

18th January 2019

Local Plan Review
The Planning Strategy Team
Stroud District Council
Ebley Mill
Stroud GL5 4UB



By email only to local.plan@stroud.gov.uk

Dear Sir / Madam

STROUD LOCAL PLAN REVIEW - EMERGING STRATEGY PAPER

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the Stroud Local Plan Review Emerging Strategy Paper.

The Board's main objectives in responding to this consultation are to ensure that:

- the local planning authority (LPA) fulfils its statutory duty to have regard to the purpose of designation of the Cotswolds Area of Outstanding Natural Beauty (AONB) (i.e. to conserve and enhance the natural beauty of the Cotswolds AONB) when developing the Stroud Local Plan; and
- the Stroud Local Plan makes a positive contribution to:
 - conserving and enhancing the natural beauty of the Cotswolds AONB;
 - increasing the understanding and enjoyment of the special qualities of the Cotswolds AONB.

The Board is supportive of many elements of the Emerging Strategy Paper and the associated evidence base. In particular, we acknowledge the contribution of the Landscape Sensitivity Assessment and the Sustainability Appraisal in helping to identify appropriate sites for allocating housing and employment.

However, we are concerned about the amount of potential development that the Emerging Strategy Paper identifies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and within the setting of the AONB, as outlined in response to Question 4.1a, in Annex 1, below. This scale of development could potentially undermine the purpose of AONB designation (to conserve and enhance the natural beauty of the AONB) and erode the special qualities of the AONB.

To ensure that the Cotswolds AONB is adequately addressed in the Local Plan process, the Board recommends that the District Council should compile the evidence base and assessments relating to the AONB into one report. This report should:

1. Identify how the statutory duty to have regard to the purpose of AONB designation (the 'duty of regard') has been implemented.
2. Assess the housing need arising from within the AONB.
3. Identify if potential allocations in the AONBs would constitute major development.
4. Identify how great weight has been given to conserving and enhancing the landscape and scenic beauty of the AONBs (including for allocations in the AONB and allocations in the setting of the AONB).

Conserving, enhancing, understanding and enjoying the Cotswolds Area of Outstanding Natural Beauty

5. Identify how the Cotswolds AONB Management Plan and associated guidance have been taken into account.

These points are addressed in more detail in our response to Question 1.0b (in Annex 1) and in Annex 2, below.

With regards to the individual potential sites, the Board is particularly concerned about the following sites:

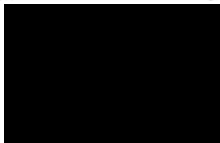
- Within the Cotswolds AONB:
 - **PS05 (Tobacconist Road, Minchinhampton)**, which we object to because we consider it to be major development.
 - **PS41 (Washwell Fields, Painswick)**, which we object to because a more definitive Landscape and Visual Impact Assessment is required to assess the potential landscape character and visual impacts of development on this specific parcel of land.
- Within the setting of the Cotswolds AONB:
 - **PS19a / 19b (North / northwest of Stonehouse)**, which we object to because the local planning authority has not complied with the requirement to give great weight to conserving and enhancing the landscape and scenic beauty of the AONB, which is adjacent to site 19b.
 - **PS29 (North of Ganzell Road, Dursley)**, which we object to because the local planning authority has not given great weight to conserving and enhancing landscape and scenic beauty of the Cotswolds AONB, with regards to these sites, as required under paragraph 172 of the National Planning Policy Framework (NPPF).

These concerns are addressed in our response to Question 5.1a, in Annex 1.

Annex 1 also provides the Board's response to a number of additional questions posed in the Emerging Strategy Paper.

If you have any queries regarding the Board's response, please do not hesitate to get in touch.

Yours faithfully,



 MRTPI
Planning and Landscape Officer

Conserving, enhancing, understanding and enjoying the Cotswolds Area of Outstanding Natural Beauty

ANNEX 1. COTSWOLDS CONSERVATION BOARD RESPONSE TO THE QUESTIONS POSED IN THE STROUD DISTRICT LOCAL PLAN REVIEW EMERGING STRATEGY PAPER.

QUESTION 1 (KEY ISSUES)

Question 1.0a (p.7). Have we identified the top 5 issues for you?

Yes, overall, the Cotswolds Conservation Board agrees with the top 5 issues that have been identified in the Emerging Strategy Paper. However, the Board recommends that climate change adaptation and mitigation should also be identified as priority issues. In addition, Issue 2 (Conserving and enhancing Stroud District's countryside and biodiversity) should make explicit reference to the Cotswolds Area of Outstanding Natural Beauty (AONB) as this is Stroud District's most important countryside / landscape feature.

Question 1.0b (p.7) Do you agree with the ways we intend to tackle these issues?

Yes, overall, the Cotswolds Conservation Board agrees with how Stroud District Council intends to tackle these issues.

However, as with Question 1.0a, the actions proposed for Issue 2 should explicitly address the Cotswolds AONB. The Board recommends that the District Council should compile the evidence base and assessments relating to the AONB into one report. This report should:

1. Identify how the statutory duty to have regard to the purpose of AONB designation (the 'duty of regard')¹ has been carried out.
2. Assess the housing need arising from within the AONB.
3. Identify if potential allocations in the AONBs would constitute major development.
4. Identify how great weight has been given to conserving and enhancing the landscape and scenic beauty of the AONBs (including for allocations in the AONB and allocations in the setting of the AONB).
5. Identify how the Cotswolds AONB Management Plan and associated guidance have been taken into account.

Further justification for these steps – and advice on how the implications of these steps should be addressed - is provided in Annex 2.

QUESTION 2 (NEEDS)

Question 2.1a (p.11) Do you agree with the ways in which the emerging Strategy intends to support the local economy and the creation of jobs.

Yes, overall, the Cotswolds Conservation Board agrees with the ways in which the emerging Strategy intends to support the local economy and the creation of jobs. However, the Board has some additional recommendations, outlined in response to Question 2.1b, below.

Question 2.1b (p.11) Do you support an alternative approach [in relation to the local economy and jobs]? Have we missed anything?

The Cotswolds Conservation Board recommends that the emerging Strategy should also promote creation of jobs that will contribute to conserving and enhancing the natural beauty of the Cotswolds AONB and ecological networks. This should include the promotion of traditional rural skills, such as dry stone walling, and the promotion of local produce that is

¹ Section 85 of the Countryside and Rights of Way Act 2000.

produced in a way that helps to conserve and enhance landscape character, biodiversity and the historic environment. This will help to deliver the purpose of AONB designation.

Question 2.3a (p.18) Do you agree with the ways in which the emerging Strategy intends to meet local housing need?

Yes, overall, the Cotswolds Conservation Board agrees with the ways in which the emerging Strategy intends to meet local housing needs. In particular, the Board supports the delivery of ‘*a proportion of affordable homes on all sites of...above 5 dwellings in designated rural areas*²’. However, the Board has some additional recommendations, outlined in response to Question 2.3b, below.

Question 2.3b (p.18) Do you support an alternative approach? Or have we missed anything?

The Cotswolds Conservation Board recommends that the emerging Strategy should specify the proportion of affordable housing that will be required (for example, at least 30% and, ideally, 50%+). This is particularly important in the Cotswolds AONB, where the desirability of living in a nationally important landscape drives up house prices. It should also deliver design guidance to ensure that development in the Cotswolds AONB (and, where appropriate, in the setting of the AONB) reflects guidance provided by the Board, including the Board’s Landscape Character Assessment, Landscape Strategy and Guidelines and Local Distinctiveness and Landscape Change report.

Question 2.4a (p.21) Do you agree with the ways in which the emerging Strategy intends to protect existing or deliver new local green spaces and community facilities?

Yes, overall, the Cotswolds Conservation Board agrees with the ways in which the emerging Strategy intends to protect existing or deliver new local green spaces and community facilities. In particular, the Board supports the delivery of ‘*a mapped GI network*’ and ‘*a mitigation strategy for the Cotswold Beechwoods SAC*’. However, the Board has some additional recommendations, outlined in response to Question 2.4b, below.

Question 2.4b (p.21) Do you support an alternative approach? Or have we missed anything?

The Cotswolds Conservation Board, recommends that the emerging Strategy should explicitly contribute to conserving and enhancing the natural beauty of the Cotswolds AONB and increasing the understanding and enjoyment of the AONB’s special qualities. In particular, it should contribute to delivering the outcomes and policies of the Cotswolds AONB Management Plan. Where appropriate, this should include direct contributions from development to deliver these purposes, outcomes and policies.

QUESTION 3 (VISION AND STRATEGIC OBJECTIVES)

Question 3.1a (p.23) Do you agree with the vision for 2040 as drafted?

Yes, overall, the Cotswolds Conservation Board agrees with the vision for 2040, especially the reference to the Cotswolds AONB at the start of the Vision and the statement that ‘*we nurture our high quality landscapes, our flourishing wildlife and our historic and cultural heritage*’. However, the Board has some additional recommendations, outlined in response to Question 3.1b, below.

² Designated rural areas include the Cotswolds AONB.

Question 3.1b (p.23) Do you support an alternative approach? Or have we missed anything?

The Cotswolds Conservation Board recommends that the second paragraph of the vision, which relates to climate change, should state that the natural environment will be more resilient to climate change. We also recommend that the final sentence (*'We nurture our high quality landscapes...'*) should explicitly refer to the Cotswolds AONB as this is the most important - and highest quality landscape - in Stroud District.

Question 3.2a (p.25) Do you agree with the Strategic Objectives as drafted?

Yes, overall, the Cotswolds Conservation Board agrees with many of the Strategic Objective as drafted. However, the Board has some additional recommendations, outlined in response to Question 3.2b, below.

Question 3.2b (p.25) Do you support an alternative approach? Or have we missed anything?

The Cotswolds Conservation Board recommends that Strategic Objective SO6 should explicitly refer to conserving and enhancing the natural beauty and special qualities of the Cotswolds AONB and set aspirations to deliver significant net-gains in biodiversity and establish coherent and resilient ecological networks (based on the Lawton principles).

QUESTION 4 (FUTURE GROWTH STRATEGY)

Question 4.2a (p.36) Do you support the broad approach of the emerging growth strategy, in terms of distributing the growth required by national policy for Stroud District?

The Cotswolds Conservation Board is concerned about the amount of potential development that the Emerging Strategy Paper identifies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and within the setting of the AONB. For example, with regards to the potential sites for housing that have been identified in the Emerging Strategy Paper:

- i. **Within the AONB** there are four sites, providing 195 dwellings.
- ii. **Directly adjacent to the AONB** there are five sites, providing 445 dwellings.
- iii. **Within 500m of the AONB** there are a further 13 sites providing, 1,025 dwellings.
- iv. **Between 500m and 2km from the AONB** there are seven sites, providing 1,870 dwellings.
- v. **Within 2km of the AONB** (ii-iv, above) there are 25 sites, providing 3,340 dwellings.

This scale of development could potentially undermine the purpose of AONB designation (to conserve and enhance the natural beauty of the AONB) and erode the special qualities of the AONB.

Question 4.2b (p.36) Do you support an alternative strategy approach?

The Cotswolds Conservation Board recommends that, in order to minimise the risk of allocating inappropriate development in the Cotswolds AONB and its setting, Stroud District Council should implement the Board's recommendations in response to Question 1.0b, above (i.e. produce a report on the Cotswolds AONB which addresses, inter alia, the statutory 'duty of regard', housing need within the AONB and the relevant policies of the National Planning Policy Framework (NPPF)).

Question 4.2c (p.36) Have we identified the right towns and villages for growth? Or do other settlements have growth potential?

As outlined in response to Question 4.2b, above, the Cotswolds Conservation Board is concerned about the amount of potential development that the Emerging Strategy Paper identifies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and within the setting of the AONB. Our concerns about specific 'potential sites' are outlined in response to Question 5.1a, below.

Question 4.3c Do you support the idea that the Local Plan should seek to manage the cumulative impacts of growth on individual settlements? How should we develop a policy framework to achieve this?

Yes, the Cotswolds Conservation Board supports the idea that the Local Plan should seek to manage the cumulative impacts of growth on individual settlements.

The policy framework should take into account baseline data for individual settlements (i.e. data from a 'baseline' year), including size, population, number of households and amount of affordable housing (including social rented housing). Future developments should then be assessed against this baseline data to enable an assessment of the cumulative impacts of development that have occurred since the baseline year. With regards to the Cotswolds AONB, this assessment should include the extent to which housing (and other development) has extended onto land that would have been greenfield land in the baseline year.

Within the Cotswolds AONB and its setting, the Framework (and the Local Plan) should take a landscape-led approach, based on the capacity of the landscape to accommodate growth, as advocated in the draft South Downs Local Plan.

Question 4.4a (p.44) Do you support the emerging Strategy's approach towards maintaining settlement development limits?

Yes, the Cotswolds Conservation Board supports the maintenance of 'settlement development limits' as these development limits are an important factor in identifying where development would be appropriate.

Question 4.4c (p.44) Do you support the proposals to allow some limited development beyond settlement development limits?

No, the Cotswolds Conservation Board does not support the proposals to allow some limited development beyond settlement development limits, at least not as proposed in the Emerging Strategy Paper.

The emerging growth strategy '*allows*' developments of up to 20 dwellings immediately adjoining settlement development limits at Tier 1-3 settlements, subject to being able to overcome environmental constraints. It also '*supports*' developments (in addition to rural exception sites) of up to 10 dwellings outside settlement development limits at Tier 4 and 5 settlements, subject to complying with specific criteria which do not include environmental constraints. It does not set a limit on the number of developments of this scale that would be permitted in these locations. As such, there could potentially be a proliferation of such developments.

Settlement development limits are supposed to be an established part of the strategy for managing growth. Allowing – and actively supporting – development outside of these development boundaries potentially undermines the objective of managing growth, especially when the strategy sets no limits on the number of developments. It also

potentially undermines the settlement hierarchy, which is intended to guide development towards the most sustainable locations, and could lead to significant adverse effects.

This issue is particularly important in the Cotswolds AONB, which was designated for the purpose of conserving and enhancing the natural beauty of the AONB. A proliferation of small developments – especially those in Tier 4 and 5 settlements - could seriously undermine the purpose of AONB designation.

Question 4.4d (p.44) Or do you support an alternative approach?

Yes, the Cotswolds Conservation Board supports an alternative approach.

The Board recommends that the Stroud Local Plan should follow the approach taken in the adopted West Oxfordshire Local Plan which specifies that:

- *‘within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised and will only be supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site’* (paragraph 5.39).

Any such development should only be permitted if it does not have a significant adverse effect on the purpose of AONB designation. It is also worth noting that relatively small scale development in the AONB (i.e. 20 or fewer dwellings) could still potentially constitute major development, in the context of paragraph 172 and Footnote 55 of the National Planning Policy Framework (NPPF). If that is deemed to be the case, the development should not be permitted unless exceptional circumstances apply and the development is deemed to be in the public interest.

Question 4.4e (p.44) Do you support the specific changes to existing settlement development limits that are set out in Appendix A?

The Board has identified that three of the proposed boundary changes are located in the Cotswolds AONB – Hillesley, Horsley and Uley – and that one is adjacent to the AONB – Kings Stanley / Middleyard. However, these boundary changes either incorporate existing development or the proposed changes are very small.

The only exception to this is the entirely new settlement development limit that is being proposed for Miserden, which includes quite a large area of greenfield land. Assuming that it is appropriate for the Emerging Strategy Paper to designate Miserden as a Tier 3b settlement then it is probably also appropriate to identify a suitable settlement development limit.

For these reasons, the Board does not object to any of the proposed boundary changes in the Cotswolds AONB.

QUESTION 5 (MAKING PLACES)

Question 5.0a (p.48) Do you support the proposed mini-visions for your area(s)? (Please be clear and specific about which of the 8 mini-visions your comment(s) relate to).

Yes, the Cotswolds Conservation Board is broadly supportive of the mini-visions for the six ‘cluster’ areas that are relevant to the Cotswolds AONB - Cam & Dursley, Cotswold Cluster,

Gloucester Fringe, Stonehouse Cluster, Stroud Valleys and Wotton Cluster. However, most of these mini-visions do not adequately address the Cotswolds AONB and the purpose of AONB designation (to conserve and enhance the natural beauty of the AONB).

Question 5.0b (p.48) Would you like to propose alternative wording for any of the mini-visions? (Please be clear and specific about which of the 8 mini-visions your comment(s) relate to).

The Cotswolds Conservation Board recommends that the mini-visions (including the supporting text) for Cam & Dursley, Stonehouse Cluster, Stroud Valleys and Wotton Cluster should refer to conserving and enhancing the natural beauty of the Cotswolds AONB and ensuring that development does not erode the special qualities of the AONB.

Question 5.0c (p.48) Do you support the identified key issues and priorities for action for your area(s)? (Please be clear and specific about which of the 8 parish clusters your comment(s) relate to).

Yes, the Cotswolds Conservation Board is broadly supportive of the key issues and priorities for action in the relevant areas - Cam & Dursley, Cotswold Cluster, Gloucester Fringe, Stonehouse Cluster, Stroud Valleys and Wotton Cluster. However, most of the issues and priorities do not adequately address the Cotswolds AONB and the purpose of AONB designation (to conserve and enhance the natural beauty of the AONB). Only the Wotton Cluster refers to 'conserving the Cotswolds AONB'.

Question 5.0d (p.48) Are there other important issues and priorities you would like to highlight? (Please be clear and specific about which of the 8 parish clusters your comment(s) relate to).

The Cotswolds Conservation Board recommends that the key issues and priorities for all of the relevant areas - Cam & Dursley, Cotswold Cluster, Gloucester Fringe, Stonehouse Cluster, Stroud Valleys and Wotton Cluster – should include conserving and enhancing the natural beauty of the Cotswolds AONB and ensuring that development does not erode the special qualities of the AONB.

Question 5.1a (p.49) Assuming some growth is desirable, have we identified the best site(s) at each town and village? (Please clearly specify which settlement(s) your comment(s) relate to, and use the site reference numbers shown on the map, where relevant). Would you like to promote an additional alternative site for consideration through the next SALA? Visit our Local Plan Review web page to find out how to submit a site.

The Cotswolds Conservation Board has some concerns about a number of the potential sites that are identified in the Emerging Strategy Paper, in particular, the following sites:

- Within the Cotswolds AONB:
 - PS05 (Tobacconist Road, Minchinhampton), which we object to as we consider it to be major development.
- Within the setting of the Cotswolds AONB:
 - PS19a / 19b (North / northwest of Stonehouse).
 - PS29 (North of Ganzell Road, Dursley).

PS05 – East of Tobacconist Road, Minchinhampton (100 dwellings)

The Cotswolds Conservation Board objects to this site, which lies within the Cotswolds AONB. This is because there are a number of factors which indicate that the proposed development *could* (i.e. has the potential to) have a significant adverse impact on the purpose of AONB designation. The development would therefore constitute major development in the context of paragraph 172 and Footnote 55 of the National Planning Policy Framework (see Annex 2 for more guidance on this issue).

The factors which indicate that the proposed development could have a significant adverse impact on the purpose of AONB designation include the following:

- **The scale of the proposed development:** An additional 100 dwellings would increase the population of Minchinhampton town (i.e. the population within the settlement development boundary) by approximately 8%. The development would increase the size of Minchinhampton town by approximately 10%, compared to the area within the settlement development limit.
- **The setting of the proposed development:** The site is a greenfield site, which lies outside the settlement development limit for Minchinhampton town. It is located in an area defined as Landscape Character Type³ (LCT) 9D (High Wold Dip Slope – Cotswolds High Wold Dip-Slope) and is adjacent to LCT5A (Settled Valley - Nailsworth). The Board's Landscape Strategy and Guidelines for LCT9 states that the High Wold Dip Slope is sensitive to landscape change and is particularly sensitive to large scale development.
- **Historic environment:** The site is adjacent to – and east of - a scheduled monument (banks and ditch at Glebe Farm). Historic England has previously identified that development on this site could potentially have an adverse effect on this scheduled monument
- **Biodiversity:** The site lies approximately 1km east of Minchinhampton Common Site of Special Scientific Interest (SSSI). The SSSI is particularly important for the wide diversity of species associated with the unimproved calcareous grassland. There are concerns that further development in the area would increase recreational pressure on the SSSI and increase the number of cars travelling across the SSSI, which could adversely affect the safety of the free-roaming, grazing cattle and cause pollution.
- **Proximity of viewpoints:** A footpath runs across the middle of the site and National Cycle Route 45 runs along the road immediately to the south of the site.

As the Board considers the development to be major development, we recommend that the site should not be allocated.

It is worth noting that the Board has previously objected to a planning application for development on this site (planning application S.15/2567/FUL) for the same reason (i.e. on the basis that it constitutes major development). The planning application was withdrawn.

PS41 – Washwell Fields, Painswick (20 dwellings)

The Cotswolds Conservation Board objects to this potential site. This is because the Landscape Sensitivity Assessment has not adequately addressed the potential visual impacts of the proposed development. These impacts could potentially be significant, which would mean that the development should be classed as major development.

³ The Landscape Character Types are identified in the Cotswolds Conservation Board publications 'Cotswolds AONB

This site is on greenfield land, outside the settlement development limit of Painswick. However, it is relatively small scale compared to the area with the settlement development limit of Painswick and has existing development on three sides. Although the LSA identifies that a larger parcel of land - within which PS41 is located - as being high / medium sensitivity to housing, the LSA states that the PS41 land may be able to accommodate housing as this site is largely screened from views. However, it is possible that the site can be seen from the Cotswold Way on Painswick Beacon and from a footpath to the north of the site (with the site being in the line of sight between the footpath and St Mary's Church in Painswick, thereby potentially adversely affecting the setting of this historic environment). To address these issues, the Board recommends that a more detailed Landscape and Visual Impact Assessment is undertaken to assess the impacts for this specific area of land (rather than the larger area of land that was assessed in the LSA).

PS19a & PS19b - North / northwest of Stonehouse, Stonehouse (500 dwellings and 150 dwellings, respectively)

The Cotswolds Conservation Board objects to these potential sites. This is because the Board is of the opinion that the local planning authority has not given great weight to conserving and enhancing landscape and scenic beauty of the Cotswolds AONB, with regards to these sites, as required under paragraph 172 of the National Planning Policy Framework (NPPF).

Site PS19b is directly adjacent to the Cotswolds AONB boundary, while site PS19a lies a couple of hundred metres to the west of the AONB boundary.

Although there is existing development to the south of these sites, the sites themselves are currently greenfield sites. When viewed from certain points within the AONB, the backdrop to these sites would also be greenfield. Given the scale of the proposed development and the proximity to the AONB boundary and the Cotswold escarpment, development on these sites would potentially have significant adverse effects in the AONB, in terms of the impact on views into and out of the AONB. Surprisingly, the LSA doesn't explicitly mention the Cotswolds AONB in relation to these sites.

Given that the LSA does not adequately address the visual impacts of the proposed development on the AONB (including views into and out of the AONB), the Board recommends that a more comprehensive Landscape and Visual Impact Assessment should be undertaken for these sites, which explicitly addresses the impact on views into and out of the AONB. As part of this assessment, consideration should be given to the Board's Landscape Character Assessment and Landscape Strategy and Guidelines for Landscape Character Types (LCT) 18A (Settled Unwooded Vale - Vale of Gloucester Fringe) and LCT 2C (Escarpment - Uley to Cooper's Hill).

If the assessment shows that the developments would have a significant adverse impact on the AONB, they should not be allocated.

PS29 – North of Ganzell Lane, Dursley (80 dwellings)

The Cotswolds Conservation Board objects to this potential site. This is because the Board is of the opinion that the local planning authority has not given great weight to conserving and enhancing landscape and scenic beauty of the Cotswolds AONB, with regards to these sites, as required under paragraph 172 of the National Planning Policy Framework (NPPF).

This site is a greenfield site, which extends the urban area of Dursley closer to the boundary of the Cotswolds AONB. The LSA indicates that the site is medium sensitivity to housing.

However, the Board is concerned that the LSA does not adequately address the potential impact of the proposed development on views into and out of the AONB. For example, the site is visible from Cam Long Down (including views from the Cotswold Way) and Downham Hill. From both of these locations, the backdrop for the site is the wooded escarpment within the AONB.

Given that the LSA does not adequately address the visual impacts of the proposed development on the AONB (including views into and out of the AONB), the Board recommends that a more comprehensive Landscape and Visual Impact Assessment should be undertaken for this site, which explicitly addresses the impact on views into and out of the AONB. As part of this assessment, consideration should be given to the Board's Landscape Character Assessment and Landscape Strategy and Guidelines for Landscape Character Types (LCT 3B) (Rolling Hills and Valleys - Stinchcombe and North Nibley) and LCT 1A (Cam Long Down, Peaked Down and Downham Hills) also close.

If the assessment shows that the developments would have a significant adverse impact on the AONB, they should not be allocated.

Additional sites within the Cotswolds AONB (PS04, PS07 and PS08)

As indicated in Annex 2, the local planning authority should assess all of the potential sites within the Cotswolds AONB to decide if they would constitute major development.

Also as indicated in Annex 2, any housing development in the AONB should be required to demonstrate that there is convincing evidence of local need arising from within the Stroud District section of the AONB and, ideally, within the specific settlement.

Additional comments relating specifically to individual sites is provided below:

- **PS04 – South of Cirencester Road, Minchinhampton (50 dwellings):** This site raises similar issues to site PS05, albeit at a smaller scale.
- **PS07 – North of Nymphsfield Road / Nortonwood Junction, Nailsworth (25 dwellings):** This site is on greenfield land outside the settlement development limit of Nailsworth. However, it is relatively small scale compared to the urban area of Nailsworth and, according to the Landscape Sensitivity Assessment (LSA), could be visually contained.

ANNEX 2. SUPPORTING INFORMATION RELATING TO QUESTION 1.0b REGARDING HOW THE COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) SHOULD BE ADDRESSED IN THE LOCAL PLAN PROCESS

As outlined in Annex 1, in response to Question 1.0b, the Cotswolds Conservation Board ('the Board') recommends that the District Council should compile the evidence base and assessments relating to the Cotswolds Area of Outstanding Natural Beauty (AONB) into one report. This report should:

1. Identify how the statutory duty to have regard to the purpose of AONB designation (the 'duty of regard') has been implemented.
2. Assess the housing need arising from within the AONB.
3. Identify if potential allocations in the AONBs would constitute major development.
4. Identify how great weight has been given to conserving and enhancing the landscape and scenic beauty of the AONBs (including for allocations in the AONB and allocations in the setting of the AONB).
5. Identify how the Cotswolds AONB Management Plan and associated guidance have been taken into account.

Further guidance on – and justification for - each of these points is provided below.

Duty of Regard

Local planning authorities (LPAs) have a statutory duty to have regard to the purpose of AONB designation, under Section 85 of the Countryside and Rights of Way (CROW) Act 2000. This 'duty of regard' is intended to ensure that the purpose of AONB designation is recognised as an essential consideration in any decisions or activities that impact on the AONB. The expectation is that adverse impacts will be avoided or mitigated, where possible^{4,5,6}. LPAs should be able to demonstrate that they have fulfilled the duty of regard. This should include written evidence that they have had regard to the purpose of AONB designation and undertaking - and making publically available - an assessment of how their local plans are likely to affect the AONB.

Producing a bespoke study that specifically identifies and addresses the potential impacts of the Local Plan on the AONBs - and the measures taken to avoid or minimise any adverse impacts - would be an important step in demonstrating the duty of regard.

Housing Need

The AONB report should include an assessment of the housing needs arising specifically within the AONB, including within individual settlements within the LPA's section of the AONB. The need for affordable housing, particularly social rented housing, should be a primary focus of this assessment.

If the assessment identifies that these needs are already met by existing commitments, further sites should not be allocated in the AONB. If allocations are still proposed in the AONBs under these circumstances, robust justification should be provided for such allocations. If development needs cannot be met wholly within the Local Plan area, as a

⁴ Defra (2005) *Duties on relevant authorities to have regard to the purposed of National Parks, Areas of Outstanding Natura Beauty and the Norfolk and Suffolk Broads*. Defra Publications, London.

⁵ Natural England (2010) *England's statutory designated landscapes: a practical guide to your duty of regard*.

⁶ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023. Appendix 4*.

result of AONB-related constraints, consideration should be given to working with other LPAs to determine whether this development need can be met elsewhere, outside of the AONBs⁷.

The justification for this recommendation is outlined below.

Paragraph 11 and Footnote 6 of the NPPF make it clear that the general requirement for local planning authorities to meet objectively assessed needs (OAN) for housing does not apply in AONBs⁸. In addition, paragraph 172 of the NPPF specifies that the scale and extent of development within AONBs should be limited.

With this in mind, Policy CE12 (paragraph 1) of the Cotswolds AONB Management Plan 2018-2023 states that:

- *Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB.*

Lack of evidence of the housing need arising from within the Cotswolds AONB (including the needs of individual settlements within the AONB) was one of the key reasons for all of the proposed housing allocations in the Rural Service Centres of Burford and Charlbury (and the neighbouring villages) being removed from the West Oxfordshire Local Plan, which was adopted on 27th September 2018. Maintaining these allocations without this evidence base would have made the plan unsound. The Planning Inspector's report for the West Oxfordshire Local Plan stated that:

- *There is little case for the plan to provide for more [dwellings] than the already completed / committed 774 dwellings in the Burford–Charlbury sub-area (either the site allocations or a reliance on future windfalls) simply to ensure that the district-wide housing needs are met. Moreover, in the absence of a specific housing need figure for the sub-area, it is not possible to identify that new dwellings, over and above existing completions and commitments, are as a matter of principle, necessary specifically in the context of the AONB or the Burford–Charlbury sub-area' ... 'the allocation in the plan of housing sites, and the reliance on additional windfall housing development, in the Burford – Charlbury area, over and above existing completions and commitments, would not be sound'.*

Based on these conclusions, if a Local Plan allocates sites in the AONB without demonstrating the evidence of need arising within the AONB, the Local Plan could potentially be deemed to be unsound.

It is also worth noting that the adopted West Oxfordshire Local Plan sets additional criteria relating to housing developments in the Cotswolds AONB, including:

- for any housing development that is considered in the Burford-Charlbury sub-area, 'it will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area' (paragraph 9.6.29);
- 'within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised and will only be

⁷ This reflects paragraph 26 of the NPPF.

⁸ For example, paragraph 172 of the NPPF, which relates to AONBs, clearly meets the criteria set out in paragraph 11(b)(i), which specifies the circumstances in which the requirement to meet objectively assessed needs does not apply.

supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site' (paragraph 5.39).

It would be appropriate to include similar criteria in the Stroud District Local Plan.

Major Development

The AONB report should include an assessment of whether or not the potential allocations in the AONB, both individually and collectively, would constitute 'major development' in the context of paragraph 172 and Footnote 55 of the NPPF⁹. This assessment should explicitly identify whether or not these allocations *could* have a significant adverse impact on the purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONBs). In other words, the assessment should consider whether the development has the *potential* to have a significant adverse impact on the natural beauty of the AONB. As outlined in a legal opinion provided to South Downs National Park Authority by James Maurici QC of Landmark Chambers, *'that does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient'*¹⁰.

The assessment should address the full context of 'natural beauty' - including the special qualities of the Cotswolds AONB, tranquillity, natural heritage (including biodiversity) and cultural heritage (including the historic environment) - not just landscape and visual impact¹¹. It should also address the three major development 'tests' specified in paragraph 172 of the NPPF. If the allocations *do* constitute major development, these sites should not be allocated unless the District Council can demonstrate that exceptional circumstances apply *and* that the allocations would be in the public interest. The nation-wide drive to build more homes should not be considered to be an exceptional circumstance, as this situation reflects the national 'norm', not the 'exception'.

The justification for these recommendations is outlined below.

Paragraph 172 of the NPPF states that *'planning permission should be refused for major development [in an AONB] other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest'*. Although consideration of planning permission is part of the 'decision-taking' process, the issue of major development should still be considered at the 'plan-making' stage, rather than left until the decision-taking stage. This is because if a site that is allocated in a local plan is subsequently considered to be major development, it should not be permitted¹² and the site would be undeliverable. A local plan which allocates such undeliverable sites would be unsound. Making an

⁹ Footnote 55 of the NPPF states that *'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'*.

¹⁰ South Downs National Park Authority (2014) *Opinion – In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority*. James Maurici QC, Landmark Chambers.

¹¹ Further information on 'natural beauty' is provided in the Cotswolds AONB Management Plan 2018-2023, particularly in Appendix 2.

¹² Unless exceptional circumstances applied and the development was shown to be in the public interest.

assessment, at the plan-making stage, of whether an allocation constitutes major development would help to resolve this issue. This approach to the major development issue reflects the legal opinions provided to the South Downs National Park Authority by Toby Fisher¹³ and, separately, by James Maurici QC¹⁴, both of Landmark Chambers. It is worth noting that Mr Fisher's legal opinion concluded that:

- *It would arguably amount to an error of law to fail to consider paragraph 116¹⁵ at the site allocations stage of plan making for the National Park.*

Factors that might lead to the conclusion that the allocations *could* have a significant adverse impact on the purpose of AONB designation – and, therefore, constitute major development – include the nature, scale and setting of the proposal allocations.

Even if the allocations are retained in the Plan after the issue of major development has been considered at the plan-making stage, the issue of major development should still be a consideration at the planning permission / decision-taking stage of the planning process as well. This is because the planning application stage provides a significant level of detail (e.g. design, layout, etc.) that is not available at the plan-making stage and which could still significantly influence whether or not the development would constitute major development.

Great Weight

The AONB report should identify how 'great weight' has been given to conserving and enhancing the landscape and scenic beauty of the AONB. This assessment should relate to potential allocations in the setting of the AONB as well as within the AONB. It should incorporate relevant aspects of the Landscape and Visual Sensitivity Studies / Assessments that are carried out for relevant, potential allocations and relevant aspects of the Local Plan's Sustainability Appraisal. It should also consider ways in which developments in the AONB (and their settings) could further enhance the landscape and scenic beauty - and wider natural beauty - of the AONB, including potential financial contributions from developments for this purpose.

This assessment is necessary to demonstrate compliance with paragraph 172 of the NPPF, which states that '*great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs*'.

AONB Management Plans

The AONB report should identify how the Cotswolds AONB Management Plan and the Malvern Hills AONB Management Plan – and associated guidance - have been taken into account in preparing the Local Plan. For example, the study should identify the extent to which the policies and potential allocations of the Local Plan are consistent with the policies of the AONB Management Plan.

For the Cotswolds AONB, the associated guidance that should be taken into account includes the:

- Cotswolds AONB Landscape Character Assessment (LCA).

¹³ <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/Core-11-Major-Development-Advice-2017.pdf>

¹⁴ <https://www.southdowns.gov.uk/wp-content/uploads/2015/01/Guidelines-on-Significance-for-SDNP-Planning-Applications---Supplementary-Advice-October-2014.pdf>

¹⁵ The paragraph 116 referred to here is now paragraph 172 in the NPPF published in July 2018.

- Cotswolds AONB Landscape Strategy and Guidance (LSG).
- Cotswolds AONB Local Distinctiveness and Landscape Change.
- Cotswolds AONB Position Statements.

For example, the LCA and LSG should be referred to in any Landscape and Visual Sensitivity Studies / Assessments for potential allocations in the Cotswolds AONB (and its setting) and should be a key tool for helping to identify the significance of the potential impact of these allocations on the AONB.

The justification for this recommendation is provided by the Government's Planning Practice Guidance (PPG), which states that:

- *Local planning authorities ... should have regard to management plans for ... Areas of Outstanding Natural Beauty, as these documents underpin partnership working and delivery of designation objectives.*
- *Areas of Outstanding Natural Beauty management plans ... may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in the local planning authorities' Local Plans ... in these areas.*