

**BATH AND NORTH EAST SOMERSET LOCAL PLAN
PARTIAL UPDATE CONSULTATION**

COTSWOLDS CONSERVATION BOARD RESPONSE, 18 FEBRUARY 2021



SECTION 2. DEVELOPMENT MANAGEMENT POLICIES

Responding to Climate Change

The Cotswolds Conservation Board recognises the need to take significant steps to both mitigate and adapt to the impacts of climate change.

In 2012, we published a Climate Change Strategy¹ which set out measures to address climate change in the context of the Cotswolds National Landscape. These measures have been incorporated into Policies CC7 (Climate Change – Mitigation) and CC8 (Climate Change – Adaptation) of the Cotswolds AONB Management Plan 2018-2023.²

In addition, we have Position Statements on the related topics of Renewable Energy³ and Woodland Creation and Tree Planting⁴ and an Energy Guide for saving energy in traditional Cotswolds buildings⁵. Relevant topics such as solar farms, wind turbines and tree planting are also addressed in the Cotswolds AONB Landscape Strategy and Guidelines.⁶

We are currently reviewing our Climate Change Strategy, with the intention of an updated version being adopted by the Board in June 2021. The Board's related position statements and guidance will be reviewed and updated in light of the updated Climate Change Strategy.

DM1 – Net Zero Carbon Construction Policy

In principle, the Cotswolds Conservation Board supports a 'net zero carbon construction policy'. This is reflected in the climate change mitigation measures identified in Policy CC7 of the Cotswolds AONB Management Plan include:

- Improving energy efficiency, including building energy-efficient new buildings and retrofitting existing buildings; and
- Improving energy conservation.

The Government's response to the Future Homes Standard consultation, published in January 2021, indicates that the Government *will* implement the Future Homes Standard from 2025, so Option 2 is presumably the most likely option to be implemented.

A key question that needs to be asked is whether the Future Homes Standard (i.e. Option 2 in Policy DM1) or its equivalent (i.e. Option 1 in Policy DM1) go far enough.

¹ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2020/02/Climate-Change-Strategy-adopted-June-2012.pdf>

² <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

³ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/renewable-energy-ps-2014-final-apr2014.pdf>

⁴ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/Position-Statement-on-Tree-Species-and-Provenance-June-2017.pdf>

⁵ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/08/Energy-Guide-June-2014.pdf>

⁶ <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-strategy-guidelines/>

Both options would reduce operational CO₂ emissions by (at least) 45%. In theory, the reduction in CO₂ emissions could potentially be greater than this 45% minimum. However, it is unlikely that developers would want to exceed this minimum level as they would not want to incur greater expenditure than that which is required to comply with relevant policies and requirements.

As such, even if the Future Homes Standard is implemented, CO₂ emissions from new build development are still likely to be more than half (i.e. 55%) of current CO₂ emissions from new build. This still leaves a significant quantity of CO₂ emissions that would have to be offset through other means. According to Option 2, this offsetting would be delivered through off-site renewable energy schemes.

In principle, we support the provision of renewable energy. However, in the highly sensitive landscapes of the Cotswolds National Landscape and Mendip Hills Area of Outstanding Natural Beauty (AONB) and their settings, renewable energy schemes (particularly large scale wind and solar energy schemes) have the potential to adversely affect the natural beauty of these nationally important landscapes. This includes not just their landscape and scenic beauty but also their special qualities, natural heritage, cultural heritage, tranquillity and dark skies. This would not be compatible with the statutory purpose of AONB designation.

One way of minimising these potential adverse impacts would be to further reduce the amount of CO₂ emissions that need to be offset. Therefore, we recommend that consideration should be given to setting 'best practice' on-site mitigation requirements that exceed the Future Homes Standard.

In addition, renewable energy should not be the only offsetting option. Other offsetting options include tree-planting (following the 'right tree in the right place' principle) and carbon sequestration. For example, increasing the carbon content of soils may be a more appropriate option than large scale renewable energy schemes, particularly in the AONBs.

The draft Policy DM2 sets a higher standard for 'fabric performance' (i.e. a 15% reduction in CO₂ emissions) than Policy DM1 (i.e. a 10% reduction in CO₂ emissions). It would be preferable if Policy DM1 could at least match Policy DM2 in this regard.

Finally, we recommend that, in the two AONBs and their setting, on-site measures to reduce CO₂ emissions should be sensitive to the locally distinctive, vernacular architecture of the built environment in these areas. It is worth noting that the distinctive settlements of the Cotswolds National Landscape, with their vernacular architecture, are one of the 'special qualities' of the National Landscape.

DM2 – New Build Non-Residential Development

As with Policy DM2 the Cotswolds Conservation Board supports the principle of achieving 'zero carbon' in non-residential development (albeit with the caveats outlined in response to Policy DM1).

In principle, we also support:

- the requirement to achieve the BREEAM Excellent Standard; and
- the heat and cooling hierarchy.

However, greater clarity is needed on the criteria that would be applied for developers to demonstrate that they have minimised demand for heating, cooling, hot water, lighting and power through building and site-level measures.

The policy should also encourage ‘major development’ with 1,000m² or more of non-residential floorspace to generate renewable energy for export.

We agree with the statement in paragraph 2.15 that ‘the best opportunity to improve building fabric is at the development stage’.

DM3 – Amendments to Policy CP1

Both option 1 (10% reduction in CO₂ emissions through use of renewable energy) and option 2 (20% reduction) seem to be under-ambitious, option 1 in particular. Whilst opportunities for renewable energy generation may be more limited than in new-build schemes, options such as solar panels on roofs should still be achievable.

The primary objective – and the first step in a mitigation hierarchy - should be to reduce CO₂ emissions happening in the first place, through a combination of energy efficiency and energy conservation measures (for example, by improving the insulation of the buildings). As such, it is disappointing that the proposals in DM3 do not prioritise, or even address, energy efficiency or energy conservation.

We support the sensitive approach, outlined in paragraph 2.20, to the retrofitting energy efficiency measures and the appropriate use of micro-renewables in historic buildings (including listed buildings and buildings of solid wall or traditional construction) and in conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future. A sensitive approach should also be applied, more widely, in the two AONBs.

DM4: New Policy Whole Life Cycle Carbon Assessment

We are pleased to see the inclusion of Whole Life Cycle Carbon Assessment.

In principle, we would support Option 2 (i.e. applying a Whole Life Cycle performance threshold for all major development defined as 10 dwelling units or 1000m² or more of non-residential floor space).

DM6: New Policy Emerging policy approach for harnessing wind energy

Within the context of the Cotswolds National Landscape (and the Mendip Hills AONB), the Cotswolds Conservation Board supports the use of small-scale forms of renewable energy that are compatible with the purpose of AONB designation⁷. Wind energy is also addressed in the Board’s Renewable Energy Position Statement⁸ and in the Cotswolds AONB Landscape Strategy and Guidelines.⁹ For example, Section 4.6 of the Landscape Strategy and Guidelines for Landscape Character Type 4 (Enclosed Limestone Valleys) specifically addresses the introduction of vertical elements such as wind turbines.

Although it is anticipated that these documents will be reviewed within the next year or so, they reflect the Board’s current position on this issue. So, for example, it currently remains our position that ‘*much of the [Cotswolds National Landscape] is unlikely to be able to accommodate wind turbine developments above 25m*’ (to the tip of the turbine blade).

⁷ As specified in Policy CC7 of the Cotswolds AONB Management Plan 2018-2023.

⁸ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/renewable-energy-ps-2014-final-apr2014.pdf>

⁹ <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-strategy-guidelines/>

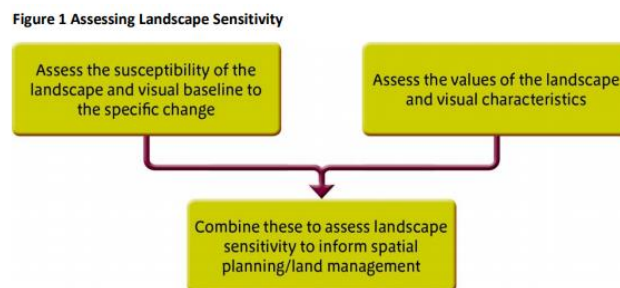
Suitable areas – landscape sensitivity

We are pleased to see that landscape sensitivity analysis is being used to help identify ‘suitable areas’ for wind energy. This reflects one of the recommendations that we made in our response to the previous Local Plan Partial Update consultation in May 2020.

This landscape sensitivity analysis should reflect current best practice.¹⁰ However, as outlined below, we do not consider that the B&NES landscape sensitivity analysis assessment achieves this.

As shown in the figure below,¹¹ the assessment of landscape sensitivity takes into account both:

- the susceptibility of the landscape and visual baseline to the specific change; and
- the value of the landscape and visual characteristics.



The Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment (GLVIA) make it clear that landscapes that are nationally designated (including AONBs) should be accorded the highest value (i.e. very high).¹² Therefore, if an area within an AONB has the same susceptibility to change as an area outside the AONB, the area within the AONB will have a higher landscape sensitivity because of the value accorded to the AONB designation.

This difference in landscape sensitivity between land within the AONBs and land outside the AONBs should be reflected in the landscape sensitivity mapping. Unfortunately, the B&NES landscape sensitivity mapping does not distinguish the AONBs in this way.

Similarly, the AONB designation also influences the value of visual receptors and the overall visual sensitivity. For example, the network of walking and riding routes within the Cotswolds National Landscape is one of the ‘special qualities’ of the National Landscape, with the Cotswold Way National Trail being particularly significant. As such, they merit a higher value rating than equivalent routes outside the AONBs. Views from the National Trail, in particular, should be classed as very high value.

In addition, the landscape sensitivity analysis does not appear to take account of the landscape character types (LCTs), or the associated key features / characteristics, identified in the Cotswolds AONB Landscape Character Assessment. Nor does it address the Cotswolds AONB Landscape

¹⁰ For example the Natural England document, ‘An approach to landscape sensitivity assessment – to inform spatial planning and land management’ (2019) ([link](#)) and the Landscape Institute’s ‘Guidelines for Landscape and Visual Impact Assessment’ (GLVIA) (2013).

¹¹ This figure is from the Natural England guidance referred to in the previous footnote.

¹² GLVIA, paragraph 5.47.

Strategy and Guidelines for the relevant LCTs, particularly with regards to the ‘introduction of vertical elements such as wind turbines’. For example, these guidelines identify that LCT 9 (High Wold Dip Slope) is particularly sensitive to the introduction of ‘tall vertical elements’.

We recommend that B&NES should address these issues in order to make their landscape sensitivity analysis fit for purpose.

Suitable areas – landscape sensitivity thresholds

As indicated in our draft Planning & Development Position Statement (which is scheduled to be adopted by the Board in April 2021), we recommend that areas within AONBs that are identified as having high or moderate-high sensitivity in such assessments should not be classed as being ‘suitable areas’ for the specified type and scale of development (at least in the AONBs).

Such development would exceed the ‘landscape capacity’ and, as such, would not be compatible with the purpose of AONB designation. Such development should also be classed as ‘major development’ in the context of paragraph 172 of the NPPF, for which there would be a presumption against granting planning permission. Whilst there may be an exceptional need to mitigate the impacts of climate change, this does not necessarily mean that exceptional circumstances apply for a particular wind energy proposal. This is because:

- there may be scope to deliver the climate change mitigation, or CO₂ offsetting, by other means or in other locations (outside the AONBs);
- the detrimental effects of the proposed development could potentially exceed the potential benefits.

It may be appropriate to take a similar approach in areas outside the AONBs that are identified as having high or moderate-high visual sensitivity, where this visual sensitivity relates to impacts on views from (and to) the AONBs.

Suitable areas – other considerations

Whilst we support the inclusion of landscape sensitivity analysis as a tool for helping to identify ‘suitable areas’, this should not be the only factor. It may also be appropriate to exclude – and have a buffer zone around – key designations. These designations could potentially include:

- nature conservation designations (particularly national and international designations);
- irreplaceable habitat, such as ancient woodland and well established, species-rich grassland;
- historic environment designations (including the Bath World Heritage Site, scheduled monuments, listed buildings, conservation areas, registered parks and gardens, registered battlefields);
- public rights of way (particularly the Cotswold Way National Trail and named routes);
- common land and other access land;
- airfields;
- roads and other transport infrastructure.

Impacts that have to be addressed

We are pleased to see the requirement for proposals to satisfactorily address impacts, particularly the reference to the Cotswolds and Mendip Hills AONBs. Ideally, the AONB bullet point should be broadened by referring to the natural beauty of the AONBs. Natural beauty, in this context, includes

not just landscape and scenic beauty but also the natural heritage, cultural heritage, tranquillity, dark skies, local distinctiveness and special qualities of the AONB.

For these criteria to be effective, the policy will need to provide clear criteria for what constitutes 'satisfactorily addresses impacts'. For example, in the AONBs (and their settings), will proposals be required to provide a net benefit for landscape and scenic beauty (and natural beauty)? Or will developments with only minor adverse impacts be permitted? Or will developments with moderate adverse impacts be permitted?

It is worth noting that the NPPF, paragraph 172, now requires great weight to be given to enhancing landscape and scenic beauty, as well as conserving it. This is more in line with the purpose of AONB designation. This makes it clear that the aspiration should be to enhance the landscape and scenic beauty of the AONBs, not just minimise adverse impacts.

Theoretical area / capacity / power generation and cumulative impacts

The consultation document (paragraph 2.36) identifies the 'theoretical potential area' within each level of landscape sensitivity and, from that, the theoretical potential installed capacity and potential power generation.

However, these theoretical figures are presumably based on whole of the area within each level of landscape sensitivity being occupied by wind energy developments. They take no account of the potential cumulative impacts of multiple wind energy developments.

The landscape sensitivity analysis identifies the sensitivity of the landscape to wind turbines of a particular height. It does not identify the number of wind turbines of that height that could be accommodated without increasing the landscape sensitivity. Nor does it imply that it would be appropriate to build wind farm developments across the whole of an area that has been identified as having, for example, low or moderate landscape sensitivity. Indeed, the 2010 analysis indicates that each proposal would have to be considered on its own merits.

The cumulative impacts of multiple wind farm developments, each with multiple wind turbines, is likely to be far more significant than the impacts of a small number of wind turbines.

As such, there is little merit in identifying the theoretical capacity or power generation as this bears no relation to what could realistically be achieved without causing significant adverse impacts.

As well as identifying sensitivity of the landscape to different heights of wind turbines it may also be appropriate to identify the sensitivity of the landscape to different scales of windfarm (i.e. the number of wind turbines on a wind farm development and the cumulative number of wind farms with multiple wind turbines on each wind farm).

DM7 – New Policy Harnessing Wind Energy

For the reasons outlined in response to DM6, the Board considers that Option 1 (i.e. allow wind turbines in moderate and less sensitive landscape areas) would be more preferable than Option 2 (i.e. allow wind turbines in Moderate-high and less sensitive landscape areas, particularly in AONBs and their settings).

The specification that this is 'subject to assessment against the criteria set out in policy approach DM6' is vitally important. This is because, without this specification, allowing wind turbines in moderately sensitive landscape areas could (depending on the scale of the proposed development) still result in significant adverse impacts.

We do not consider that it would be appropriate to refer to the technical, potential wind power capacity within the policy. As outlined in response to DM6, this is a highly theoretical figure, the delivery of which would result in significant cumulative impacts. As such, it is unlikely to be deliverable or desirable.

DM8 – New Policy Electric Vehicle

The Cotswolds Conservation Board supports the provision of charging facilities for electric vehicles.

We support Options 1b, 2b and 3b. This is because these options (i.e. the installation of 100% active charging) is likely to facilitate a more rapid transition to electric vehicles. Although this option is more expensive than 'passive provision' it may well be cheaper than the retrospective provision of active charging that would be required at a later stage if there was only passive provision to begin with.

Improvements to grid capacity, where required, should be an integral component of new infrastructure provision.

DM9 – Amendments to Policy NE3: Sites, Species and Habitats

The Cotswolds Conservation Board supports the inclusion of the text relating to irreplaceable habitats.

It would be useful if the supporting text provided some explanation of what is meant by irreplaceable habitat.

The NPPF refers to ancient woodland and ancient or veteran trees as examples of irreplaceable habitat. However, irreplaceable habitat is not necessarily limited to these specific examples. For example, the Board would consider well established, species-rich grassland habitat (particularly lowland calcareous grassland habitat) to be an irreplaceable habitat.

We support the requirement for Biodiversity Net Gain to be managed in perpetuity. This is because many priority habitats, such as lowland calcareous grassland, take many years – or even decades - to become well established.

DM10 – Policy NE5: Ecological Networks and Nature Recovery

The Cotswolds Conservation Board supports the explicit reference to Nature Recovery Networks, as this reflects emerging national policy and legislation.

We recommend that the policy and / or supporting text should also make reference to Nature Recovery Strategies. When published, these will form the statutory description of the nature recovery network and will guide the directing of nature recovery resources, included biodiversity net gain.

DM11 – New Policy for Biodiversity Net Gain

The Cotswolds Conservation Board supports the inclusion of a new policy on Biodiversity Net Gain (BNG) as this reflects emerging national policy and guidance.

Of the two options being proposed, Option 2 (i.e. 15% net gain) would be preferable to Option 1 (i.e. 10% net gain). This is because current research, such as that being undertaken by the University of Kent, indicates that a theoretical 10% net gain is, in reality, likely to still result in a net-loss in biodiversity.

In order to ensure that BNG actually delivers the desired gains in biodiversity, we recommend that consideration should be given to requiring 20% net gain, at least in the AONBs.

Seeking a higher level of net-gain in the AONBs, compared to non-AONB areas, would better reflect:

- the fact that natural heritage (including biodiversity) is one of the factors that contributes to the natural beauty of the AONBs and is, therefore, one of the factors that should be conserved and enhanced in order to fulfil the purpose of AONB designation;
- some habitats are special qualities of the AONBs (for example, in the context of the Cotswolds National Landscape, flower-rich limestone / calcareous grasslands and ancient broadleaved woodland);
- the NPPF (paragraph 172) requirement that the conservation and enhancement of wildlife is an important consideration in AONBs;
- the proposals of the Landscapes Review Final Report, which specifies that national landscapes, including AONBs, should form the backbone of nature recovery networks and should have a renewed mission to recover and enhance nature.

With regards to the Cotswolds National Landscape, specifically, the Board recommends that the policy (or supporting text) should make explicit reference to the habitats and species listed in Appendix 8 of the Cotswolds AONB Management Plan 2018-2023. Not all of these are 'UK Priority Species and Habitats' but they are still important in the context of the Cotswolds AONB.

These measures would be consistent with Policy CE7 (Biodiversity) of the Cotswolds AONB Management Plan, which states that:

- *Proposals ... should provide a significant net-gain in biodiversity, particularly with regard to the species and habitats listed in Appendix 8.*

With regards to off-site habitat creation, it is not clear what is meant by 'local' nature recovery. It may be more appropriate to target off-site habitat creation in locations that overlap nature recovery. These networks might not be located close to the proposed development and, therefore, might not be classed as 'local'. Therefore, we recommend that the word 'local' is either removed or allowance is made to focus off-site habitat creation on nature recovery networks.

With regard to brownfields sites, it is important to note that many such sites provide an important biodiversity resource, particularly for invertebrates and 'bare earth' habitat. It is important that this biodiversity resource is recognised and assessed when determining bespoke BNG requirements for such sites.

DM29 – ST1: Promoting Sustainable Transport

The Cotswolds Conservation Board supports the proposals to strengthen this policy, particularly with regards to locating and designing development in a way that reduces car dependency.

In our response to the previous Local Plan Partial Update consultation, dated 29 May 2020, we recommended that the policy should prioritise reducing the need to travel (or, alternatively, that this should be addressed in a separate, new policy linked to the issue of climate change mitigation).

This recommendations does not appear to have been addressed in the latest consultation. We consider this to be a significant omission. The nine months that have passed since the previous consultation have continued to demonstrate that working at home and holding meetings remotely is a viable option for many people.

The Local Plan should address this issue by, for example, promoting the roll-out of ultrafast, full fibre broadband and comprehensive mobile phone coverage, including in rural areas. In the Cotswolds National Landscape and Mendip Hills AONB and their setting, this should be implemented in a way that is compatible with the purpose of AONB designation.

DM32 – ST3: Transport Infrastructure

The Cotswolds Conservation Board supports the proposals to strengthen this policy, particularly with regards to promoting mode shift to sustainable transport.

DM35 - ST7: Transport Requirements for Managing Development

The Cotswolds Conservation Board supports the proposals to strengthen this policy, particularly with regards to maximising sustainable transport opportunities.

SECTION 3. ADDRESSING HOUSING SUPPLY AND DRAFT SITE ALLOCATIONS

Spatial Strategy Approach

The Cotswolds Conservation Board acknowledges the consideration given to the AONB designation for the Cotswolds National Landscape in paragraph 3.11 of the consultation document:

- Paragraph 3.11: At a strategic level, opportunities on the edge of Bath were assessed and allocated where appropriate through preparing the Core Strategy. The impact of development on the edge of the City not only in Green Belt terms, but on the World Heritage Site and its setting, the Cotswolds AONB and other environmental assets, was shown to limit development potential. Circumstances are not considered to have changed since adoption of these Development Plan Documents.

We also acknowledge that none of the additional sites that are being proposed in the consultation document are in, or directly adjacent to, the Cotswolds National Landscape (or the Mendip Hills AONB). However, paragraph 3.14 identifies a potential scenario in which B&NES Council might have to consider other greenfield options, including non-strategic greenfield sites on the edge of Bath. Paragraph 3.20 also identifies the possibility of other opportunities having to be considered.

If the proposed sites are not deliverable and / or do not have the anticipated capacity, it is possible that consideration might have to be given to alternative sites that are located within or adjacent to the AONBs. If this becomes the case, we would encourage B&NES Council to have regard to the changes to national and local planning policy and guidance, including the changes that have happened since the adoption of the Core Strategy and Placemaking Plan – see Appendix 1 for further details.

Potential Site Allocations

None of the potential site allocations are located within, or directly adjacent to the AONBs. However, most of them are located in the setting of the Cotswolds National Landscape (CNL), as indicated below, in order of distance from the boundary of the CNL:

- SB18: Bath Royal United Hospital: @ 100m from the CNL boundary and @ 360m from elevated views from the Cotswold Way National Trail on the escarpment, within the CNL.
- Sion Hill (new allocation): @170m and @780m from elevated views from footpaths on the escarpment, within the CNL.
- SB8: Bath Riverside: @930m.

- Land at north and east Keynsham (including Policy KE3b): @1km and @ 2.7km from elevated views on the Cotswold Way National Trail, within the CNL.
- SB14: Twerton Park: @1.2km.
- Deposit Site Station Road (new allocation): @1.2km.
- SB10: Roseberry Place: @ 1.5km.

As such, B&NES Council should have regard to the potential adverse impacts of development at these sites on views from (and to) the Cotswolds National Landscape.¹³

In this context, it is important to note that:

- The views from and to the Cotswold escarpment are one of the special qualities of the Cotswolds National Landscape.
- The panoramic views, over the Severn Vale, from the escarpment are one of the key features / characteristics of the Landscape Character Type (LCT) 2 – Escarpment.¹⁴
- The long distance views across neighbouring lowlands is one of the key features / characteristics of LCT 9 - High Wold Dip Slope LCT.¹⁵
- Degradation of these views is identified as a ‘potential landscape implication’ for these LCTs and should be avoided.
- Policy CE1 of the Cotswolds AONB Management Plan 2018-2023 specifies that development proposals should ensure that views – including those into and out of the AONB – are conserved and enhanced.
- The great weight that should be given to conserving and enhancing the landscape and scenic beauty of AONBs (under paragraph 172 of the NPPF) applies to views *from* AONBs but not to the views *to* AONBs.

It is worth noting that most of these potential sites are located within the urban area of Bath. As such, the magnitude of change for visual receptors in the Cotswolds National Landscape is not likely to be significant. The potential exceptions to this are Bath Royal United Hospital and Sion Hill, given their close proximity to the Cotswolds National Landscape, and land at north and east Keynsham, given the scale of the development that is being considered there (particularly in Option 2).

SECTION 4. OTHER OPPORTUNITY SITES

Consultation Reference Bath 5 Policies B5 and SB19 University of Bath

The Claverton Campus overlaps with the boundary of the Cotswolds National Landscape. Development proposals at this campus should, therefore, have regard to the purpose of AONB designation and be compatible with the policies of the Cotswolds AONB Management Plan and other guidance published by the Cotswolds Conservation Board.

Consultation Reference Bath 6 Park and Ride

The consultation document explains that the Council is proposing revised functions for the Park and Ride sites so that they act as a transport interchange; accommodate solar energy infrastructure and potentially accommodate household waste recycling facilities.

¹³ Further guidance on this issue is provided in the Board’s Position Statement on Development in the Setting of the Cotswolds AONB ([link](#)).

¹⁴ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>

¹⁵ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-9-high-wold-dip-slope-2016.pdf>

The Park and Ride sites are located either within the Cotswolds National Landscape (as at Lansdowne Park and Ride) or directly adjacent to it (as at Newbridge Park and Ride and Odd Down Park and Ride). Therefore, when assessing the implications of the proposals for these sites, consideration should be given whether these proposals are compatible with the AONB designation.

We are pleased to see that paragraph 4.22 of the supporting text states that there will need to be an assessment of potential harm, arising from such development, to the Cotswolds National Landscape. However, we are concerned that the policy / consultation text (shaded in blue) only refers to Green Belt implications.

We recommend that the policy text should address the range of issues identified in paragraph 4.22, not just Green Belt issues.

SECTION 5. MINOR AMENDMENTS

PMP:NE2 Conserving And Enhancing The Landscape And Landscape Character

The Cotswolds Conservation Board supports the proposed new criterion, which is being added to reflect paragraph 172 of the NPPF:

- *4. Great weight will be afforded to conserving and enhancing landscape and scenic beauty within nationally designated Areas of Outstanding Natural Beauty (AONBs) and their setting, and with particular reference to their special qualities.*

However, as indicated in our previous consultation response in May 2020, we recommend that the AONBs should be given their own, stand-alone policy. A stand-alone policy would provide the opportunity to capture a wider range of relevant issues. For example, a stand-alone policy could potentially:

- Specify that development in the AONBs and their setting should be compatible with the purpose of AONB designation (i.e. to conserve and enhance the natural beauty of AONBs).
- Address the wider range of factors that contribute to the natural beauty of the AONBs, including their natural heritage, cultural heritage, tranquillity, dark skies and local distinctiveness.
- Address additional aspects of national planning policy and guidance, including:
 - The requirement for the scale and extent of development in AONBs to be limited.
 - The presumption against granting planning permission for major development (in the context of paragraph 172 of the NPPF) in AONBs.
 - Planning Practice Guidance which states that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.
- Specify that development in the AONBs and their setting should be consistent with the policies and objectives of the AONB Management Plans and with other guidance published by the Cotswolds Conservation Board and the Mendip Hills AONB Partnership.

CP6 Environmental Quality

The Cotswolds Conservation Board supports the proposed amendment:

- 4. Nature Conservation: Update to policy to reference measurable biodiversity net gain requirements and nature recovery networks.

In our response to the previous Local Plan Partial update consultation, dated 20 May 2020, we recommended that the policy should seek to 'conserve and enhance', rather than 'conserve or

enhance'. This recommendation does not appear to have been addressed. As such, we continue to advocate this recommendation.

Policy D8: Lighting

The Cotswolds Conservation Board supports the proposed amendment, that '*lighting must be designed in relation to protection of wildlife habitats*'.

In our response to the previous Local Plan Partial update consultation, dated 20 May 2020, we recommended that the policy should incorporate key aspects of the Cotswolds AONB Management Plan policy on dark skies (Policy CE5). This recommendation does not appear to have been addressed. As such, we continue to advocate this recommendation.

In addition, Policy D8 should also be consistent with:

- the Board's Position Statement on Dark Skies & Artificial Light (for development in the Cotswolds National Landscape and its setting);¹⁶
- the Institution of Lighting Professionals' (ILP) 'Guidance Notes for Reduction of Obtrusive Light'¹⁷, in particular, the 'Obtrusive Light Limitations for Exterior Lighting Installations';
- the Good Lighting Guidance published by The Commission for Dark Skies.¹⁸

ADDITIONAL RECOMMENDATIONS FROM THE PREVIOUS LOCAL PLAN PARTIAL UPDATE CONSULTATION THAT HAVE NOT BEEN ADDRESSED

In our response to the previous Local Plan Partial update consultation, dated 20 May 2020, we provided recommendations on several of the policies for which no amendments are currently being proposed. These include:

- **PMP:B1: Bath Spatial Strategy:** the allocation of 300 dwellings in the Cotswolds AONB at Odd Down should be reviewed to assess if maintaining an allocation for the remaining 121 dwellings (or granting planning permission for the even larger number of dwellings that is currently being put forward) would be consistent with relevant changes to the National Planning Policy Framework and National Planning Practice Guidance.
- **PMP:PCS2 Noise and vibration:** key aspects of the Cotswolds AONB Management Plan policy on tranquillity (Policy CE4) should be incorporated into Policy PCS2.
- **CS:CP9 Affordable Housing:** the level of on-site affordable housing provision for market housing developments in the AONBs should be increased to no less than 50%.
- **PMP:SCR4 Community Renewable Energy Schemes:** in the case of all schemes within AONBs and their settings, schemes should only be permitted if there is no unacceptable impact on the purpose of AONB designation.
- **PMP:NE4 Ecosystem Services:** key aspects of the Cotswolds AONB Management Plan policy on ecosystem services (Policy CC4) should be incorporated into Policy NE4.

¹⁶ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Cotswolds-Dark-Skies-Artificial-Light-Position-Statement.pdf>

¹⁷ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Dark-Skies-Artificial-Light-Appendix-B-ILP-Guidance-Notes-For-the-reduction-of-Obtrusive-Light.pdf>

¹⁸ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Dark-Skies-Artificial-Light-Appendix-B-CfDS-Good-Lighting-Guide.pdf>

- **CS:RA4 Rural Exceptions Sites:** the policy should specify that, for sites where 100% affordable housing would not be viable, the proportion of affordable housing should be no less than 75%

We continue to advocate these recommendations. We have attached a copy of our May 2020 consultation response for reference.

APPENDIX 1. Changes to national and local planning policy and guidance that have happened since the adoption of the Core Strategy and Placemaking Plan.

- Paragraph 172 of the NPPF now specifies that the scale and extent of development in AONBs should be limited.¹⁹
- The Government’s Planning Practice Guidance now states that:
 - The NPPF’s policies for protecting these areas ‘*may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process*’;²⁰
 - AONBs ‘*are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*’.²¹
 - *Land within the setting of [AONBs] 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.*²²
- The Government’s response to the Changes to the Current Planning System consultation²³ states that:
 - ‘*we should be clear that meeting housing need is never a reason to cause unacceptable harm to [protected landscapes]*’.
- Relevant case law has clarified that ‘*the first part of paragraph 172 of the NPPF [as well as the second part] qualifies as a policy to be applied under limb (i) of paragraph 11(d) of the NPPF; it is also capable of sustaining a freestanding reason for refusal in general development control in AONBs, National Parks and the Broads*’.²⁴
- Policy CE12 of the Cotswolds AONB Management Plan 2018-2023 (adopted in 2018) states that:
 - ‘*Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB. Priority should be given to the provision of affordable housing, maintaining and enhancing local community amenities and services, and improving access to these amenities and services.*’

¹⁹ This text was added to the NPPF in 2018.

²⁰ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041 (added in July 2019).

²¹ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041 (added in July 2019).

²² <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 042 (added in July 2019).

²³ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

²⁴ *Monkhill Ltd v Secretary of State for Housing Communities And Local Government* 2019 EWHC 1993 (Admin) (24 July 2019) ([link](#)) and the subsequent Court of Appeal ruling on this case law.