

29th May 2020

Bath & North East Somerset Council
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By email only to local_plan2@bathnes.gov.uk



Dear Sir / Madam

LOCAL PLAN PARTIAL UPDATE

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the Bath & North East Somerset ('B&NES') Local Plan Partial Update.

The Board is committed to helping B&NES Council to deliver a sound and legally compliant Local Plan which meets the needs of the B&NES area in a way that makes a positive contribution to conserving and enhancing the natural beauty of the Cotswolds and Mendip Hills Areas of Outstanding Natural Beauty (AONB). In particular, we want to help the Council to address the following issues:

- i. the statutory duty to have regard to the purpose of AONB designation;
- ii. national planning policy requirements and guidance relating to AONBs;
- iii. exemplar 'best practice' in the Cotswolds AONB and other protected landscapes.

All of the comments and recommendations in this consultation response are made with this objective in mind.

The Board's consultation response relates to the first consultation question:

1. Do you have any comments on the proposed scope and content of the Local Plan Partial Update; and the policies to be updated?

The majority of the Board's comments and recommendations relate to both the Cotswolds AONB and the Mendip Hills AONB. Where the Board's response relates specifically to the Cotswolds AONB, we have tried to make this clear in the response.

The Board does not have any comments to make in response to consultation question 2, regarding the programme for the preparation of the Local Plan Partial Update. Nor do we have any comments to make in response to consultation question 3, regarding other specific observations to make on the Local Plan Partial Update.

The scope and content of the Local Plan Partial Update

Scope

The Local Plan Partial Update consultation documents identify a number of 'significant issues' that need to be addressed through the proposed partial update. These include the climate and nature emergency and maintaining the supply of housing in order to meet the Core Strategy housing requirement.

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

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The Board acknowledges that these issues are very important considerations. However, the Board considers that there are a number of additional issues that should be taken into account when deciding the scope (and content) of the Local Plan Partial Update, particularly with regards to development in the AONBs and their settings. These issues all relate to new publications and / or guidance that have been published since the B&NES Core Strategy and Placemaking Plan were adopted in July 2014 and July 2017 respectively. These publications and guidance are outlined in Annex 1.

Content

The consultation's Policy Review document identifies which of the Local Plan policies should be reviewed under the Local Plan Partial Update. The Board agrees that the identified policies should be reviewed.

However, the Board also considers that several of the policies that are not currently proposed to be subject to the partial update should, in fact, be included. These policies, together with the Board's key recommendations, are outlined below:

- **CS:DW1 District-Wide Spatial Strategy:** text should be added on climate change, nature recovery networks and AONBs.
- **PMP:D8 Lighting:** key aspects of the Cotswolds AONB Management Plan policy on dark skies should be incorporated into Policy D8.
- **PMP:PCS2 Noise and vibration:** key aspects of the Cotswolds AONB Management Plan policy on tranquillity 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%.

Further information on these policies is provided in Annex 1.

The scope and content of the policies to be updated

Of the policies that are currently subject to the partial review, the Board considers that our recommendations on the following policies are particularly important, in the context of development in AONBs and their settings:

- **PMP:NE2 Conserving and Enhancing the Landscape and Landscape Character:** there should be a separate, stand-alone policy specifically for the AONBs.
- **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 dwellings¹ (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.
- **CS:CP3 Renewable Energy:** B&NES Council should produce suitability maps for wind and solar energy for the whole B&NES area, with the AONBs and their settings being particularly important considerations in this regard. The evidence base for this suitability mapping should include a landscape and visual sensitivity / capacity study.

¹ 179 of the proposed 300 dwellings have already been granted planning permission.

- **CS:CP6 Environmental Quality (Landscape):** the policy should seek to ‘conserve *and* enhance’, rather than ‘conserve *or* enhance’.
- **PMP:ST1 Promoting sustainable travel:** the policy should prioritise reducing the need to travel (or, alternatively, this should be addressed in a separate, new policy linked to the issue of climate change mitigation).

In addition, the Board has provided comments and recommendations on the following policies:

- PMP:RA1 Development in the villages meeting the listed criteria
- PMP:RA2 Development in villages outside the Green Belt not meeting Policy RA1 criteria
- PMP:SCR1 On-site renewable energy requirement
- PMP:SCR2 Roof Mounted/Building Integrated Scale Solar PV
- PMP:SCR3 Ground Mounted Solar Arrays
- PMP:SCR4 Community Renewable Energy Schemes
- PMP:NE3 Sites, species and habitats
- PMP:NE4 Ecosystem Services
- PMP:NE5 Ecological networks
- PMP:CP7 Green Infrastructure
- PMP:NE1 Development and Green Infrastructure
- CS:RA4 Rural Exceptions Sites
- PMP: SB19 University of Bath at Claverton Down

Further information on the Board’s comments and recommendations relating to these policies is provided in Annex 1.

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

Yours faithfully,



John Mills MRTPI
Planning and Landscape Officer

ANNEX 1. SUPPORTING INFORMATION RELATING TO THE COTSWOLDS CONSERVATION BOARD'S RESPONSE TO THE B&NES LOCAL PLAN PARTIAL UPDATE CONSULTATION

Table of Contents for Annex 1-4

SCOPE AND CONTENT OF THE B&NES LOCAL PLAN PARTIAL UPDATE	3
SCOPE.....	3
CONTENT.....	4
CS:DW1 District-Wide Spatial Strategy.....	5
PMP:PCS2 Noise and vibration	7
CS:CP9 Affordable Housing.....	7
SCOPE AND CONTENT OF THE POLICIES TO BE UPDATED	8
SPATIAL STRATEGY FOR BATH & NORTH EAST SOMERSET.....	8
PMP:RA1 Development in the villages meeting the listed criteria / PMP:RA2 Development in villages outside the Green Belt not meeting Policy RA1 criteria	8
RESPONDING TO CLIMATE CHANGE	8
Carbon net-zero	9
CS:CP3 Renewable Energy	9
PMP:SCR1 On-site renewable energy requirement	9
PMP:SCR2 Roof Mounted/Building Integrated Scale Solar PV	9
PMP:SCR3 Ground Mounted Solar Arrays.....	10
PMP:SCR4 Community Renewable Energy Schemes	10
ENVIRONMENTAL QUALITY.....	10
CS:CP6 Environmental Quality	10
LANDSCAPE.....	11
PMP:NE2 Conserving and Enhancing the Landscape and Landscape Character	11
NATURE CONSERVATION	11
PMP:NE3 Sites, species and habitats	11
PMP:NE4 Ecosystem Services	12
PMP:NE5 Ecological networks.....	12
GREEN INFRASTRUCTURE	13
PMP:CP7 Green Infrastructure & PMP:NE1 Development and Green Infrastructure ...	13
MEETING HOUSING NEEDS	13
CS:RA4 Rural Exceptions Sites	13
PROMOTING SUSTAINABLE TRANSPORT	14
PMP:ST1 Promoting sustainable travel.....	14
VOLUME 2 – BATH.....	14
PMP:B1: Bath Spatial Strategy (including the Odd Down allocation).....	14
PMP: SB19 University of Bath at Claverton Down.....	16
ANNEX 2. GOVERNMENT POLICY AND GUIDANCE RELATING TO RENEWABLE AND LOW CARBON ENERGY IN AREAS OF OUTSTANDING NATURAL BEAUTY	17

ANNEX 3. THE DRAFT AONB POLICY AND SUPPORTING TEXT FOR THE SOUTH
WORCESTERSHIRE DEVELOPMENT PLAN 19

ANNEX 4. PRIORITY HABITATS AND SPECIES LISTED IN APPENDIX 8 OF THE
COTSWOLDS AONB MANAGEMENT PLAN 2018-2023 21

SCOPE AND CONTENT OF THE B&NES LOCAL PLAN PARTIAL UPDATE

SCOPE

The covering letter makes reference to new publications and / or guidance that should be taken into account when deciding the scope of the Local Plan Partial Update. The relevant publications and guidance are as follows:

- Revisions to:
 - **National Planning Policy Framework (NPPF)** (revised version published February 2019), including the new requirements that:
 - great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (paragraph 172);
 - the scale and extent of development within AONBs should be limited (paragraph 172);
 - provision of affordable housing can be sought for residential developments of 5 units or fewer in AONBs (paragraph 63).
 - **National Planning Practice Guidance (NPPG)**
 - In particular, the NPPG on Natural Environment, paragraph 041, which was updated in July 2019 to include the following text: 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, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*'.²
- **25 Year Environment Plan** (published Jan 2018)³, including the aspiration to become the first generation to leave the environment in a better state than we found it. Whilst the initial focus has been on delivering biodiversity net-gain, the longer term aspiration is that this net-gain approach will be applied to a range of environmental issues, including landscape.
- **Landscapes Review Final Report** (published September 2019)⁴ (and, potentially by the end of 2020, the Government's response) - 27 proposals grouped into five topic areas, including:
 - *A strengthened place for national landscapes in the planning system* (Proposal 6).
- **Cotswolds AONB Management Plan 2018-2023** (published December 2018)⁵, including:
 - stronger, stand-alone policies on local distinctiveness (CE3), tranquillity (CE4) and dark skies (CE5);
 - development in the Cotswolds AONB and its setting should have regard to – and help to deliver – the Cotswolds AONB Management Plan and be compatible with guidance produced by the Cotswolds Conservation Board (Policy CE10);

² <https://www.gov.uk/guidance/natural-environment>.

³ <https://www.gov.uk/government/publications/25-year-environment-plan>

⁴ <https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>

⁵ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

- 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 (Policy CE12).
- **Cotswolds Conservation Board Position Statements⁶** - including:
 - new Position Statements on Tranquillity and Dark Skies & Artificial Light (adopted by the Board in June 2019 and April 2019, respectively).
 - Draft Planning & Development and Housing Position Statements (due to go out to consultation in June 2020).
- **Malvern Hills AONB Management Plan 2019-2024** (launched April 2019).⁷
- **National Association for Areas of Outstanding Natural Beauty (NAAONB) Colchester Declaration** (published July 2019)⁸, which sets out what the family of AONBs will do to address the climate and nature emergency.
- **Exemplar Local Plan documents** relating to protected landscapes, for example:
 - **West Oxfordshire Local Plan** (adopted September 2018):⁹
 - For example, Paragraph 5.39: *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.*
 - **South Downs Local Plan** (adopted July 2019)¹⁰ and supporting evidence base, including:
 - landscape-led approach to development (for example, Landscape Background paper (paragraph 4.19): *A site assessed as having high landscape sensitivity, or medium-high landscape sensitivity where any development impact could not be fully mitigated, were generally found unsuitable for housing development*).
 - **Arnside & Silverdale AONB Development Plan Document (adopted March 2019)**¹¹ including:
 - landscape-led approach to development (Policy AS01);
 - requirement to provide no less than 50% affordable housing for housing developments of two or more dwellings (Policy AS03).

CONTENT

The covering letter makes reference to the additional policies that the Board considers should be subject to the Local Plan partial update. These policies are:

- CS:DW1 District-Wide Spatial Strategy.
- PMP:D8 Lighting.
- PMP:PCS2 Noise and vibration.
- CS:CP9 Affordable Housing.

⁶ <https://www.cotswoldsaonb.org.uk/our-landscape/position-statements-2/>

⁷ <http://www.malvernhillsaonb.org.uk/wp-content/uploads/2019/04/64217-Malvern-Hills-AONB-Management-Plan-2019-24-v06.pdf>

⁸ https://landscapesforlife.org.uk/application/files/7815/6326/2583/The_Colchester_Declaration.pdf

⁹ <https://www.westoxon.gov.uk/media/fejympen/local-plan.pdf>

¹⁰ https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf

¹¹ <https://www.arnsidesilverdaleaonb.org.uk/wp-content/uploads/2019/04/final-aonb-dpd-adoption-accessible.pdf>

CS:DW1 District-Wide Spatial Strategy

The consultation documents state that there is no need to update this policy. However, the policy:

- only addresses climate change in the context of designing development that is resilient to the impacts of climate change;
- does not make explicit reference to nature recovery networks;
- does not explicitly address the nationally protected landscapes of the AONBs.

The Board recommends that all of these issues should be explicitly addressed in a revised policy. As such, we recommend that the policy should be subject to the partial update.

Climate Change

Designing development '*in a way that is resilient to the impacts of climate change*' is an important component of addressing the climate emergency. However, it is only one component that focusses primarily on adapting to climate change.

The policy currently makes no reference to climate change mitigation, including the aspiration to reach carbon net-zero. This is a major omission, which should be explicitly included in the policy.

The Board recommends that the wording of paragraph 5 of Policy CS:SD1 should be changed to:

- '*requiring development to contribute to climate change adaptation and mitigation, including contributing to the target of 'net-zero' carbon*'.

Nature recovery networks

Paragraph 7 of the policy currently refers to '*protecting and enhancing the District's biodiversity resource including sites, habitats and species of European importance*'. However, it does not explicitly refer to nature recovery networks.

The objective of establishing a national Nature Recovery Network was set out in the Government's 25 Year Plan. This is now a key component of the forthcoming Environment Bill. In addition, the Landscapes Review Final Report proposes that 'national landscapes', including AONBs, should form the backbone of Nature Recovery Networks, joining things up within and beyond their boundaries.

As such, having no explicit reference to nature recovery networks in the Policy CS:SD1 is a major omission which needs to be addressed.

The Board recommends that the wording of paragraph 7 in Policy CS:SD1 should be changed to:

- '*protecting, restoring and enhancing the District's biodiversity resource including sites, habitats and species of European importance and its nature recovery networks.*'

AONBs

The Cotswolds and Mendip Hills AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. This importance is reflected in the Landscapes Review Final Report, which proposes a strengthened place for national landscapes (including AONBs) in the planning system.

In addition, as outlined above in relation to the scope of the Local Plan Partial Update, there have been a number of additional changes, since the adoption of the Core Strategy and Placemaking Plan, which strengthen the weight that should be given to AONBs. For example:

- (i) the NPPF (paragraph 172) now states that the scale and extent of development in AONBs should be limited; and
- (ii) the NPPG (Natural Environment, paragraph 041) states that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.

For these reasons, the Board considers that having no explicit reference to the AONBs in Policy CS:SD1 is a major omission, which needs to be addressed.

The Board recommends that a new paragraph should be added to Policy CS:SD1, as follows:

- *conserving and enhancing the natural beauty of – and avoiding major development in - the nationally important Cotswolds and Mendip Hills Areas of Outstanding Natural Beauty.*

PMP:D8 Lighting

The dark skies of the AONBs is one of their 'special qualities'. In other words, it is one of aspects of the AONBs' natural beauty which make the areas particularly distinctive and valuable, especially at a national scale. The special qualities are the key attributes on which the priorities for the AONBs' conservation, enhancement and management should be based. This should be recognised in the policy and / or supporting text.

The Cotswolds AONB Management Plan 2018-2023 specifically addresses the issue of dark skies (and light pollution) in Policy CE4. Policy CE4 states that:

1. Proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.
2. Measures should be taken to increase the area of dark skies in the Cotswolds AONB by (i) removing and (ii) reducing existing sources of light pollution.
3. Consideration will be given to seeking a formal dark sky designation for those parts of the Cotswolds AONB that are least affected by light pollution

The Board recommends that key aspects of this policy should be incorporated into the Local Plan. Whilst such a policy could potentially apply across the whole of the Local Plan area, the Local Plan should explicitly identify the AONBs as areas where impacts on dark skies would be particularly closely scrutinised.

At the very least, the Board recommends that the AONBs should be added to the list - in paragraph 2 of Policy PMP:D8 - of areas where existing light pollution should be reduced.

Further information and guidance on the topic of dark skies is provided in the Board's Dark Skies & Artificial Light Position Statement.¹²

PMP:PCS2 Noise and vibration

The Board recommends that there should be a policy that explicitly addresses the issue of tranquillity, particularly with regards to the relative tranquillity of the AONBs. This could potentially be incorporated into Policy PMP:PCS2, or addressed as a stand-alone policy.

The relative tranquillity of the AONBs is one of their 'special qualities'. In other words, it is one of aspects of the AONBs' natural beauty which make the area particularly distinctive and valuable, especially at a national scale. The special qualities are the key attributes on which the priorities for the AONBs' conservation, enhancement and management should be based. This should be reflected in the policy and / or supporting text.

The Cotswolds AONB Management Plan 2018-2023 specifically addresses the issue of tranquillity in Policy CE4. Policy CE4 states that:

1. Proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance.
2. Measures should be taken to enhance the tranquillity of the Cotswolds AONB by (i) removing and (ii) reducing existing sources of noise pollution and other aural and visual disturbance.

The Board recommends that key aspects of this policy should be incorporated into the Local Plan. Whilst such a policy could potentially apply across the whole of the Local Plan area, the Local Plan should explicitly identify the AONBs as areas where impacts on tranquillity would be particularly closely scrutinised.

The Board recommends that consideration should also be given to addressing the requirements of paragraph 180(b) of the NPPF, which requires the identification and protection of tranquil areas. The AONBs should be primary candidates for identification and protection as tranquil areas.

Further information and guidance on the topic of tranquillity is provided in the Board's Tranquillity Position Statement.¹³

CS:CP9 Affordable Housing

The Board recommends that, in the AONBs, the Local Plan should require no less than 50% affordable housing on developments of 2 or more dwellings, with no less than 50% of this affordable housing being affordable in perpetuity.

The Board also recommends that this affordable housing provision should be targeted at those households that have been identified as being in need of affordable housing and who also have a local connection to the specific AONB settlement or the AONB sub-area (i.e. households that already live in, work in or have a family connection in the AONB settlement / sub-area).

¹² <https://www.cotswoldsaonb.org.uk/our-landscape/position-statements-2/>

¹³ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/06/Tranquillity-Position-Statement-FINAL-June-2019.pdf>

The Board is making this recommendation because:

- 50% affordable housing, including at least 50% that is affordable in perpetuity, is more in keeping with best practice in other protected landscapes (e.g. South Downs, Dartmoor).
- The Arnside & Silverdale AONB Development Plan Document sets the exemplar for AONBs of requiring no less than 50% affordable housing on developments of 2 or more dwellings.
- The NPPF, paragraph 63, now allows for on-site affordable housing provision to be sought on residential development of 5 units *or fewer*.
- The Cotswolds AONB Management Plan 2018-2023 (Policy CE12) prioritises the provision of affordable housing with regards to housing development in the AONB.
- The Landscapes Review Final Report emphasises affordable housing as a priority in protected landscapes.
- Focussing housing provision in AONBs on truly affordable housing for those who have an AONB connection would:
 - help to ensure that the scale and extent of development in AONBs is limited (as required by the NPPF) and, in so doing, help to conserve and enhance the natural beauty of the AONBs;
 - require less limestone to be extracted within the AONBs to provide the building materials that make the built environment of the AONBs so distinctive;
 - further the social wellbeing of AONB communities.

SCOPE AND CONTENT OF THE POLICIES TO BE UPDATED

SPATIAL STRATEGY FOR BATH & NORTH EAST SOMERSET

PMP:RA1 Development in the villages meeting the listed criteria / PMP:RA2 Development in villages outside the Green Belt not meeting Policy RA1 criteria

The Board recommends that these policies should set out an additional requirement for settlements within the AONBs that match these policies. The suggested additional requirement is that development proposals in these AONB settlements should be required to provide robust evidence of (affordable) housing need specific to: (i) the AONB parish; or (ii) the AONB sub-area.

RESPONDING TO CLIMATE CHANGE

The Board recognises that climate change is one of the world's biggest threats to humanity and to biodiversity. We also recognise the need to mitigate and adapt to this climate emergency.

The Board has been very pro-active in seeking to address these issues. For example, the Board published a 'Climate Change Strategy for the Cotswolds AONB' in 2012. Climate change is identified as an over-arching issue in the Cotswolds AONB Management Plan 2018-2023, which also sets out policies on mitigating and adapting to climate change (Policies CC7 and CC8, respectively).

In recognition of the climate emergency, the Board is currently reviewing its Climate Change Strategy and associated guidance to check that they are still 'fit-for-purpose' in this regard.

A key principle should be that climate change mitigation and adaptation within AONBs and their settings, including renewable energy schemes, should be delivered in a way that is compatible with the purpose of AONB designation (i.e. conserving and enhancing the natural beauty of the AONBs). This principle is consistent with the national planning policy and guidance relating to low carbon and renewable energy, as outlined in Annex 2.

Carbon net-zero

The Board recommends that the Local Plan should set out policies relating to achieving carbon net-zero within a set timescale.

CS:CP3 Renewable Energy

The Board supports the principle of low carbon and renewable energy.

The Board recommends that low carbon and renewable energy schemes in the AONBs and their settings should be required to be delivered in a way that is consistent with the purpose of AONB designation. The delivery of such schemes should be required to be consistent with the policies of the AONB Management Plans and with relevant guidance and position statements published by the Board or the Mendip Hills AONB Partnership.

This is particularly important in the context of large scale wind and solar energy schemes which have the potential to have a significant adverse impact on AONBs. To help address this issue, the Board recommends that B&NES Council should produce suitability maps for wind energy and solar energy for the B&NES area.

The evidence base for this suitability mapping should include a landscape and visual sensitivity / capacity study (LVSS) for various scales of these forms of renewable energy. The LVSS should take account of the higher sensitivity / value of the AONBs, as nationally protected landscapes, and their settings, compared to other parts of the B&NES area. Where the LVSS identifies areas as having 'significant' or 'moderate-significant' landscape / visual sensitivity, these areas should be excluded from the suitability maps. The suitability maps should also exclude (and provide a buffer around) key environmental / heritage designations.

The Renewable Energy Sensitivity Report that was commissioned by Stratford on Avon District Council provides a good example of LVSS-based suitability mapping for wind and solar energy.¹⁴

PMP:SCR1 On-site renewable energy requirement

The Board supports the aspirations of this policy in principle.

As outlined above, in the context of the AONBs and their settings, the delivery of such schemes should be required to be consistent with the policies of the AONB Management Plans and with relevant guidance and position statements published by the Board or the Mendip Hills AONB Partnership.

PMP:SCR2 Roof Mounted/Building Integrated Scale Solar PV

The Board supports the aspirations of this policy in principle.

¹⁴

<https://democracy.stratford.gov.uk/documents/s30363/Renewable%20Energy%20Sensitivity%20Report%20FINAL%2020814.pdf>

As outlined above, in the context of the AONBs and their settings, the delivery of such schemes should be required to be consistent with the policies of the AONB Management Plans and with relevant guidance and position statements published by the Board or the Mendip Hills AONB Partnership.

In the AONBs and their settings, particular consideration should be given to minimising the reflection of sunlight (and associated 'glare') - for example, through the use of non-reflective materials – and the use of materials that complement the existing roof material.

PMP:SCR3 Ground Mounted Solar Arrays

As outlined above, in the context of the AONBs and their settings, the delivery of such schemes should be required to be consistent with the policies of the AONB Management Plans and with relevant guidance and position statements published by the Board or the Mendip Hills AONB Partnership.

The Board also recommends that such schemes should only be located in areas – and at a scale - that are shown as being suitable in up-to-date suitability maps (see the Board's comments on Policy CS: CP3 for further details).

See also the Board's comments on Policy PMP:SCR2, regarding non-reflective materials.

In addition, the Board supports the additional landscape and biodiversity requirements of the existing policy.

PMP:SCR4 Community Renewable Energy Schemes

As outlined above, in the context of the AONBs and their settings, the delivery of such schemes should be required to be consistent with the policies of the AONB Management Plans and with relevant guidance and position statements published by the Board or the Mendip Hills AONB Partnership.

In addition, the Board recommends that the policy should explicitly include an AONB-focussed criterion equivalent to the criterion for designated and non-designated heritage assets. The Board recommends the following wording for this additional criterion:

- *In the case of all schemes within AONBs and their settings, schemes will only be permitted if there is no unacceptable impact on the purpose of AONB designation.*

ENVIRONMENTAL QUALITY

CS:CP6 Environmental Quality

The Board supports the proposal to update the policy to reflect the Environment Bill.

With regards to 'Landscape', the Board recommends that the policy should state '*conserve and enhance*', not '*conserve or enhance*'. We also recommend that it should make explicit reference to conserving and enhancing the natural beauty of the AONBs. The suggested wording is as follows:

- *the distinctive character and quality of Bath and North East Somerset's landscapes – and the natural beauty of its AONBs –will be conserved and enhanced*'.

The recommendation to ‘conserve and enhance’, rather than ‘conserve or enhance’, would be more consistent with the statutory purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the Cotswolds AONB). It would also be more consistent with the aspiration of the Government’s 25 Year Environment Plan to become the first generation to leave the environment in a better state than we found it.

With regards to ‘High Quality Design’, the Board recommends that explicit reference should be made to the local distinctiveness and vernacular architecture of the built environment in the AONBs. In the context of the Cotswolds AONB, explicit reference should also be made to the unifying character of the limestone geology – its visible presence in the landscape and its use as a building material. This would reflect the importance of these features as special qualities of the AONBs. It would also reflect the requirements of Policy CE3 (Local Distinctiveness) of the Cotswolds AONB Management Plan 2018-2023.

LANDSCAPE

PMP:NE2 Conserving and Enhancing the Landscape and Landscape Character

The Board recommends that there should be an additional, stand-alone policy relating specifically to the Cotswolds and Malvern Hills AONBs. This would better reflect:

- the fact that the distinctive character and natural beauty of the AONBs is so outstanding that it is in the nation’s interest to safeguard them;¹⁵
- the requirements of the NPPF - in particular, the highest status of protection afforded to AONBs (on par with national parks); and
- the proposals set out in the Landscapes Review Final Report to give a strengthened place for national landscapes (including AONBs) in the planning system.

The Board has recently worked in partnership with Wychavon District Council and Malvern Hills AONB Partnership to develop a draft AONB policy and supporting text for the South Worcestershire Development Plan (see Annex 3). The Board recommends that this policy and supporting text should also be used in the B&NES Local Plan (with references to Malvern Hills AONB being replaced by references to Mendip Hills AONB).

With regards to Policy PMP:NE2 itself, the Board recommends that the current wording should say ‘conserve and enhance’, not ‘conserve or enhance’, as outlined in our comments on Policy CS:CP6.

NATURE CONSERVATION

PMP:NE3 Sites, species and habitats

The Board supports the proposal to amend the policy to better reflect the NPPF and the Environment Bill.

To better reflect the requirements of the Environment Bill (and the Government’s 25 Year Environment Plan), the Board recommends that the policy should require proposed developments to deliver significant net-gains in biodiversity, not just ‘*compensatory provision of at least equal nature conservation value*’. Ideally, this net-gain requirement should be at least 20%, particularly in the AONBs.

¹⁵ Defra (2017) Areas of Outstanding Natural Beauty: Technical Support Scheme (England) 2017-19 ([link](#)).

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 AONB, 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.

With regards to the Cotswolds AONB, 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. This 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.*

These habitats and species are listed in Annex 4 of this consultation response for easy reference.

PMP:NE4 Ecosystem Services

The Board supports the proposed clarification of what is meant by Ecosystem Services and what would be required in order to deliver Ecosystem Services in an effective way.

The Cotswolds AONB Management Plan 2018-2023 recognises ecosystem services as one of the cross-cutting themes that affect all aspects of the Management Plan. The Management Plan provides a useful flowchart of natural and cultural capital and the goods and services (including ecosystem services) that they provide and the benefits that these bring.

The Management Plan also includes a policy on Natural and Cultural Capital and Ecosystem Services (Policy CE4). The Board recommends that key aspects of this policy should be incorporated into Policy PMP: NE4. For example, the Board recommends that Policy PMP:NE4 should require development proposals to assess and evaluate the natural and cultural capital and the ecosystem services of the site where development is being proposed and the impact that the proposed development would have on these.

PMP:NE5 Ecological networks

The Board supports the proposal to amend the policy to better reflect the Environment Bill.

In particular the Board recommends that the policy should explicitly address the issue of nature recovery networks, which is a key strand of the Environment Bill and the Government's 25 Year Environment Plan.

See also the Board's comments on nature recovery networks in relation to Policy CS:DW1 District-wide Spatial Strategy.

GREEN INFRASTRUCTURE

PMP:CP7 Green Infrastructure & PMP:NE1 Development and Green Infrastructure

The Board supports the proposal to review and potentially update these policies in order to reflect the Council's climate & nature emergency, Environment Bill and sub-regional and local evidence.

Policy CE7 (Biodiversity) of the Cotswolds AONB Management Plan 2018-2023 identifies the provision of green infrastructure as an important mechanism for improving connectivity between wildlife sites.

MEETING HOUSING NEEDS

CS:RA4 Rural Exceptions Sites

The Board supports the current policy requirement for 100% affordable housing on Rural Exception Sites (RES) and for the housing to remain affordable in perpetuity.

The Board recommends that:

- the RES 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%;
- the policy (or at least the supporting text) should specify that the required housing need surveys should be specific to the relevant parish.

In the context of the AONBs, the Board recommends that the required 'local connection' should relate specifically to the individual AONB parish or, secondly, the AONB sub-area. This would be consistent with Policy CE12 of the Cotswolds AONB Management Plan 2018-2023, which specifies that:

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

Although the current policy has the word 'rural' in the title, it doesn't use this word in the text of the policy itself. To address this, the Board recommends that the policy should start by stating '*In rural areas...*'

The Board also recommends that the policy (or at least the supporting text) should specify that the RES policy primarily applies to land beyond the current settlement boundaries.

The proportion of affordable housing provision in Rural Exception Sites

Unfortunately, in some parts of the Cotswolds AONB, the NPPF proviso that allows for a proportion of market homes has resulted in some RES being permitted with as little as 51% affordable housing. It is the Board's view that such a low level of provision of affordable housing is unacceptable. This is because it undermines:

- the purpose of RES, which is to provide for affordable housing in perpetuity;

- the ‘exceptional circumstances’ that allow RES to be built on land that would not normally be used for housing; and
- the purpose of AONB designation, by allowing excessive housing, which, cumulatively, erodes the natural beauty of the AONBs;
- the NPPF requirement for the scale and extent of development in AONBs to be limited.

As indicated in the Board’s comments on CS:CP9, the Board recommends that market housing schemes should deliver no less than 50% affordable housing. RES sites should have a significantly higher proportion of affordable housing.

To address this issue, the final draft of the Dartmoor Local Plan 2018-2036, for example, specifies that RES developments should comprise not less than 75% affordable housing. Whilst 100% affordable housing should still be the policy target for RES, the Board considers that it may be appropriate for the B&NES Local Plan to follow the example of the Dartmoor Local Plan in setting an absolute minimum of 75% affordable housing, at least in the AONBs.

Given the priority afforded to affordable housing in AONBs, the Board considers that it may be appropriate to for the minimum proportion of affordable housing to be higher for RES sites in the AONBs than for RES sites outside the AONBs.

PROMOTING SUSTAINABLE TRANSPORT

PMP:ST1 Promoting sustainable travel

The Board support the proposed review and potential update of the policy in order to ensure it better reflects the Council’s climate emergency declaration.

The Board recommends that this policy should address the issue of reducing the need to travel, for example, by facilitating working from home and holding meetings remotely. Alternatively, this should be addressed in a new policy in the climate change section. In terms of travel for work, reducing the need to travel should be at the top of the travel hierarchy.

The Covid-19 lockdown has demonstrated that working at home and holding meetings remotely is a viable option for many people, resulting in multiple environmental and health benefits (for example, reduced congestion and improved air quality).

The Board recommends that the policy should also address the move towards electric vehicles (and phasing out petrol / diesel) vehicles. For example, it should require the provision of a network of charging points across the B&NES area.

These issues are address in Policy CC7 (Climate Change – Mitigation) of the Cotswolds AONB Management Plan 2018-2023.

VOLUME 2 – BATH

PMP:B1: Bath Spatial Strategy (including the Odd Down allocation)

The Board recognises that *‘there is a need to identify sufficient housing sites to ensure a continuous housing land supply and sufficient supply to meet the overall Core Strategy requirement in accordance with the current spatial strategy’*, as stated in the consultation documents.

Although the Local Plan Partial Update consultation documents do not propose amending the current spatial strategy, the Board considers that there would be justification for reviewing the proposed housing allocation at Odd Down, in the Cotswolds AONB, as outlined below.

Based on this justification, the Board recommends that this allocation *should* be reviewed and that the proposed dwellings that have not yet been granted planning permission should be re-allocated outside the AONB in a location that would have a less significant impact on the purpose of AONB designation.

The Odd Down allocation and justification for reviewing it

The B&NES Local Plan (Policy B3a) currently includes an allocation of 300 dwellings, covering approximately 30 hectares, at Odd Down, which lies within the Cotswolds AONB on the southern edge of the city of Bath. Permission has already been granted for 171 dwellings on this allocation site, in August 2019. 129 dwellings out of this 300 dwelling allocation have not yet been granted planning permission.

Policy B3a specifies that *'the figure of 300 dwellings is not a cap on development if all the placemaking principles can be met'*. Alarming, a request for an Environmental Impact Assessment (EIA) scoping opinion was submitted to B&NES Council, in January 2020, for a proposed development of 350 dwellings on this allocation site. The Board recognises that this proposed development won't necessarily be granted planning permission. However, combined with the existing planning permission for 171 dwellings, it raises the prospect of this allocation within the Cotswolds AONB potentially having more than 520 dwellings. This would be 220+ dwellings more than the 300 dwellings proposed in Policy B3a.

The Board is aware that the Odd Down allocation was considered to be major development, for which a presumption against allocation / planning permission should apply. The Board is also aware that B&NES Council and the Local Plan inspector took the view that the allocation was justified because they considered exceptional circumstances to apply.

However, since the B&NES Local Plan documents were adopted, there have been a number of significant changes to national and local planning policy and guidance, which add weight to the level of protection afforded to AONBs. These changes might well affect the planning balance for this allocation.

In particular, in the context of the AONBs, these changes include:

- the NPPF (paragraph 172), which now specifies that the scale and extent of development in AONBs should be limited;
- the NPPG (Natural Environment, paragraph 041), which 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, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas'*;¹⁶
- the Cotswolds AONB Management Plan, which now specifies, in Policy CE12, that *'development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB'*.

¹⁶ Applied to the B&NES context, this means that the Cotswolds AONB around Bath is unlikely to be a suitable area for accommodating unmet needs arising from the adjoining urban area of Bath.

The allocation of 300 dwellings on one allocation in the Cotswolds AONB (and the potential delivery of 520+ dwellings) is clearly not consistent with the NPPF requirement for the scale and extent of development in AONBs to be limited.

Prior to this site being allocated in the Local Plan (and prior to the 171 dwellings being granted planning permission), the AONB boundary in this location provided a clear demarcation between the urban area of Bath, outside the AONB, and the rural countryside within the AONB. The rural parishes of this section of the AONB, such as South Stoke, consist of very small settlements. Given the small size of these settlements, the (affordable) housing need in these parishes is also likely to be very small. The construction of the 171 dwellings that have been granted planning permission would more than address the housing need arising within this part of the AONB.

The Odd Down housing allocation is clearly intended to accommodate the housing needs of the urban area of Bath, outside the AONB, rather than the housing needs of the parishes within the AONB or the wider AONB sub-area within B&NES.

As such, the allocation is clearly at odds with: (i) the NPPG statement that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas; and (ii) the AONB Management Plan policy that development in the AONB should be based on needs arising within the AONB.

PMP: SB19 University of Bath at Claverton Down

The Board supports the policy requirement for:

- a full and detailed assessment of impacts on the Cotswolds AONB and how these will be moderated;
- the assessment / study to be guided by the latest version of the Cotswolds AONB Management Plan.

Of particular relevance are the Board's Tranquillity and Dark Skies & Artificial Light Position Statements. The Board recommends that development proposals at the University of Bath at Claverton Down should be required to be compatible with the Board's position statements and other guidance published by the Board.

ANNEX 2. GOVERNMENT POLICY AND GUIDANCE RELATING TO RENEWABLE AND LOW CARBON ENERGY IN AREAS OF OUTSTANDING NATURAL BEAUTY

N.B. Underlining added for emphasis.

The National Planning Policy Framework states that:

- Paragraph 151: To help increase the use and supply of renewable and low carbon energy and heat, plans should:
 - (a) Provide a positive strategy for energy from these sources ... while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
- Paragraph 154: When determining planning applications for renewable and low carbon development, local planning authorities should:
 - (b) approve the applications if its impacts are (or can be made) acceptable.

The Government's guidance on Onshore Wind¹⁷ states that:

- The planning system has a central role in helping to deliver the infrastructure the UK needs to reduce our carbon emissions, ensure security of energy supply and help our economy to grow, while safeguarding our landscape and natural heritage and allowing individual communities the opportunity to shape their environment.
- Projects below 50MW are dealt with at local authority level in England in accordance with the policies set out in the National Planning Policy Framework (NPPF). This commits to safeguarding the natural and historic environment, protecting areas of outstanding natural beauty, sites of special scientific interest and areas of national heritage importance.
- The NPPF also makes it clear that local planning authorities should design their policies to make sure any adverse impacts from renewable and low-carbon energy developments, including cumulative landscape and visual impacts, are addressed satisfactorily.

The Government's guidance on renewable and low carbon energy¹⁸ states that:

- Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. (Paragraph 001).
- The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. (Paragraph 003).
- There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically,

¹⁷ <https://www.gov.uk/guidance/onshore-wind-part-of-the-uks-energy-mix>

¹⁸ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>

the potential impacts on the local environment, including from cumulative impacts.
(Paragraph 004).

- In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. (Paragraph 005).
- In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:
 - the need for renewable or low carbon energy does not automatically override environmental protections;
 - cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
 - local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
 - proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
 - protecting local amenity is an important consideration which should be given proper weight in planning decisions. (Paragraph 007).
- Renewable energy developments should be acceptable for their proposed location. (Paragraph 010).
- Where a planning application is required [for active solar technology], factors to bear in mind include ... the effect on a protected area such as an Area of Outstanding Natural Beauty. (Paragraph 012).
- Particular factors a local planning authority will need to consider [for large scale solar farms] include:
 - the proposal's visual impact [and] the effect on landscape of glint and glare;
 - heritage assets;
 - the potential to mitigate landscape and visual impacts. (Paragraph 013).
- What are the particular planning considerations that relate to wind turbines? (Paragraph 014). These include:
 - Noise
 - Ecology
 - Heritage
 - Cumulative landscape and visual impacts

ANNEX 3. THE DRAFT AONB POLICY AND SUPPORTING TEXT FOR THE SOUTH WORCESTERSHIRE DEVELOPMENT PLAN

SWDPR 27: The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)

- A. Development proposals within the AONBs will be required to demonstrate that they conserve and enhance the natural beauty¹⁹ of the AONBs, including their special qualities, landscape and scenic quality, natural heritage, cultural heritage and relative tranquillity²⁰.**
- B. Major⁽⁴⁵⁾ development proposals within the AONBs will not be supported.**
- C. Development proposals should be consistent with and help to implement the latest published AONB Management Plans and their associated guidance.**

AONB Setting

- D. Development proposals in the setting of an AONB which could have a detrimental impact on the AONB and on people's enjoyment of it will have to submit an assessment of landscape and visual effects²¹ (including cumulative effects where relevant) and demonstrate, including through siting and design, that any such effects could be rendered acceptable. Development in the setting of the AONBs should be in accordance with good practice guidance produced by the Cotswolds Conservation Board and the Malvern Hills AONB Partnership.**

Reasoned Justification

14.41 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty are nationally important landscapes which need to be conserved as indicated in the NPPF (paragraph 172).

14.42 AONBs are designated under the same legislation as National Parks. The Countryside and Rights of Way (CROW) Act (2000) requires a LPA to have regard to the purpose of conserving and enhancing the natural beauty of an AONB including in relation to functions which may affect it. The Act also requires the publication and review of AONB management plans which formulate local authority policy for the management of the AONB and for the

¹⁹ : Natural Beauty" is not just the look of the landscape, but includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries' (Areas of Outstanding Natural Beauty: A Guide for AONB partnership members Countryside Agency 2001: CA24). It has been clarified that land used for agriculture, woodlands, parkland or with physiographical features partly the product of human intervention in the landscape, is not prevented from being treated as an area of 'natural beauty' (Natural Environment and Rural Communities Act 2006). A focus on natural beauty better reflects the statutory purpose of AONBs. Aspects such as special qualities, tranquillity, landscape and scenic beauty, natural heritage and cultural heritage, etc., are all components of natural beauty.

²⁰ Tranquillity includes the avoidance of disturbance from e.g. noise, traffic, contamination, dust and light pollution; natural heritage includes biodiversity and cultural heritage includes historic environment.

²¹ The LPA will advise whether a full Landscape and Visual Impact Assessment (LVIA) or, for non-EIA development within the setting of the AONBs, a standalone Landscape and Visual Appraisal (LVA) should be provided as outlined in section 3.2 of the Guidelines for Landscape and Visual Impact Assessment (Third edition, 2013), published by the Landscape Institute and the Institute of Environmental Management & Assessment. This will depend on the nature and scale of the proposal.

carrying out of local authority functions²². For the purposes of this plan, these are produced by the Cotswolds Conservation Board and the Malvern Hills AONB Partnership. As these management plans aim to conserve and enhance the landscape and natural beauty of the AONB they are entirely consistent with the Framework and therefore they will be treated as a material consideration for assessing the planning merits of development proposals, as required by national guidance.

14.43 The nature of the landscape is such that even small scale development has the potential to have a negative effect on the special qualities of an AONB, especially where such effects accumulate with those arising from other developments. Although the plan includes several housing allocations at settlements within the Cotswolds AONB, further non-planned, i.e. 'windfall' development within the AONBs, will be rigorously assessed against the policies of the Plan and the relevant legislation. Windfall proposals on undeveloped land adjoining built up areas will only be supported where there is convincing evidence of a local housing need specific to the AONB settlement, parish or sub-area²³, such as needs identified through a Neighbourhood Plan or a local affordable housing needs survey (policy SWDPR18 Rural Exception sites). For development outwith but affecting an AONB, regard should be had to the purpose of conserving and enhancing its natural beauty.

14.44 The Strategic Housing and Employment Land Availability Assessment demonstrates sufficient potential housing land capacity beyond the AONBs, so it is considered that there is no overriding justification for large-scale unallocated development in these protected landscapes. Recent changes to National Planning Practice Guidance support this position²⁴ With regards to smaller scale developments in AONBs priority should be given to the provision of affordable housing based on convincing evidence of local AONB need.

14.45 Land within the setting of AONB often makes an important contribution to maintaining its natural beauty and special qualities, as recognised by recent changes to National Planning Practice Guidance²⁵. Poorly located or badly designed development can do significant harm to an AONB and to people's enjoyment of it. Views from and to the higher ground of the Cotswolds and Malvern Hills AONBs have been shown to be highly valued by local people and visitors alike. The siting and design of development within the setting of an AONB therefore requires detailed consideration which takes these potential effects into account and responds accordingly.

²² Countryside and Rights of Way act 2000: Section 89

²³ Sub-area in this context means either the part of the Malvern Hills AONB in Worcestershire (for development in that AONB) or the part of the Cotswolds AONB in Worcestershire (for development in that AONB.)

²⁴ Policies for protecting these areas (inc AONBs) may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Paragraph: 041 Reference ID: 8-041-20190721 Revision date: 21 07 2019

²⁵ 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. Paragraph: 042 Reference ID: 8-042-20190721 Revision date: 21 07 2019

ANNEX 4. PRIORITY HABITATS AND SPECIES LISTED IN APPENDIX 8 OF THE COTSWOLDS AONB MANAGEMENT PLAN 2018-2023

This list of priority habitats and species for the Cotswolds AONB is adapted from Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, which lists the habitats and species that are of principal importance for the conservation of biodiversity in England. The habitats and species listed below are considered to be: (i) characteristic of the Cotswolds; and/ or (ii) those for which the Cotswolds AONB is considered to a stronghold of those particular habitats or species. There are other priority habitats and species within the AONB, which merit an appropriate level of protection, but which do not meet the two criteria outlined above. Habitats with an asterisk (*) are not on the NERC Act list but have been identified, by the Board and relevant stakeholders, as priorities for the Cotswolds AONB.

Habitats

- Lowland mixed deciduous woodland
- Lowland beech and yew woodland
- Wood pasture, parkland and veteran trees
- Lowland calcareous grasslands
- Flushes, streams and rivers
- Arable field margins important for birds and plant species
- Hedgerows
- Common box woodland
- Areas important for bats ('batscapes')*
- H7720 petrifying springs with tufa formation (Crataneurion)*

Species

- Farmland birds, such as skylark, lapwing and corn bunting
- Pearl-bordered fritillary
- Arable plants
- Juniper
- Cotswold pennycress
- Bats
- Dormouse
- Water vole
- Brown hare
- Limestone grassland butterflies
- Marsh fritillary
- Violet click beetle
- White clawed crayfish
- Native brown trout
- Bath asparagus*
- Common box*
- Rockrose pot beetle
- Rugged oil beetle
- Ancient woodland ground flora, such as helleborines and angular Solomon seal