It also enables better design to be a creative exercise in finding ways to enhance and improve the places in which people live their lives. The policy is not prescriptive and is not unduly onerous in the context of NPPF Section 12. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Design statements and neighbourhood plans are produced by local communities to help ensure new development is sensitive to the defining characteristics of the local area and contributes positively to making places better for people. They can set out the quality of development that will be expected for a specific area. Design Statements have been an established planning tool in the District since 2005 and

are adopted by the Council where they comply with the Local Plan policies and National guidance.

10.57.4 The decision maker is signposted to the good design considerations and Council expectations. It reflects the good components of well designed places set out in Paragraph 130 of the NPPF and links it with Council aspirations and priorities. The policy does indicate the processes and matters to address when formulating any design solutions for a site. The considerations, when followed, should enable a sound, fair and professional judgement to be made as to whether the development contributes to better design quality.

c. Is the policy consistent with national policy and guidance on design?

10.57.5 The Council considers the policy is consistent with national policy and guidance on design contained in the NPPF and nPPG. As previously stated to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It identifies that a thorough site appraisal should be undertaken with reference to Design Statements, Design Codes, Secured by Design initiatives relevant to the development location. Such matters are relevant to the decision maker and to replace poor design with better design as well as to improve the conditions in which people live, work, travel and take leisure. This is embodied in section 12 of the NPPF including Paragraph 127. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

d. How does it relate to other Plan policies which reference design and does it unnecessarily duplicate these?

10.57.6 Good design principles are appropriate to address as both part of strategic and local policies. Paragraphs 20-21 of the NPPF set out that strategic policies set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision. In this role they provide a clear starting point for any non-strategic policies that are needed. Paragraph 28 of the NPPF states non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies. At first glance it may appear there is repetition on a planning topic, but the Council believe this is not the case when considering the different roles of policies and the range specific areas, neighbourhoods or types of development. Hence the Local Plan sets this out at Paragraphs 1.02 – 1.04 explains this in setting out what a Local Plan is for and how to use it.

Public art contributions – Delivery Policy ES16

58. In relation to this policy:

a. Is it consistent with national policy and justified by evidence?

10.58.1 Public art is any type of art intended for public spaces or the public realm. Public art can be reflective of and responsive to social political, and historical issues, cultures, and human experiences. It energises and activates people and places, and it can enhance a community's vitality, social life, and liveability. Public art fosters a sense of belonging to place. Stroud became an important centre for the Arts and Crafts Movement in the early 20th century. There are literary associations with Laurie Lee in the Slad Valley. The arts and crafts heritage has continued to the modern day with various arts and textiles festivals that provide an opportunity to leading international artists alongside emerging talent from the world of contemporary applied arts and design. Damien Hirst and Pangolin Editions (Foundry for Sculptures) contribute to an active and artistic community in this District. Public art can also create a sense of place that helps people make meaning from their surroundings, and the act of generating artwork can build relationships in a community. The Council planners consider integrating public art into their projects both to generate community engagement and to enhance the final results of a project. Incorporating public art into the process can keep people engaged and help build momentum towards implementation.

10.58.2 Therefore, the Council believes this policy respects this heritage and addresses the connections between people and places and the integration of new development into the natural, built and historic environment as sought by the NPPF. Designing for place is a key objective of advisory bodies such as the Commission for Architecture and the Built Environment (CABE), and artists have a role to play in responding to a specific site and adding identity, distinctiveness, interpretation and relevance. It is a feature of good design. Public Art is rarely mentioned within the national planning documents, although there is an emphasis on achieving design quality within the built environment. It is important that the contribution of artists to achieving high quality design is recognised, and that this is best accomplished through an integrated approach to architecture and urban design. Planning shapes the places where we live and work. Good planning promotes development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Public art is a process of engaging artists' creative ideas in the public realm. A significant amount of public art in England is commissioned via the planning system. In this context the Council concludes the Policy is appropriate, effective, justified, soundly based and consistent with national policy.

b. How will it be decided whether a contribution will be proportionate and on what basis?

10.58.3 When people think of public art, they often think of large, permanent sculptures, such as the stone and bronze statues that are often found in city and town centres and parks, or perhaps a modernist sculpture in an office building plaza. But public art is extremely diverse. Public art can be temporary or permanent and can include installations, performances, festivals, music, dance, theatre, paintings, text, chalk, graffiti, yarn bombs, functional art (like street furniture or signage) found materials in the natural environment, digitally mediated experiences, and

dazzling displays of technology, colour, and light. Some of the strongest examples of public art today are works that exist as an integrated part of public infrastructure, on public land including parks, squares, and parking spots, and on open space on private land. This gives a wide range of options on delivering public art.

10.58.4 The definition of major development is provided in the SDLP Glossary in Appendix E. The degree that a payment is proportionate will be determined on an individual case by case basis during the development management process dependant on the size and nature of the scheme under consideration. The decision-maker using their professional judgement and feedback from stakeholders and other interested parties will consider whether a contribution is considered proportionate. The policy approach was accepted by the Local Plan Inspector at examination in 2015 where at paragraph 191 of the Inspectors report it was stated that “The policy confirms that any contributions would be proportionate and relate only to larger scale proposals, and its requirements have been taken into account in the Viability Studies”. The latest SDLP Local Plan Viability evidence has been published alongside the Local Plan where the public art policy requirement was not considered to prejudice the Local Plan.

c. Has the viability of this policy been fully assessed?

10.58.5 The Viability Study Addendum Report (August 2022) (EB111, EB111a & EB11b) in respect of this policy has been fully assessed. Delivery Policy ES16 is a general enabling policy that seeks public art. It is assumed this will be delivered through developer contributions, a range of which are tested. The Local Plan viability assessment (August 2022) acknowledged that through the summer consultation it was suggested that the costs in relation to this policy were understated. No details were provided. Alternatively, it was suggested that this cost should be modelled separately, in addition to the other developer contributions. It is accepted that the costs can vary, however the approach taken is believed appropriate and does not render development unviable to the extent that the delivery of the Plan is prejudiced.

Appendix: Proposed revised wording for Delivery Policy DES3

Zero carbon heat supply

All new development should incorporate efficient zero-carbon heating systems which minimise running costs.

To minimise carbon emissions and running costs, heating systems for new development should be selected in accordance with the following heating hierarchy:

1. Connect to local existing or planned heat networks.
2. Create a site-wide heat network and commit to extending the network beyond the site where viable.

3. Install communal heating systems which minimise the cost of future connection to a heat network.
4. For extremely thermally efficient* and/or small-scale developments where 1-3 are not viable, install individual-premises heating systems.

In applying the above hierarchy, the following points should be taken into account:

- Where a zero-carbon heat supply has been shown to be unviable, local ambient or secondary low carbon heat sources (in conjunction with electrically powered heat pumps** if necessary) may be used.
- In areas identified as having high potential for heat networks, or where a local heat network is planned but not yet in existence, or connection is not currently viable but may become viable in the future, the development should be designed to allow for cost-effective connection. In this case the heat should be supplied according to step 3 of the above hierarchy.

* for example, 'Passive House' standard

**electrically powered heat pumps are assumed to become zero-carbon when grid decarbonises.