

OXFORDSHIRE PLAN 2050
SUSTAINABILITY APPRAISAL SCOPING REPORT
COTSWOLDS CONSERVATION BOARD RESPONSE
25 MARCH 2019



The Cotswolds Conservation Board submitted its response to this consultation via the [Oxfordshire Plan 2050](#) on-line questionnaire.

1. IS THE SCOPE OF THE SA APPROPRIATE AS SET OUT CONSIDERING THE ROLE OF THE OXFORDSHIRE PLAN 2050 (JSSP) TO HELP MEET AND MANAGE OXFORDSHIRE'S GROWTH NEEDS AND DEVELOPMENT AMBITION?

The way in which this question is framed automatically skews the scope and focus of the Sustainability Appraisal (SA) towards issues associated with '*growth needs*' and '*development ambition*'.

This is highly inappropriate. As outlined in paragraph 7 of the National Planning Policy Framework (NPPF), '*the purpose of the planning system is to contribute to the achievement of sustainable development*'. Paragraph 8 of the NPPF expands on this by stating that '*achieving sustainable development means that the planning system has three overarching objectives [economic, social and environmental], which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*'.

By focussing primarily on '*growth needs*' and '*development ambition*', rather than addressing all three sustainable development objectives equally and in a mutually supportive way, the Oxfordshire Plan 2050 / Joint Strategic Spatial Plan (JSSP) is failing to address the purpose of the planning system and the requirements of the NPPF.

For the SA to be equally biased is even more inappropriate given that '*its role is to promote sustainable development by assessing the extent to which the emerging plan ... will help to achieve relevant environmental, economic and social objectives*'¹. The SA should address all three sustainable development objectives equally, regardless of the scope of the Plan that is being assessed. As such, the second half of the question (i.e. '*... considering the role ...*') is irrelevant.

With regards to the first part of the question (i.e. '*Is the scope of the SA appropriate?*') the Cotswolds Conservation Board ('the Board') has the following comments to make.

Overall, the Board agrees with the key sustainability issues identified in paragraph 4.23 of the SA, albeit with the following caveats:

Under-provision of homes (paragraph 4.23 and Table 3.6)

A distinction should be made between meeting current housing needs in Oxfordshire and meeting the much larger housing numbers that are being proposed for Oxfordshire.

¹ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

A distinction should also be made between meeting county / local authority wide need and the provision of housing in Areas of Outstanding Natural Beauty (AONBs), which cover 25% of the county. The NPPF specifies that the '*the scale and extent of development [in AONBs] should be limited*' (paragraph 172) and that, under most circumstances, '*planning permission should be refused for major development [in AONBs]*'. Paragraph 11 and Footnote 5 of the NPPF exempt AONBs from the requirement to accommodate local authority-wide objectively assessed needs for housing. The statutory Cotswolds AONB Management Plan 2018-2023 states that '*development in the Cotswolds AONB should be based on robust evidence of local need arising with the AONB*'.

For these reasons, housing provision in AONBs should focus on meeting affordable housing needs arising within the individual settlements of the AONB². If this restriction means that Oxfordshire can't meet its housing needs wholly within the Plan area, consideration should be given to accommodating these needs elsewhere, in line with paragraph 26 of the NPPF³.

The Board's recommendations relating to these issues are outlined in response to Question 5, in relation to SA Objective 15.

Flood Risk (paragraph 4.23 and Table 3.15)

The Board supports the recognition of '*the importance of taking into account flood risk*'. However, an important element of the JSSP's flood risk strategy should be to minimise the amount of – and slow the rate of - surface water run-off from new and existing developments through the use of 'sustainable drainage systems'. This appears to be reflected in SA Objective 10, but not in paragraph 4.23 or Table 3.15.

The Board recommends that the following phrase should be added to this key sustainability issue:

- *.... and managing surface water run-off through the use of sustainable drainage systems.*

Climate Change (paragraph 4.23 and Table 3.13)

The bullet point relating to climate change focusses on reducing the County's contribution to climate change. Whilst this is an important issue, consideration should also be given to how the County will adapt to climate change.

The Board recommends that the following sentence is added to this key sustainability issue

- *Building resilience for adaption to climate change.*

² This approach is in line with the approach taken in the adopted West Oxfordshire Local Plan. In the Local Plan examination, the planning inspector withdrew all of the proposed housing allocations in the Cotswolds AONB because there wasn't sufficient evidence of need arising within the affected AONB settlements / sub-area. The Local Plan specifies that windfall sites '*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*'.

³ Paragraph 26 of the NPPF states that '*joint working should help to determine ... whether development needs that cannot be met wholly with a particular plan area could be met elsewhere*'.

Biodiversity (paragraph 4.23 and Table 3.19)

The Board supports the recognition of ‘*the need to protect the County’s biodiversity*’ and to particularly the aspiration to ‘*maintain and strengthen its ecological networks*’. However, the bullet point could be considerably strengthened. For example:

- Rather than just seeking to protect biodiversity, the aspiration should be to significantly increase biodiversity in order to redress the significant and ongoing losses to biodiversity.
- Rather than referring to ‘*internationally and nationally designated habitats*’, it would be more correct to refer to ‘*internationally and nationally designated sites of importance for biodiversity*’, as the designations relate to both habitats and species.
- The bullet point should emphasise the importance of irreplaceable habitat and other priority habitats and species.
- The bullet point should recognise the value of locally designated sites.
- Development should be required to deliver significant net-gains in biodiversity, in line with the aspirations of the Government’s 25 Year Environment Plan.
- Taking account of, and supporting, Oxfordshire’s network for Conservation Target Areas.

For these reasons, the Board recommends that this key sustainability issue should be changed to:

- *The need to significantly increase the County’s **biodiversity**, including: protecting the hierarchy of international, national and locally designated sites of importance for biodiversity and irreplaceable habitat; conserving and enhancing priority species and habitats; creating coherent and resilient ecological networks, particularly in Conservation Target Areas; and ensuring that development delivers a significant net-gain in biodiversity.*

Landscape

The Board supports the recognition of ‘*the need to protect and enhance the character of Oxfordshire’s landscape, including the ... protected landscapes of the ... AONBs and their settings*’. However, the purpose of AONB designation is to conserve and enhance the natural beauty of the AONB. As such any assessment of the sustainability of the JSSP in relation to AONBs should

Landscape character is obviously a key feature of AONBs. However, the statutory purpose of AONB designation is to conserve and enhance their natural beauty. Landscape character is an important component of ‘natural beauty’ but natural beauty also covers a wider range of issues, including scenic beauty, relative tranquillity, natural heritage and cultural heritage. Natural beauty also relates to the ‘special qualities’⁴ of the AONBs.

The bullet point refers to there being two AONBs but, as identified elsewhere in the SA, there are, in fact, three AONBs – Cotswolds, Chilterns and North Wessex Downs.

For these reasons, the Board recommends that this key sustainability issues should be changed to:

⁴ ‘Special qualities’ are those aspects of an AONB’s natural beauty which make the area distinctive and which are valuable, especially at a national scale. They are the key attributes on which the priorities for the AONB’s conservation, enhancement and management should be based. An AONB’s special qualities are outlined in the relevant AONB Management Plan (e.g. the Cotswolds AONB Management Plan 2018-2023).

- *The need to conserve and enhance: the character of Oxfordshire’s landscape, including the special views into Oxford; and the natural beauty of the three AONBs and their setting.*

2. ARE THERE ARE ANY ADDITIONAL PLANS, POLICIES OR PROGRAMMES THAT ARE RELEVANT TO THE SA POLICY CONTEXT THAT SHOULD BE INCLUDED?

The Management Plans of the three AONBs – Cotswolds, Chilterns and North Wessex Downs – are statutory plans, which set out policies for the management of the AONBs. They are important material considerations and should be included as a relevant plans in the SA. Ideally, the policies of the JSSP should be consistent with the policies of the AONB Management Plans.

3. DOES THE EXISTING AND EMERGING BASELINE INFORMATION PROVIDE A SUITABLE BASELINE FOR THE SA OF THE OXFORDSHIRE PLAN 2050 (JSSP)?

Biodiversity and Geodiversity (paragraphs 3.87-3.91)

The Biodiversity and Geodiversity section should highlight the significant declines in biodiversity, both nationally and at a county level, as outlined reports such as the Wild Oxfordshire report, ‘State of Nature in Oxfordshire 2017’.

Landscape and Townscape (paragraphs 3.98-3.110)

The Landscape and Townscape section should highlight the fact that the three AONBs cover 25% of Oxfordshire:

- Chilterns AONB = 9% of Oxfordshire
- Cotswolds AONB = 9%
- North Wessex Downs = 7%

This section should also highlight the scale of development that has already taken place in these three AONBs - and in their setting - in recent years and the pressure that this puts on the purpose of AONB designation (i.e. conserving and enhancing the natural beauty of the AONBs), as outlined below:

Table of housing pressure in the Cotswolds, Chilterns and North Wessex Downs (number of housing schemes >10 units approved and number of units within AONBs and within 500m of AONB 2012-2017)⁵

AONB	Number of schemes approved within the AONB	Number of housing units approved within the AONB	Number of schemes approved within 500m of AONB	Number of housing units approved within 500m of AONB
Chilterns	23	1,213	30	992
Cotswolds	62	2,869	41	2,968
North Wessex Downs	35	1,286	15	567

⁵ Dixon, D., Sinden, N., and Crabtree, T. (2017) *An Independent Review of Housing in England’s Areas of Outstanding Natural Beauty*. Commissioned by the Campaign to Protect Rural England (CPRE) and the National Association of Areas of Outstanding Natural Beauty (NAAONB). Information taken from Table 9 of the report.

4. ARE THERE ARE ANY ADDITIONAL SA ISSUES RELEVANT TO THE OXFORDSHIRE PLAN 2050 (JSSP) THAT SHOULD BE INCLUDED?

Tranquillity and Dark Skies

The Board acknowledges that the issues of tranquillity dark skies have been identified in SA Objective 8. However, these issues have not been adequately addressed in earlier sections of the SA (where the main focus is on air pollution).

These are very important issues for three AONBs, which cover 25% of Oxfordshire, not least because they are two components of the 'special qualities' of the AONBs. The Cotswolds AONB Management Plan has policies to specifically address these issues - Policy CE4 (Tranquillity) and Policy CE5 (Dark Skies). These policies seek to avoid and minimise adverse impacts on tranquillity and dark skies resulting from new development and encourage measures to be taken to remove and reduce existing adverse impacts.

Given their importance for the AONBs these topics merit being addressed in earlier sections of the SA, in particular, in Chapter 3. As a minimum the SA should explain what these terms mean and provide maps of:

- 'dark skies' in Oxfordshire, based on the interactive maps on CPRE's 'Night Blight' website⁶;
- 'tranquillity' in Oxfordshire, based on CPRE's 'Tranquillity Map: England'⁷.

Chapter 3 should make reference to these topics being special qualities of the AONBs and the high level of importance that these topics should be given in the AONBs. This should include the impact that development outside the AONBs has on these issues within the AONB (e.g. by creating additional traffic movements within and adjacent to the AONBs).

Natural and Cultural Capital and Ecosystem Services

'Natural capital', 'ecosystem services' and 'cultural capital' are important issues which should be addressed in the SA and in the JSSP. As a starting point, Oxfordshire's natural and cultural capital – and the services that they provide – should be fully assessed and evaluated.

5. IS THE SA FRAMEWORK APPROPRIATE AND DOES IT INCLUDE A SUITABLE SET OF SA OBJECTIVES AND APPRAISAL CRITERIA FOR ASSESSING THE EFFECTS OF THE PROPOSED OXFORDSHIRE PLAN 2050 (JSSP) AND REASONABLE ALTERNATIVES?

SA Objective 7 (To minimise Oxfordshire's contribution to climate change)

As outlined in response to Question 1, in addition to considering Oxfordshire's contribution to climate change, the SA and JSSP should also consider how Oxfordshire can build resilience for adaptation to climate change. For this reason, the Board recommends that SA Object 7 is changed to:

- To minimise Oxfordshire's contribution to climate change and build resilience for adaptation to climate change.

⁶ <https://www.nightblight.cpre.org.uk/>

⁷ <https://www.cpre.org.uk/resources/countryside/tranquil-places/item/1839->

To take account of this wider scope, the appraisal questions should include:

- Will the JSSP encourage building resilience for adaptation to climate change?

SA Objective 8 (To minimise air, noise and light pollution)

Based on the points made in response to Question 4, the final appraisal question should be changed to:

- Will the JSP maintain Oxfordshire's tranquil areas and dark skies, particularly in the three AONBs?

The following additional appraisal questions should be added:

- Will the JSSP:
 - Help to avoid and minimise light pollution?
 - Help to remove and reduce existing sources of light pollution?
 - Help to avoid and minimise noise pollution and other aural and visual disturbance?
 - Help to remove and reduce existing sources of noise pollution and other aural and visual disturbance?

SA Objective 15 (To protect and enhance Oxfordshire's landscape character and quality)

The Cotswolds, Chilterns and North Wessex Downs AONBs are the highest quality and most important landscapes in Oxfordshire. As such, they merit being explicitly referred to in SA Objective 15. Landscape character and quality are obviously key features of the AONBs. The statutory purpose of AONB designation is to conserve and enhance their natural beauty. Therefore, it would be appropriate for the wording of the objective to be changed to:

- To conserve and enhance Oxfordshire's landscape character and quality and the natural beauty of its three Areas of Outstanding Natural Beauty, including their setting.

As indicated in response to Question 1, 'natural beauty' covers a wider range of issues than landscape character and quality. These issues include scenic quality, relative tranquillity, natural heritage features and cultural heritage. Natural beauty also relates to the special qualities of the AONBs. Some of these issues (e.g. biodiversity and historic environment) are addressed in some detail elsewhere in the SA. However, those 'natural beauty' issues that are not addressed elsewhere (e.g. tranquillity and special qualities, including dark skies) should be specifically addressed under this objective.

Also, as indicated in response to Question 1, in relation to the under-provision of homes, the SA should address a number of issues relating to housing provision in the AONBS.

Based on these points, the Board recommends that the first appraisal question for SA Objective 15 should be replaced by the following two questions:

- Will the JSSP:
 - Conserve and enhance the natural beauty of Oxfordshire's three AONBs (Cotswolds, Chilterns, North Wessex Downs) and their setting, including their:
 - landscape beauty, character and quality?
 - scenic beauty and quality, including views into and out of the AONBs?

- special qualities?

Limit the scale and extent of development within the AONBs, including ensuring that:

- major development is not permitted in the AONBs⁸?
- development in the AONBs is based on robust evidence of local need arising from within the AONBs (particularly in the context of housing)?

6. DO YOU HAVE ANY FURTHER COMMENTS YOU WOULD LIKE TO ADD?

It is important to note that relevant authorities, including public bodies such as local planning authorities (LPAs), have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of AONBS when exercising or performing any functions in relation to the AONBs⁹. This duty is known as the 'duty of regard'.

Natural England and Defra have produced useful guidance on the duty of regard, which clarifies the expectations of the duty and best practice relating to the duty. This guidance is also summarised in Appendix 4 of the Cotswolds AONB Management Plan. For example, the expectation of the duty of regard is that adverse impacts on the AONBs will be avoided or mitigated where possible. Best practice for relevant authorities, in relation to the duty of regard, includes:

- considering the duty of regard at several points any decision making process or activities, including during initial thinking, at more detailed planning stages and at implementation;
- providing written evidence that they have had regard and considered whether it is, or is not, relevant;
- undertaking and making publically available and assessment of any plan which is likely to affect land within an AONB;
- ensuring that decisions affecting these areas are properly considered and recorded in high level policy documents and public statements;
- set out the actions that they have taken to comply with the duty of regard;
- make reference to the duty of regard in appropriate monitoring documents.

This duty should be a key consideration in the development of the JSSP, especially given that AONBs cover 25% of Oxfordshire, and compliance with the duty should be appropriately assessed and recorded, as outlined above.

LPAs also have the power to take all such action as appears expedient to them for the purpose of conserving and enhancing the natural beauty of AONBs¹⁰. This adds extra weight to the need to ensure that the JSSP genuinely contributes to conserving and enhancing the natural beauty of Oxfordshire's three AONBs.

⁸ Other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. The JSSP should make it clear that the national, county and local authority need for housing should not constitute 'exceptional circumstances'. If these pressures are accepted as 'exceptional circumstances', this would completely undermine the purpose of the NPPF policy on major development in protected landscapes (paragraph 172).

⁹ Section 85 of the Countryside and Rights of Way Act 2000.

¹⁰ Section 84 of the Countryside and Rights of Way Act 2000.