

7th February 2020

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

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



Dear Sir / Madam

STROUD LOCAL PLAN REVIEW – DRAFT PLAN FOR CONSULTATION

Thank you for consulting the Cotswolds Conservation Board on the Stroud Local Plan Review – Draft Plan for Consultation. Thank you, also, for extending the deadline for the Board to submit its response.

The Board is committed to helping Stroud District Council to deliver a sound and legally compliant Local Plan which makes a positive contribution to conserving and enhancing the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, we want to help the District Council to adequately address the following issues:

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

All of the recommendations in this consultation response are made with these objectives in mind.

The Board supports many of the aspirations and policy measures of the Draft Plan. We also appreciate the measures that have been taken over the last year to address some of the Board's previous consultation responses.

However, the Board considers that there are a number of areas where further work is needed to ensure that the objectives outlined above are met.

In particular, the Board would like to make the following recommendations:

- **Cotswolds AONB policy:** There should be a comprehensive, stand-alone, AONB-specific policy, which is separate from, but complementary to, the landscape character policy – please refer to our comments on Delivery Policy ES7 for further details.
- **Renewable energy (Delivery Policy ES2) and the 'suitable area' maps in Appendix B:**
 - The renewable energy landscape sensitivity study should be updated to incorporate and address relevant Conservation Board guidance.
 - The 'suitable area' maps should be reviewed and updated to take account of the landscape sensitivity study.
 - The Cotswolds AONB should not be considered as a suitable location for large scale wind and solar energy developments.

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

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- **Sustainable development policy:** The policy on (the presumption in favour of) sustainable development should be retained – please refer to our comments on Core Policy DCP1 for further details.
- **Housing allocations:**
 - An assessment of major development considerations should be undertaken for the proposed AONB allocations before any of these sites are taken forward.
 - The Minchinhampton allocation (PS05) should be deemed to constitute major development (primarily because of its *potential* to have a significant adverse effect on the adjacent scheduled monument) and should, therefore, be withdrawn.
 - The Nailsworth allocation (PS07) should be withdrawn because it is primarily being allocated to accommodate unmet needs arising from adjoining, non-designated areas, which would contradict national planning policy.
- **Core Policy CP9 (Affordable housing):** Within the Cotswolds AONB:
 - 50% affordable housing on sites capable of taking two or more dwellings.
 - Housing provision based on robust evidence of affordable housing need specific to the individual settlement or parish.
 - Priority given to housing that is affordable in perpetuity.
- **Delivery Policy HC4 (Local housing need (exception sites)):** 100% affordable housing, with a minimum of 75% affordable housing (in exceptional circumstances), on Rural Exception Sites in the Cotswolds AONB.

Additional recommendations and supporting information is provided in Annex 1, below, which is grouped under 'Policies', 'Sites' and 'Other Sections', in line with the response format outlined on the consultation website. A table of contents has been provided for Annex 1, in order to facilitate access to our comments on the individual policies.

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

Yours faithfully,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline.

John Mills MRTPI
Planning and Landscape Officer

**ANNEX 1. SUPPORTING INFORMATION RELATING TO THE COTSWOLDS
CONSERVATION BOARD’S RESPONSE TO THE ‘STROUD LOCAL PLAN REVIEW –
DRAFT PLAN FOR CONSULTATION’**

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POLICIES

CORE POLICIES (Section 2.9)

Core Policy DCP1 (Delivering carbon neutral by 2030) and policy on (presumption in favour of) sustainable development

Delivering carbon neutral

The Cotswolds Conservation Board recognises climate change as one of the most important issues facing the world today. Becoming carbon neutral will be a key mechanism for addressing this issue at both a global and local level. As such, the Board fully supports the aspiration for Stroud District to become carbon neutral.

The measures that Core Policy DCP1 identifies for achieving this target closely match the measures identified in Policy CC7 (Climate Change – Mitigation) of the Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023.

However, achieving carbon neutral status should not be delivered at the expense of other key objectives, such as conserving and enhancing the natural beauty of our most outstanding landscapes, such as the Cotswolds AONB (for which Stroud District Council and other public bodies have a statutory ‘duty of regard’¹). The potential adverse impacts of renewable energy schemes will be particularly important in this regard.

The Board has provided more comments on this issue in relation to Delivery Policy ES2 (Renewable or low carbon energy generation) and in relation to the ‘suitable areas for renewable energy’ shown in Appendix B.

Adapting to climate change

The carbon neutral approach of Core Policy DCP1 focusses primarily on climate change mitigation. Whilst this is a crucial aspect of addressing climate change, it is important to note that many of the impacts of climate change are already inevitable even if we do become carbon neutral. Therefore, if addressing the issue of climate change is a priority for Stroud District, equal consideration – and equal policy status - should also be given to the issue of climate change adaptation.

The Board acknowledges that Core Policy DCP1 does make some reference to green infrastructure as a mechanism to sequester carbon. The policy also refers to designing new development to reduce vulnerability - and increase resilience – to climate change. Whilst these proposals do relate to climate change adaptation, they represent only a small component of the adaptation measures that could potentially be delivered.

For example, there are many measures that could be taken to reduce the risk of flooding, such as the implementation of comprehensive sustainable drainage systems. New development could – and should – also fund measures to establish coherent and resilient ecological networks (which relates to, but is also distinct from, the issues of green infrastructure and biodiversity net-gain). This funding should relate to both on-site ecological measures and to enhancing the ecological networks across the wider district. Whilst some of these measures may overlap with proposals in other policies, it is important that they are also captured in an over-arching climate change adaptation policy.

¹ [Section 85 of the Countryside and Rights of Way Act 2000](#)

The Board recommends that the Local Plan should include a climate change adaptation policy that sits alongside Core Policy DCP1. This is the approach that has been taken in the Cotswolds AONB Management Plan 2018-2023, where Policy CC8 (Climate Change – Adaptation) sits alongside Policy CC7 (Climate Change – Mitigation).

Sustainable development

The Board is very concerned that Stroud District Council intends to *replace* the current 'presumption in favour of sustainable development' policy with the new 'carbon neutral' policy (i.e. Core Policy DCP1).

The Board supports the inclusion of a carbon neutral, as outlined above. We also recognise climate change mitigation an important component of sustainable development. However, the issue of sustainable development is much more wide-ranging and over-arching. As stated in the NPPF (paragraph 7), '*the purpose of the planning system is to contribute to the achievement of sustainable development*'. Given this over-arching purpose, it would seem strange to not have a Local Plan policy that specifically and explicitly addresses the issue of sustainable development.

The Draft Plan states that the reason for removing the sustainable development policy is that the National Planning Policy Framework (NPPF) provides the relevant national policy framework. This argument could potentially be used for many of the topics and policies in the Local Plan. If this reasoning was applied to all of these policies, there would be very few policies left in the Local Plan. As such, the Board does not consider this to be a valid reason for removing the policy. Whilst the NPPF provides the relevant *national* policy framework for sustainable development, the Local Plan provides a key role in setting out the relevant *local* policy framework.

For these reasons, the Board considers that it is not appropriate to replace the sustainable development policy with a carbon neutral policy. Instead, **the Board recommends** that the Local Plan should retain a policy on the 'presumption in favour of sustainable development' as well as adding the new Core Policy DCP1.

It is important to note that the 'presumption in favour of sustainable development' equates to a presumption in favour of permitting development *if it is sustainable*, rather than providing a presumption that any development should be permitted. As outlined in paragraph 11 of the NPPF, there are clear circumstances in which there should not be a presumption in favour of permitting development and / or in which objectively assessed needs (OAN) do not need to be met in full.

These circumstances include those where the application of NPPF policies that protect areas of particular importance provides:

- A strong reason for restricting the overall scale, type or distribution of development in the plan area (with regards to plan-making);
- A clear reason for refusing the development proposed (with regards to decision-taking).

As explained in footnote 6 of the NPPF, this includes the application of policies relating to AONBs. **The Board recommends** that the policy on the 'presumption in favour of sustainable development' - and the associated supporting text - should highlight the restrictions that apply to development in the AONB. This issue is particularly significant given that the Cotswolds AONB covers more than 50% of the land area of Stroud District.

The Board recommends that this policy wording and supporting text should utilise existing 'best practice' wording from adopted local plan documents for other protected landscapes such as the Arnside and Silverdale AONB Development Plan Document (DPD) and the South Downs National Park Local Plan (SDNPLP). Relevant wording from these documents is provided in Annex 2. The SDNPLP is a suitable reference point because the wording of the NPPF in relation to this issue applies equally to both AONBs and National Parks. The NPPF also gives AONBs the same planning status as National Parks (e.g. paragraph 172 – the highest status of protection in relation to conserving landscape and scenic beauty).

Where the requirements of the NPPF relating to AONBs (in this instance, the Cotswolds AONB) means that OAN cannot be met in full, the District Council should work with other local authorities, under the duty to cooperate, to determine if any unmet needs could be met elsewhere, outside the AONB.

Core Policy CP2 (Strategic growth and development locations)

The Cotswolds Conservation Board recognises the need for the Local Plan to identify and allocate: (i) strategic development sites for employment and housing; and (ii) local development sites for housing. The Board acknowledges that there may be circumstances in which it may be appropriate to allocate housing in the Cotswolds Area of Outstanding Natural Beauty (AONB) as part of this process. The Board also acknowledges that some of the previously proposed housing allocations within the AONB and its setting have been withdrawn due, in part, to their potential adverse effects on the purpose of AONB designation.

However, based on the evidence base provided, the Board objects to the proposed allocations in the Cotswolds AONB. This is because Stroud District Council has not yet adequately addressed: (i) its statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB, or (ii) the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

In particular, the District Council has not undertaken a comprehensive assessment of whether the proposed housing allocations in the AONB constitute major development in the context of paragraph 172 and footnote 6 of the NPPF. Secondly, the Local Plan does not adequately take into account the PPG statement that AONBs '*are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*'.²

Further information on these issues is provided in the Board's response to the Section 3 of the Draft Plan, in relation to the proposed AONB allocations.

Core Policy CP3 (Settlement hierarchy)

The Cotswolds Conservation Board supports the principle of having a settlement hierarchy, in which development is steered towards the larger, more accessible settlements that have good facilities, services and employment opportunities. As stated in Policy CP3, '*this will ensure that development reduces the need to travel and promotes sustainable communities*'.

However, in the Cotswolds AONB (and its setting), the principle of the settlement hierarchy needs to be balanced with: (i) the statutory duty to have regard to the purpose of AONB designation; and (ii) national policy and planning practice guidance relating to AONBs.

² [Natural Environment – Landscape](#), paragraph 41

As indicated in the NPPF and PPG:

- the requirement to meet objectively assessed needs in full does not apply in AONBs (NPPF paragraph 11, footnote 6);
- the scale and extent of development within AONBs should be limited (NPPF paragraph 172);
- AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas (PPG – Natural Environment, paragraph 041).

As such, higher tier settlements within the AONB should not necessarily be expected to accommodate the same level of housing provision as they would if they were located outside the AONB.

The Board recommends that development (including housing and employment provision) within the Cotswolds AONB should primarily be based on:

- (i) robust evidence of need arising within the AONB, with (in the case of housing) priority being given to the provision of affordable housing in perpetuity;
- (ii) the capacity of the landscape to accommodate the proposed development.³

Schematic diagrams

With regards to the schematic diagrams on pages 51 and 52 of the Draft Plan, the Board supports:

- Tier 2 settlements within the Cotswolds AONB (Minchinhampton, Painswick and Wootton-under-Edge) having more stringent affordable housing requirements than the Tier 2 settlements outside the AONB (i.e. on-site affordable housing provision required on smaller sites);
- the 100% affordable housing provision indicated for exception sites;
- prioritising the meeting of local housing needs (i.e. those people with a strong local connection);
- having a limit on the cumulative increase in the total number of dwellings in a settlement;
- affordable housing provision being restricted to people in need with a strong local connection (for Tier 4 settlements).

However, the **Board recommends** that the Draft Plan should go further on these issues for development in the Cotswolds AONB. For example:

- the requirement for 'at least 30% affordable housing' should be increased to 50% in the AONB, with priority being given housing that is affordable in perpetuity;
- the requirement for on-site affordable housing provision should be increased from 'on sites capable of providing 4 or more dwellings' should be increased to 'on sites capable of providing 2 or more dwellings';
- for all settlements within the AONB, housing provision should primarily focus on meeting local housing needs arising within the AONB;
- the limit on cumulative increases in the number of dwellings in a settlements should apply to all tiers of settlement within the AONB and should be reduced to 5% (at least for individual development proposals);

³ In the South Downs National Park, for example, sites are not considered suitable for development if they are assessed as having high landscape sensitivity, or medium-high landscape sensitivity where any development impact could not be fully mitigated.

- the requirement that affordable housing provision should be restricted to people in need with a strong local connection should apply in all tiers of settlement within the AONB;
- where a settlement is located primarily outside the AONB boundary but the Settlement Development Limit boundary extends into the AONB, or areas adjoining the SDL extend into the AONB, a more restrictive approach should apply in those areas that overlap with AONB (in line with the Board's recommendations for settlements that lie entirely within the AONB).

Please refer to the more detailed comments in response to Policy DHC2 (Sustainable Rural Communities) and Policy CP9 (Affordable Housing) for more details.

Core Policy CP4 (Place making)

The Cotswolds Conservation Board supports the requirements of Core Policy CP4.

However, the Board is concerned that the policy does not adequately address the Cotswolds AONB Management Plan or other relevant guidance produced by the Board. For these reasons, the Board objects to the current draft policy.

In order to address these issues, **the Board recommends** that the policy should explicitly require development in the AONB and its setting to have regard to (and be consistent with):

- relevant AONB special qualities, including (but not limited to) the:
 - unifying character of the limestone geology including its use as a building material;
 - variations in the colour of the stone from one part of the AONB to another;
 - distinctive settlements developed in the Cotswold vernacular, with high architectural quality and integrity.
- the Cotswolds AONB Management Plan and other relevant guidance produced by the Board, including:
 - Cotswolds AONB Landscape Character Assessment;
 - Cotswolds AONB Landscape Strategy and Guidelines;
 - Cotswolds AONB Local Distinctiveness and Landscape Change;
 - Cotswolds Conservation Board Position Statements.

As outlined in our comments on Delivery Policy ES7 (Landscape character), the Board recommends that the Local Plan should include a new policy specifically for the Cotswolds AONB. As an alternative to incorporating the above recommendations into Core Policy CP4, the recommendations could potentially be incorporated in response to this new AONB policy.

Similar recommendations also apply to Delivery Policy HC1 (Detailed criteria for new housing developments), Delivery Policy ES12 (Better design of places) and Core Policy 8 (New housing development).

HOMES AND COMMUNITIES (Section 4.0)

Core Policy CP8 (New housing development)

The Cotswolds Conservation Board supports the aspirations of Core Policy CP8.

However, as indicated in response to Core Policy CP4 (Place Making), **the Board recommends** that the policy should also require that development proposals in the AONB and its setting have regard to (and be consistent with):

- relevant AONB special qualities;
- the Cotswolds AONB Management Plan and other relevant guidance produced by the Board.

See the Board's comments on Core Policy CP4 for further details. It is worth noting that similar recommendations also apply to Delivery Policy HC1 (Detailed criteria for new housing development) and Delivery Policy ES12 (Better design of places).

The policy refers to additional biodiversity-related requirements for 'major residential development proposals'. However, the policy does not define what is meant by 'major residential development'. Clarity on this definition is essential in order to be clear on when these additional policy requirements should be triggered.

The Town and Country Planning (Development Management Procedure) Order (England) 2015, defines major development, in this context, as 10 or more dwellings, or development carried out on a site having an area of one hectare or more. **The Board recommends** that 10+ dwellings would probably be the most appropriate definition of 'major residential development' in the context of this policy.

It is not clear why only 'major residential development proposals' should be required to enhance biodiversity on site. In principle, *all* development should seek to enhance biodiversity on site, albeit to a degree that is proportionate to the proposed development.

It is also not clear if 'enhance' equates to delivering net-gain. If it does, then this should be explicitly stated, with a clear indication of the scale of net-gain that is expected (for example, a minimum net-gain of 10%).

Finally, it is not clear why the requirements for off-site biodiversity enhancement just relate to 'multi-functional green spaces' for off-site biodiversity enhancement. A key issue that needs to be addressed, in this context, is the creation of coherent and resilient ecological networks (also referred to as 'nature recovery networks'). Multi-functional green spaces can be a component of this (and visa-versa) but ecological networks should not just be based on multi-functional green spaces.

To address these issues, **the Board recommends** that the wording of the final paragraph of Core Policy CP8 should be amended as follows:

- All residential development will be expected to enhance biodiversity. Development of 10 or more dwellings will be expected to provide at least a 10% net-gain in biodiversity. This should be delivered both on-site and, where appropriate, through the creation and enhancement of ecological networks, including multi-functional green space.

Core Policy CP9 (Affordable housing)

The Cotswolds Conservation Board supports the aspiration of Core Policy CP9 with regards to affordable housing provision. In particular, the Board supports the requirement for Tier 2 settlements within the Cotswolds AONB (Minchinhampton, Painswick and Wootton-under-Edge) to have more stringent affordable housing requirements than the Tier 2 settlements outside the AONB (i.e. on-site affordable housing provision required on smaller sites);

However, **the Board recommends** that a new paragraph should be added to Core Policy CP9 relating specifically to the Cotswolds AONB and that reference to the Cotswolds AONB should be removed from the paragraph relating to designated rural parishes that lie outside the AONB.

This new paragraph relating to the Cotswolds AONB should state that:

- *Within the Cotswolds AONB:*
 - *sites capable of providing 2 or more dwellings (net) will be required to provide at least 50% affordable housing;*
 - *housing provision should be based on robust evidence of affordable housing need specific to the individual settlement or parish, such as an up-to-date Housing Needs Survey;*
 - *priority will be given to housing that is affordable in perpetuity.*

The information on the schematic diagrams on pages 51 and 52 of the Draft Plan should be amended to reflect these changes.

It is worth bearing in mind that any housing provision in the AONB should not exceed the capacity of the landscape to accommodate that housing. It is also worth noting that housing development in the AONB that constitutes major development should not normally be permitted.

Reasons for higher levels of affordable housing provision in the Cotswolds AONB

There are many reasons why the level of affordable housing provision in the Cotswolds AONB should be higher than in the parts of Stroud District that lie outside the AONB (including those designated rural parishes that lie outside the AONB). These reasons include:

- The scale and extent of development in AONBs should be limited.⁴
- [Protected landscapes] are not suitable locations for unrestricted housing ... The expectation is that new housing will be focused on meeting affordable housing requirements.⁵
- In the AONB, priority should be given to the provision of affordable housing.⁶

⁴ NPPF (paragraph 172) and PPG-Natural Environment (paragraph 41).

⁵ Defra (2010). *English National Parks and the Broads. UK Government Vision and Circular 2010*. N.B. Although this document relates to National Parks and the Broads – not AONBs – the Board takes the view that the extracted text is relevant to all protected landscapes. This is because National Parks and AONBs both have the highest status of protection in the NPPF. Also, the NPPF and PPG now explicitly state that the scale and extent of development in AONBs should be limited.

⁶ Cotswolds AONB Management Plan 2008-2013 (Policy CE12).

Scale and extent of development in the Cotswolds AONB

An independent review of housing in England's AONBs⁷ has identified that, for housing schemes of 10 or more dwellings between 2012 and 2017, the Cotswolds AONB had:

- the highest number of schemes approved (62);
- the highest number of housing units approved (2,869);
- a three-fold increase in the average number of units built per year (217 to 635), which was the third largest increase of any AONB; and
- the third highest increase in new dwellings completions per 1,000 population (5.08).

This rate of growth in housing is not compatible with the NPPF requirement that the scale and extent of development in AONBs should be limited. Measures therefore need to be put in place to control this growth in housing to a level that is more compatible with the development constraints that apply to protected landscapes. One of the key mechanisms for doing this is to prioritise the provision of affordable housing (and to limit the amount of market housing).

Provision of affordable housing in the AONB

Focussing on affordable housing provision within the AONB (and limiting the amount of market housing) will help to ensure that housing provision within the AONB stays within landscape capacity thresholds. This, in turn, will help to minimise the cumulative impacts of housing developments in the AONB and ensure that the purpose of AONB designation (to conserve and enhance the natural beauty of the AONB) is adequately addressed.

The Board advocates that new housing developments in the AONB should reflect the local distinctiveness of the AONB. For example, such developments should incorporate limestone that has been extracted in the AONB as a building material. Focussing on affordable housing provision (and limiting the amount of market housing) will, therefore, have the additional benefit of minimising the amount of limestone that needs to be extracted AONB and minimising any associated adverse impacts.

Outstanding landscapes, such as the Cotswolds AONB, are, naturally, desirable places to live (regardless of their formal designation). This potentially brings with it a higher 'price tag' for housing within these landscapes. The potential consequence of this that the housing stock is increasingly out of the reach of many local (AONB) households. Having more stringent requirements for affordable housing in the AONB, compared to those areas of the District that lie outside the AONB, would help to address this issue. For example, it would help to secure a larger stock of affordable housing in the AONB than would be provided through the current Draft Plan policies.

50% affordable housing for developments of 2 or more dwellings

The recommendation for 50% affordable housing reflects best practice in many Local Plans (and / or Local Plan documents) in other protected landscapes, such as the Arnside and Silverdale AONB Development Plan Document (DPD), which was adopted in March 2019.

⁷ Dixon, D., Sinden, N., and Crabtree, T. (2017) *An Independent Review of Housing in England's Areas of Outstanding Natural Beauty*. Commissioned by the National Association of AONBs (NAAONB) and the Campaign to Protect Rural England (2017)

The Arnside and Silverdale DPD also sets the AONB benchmark of requiring 50% affordable housing for developments of two or more dwellings.

Robust evidence of affordable housing need specific to the individual AONB settlement / parish

The Board outlined its reasons for seeking robust evidence of affordable housing need in its response to the consultation on the Stroud Local Plan Emerging Strategy Paper (see Annex 3).

The Board acknowledges that the Draft Plan addresses this issue, to some extent, for Tier 4 settlements, where housing developments adjoining the Settlement Development Limit (SDL) are *'to be restricted to people in need with a strong local connection'*. However, in order for the District Council to meet relevant legal and national planning policy requirements relating to AONBs, the Board considers that robust evidence of affordable housing need should be the basis of housing provision across all tiers of the settlement hierarchy.

The most robust evidence of affordable housing need is likely to be an up-to-date⁸ housing needs survey for the specific parish. Caution should be used in treating Homeseeker Plus data as evidence of affordable housing need. For example, Homeseeker Plus allows households to express a preference for up to three locations, for which they don't necessarily need to demonstrate a local connection. As such, there is a risk of double-counting, or even triple-counting, the housing need, based on data that might not even have been verified.

Prioritising housing that is affordable in perpetuity

As indicated above, housing provision in the Cotswolds AONB should be based on robust evidence of affordable housing need. Households identified as being in need of affordable housing in housing needs surveys are likely to be those households that have the biggest difference between household income and house prices. As such, they are unlikely to be able to afford several categories of housing that are classed as 'affordable' (for example, housing that is sold at a 20% discount for first time buyers). The provision of such 'affordable' housing is, therefore, unlikely to meet the needs of these households. These needs are more likely to be met through the provision of housing that is affordable in perpetuity, such as social-rented housing.

This issue highlights the importance of ensuring that the type of affordable housing that is provided meets the needs of those households in the settlement (or with a local, AONB connection) who have been identified as being in need of affordable housing. It also highlights the importance of prioritising these households when it comes to utilising the affordable housing that has been built.

If the 'affordable' housing that is built in the Cotswolds AONB is not affordable in perpetuity, then it is likely that it will no longer be classed as affordable housing once it is sold the first time. Further affordable housing will then need to be built to replace this loss of affordable housing provision. This exacerbates the scale and extent of housing development in the AONB. This, in turn, potentially undermines the purpose of AONB designation and erodes the natural beauty and special qualities of the AONB.

It is worth noting that affordable housing policies in a number of protected landscapes set a percentage figure for housing that is affordable in perpetuity. For example, the South Downs National Park Local Plan (SDNPLP) requires developments of 11 or more dwellings to

⁸ Less than five years old.

provide at least 50% affordable housing, *of which at least 75% should provide a rented affordable tenure*. For developments of fewer than 11 dwellings, the SDNPLP sets a sliding scale for the provision of rented affordable tenure (between 33% and 66% of total affordable housing provision). The Board recommends that the Stroud Local Plan should require similar percentages of affordable housing in perpetuity / rented affordable tenure.

Exceptional circumstances

The Board acknowledges that there may be certain circumstances in which it might be appropriate to allow some additional flexibility with regards to housing provision in the AONB. For example, as indicated in response to Core Policy CP3 (Settlement Hierarchy), it may be appropriate to steer housing provision in the AONB towards those settlements that are higher up the settlement hierarchy. However, where the level of housing provision exceeds the amount required to meet the Board's recommendations, robust justification should be provided for doing so.

The requirement for at least 50% affordable housing on developments of 2 or more dwellings should still apply in these circumstances and priority should still be given to the provision of housing that is affordable in perpetuity. Also, robust evidence of affordable housing need specific to the individual settlement / parish should still be a key consideration.

Delivery Policy DHC1 (Meeting housing need within defined settlements)

This policy is based, to a large degree, on the criteria set out in Delivery Policy HC1 (Detailed criteria for new housing developments). At present these criteria do not adequately address Cotswolds AONB issues and constraints. On this basis, the Cotswolds Conservation Board objects to Delivery Policy DHC1.

Please refer to the Board's comments on Delivery Policy HC1 for further details.

Delivery Policy DHC2 (Sustainable rural communities)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy DHC2, in particular, the requirement of criteria (4) to limit the cumulative increase in settlement housing stock.⁹

However, we are concerned that the criteria only apply to smaller (Tier 4) settlements. The Board considers that, in the Cotswolds AONB, it would be appropriate to apply the criteria to all tiers of the settlement hierarchy. We also consider that the limit on the cumulative increase in settlement housing stock should be more restrictive for individual developments in the AONB. As such, the Board objects to the current policy.

The Board recommends that an additional paragraph is added to the end of the policy stating:

- *Within the Cotswolds AONB, the above criteria will apply to housing developments across all tiers of the settlement hierarchy. Within the Cotswolds AONB, criteria (4) will be extended as follows:*

⁹ The Local Plan should, in this context, clarify that 'settlement' relates to the dwellings within the settlement development limit (SDL), rather than, say, to the number of dwellings within the whole parish.

- *Individual proposals would not lead to a cumulative increase of more than 5% of the existing settlement housing stock at 2020 (or 5% of the existing size of the settlement at 2020, whichever is smaller); total housing provision within a settlement would not lead to a cumulative increase of more than 10% of the settlement housing stock at 2020 (or 10% of the existing size of the settlement, whichever is smaller). Tier 3 and 4 settlements, the cumulative increase should not exceed 5% or one hectare, whichever is smaller.*

Clarity is needed on exactly what is meant by ‘at 2020’ (for example, a specific date). The wording should also be consistent with the wording used in the schematic diagram for Tier 4 settlements on page 52 (i.e. ‘at 2020’ v ‘during the Plan period’).

All criteria

Applying the criteria to all tiers of the settlement hierarchy in the Cotswolds AONB would be consistent with the District Council’s statutory duty to have regard to the purpose of AONB designation and with the requirements of the NPPF (for example, the requirement to limit the scale and extent of development in AONBs).

Criteria 4 – limits on cumulative increases in settlement housing stock

In addition to being consistent with relevant NPPF requirements (as outlined above) this criteria also reflects the guidance in the Cotswolds AONB Landscape Strategy and Guidelines to ‘ensure new development is proportionate’.

The NPPF provides a useful definition of ‘proportionate’ in paragraph 17 and footnote 33, albeit in relation to ‘entry-level exception sites’. Paragraph 71 states that such sites should be proportionate in size to the existing settlement that they would be located adjacent to. Footnote 33 clarifies that such sites ‘*should not be larger than one hectare in size exceed 5% of the size of the existing settlement*’. In theory, 5% of the size of the existing settlement would equate to 5% of the number of dwellings. Where there is a difference between the two, the smaller of the two could be used as the appropriate threshold.

It is also worth noting that South Downs National Park Authority (SDNPA) has identified that a potential housing allocation that would have increased the number of dwellings in a settlement by 5.6% would ‘*clearly be major*’ development in terms of scale (in the context of paragraph 172 and footnote 55 of the NPPF). On this basis, the SDNPA recognised that there would be a presumption against allocating that site.

Based on the information outlined above, the Board recommends that 5% would be a more appropriate threshold for individual housing developments within the Cotswolds AONB. However, it is important to note that this threshold relates purely to scale. There may be many circumstances in which a smaller scale development might be deemed to be inappropriate, or major development, or have a significant adverse effect on the purpose of AONB designation. An over-arching consideration is that any housing developments (either individually or cumulatively) should not exceed the capacity of the landscape to accommodate that housing.

Delivery Policy HC4 (Local housing need (exception sites))

The Cotswolds Conservation Board acknowledges that there may be circumstances in which exception sites can provide an appropriate mechanism for delivering affordable housing to

meet local need. We also support the requirement that such sites should only be considered for settlements at Tier 3 or above in the settlement hierarchy.¹⁰

However, the Board is concerned that Delivery Policy HC4 does not explicitly quantify the percentage of affordable housing that should be provided on such sites or quantify the minimum percentage. Also, the policy does not distinguish between 'rural exception sites' (RES) and 'entry-level exception sites'¹¹, does not quantify what constitutes 'small sites'¹² and does not specify that the housing must be affordable in perpetuity (for RES)¹³.

For these reasons, the Board objects to the current policy.

The Board recommends that the policy should be amended by specifying (for the Cotswolds AONB at least):

- a target of 100% affordable housing for exception sites;
- that exception sites should not lead to a cumulative increase of more than 5% of the settlement housing stock at 2020, or lead to a cumulative increase of more than 5% of the size of a settlement at 2020, or be larger than one hectare (whichever is smaller);
- that the majority of affordable housing provided on Rural Exception Sites must be affordable in perpetuity;
- that entry-level exception sites will not be permitted in areas or assets specified in footnote 6 of the NPPF, including the Cotswolds AONB.

In addition (if the District Council considers that some market housing might be appropriate in exceptional circumstances), **the Board recommends** that the policy could state that:

- in *exceptional* circumstances, where 100% affordable housing is not viable, affordable housing provision should be as close to 100% as possible, with 75% being the absolute minimum.

In addition, the Board recommends that exception sites should not be permitted if they exceed the capacity of the landscape to accommodate that housing provision.

Exception site targets

The Board recognises that the NPPF allows for 'a proportion of market homes' on RES 'at the local planning authority's discretion, for example where essential to enable the delivery of affordable housing units without grant funding' (N.B. Underlining added for emphasis). However, given that the primary purpose of RES - and the only justification for such sites - is to provide affordable housing, the policy should set a target of 100% affordable housing and only allow a smaller percentage in exception circumstances.

The schematic diagrams on pages 51 and 52 of the Draft Plan identify 100% affordable housing for exception sites. This should be reflected in Delivery Policy HC4. The target of

¹⁰ Given that the policy specifies 'accessible settlements with local facilities', the policy should also specify Tier 3a or above, rather than 'Third Tier'.

¹¹ Footnote 34 of the NPPF clarifies that entry-level exception sites should not be permitted in AONBs (or other areas specified in Footnote 6 of the NPPF, such as 'habitat sites', national and international nature conservation designations, Green Belt, Local Green Space, irreplaceable habitats, designated heritage assets and areas at risk of flooding).

¹² The NPPF glossary specifies that Rural Exception Sites are 'small sites'.

¹³ As specified in the NPPF glossary definition of Rural Exception Sites.

100% affordable housing also reflects best practice in relevant policies in many other protected landscapes.

The Board acknowledges the draft policy requirement for the level of market housing to be 'de minimus'. However, as indicated above, it is at the discretion of local authorities to allow some market housing – they do not have to allow it. In many protected landscapes, this is the case.

The Board is aware of – and has objected to - a number of RES that have been permitted in Stroud District where the level of affordable housing provision was only 51%. The Board does not consider this to be an appropriate interpretation of the NPPF or an appropriate 'de minimus' allowance.

As indicated in response to Core Policy CP9 (Affordable Housing), the Board considers that a minimum of 50% affordable housing should be the requirement for market housing developments. With that in mind, we consider 51% affordable housing provision to be an extremely low percentage for an 'exception' site. Such low provision also:

- undermines:
 - the 'exceptional circumstances' that should apply and
 - the justification for permitting such development;
- allows for excessive levels of market housing in the AONB, which individually and cumulatively, has the potential to undermine the purpose of the AONB designation by eroding the natural beauty and special qualities of the AONB.

For these reasons, the Board recommends that if the District Council is inclined to allow some level of market housing provision in exceptional circumstances, the minimum level of affordable housing provision should be well above 51%. The final draft of the Dartmoor Local Plan 2018-2036, for example, specifies that such developments should comprise not less than 75% affordable housing. With this in mind, the Board considers that, if there is to be any market housing on RES sites, 24% market housing should be the absolute maximum (but still in the context of the affordable housing provision being as close to 100% as possible, rather than providing an automatic default to 75%).

Size of exception sites

The NPPF glossary specifies that rural exception sites should be 'small sites'. However, Delivery Policy HC4 makes no reference to this constraint. The Board's suggested criteria for the size of exception sites is based on a combination of the criteria specified for entry-level exception sites in paragraph 71 and 33 of the NPPF and the constraints specified in criteria (4) of Delivery Policy DCH2 (Sustainable rural communities) of the Draft Plan..

Further comments on affordable housing are provided in the Board's response to Core Policy CP9 (Affordable Housing).

Delivery Policy HC1 (Detailed criteria for new housing developments)

The Cotswolds Conservation Board supports the criteria specified in Delivery Policy HC1. In particular, we are pleased to see that there is some overlap between the criteria in the policy and the guidelines for new development that are set out in the Cotswolds AONB Landscape Strategy & Guidelines (LSG).

However, not all of the relevant LSG guidelines are included in the criteria. Nor do the criteria adequately address the Cotswolds AONB Management Plan or other relevant

guidance produced by the Board. For these reasons, the Board objects to the current draft policy.

To address this issue, **the Board recommends** that the policy should also require that development proposals in the AONB and its setting have regard to (and be consistent with):

- relevant AONB special qualities;
- the Cotswolds AONB Management Plan and other relevant guidance produced by the Board.

See the Board's comments on Core Policy CP4 for further details. It is worth noting that similar recommendations also apply to Core Policy 8 (New housing development) and Delivery Policy ES12 (Better design of places).

As outlined in our comments on Delivery Policy ES7 (Landscape character), the Board recommends that the Local Plan should include a new policy specifically for the Cotswolds AONB. As an alternative to incorporating the above recommendations into Delivery Policy HC1, the recommendations could potentially be incorporated in response to this new AONB policy.

The same (or very similar) recommendations also apply to Core Policy CP4 (Place Making).

Delivery Policy DHC5 (Wellbeing and healthy communities)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy DHC5. This is because these aspirations are compatible with relevant outcomes and policies in the Cotswolds AONB Management Plan 2018-2023 in relation to health and well-being (for example, Outcome 14 and Policy UE3).

However, in addition, to the current criteria, **the Board recommends** that the policy should also address:

- the provision of walking and cycling routes (including easy access routes for the disabled);
- opportunities to access and interact with nature.

Delivery Policy DH6 (Protection of existing open spaces and built and indoor sports facilities)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy DH6, for the reasons outlined in response to Delivery Policy DHC5.

However, **the Board recommends** that the policy should also seek the *enhancement* of the existing open spaces and sports facilities (for example, by enhancing biodiversity and / or enhancing easy access).

Delivery Policy DH7 (Provision of new open spaces and built and indoor sports facilities)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy DH7.

However, the Board is concerned that the policy does not adequately address the Accessible Natural Green Space Standards (ANGSt). For this reason the Board objects to the draft policy.

The Board recommends that the policy should make it clear that the specified 'quantity standard' for Natural Greenspace (ANGSt) of 1.0ha/1,000 population relates specifically to the provision of (and access to) local nature reserves, not 'natural greenspace' in general.

The Board recommends that the policy should also highlight other relevant ANGSt standards, including:

- every home should be within 300m of an accessible natural greenspace of at least 2ha; plus
- at least one accessible 20 ha site within 2 km;
- at least one accessible 100 ha site within 5 km;
- at least one accessible 500 ha site within 10km.

These figures make it clear that the requirement for natural greenspace is potentially much more significant than the 1ha/1,000 population currently indicated in the policy. It is also important to note that these ANGSt standards should also be applied, retrospectively, to existing development, where possible, not just to new housing provision.

ECONOMY AND INFRASTRUCTURE (Section 5.0)

Core Policy CP13 (Demand management and sustainable travel measures)

The Cotswolds Conservation Board supports the aspirations of Core Policy CP13. This is because they are compatible with the policies of the Cotswolds AONB Management Plan relating to climate change mitigation and transport.

However, **the Board recommends** that when the policy refers to 'choices in the mode of transport', it should explicitly require there to be a choice of mode of transport at peak times, with these modes of transport enabling movement to key employment centres, towns and cities at these peak morning times and return to the settlement at peak evening times. This is because, with the current wording, the developer could potentially argue that a relatively poor existing public transport provision, which doesn't coincide with peak hours, meets the requirements of the policy.

Core Policy CP1 (New employment development) / Delivery Policy EI1 (Key employment sites) / Delivery Policy EI4 (Development at existing employment sites in the countryside)

The Cotswolds Conservation Board recommends that these policies should be reviewed to ensure that they are compatible with the recommendations that the Board has made elsewhere, for example, in relation to housing development and the Cotswolds AONB.

Relevant issues include:

- the capacity of the landscape to accommodate the development without adverse effect;
- the extent to which the need for the development in the AONB is based on need arising within the AONB; and
- the extent to which the development has regard to – and would be compatible with – the Cotswolds AONB Management Plan and associated guidance produced by the Board.

Delivery Policy EI10 (Provision of new tourism opportunities)

The Cotswolds Conservation Board supports the aspiration for new tourism opportunities to be sustainable, for example, by ensuring that they are accessible by public transport.

Delivery Policy EI12 (Promoting transport choice and accessibility) / Delivery Policy DEI1 (District-wide mode-specific strategies) / Delivery Policy EI14 (Provision and protection of rail stations and halts) / Delivery Policy EI16 (Provision of public transport facilities)

The Cotswolds Conservation Board supports the aspiration for transport options to be more sustainable, for example, by seeking to reduce car use and increase walking, cycling and public transport provision.

However, the Board is concerned that the policies do not address a number of key issues. For this reason, **the Board recommends** that the policies should be reviewed to ensure that they adequately address the following points:

- impacts on the tranquillity of the Cotswolds AONB;
- charging points.

Impacts on tranquillity

Tranquillity is one of the special qualities of the Cotswolds AONB. In other words, it is one of the features of the Cotswolds that makes the area so outstanding that it is in the nation's interest to safeguard it.

One of the key adverse impacts on the tranquillity of the AONB is the increase in traffic flows in the AONB, including from and to settlements outside the AONB. It is important that the Local Plan should address this issue.

The Board has published a Tranquillity Position Statement which provides useful guidance on this issue. In particular, the Position Statement identifies that if a development would increase traffic flows (and / or HGV movements) on roads in the AONB by of 10% or more, then this would be a cause for concern. A development that would increase traffic flows by this amount could potentially be classed as major development (in the context of paragraph 172 and footnote 55 of the NPPF).

Therefore, **the Board** recommends that the following paragraph should be added to the most relevant of these transport policies (e.g. Delivery Policy DE11):

- Development proposals, both within and outside the Cotswolds AONB, will be required to assess the extent to which they would increase traffic flows (and, where relevant, HGV movements) on roads in the AONB. Development proposals that would increase traffic flows (or HGV movements) by 10% or more will require closer scrutiny to assess if they require an Environmental Impact Assessment (EIA) and / or should be classed as major development (in the context of paragraph 172 and footnote 55 of the NPPF).

Alternatively, this requirement could be specified in a stand-alone tranquillity policy.

Charging points

These policies don't appear to address the provision of charging points for electric cars. The Board acknowledges that this issue is addressed in Delivery Policy ES1 (Sustainable Construction and Design). However, it would also be appropriate to refer to in the transport-specific policies, such as Delivery Policy E11.

OUR ENVIRONMENT AND SURROUNDINGS (Section 6.0)

Core Policy CP14 (High quality sustainable development)

The Cotswolds Conservation Board supports the aspirations of Core Policy CP14.

However, **the Board recommends** that 'retention and enhancement' should be changed to 'retention, conservation and enhancement', as this would more closely reflect the purpose of AONB designation. The policy should also require net-gains in biodiversity (and specify the amount of net-gain that needs to be provided).

As indicated in our response to Policy DCP1, **the Board recommends** that the Local Plan should retain the policy on (presumption in favour of) sustainable development. If that policy is retained, it could potentially be combined with Core Policy CP14. This would provide a more comprehensive context for the over-arching purpose of the planning system, which is to deliver sustainable development.

Core Policy CP15 (A quality living and working countryside)

The Cotswolds Conservation Board support the aspirations of Core Policy CP15.

Delivery Policy ES1 (Sustainable construction and design)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy ES1.

Delivery Policy ES2 (Renewable or low carbon energy generation) and the 'suitable areas for renewable energy' maps in Appendix B

The Cotswolds Conservation Board supports the aspirations of Delivery Policy ES2, in terms of encouraging low carbon and renewable energy schemes.

As indicated in our response to Core Policy DCP1, the Board recognises the urgent need to address climate change by implementing effective mitigation measures.

However, it is vitally important these measures, both within the Cotswolds AONB and in the setting of the AONB, are delivered in a way – and at a scale - that is compatible with the purpose of AONB designation. This is essential in order to:

- demonstrate that the District Council has complied with its statutory duty to have regard to the purpose of AONB designation and with relevant national planning policy requirements;
- ensure that the policies of the Local Plan do not undermine the purpose of AONB designation or erode the natural beauty and special qualities of the Cotswolds AONB; and
- ensure that the Local Plan is sound and legally compliant.

In this context, the Board is particularly concerned about:

- the *scale* of the renewable energy schemes that have been identified as being suitable in the AONB and its setting (including the scale that has been classed as 'small');

- the *extent* to which the AONB and its setting have been identified as being suitable for renewable energy development; and
- the fact that the ‘suitable’ areas do not take into account *potential landscape and visual impacts* in relation to the AONB and its setting (even though a separate landscape sensitivity assessment has been undertaken for wind and solar energy);
- the *wording* used in the paragraph of the policy that relates specifically to renewable energy proposals within the AONB, including the lack of reference to the issue of major development;
- the way in which the associated landscape sensitivity study has *failed to have adequate regard* to relevant guidance published by the Board, such as the Cotswolds AONB Landscape Strategy and Guidelines.

To address these concerns, **the Board recommends** that:

- new ‘very small’ categories and revised ‘small’ categories should be identified and assessed for wind and solar development:
 - Wind:
 - Very Small: <25m
 - Small: 25-60m
 - Solar:
 - Very Small: <1ha
 - Small: 1-5ha
- the ‘suitability’ mapping should take account of the associated landscape sensitivity study, including ruling out areas in the Cotswolds AONB and its setting that have been identified as having ‘high’ sensitivity – in effect, in the Cotswolds AONB and its setting, this would mean ruling out wind turbines larger than 60m (i.e. anything larger than the ‘small’ category in the Draft Plan) and solar development larger than 50ha (i.e. anything larger than the ‘medium’ category in the Draft Plan);
- the landscape sensitivity study (and the resulting suitability mapping) should be revised to take more account of the Cotswolds AONB Management Plan and associated guidance, including the Cotswolds AONB Landscape Strategy and Guidelines;
- the policy wording should be amended to reflect: (i) the additional policy constraints that apply in the AONB and its setting, including the presumption that planning permission should be refused for major development; and (ii) the smaller scale of renewable energy provision that would be appropriate in the AONB and its setting.

Scale - wind

The ‘suitability’ maps in Appendix B of the Draft Plan identify parts of the Cotswolds AONB and its setting as being suitable for wind turbines that are potentially up to 200m tall and solar PV installations that are potentially up to 100 hectares in size. They also identify a large proportion of the AONB as being suitable for wind turbines up to 60m tall (the smallest category of wind turbine identified in the Draft Plan).

To put this in context, the UK’s largest onshore wind turbine, as of May 2018, was 194m tall and the average height of onshore wind turbines was @ 145m. In comparison, the height of Nelson’s Column in Trafalgar Square, London, is 52m and, more locally, the Tyndale Monument, near Stroud, is 34m. Most electricity pylons are approximately 50m tall. In addition, the Board’s Renewable Energy Position Statement¹⁴ states that *‘much of the AONB is unlikely to be able to accommodate wind turbine developments above 25m’ because of*

¹⁴ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/renewable-energy-ps-2014-final-apr2014.pdf>

'the likelihood of [larger scale turbines] causing real harm to the character and qualities of the AONB'.¹⁵

So, even the smallest category of wind turbine identified in the Draft Plan exceeds the height of the average pylon and is up to more than twice the maximum height recommended in the Board's Renewable Energy Position Statement. The largest wind turbine category (up to 200m) is up to four times taller than the average pylon and eight times taller than the maximum height recommended in the Board's Position Statement.

The Board considers that exceeding the Board's recommended limit in this way would not: (i) be appropriate; (ii) comply with the 'duty of regard'; (iii) comply with relevant national planning policy; (iv) would not be sound.

The Board recommends that new 'very small' categories and revised 'small' categories should be identified and assessed for wind development:

- Very Small: <25m
- Small: 25-60m

This would be more consistent with the categories used in other Local Plans and landscape sensitivity studies, especially those in National Parks (e.g. Exmoor) and for some local authorities that overlap with AONBs (e.g. Northumberland and Stratford-on-Avon).

Scale - solar

The 'suitability' maps in Appendix B of the Draft Plan identify parts of the Cotswolds AONB and its setting as being suitable for solar PV installations that are potentially up to 100 hectares in size. Even the smallest category of solar development in the Draft Plan is up to 5 hectares.

In comparison, the Board's Renewable Energy Position Statement (paragraph 34) states that:

- *'If a ... solar array proposal (a solar farm) were to be submitted ... above 1 hectare ... the Board considers that ... this would be a major development [in the context of what is now paragraph 172 of the NPPF] ... It is extremely unlikely that any location could be found within the AONB or its setting where such large solar farms would not have a significant adverse impact on the landscape, sense of remoteness, tranquility, natural beauty and landscape character for which the AONB is valued. The Board considers that such installations would directly conflict with the purpose of designation'.*

In other words the Draft Plan is considering solar development in the AONB that would be up to 100x the size recommended in the Board's Position Statement. Even the smallest category in the Draft Plan (<5ha) is up to five times the maximum size suggested in the Board's Position Statement.

The Board recommends that new 'very small' categories and revised 'small' categories should be identified and assessed for solar development:

¹⁵ Paragraph 21 of the Renewable Energy Position Statement, which adds that *'even with turbines below 25m there is still a risk that in many exposed locations the turbines would not be compatible with the purposes of designation (the conservation and enhancement of the natural beauty of the AONB)'*.

- Very Small: <1ha
- Small: 1-5ha

As with wind development, this would be more consistent with the categories used in other Local Plans and landscape sensitivity studies, especially those in National Parks (e.g. Exmoor) and for some local authorities that overlap with AONBs (e.g. Northumberland and Stratford-on-Avon).

Suitability mapping

The Board acknowledges that *'there are no hard and fast rules about how suitable areas for renewable energy should be identified'*.¹⁶ However, the Government's Planning Practice Guidance does emphasise that *'local authorities will need to they take into account ... critically, the potential impacts on the local environment'*.

The District Council has addressed this requirement, to a limited degree, by ruling out formal designated sites / areas - such as scheduled monuments, nature conservation designations and rights of way – from areas identified as being 'suitable'. However, although the District Council has undertaken a landscape sensitivity study of wind and solar development options in the district, the supporting evidence base makes it clear that this has not fed directly into the suitability mapping. Instead, it would appear that this landscape sensitivity study is intended to guide planning decisions on future planning applications.

In effect, this approach postpones ruling out certain scales of wind and solar development at certain locations until the planning application stage, rather than addressing this at the plan-making stage. It also, in effect, postpones the assessment of major development considerations until the planning application stage. As with housing allocations, the Board considers that this approach would make the Local Plan unsound (see Annex 2 for more details on this issue).

The Board acknowledges that Delivery Policy ES2 indicates that proposals *'will be approved where their impact is, or can be made, acceptable'* and, in the Cotswolds AONB, *'must demonstrably outweigh any harm to the designated area or its setting'*. However, using suitability maps that don't take account of landscape sensitivity or potential visual impacts as the basis for this decision making is completely the wrong starting point. This is because, through the use of the word 'suitable', it explicitly indicates that large scale renewable energy development is appropriate in multiple locations in the AONB and its setting. As outlined in this response, this is clearly not the case.

In order to help address these concerns, **the Board recommends** that the 'suitability' mapping should take account of the associated landscape sensitivity study.

Landscape sensitivity study

The Board is pleased that a landscape sensitivity study has been undertaken. However, as indicated above, the Board is concerned that this study has not been incorporated into the suitability mapping and that the category of 'small' for both wind and solar development is too small.

In addition, the Board is concerned that the study has not adequately addressed the Cotswolds AONB Management Plan 2018-2023 and associated guidance published by the Board, in particular, the Cotswolds AONB Landscape Character Assessment (LCA) and the Cotswolds AONB Landscape Strategy and Guidelines (LSG). The Board acknowledges the

¹⁶ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy> : paragraph 005

merits of using a common LCA across the whole of the district. However, using the Cotswolds AONB LCA and LSG alongside this would provide additional detail and context.

The LCA identifies 19 different Landscape Character Types (LCTs) across the AONB, several of which overlap with Stroud District. Most of the locations that have been identified as being suitable for very large wind turbines in the suitability mapping are located in LCT 9 (High Wold Dip Slope). The LSG identifies that LCT 9 is particularly sensitive to large scale developments or elements that may introduce tall vertical elements. It also identifies relevant 'potential landscape implications' for such vertical elements (including wind turbines):

- *Introduction of visually intrusive industrial features to the open and expansive high Wold Dip Slope landscape.*
- *Introduction of unnatural movement and loss of tranquillity and sense of remoteness.*
- *Breaking up the skyline.*
- *Loss of open character.*

It then provides a number of relevant 'guidelines', including:

- *Conserve the open and often remote character by objecting to the development of vertical elements where these would adversely affect the skyline and views along and to the High Wold Dip-slope.*

Similarly, for solar farms, the LSG identifies a number of 'potential landscape implications', including:

- *Industrialisation of the rural landscape.*
- *Change of character due to colour and texture and heidiographic glint.*

The LSG guidelines relating to solar farms include:

- *Prevent proposals for solar farms that will impact negatively on landscape character and / or intrude into views.*
- *Avoid proposals that will result in the loss or harm to landscape features.*

Including this information in the landscape sensitivity study – and addressing it in the Local Plan – would help to: (i) refine the study; and (ii) provide a more realistic map of areas that are suitable for the different scales of wind and solar development.

The landscape sensitivity study shows that the whole of the AONB (and much of its setting) is highly sensitive to wind turbines larger than 60m (i.e. anything larger than the 'small' category) and to solar development larger than 50ha (i.e. anything larger than the 'medium' category in the Draft Plan. Given that it is highly unlikely that such development would be found – or made – 'acceptable', **the Board recommends** that renewable energy proposals of this scale (i.e. >60m for wind and >50ha for solar) in the AONB and its setting should be ruled out at the Local Plan stage.

The landscape sensitivity study is primarily based on the susceptibility of the relevant receptor to the proposed development (for example, the susceptibility of a particular landscape character type to wind or solar development at various scales). However, the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) specifies that, when considering sensitivity, equal consideration should also be given to the 'value related to the receptor'. The GLVIA adds that landscapes that are national designations (i.e. national parks and AONBs) will be accorded the highest value in this

regard. In other words, a particular landscape character type (LCT) inside an AONB should be classed as being more sensitive than an equivalent LCT outside the AONB.

Unfortunately, the renewable energy landscape sensitivity study does not appear to have explicitly addressed this second (value) component of 'sensitivity'. This means that the sensitivity of landscape character types in the AONB might have been significantly undervalued.

For example, the landscape sensitivity study currently rates some locations in the Cotswolds AONB as having 'moderate-high' sensitivity to wind turbines smaller than 60m. If the 'highest value' status of the AONB is factored into this sensitivity assessment, the sensitivity should potentially be increased to 'high'. This could make a crucial difference when considering if a wind development would constitute major development. The same issue also applies to the sensitivity of the AONB to different scales of solar development.

On this basis, **the Board recommends** that the landscape sensitivity study should factor in the 'highest value' status of the Cotswolds AONB.

Policy wording and AONB constraints including major development

Delivery Policy ES2 states that, for renewable energy proposals within the Cotswolds AONB, *'the benefits of development must demonstrably outweigh any harm to the designated area'*. Ironically, this seems to be a less stringent requirement than that specified in the first paragraph for developments across the whole district, including areas outside the AONB (i.e. the requirement for the impact to be 'acceptable').

More importantly, this AONB-specific paragraph fails to refer to the additional constraints that apply to the Cotswolds AONB. For example, it fails to explain that:

- district-wide objectively assessed needs do not need to be met in full in the AONB;
- the scale and extent of development in the AONB should be limited;
- AONBs are not suitable areas for accommodating unmet needs arising in adjoining (non-designated) areas; or that
- there is a presumption against granting planning permission for major development.

As outlined in response to the proposed AONB housing allocations (and as stated in footnote 55 of the NPPF), *'whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated'*.

The Board has the following brief comments to make on each of these headings:

- **Nature:**
 - wind developments introduce tall, vertical elements and unnatural movements into the landscape;
 - solar farms contribute to the 'industrialisation' of the rural landscape.
- **Scale:**
 - the Draft Plan is indicating that parts of the AONB are suitable for turbines larger than any that are currently found onshore in the UK – even the smallest category of wind turbine is up to more than twice the maximum height recommended in the Board's Renewable Energy Position Statement;
 - the Draft Plan allows for solar farms that are up to 100 times larger than the maximum size recommended in the Board's Renewable Energy Position

Statement – even the smallest category is up to five times larger than this maximum recommended size.

- **Setting:** as indicated above, the AONB and much of its setting has been identified as being highly sensitive to wind turbines larger than 60m and solar farms larger than 50ha (and as having moderate-high sensitivity to smaller scales of development); the Cotswolds AONB Landscape Strategy and Guidelines explicitly identifies the relevant landscape character types as being particularly sensitive to the introduction of tall, vertical elements such as wind turbines.
- **Significant adverse impacts on the purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONB):** wind and solar developments in the AONB, especially those at a scale larger than the Board's recommended maximum height / size, are likely to have significant impacts on landscape, scenic quality and tranquillity and could potentially have significant adverse effects on other natural beauty factors including natural heritage (including biodiversity) and cultural heritage (including historic environment).

On this basis, the Board considers that any solar or wind development larger than the Board's recommended maximum height / size would constitute major development. As such, the Board considers that there should be a presumption against granting planning permission for such proposals (and that this should be made explicit in the policy). The Board also considers that impact of proposals, in the AONB, for wind turbines taller than 60m and solar farms larger than 50ha would be so significant that they should be ruled out at the Local Plan stage.

Based on the information outlined above, **the Board recommends** that the policy wording should be amended to reflect:

- (i) the additional policy constraints that apply in the AONB and its setting, including the presumption that planning permission should be refused for major development; and
- (ii) the smaller scale of renewable energy provision that would be appropriate in the AONB and its setting.

For any wind and solar farm proposals in the AONB that are deemed by the local authority to be major development, consideration of such proposals should include:

- (i) the need for the development;
- (ii) the cost of, and scope for, developing outside the AONB, or meeting the need for it in some other way;
- (iii) any detrimental effect on the environment, etc.

The third point has already been covered above. The Board has the following brief comments to make on the first two considerations:

- **Need:** The Board recognises the urgent need to address climate change by rapidly moving towards 'carbon neutral' status. The Board also recognises that wind and solar renewable energy can be effective mechanisms for delivering this, at the right scale and in the right place. However, this does not necessarily mean that these are the most appropriate mechanisms in a nationally protected landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it (i.e. the Cotswolds AONB), or in the setting of such a landscape. It is worth noting that 'exceptional need' does not equate to 'exceptional circumstances or being 'in the public interest'. This is because consideration also

needs to be given to alternative options and to the detrimental effects of the proposed development.

- **Developing outside the AONB or meeting the need in some other way:** The Board considers that preference should be given to locating major development outside the AONB (and, ideally, outside the setting of the AONB). With regards to meeting the need in some other way, there are multiple options for: (i) working towards carbon neutral status; and (ii) meeting renewable energy targets. Both of these aspects should be addressed as part of the assessment. For example, with regards to (i), more appropriate options in the AONB could include carbon sequestration in soils (by increasing the organic content of the soils) and / or planting trees (where the type of trees selected is compatible with the landscape character and where tree planting would not adversely affect the natural beauty of the AONB).

The same principles also apply when considering renewable energy / climate change mitigation options at the Local Plan stage.

Delivery Policy ES3 (Maintaining quality of life within our environmental limits)

The Cotswolds Conservation Board support the aspirations of Delivery Policy ES3.

However, **the Board recommends** that the policy should also explicitly address the issue of tranquillity by adding the following criterion:

- *Adverse impacts on tranquillity (particularly in relation to the relative tranquillity of the Cotswolds AONB).*

The Board recognises that the issue of tranquillity overlaps with some of the criteria already specified in the policy. However, given that tranquillity is one of the special qualities of the Cotswolds AONB, it merits being identified as a key criterion in its own right.

Further information on the issue of tranquillity, particularly with regards to its status as a special quality of the AONB, can be found in the Board's Tranquillity Position Statement.

One issue that the Position Statement addresses is the extent to which development proposals – both within the AONB and in its setting - could potentially increase traffic flows on roads within the AONB. **The Board recommends** that this issue should also be addressed in Delivery Policy ES3 by adding the following criterion:

- *Traffic (including development that would increase traffic flows and / or HGV movements in the Cotswolds AONB by 10% or more).*

In addition, **the Board recommends** that the policy should positively support developments that would help to address, or reduce, the identified adverse impacts.

Delivery Policy ES4 (Water resources, quality and flood risk)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy ES4.

Delivery Policy ES6 (Providing for biodiversity and geodiversity)

The Cotswolds Conservation Board support the aspirations of Delivery Policy ES6, including the requirement for net gain in biodiversity, the enhancement and creation of ecological networks and the protection afforded to international, national and local designations and to habitats and species of principle importance.

However, **the Board recommends** that the policy should also:

- specify a minimum threshold for the amount of biodiversity net gain required (e.g. 10%);
- explicitly refer to – and provide an appropriate level of protection for - irreplaceable habitats, including ancient woodland;
- potentially be re-ordered to ‘front-load’ the mitigation hierarchy and the hierarchy of nature conservation designations ahead of ‘net gain’ – this is because net gain potentially allows for some loss of biodiversity, at least in the short term, whereas there will be circumstances where any loss of biodiversity would not be acceptable (for example, development affecting international nature conservation designations).

Delivery Policy ES7 (Landscape character)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy ES7.

However, **the Board recommends** that there should be a stand-alone policy specifically for the Cotswolds AONB, in addition to a landscape character policy that applies across the whole district. The Board regards this as a top priority for the Local Plan and a crucial component of the District Council fulfilling its statutory duty to have regard to the purpose of AONB designation. It would also better reflect the AONB’s status as a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation’s interest to safeguard it.

The Board recommends that the wording of this AONB-specific policy should be changed as outlined below.

Change from:

- *Within the Cotswolds Area of Outstanding Natural Beauty (AONB), or on land that may affect its setting, priority will be given to the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage.*

To:

- *All development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and its setting will be required to conserve and enhance the natural beauty and special qualities of the AONB, including (but not limited to) the AONB’s:*
 - *landscape quality / landscape beauty (including landscape character and local distinctiveness);*
 - *scenic quality / scenic beauty;*
 - *relative tranquillity (including dark skies);*
 - *natural heritage (including geology and biodiversity / wildlife);*
 - *cultural heritage (including the historic environment and cultural associations).*

In addition to the suggested wording outlined above, **the Board recommends** that the AONB policy should also state:

- *In order to achieve this, development proposals within the Cotswolds AONB must:*
 - *be consistent with the policies set out in the Cotswolds AONB Management Plan¹⁷, which will be an important material consideration;*
 - *be landscape-led;*
 - *be based on robust evidence of local need arising within the Cotswolds AONB;*
 - *be limited in scale and extent;*
 - *not require the AONB to accommodate unmet needs arising from adjoining (non-designated) areas or to meet Objectively Assessed Needs (OAN) in full;*
 - *enhance the natural beauty of the development site and its wider setting over and above its baseline condition.*

- *Major development will not be permitted in the AONB other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Given that the requirement to meet objectively assessed needs (OAN) in full does not apply in AONBs, OAN will not be considered to equate to exceptional circumstances or being in the public interest. Consideration will also be given to the scope for such development to take place outside the AONB (including, where appropriate, through the duty to cooperate).*

Supporting text / information

All development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and its setting will be required to conserve and enhance: This wording is closely aligned with the wording used in Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. It also reflects purpose of AONB designation and requirement of the statutory ‘duty of regard’.

Natural beauty: The factors that contribute to natural beauty are based on the factors specified in relevant Natural England guidance¹⁸ and in Appendix 2 of the Cotswolds AONB Management Plan 2018-2023¹⁹.

Special qualities: Although the ‘special qualities’ of the AONB²⁰ are a component of natural beauty, they merit explicit reference in the policy (alongside natural beauty), because they cut across all of the factors that contribute to natural beauty. They represent those aspects of the area’s natural beauty which make the area particularly distinctive and valuable. They are also the key attributes on which the priorities for the AONB’s conservation, enhancement and management should be based.

¹⁷ Being consistent with the policies of the Cotswolds AONB Management Plan 2018-2023 also means being consistent with related guidance published by the Board, including the Cotswolds AONB Landscape Character Assessment, Cotswolds Landscape Strategy & Guidelines, Cotswolds AONB Local Distinctiveness and Landscape Change and Cotswolds Conservation Board Position Statements.

¹⁸ https://consult.defra.gov.uk/natural-england/suffolk-coast-and-heaths-aonb/supporting_documents/Guidance%20for%20assessing%20landscapes%20for%20designation%20as%20National%20Park%20or%20AONB%20in%20England.pdf: in particular, Table 3 (page 13) and Appendix 1 (pages 24-26).

¹⁹ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

²⁰ See Chapter 2 of the Cotswolds AONB Management Plan 2018-2023.

Must be consistent with the policies set out in the Cotswolds AONB Management Plan, which will be an important material consideration: This wording is closely aligned with the wording used in Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

Landscape-led: This reflects the requirements of exemplar, best practice Local Plans and Local Plan documents such as the Arnside & Silverdale AONB Development Plan Document and South Downs National Park Local Plan. It is based on the principle of development being adapted to the local landscape character rather than visa versa. It is also based on the principle of not allowing development to exceed landscape capacity (i.e.the capacity of the landscape to accommodate development without causing moderate-significant adverse landscape and visual impacts).

Robust evidence of local need arising within the AONB: This reflects the requirements of Policy CE12 of the Cotswolds AONB Management Plan and the requirements of the West Oxfordshire Local Plan.

Limited in scale and extent: This reflects the requirements of the NPPF (paragraph 172) and Planning Practice Guidance (Natural Environment, paragraph 41).

Not require the AONB to accommodate unmet needs from adjoining (non-designated) areas: this reflects the requirements of Planning Practice Guidance (Natural Environment, paragraph 41).

Not require the AONB to accommodate objectively assessed needs in full: this reflects national planning policy (e.g. NPPF, paragraphs 11 and 172)

Enhance over and above baseline condition: this reflects the 'enhance' element of the purpose of AONB designation, the objective of the Government's 25 Year Environment Plan (i.e. leaving the environment in a better state than we inherited it) and the guidance on 'enhancement' set out in pages 63-66 of the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment'..

Major development: this reflects the requirements of paragraph 172 and footnote 55 of the NPPF.

Delivery Policy ES8 (Trees, hedgerows and woodlands)

The Cotswolds Conservation Board support the aspirations of Delivery Policy ES8.

However, **the Board recommends** that the policy should also:

- seek effective, long term woodland management (including for existing woodland in the vicinity of the development, not just new woodland created as part of the development);
- require a net-gain when development involves the loss of trees or hedgerows (e.g. 10%);
- ensure that any tree planting in the Cotswolds AONB uses appropriate, native species and is done at a scale that is consistent with the landscape character of the area;
- discourage the planting of conifers (and encourage their removal and replacement with native species that are in keeping with the landscape character);

- address ash die-back (for example, through the planting of appropriate tree species in appropriate locations specifically to address this).

Delivery Policy ES10 (Valuing our historic environment and assets)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy ES10.

Delivery Policy ES12 (Better design of places)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy ES12.

However, as indicated in response to Core Policy CP4 (Place Making), **the Board recommends** that the policy should also require that development proposals in the AONB and its setting have regard to (and be consistent with):

- relevant AONB special qualities;
- the Cotswolds AONB Management Plan and other relevant guidance produced by the Board.

See the Board's comments on Core Policy CP4 for further details. It is worth noting that similar recommendations also apply to Core Policy CP8 (New housing development) and Delivery Policy HC1 (Detailed criteria for new housing development).

Delivery Policy DES2 (Green Infrastructure)

The Cotswolds Conservation Board supports the aspirations of Delivery Policy DES2 (Green Infrastructure).

However, **the Board recommends** that the policy should also specify the amount of biodiversity net-gain that is required (for example, 10% minimum).

SITES

OVER-ARCHING COMMENTS

In the Cotswolds Conservation Board's previous consultation response on the Stroud Local Plan Emerging Strategy Paper, we raised concerns about a number of proposed allocations in the Cotswolds AONB and its setting.

The Board is pleased to see that some of the previously proposed allocations in the AONB and its setting that could have had a significant adverse visual impact on the AONB have been withdrawn. These include allocations PS04 (Minchinhampton – South of Cirencester Road) and PS29 (Dursley – North of Ganzell Road). We are also pleased to see that additional work has been undertaken with regards to the evaluation of landscape and visual issues for sites within or near the Cotswolds AONB. We also appreciate that the total number of dwellings proposed for allocation PS04 has been reduced from 100 to 80.

The Board does not object in principle to housing being allocated in the Cotswolds AONB. Indeed, the Board recognises some level of housing provision as being an essential component of meeting local (AONB) needs and maintaining and enhancing – and improving access to - local (AONB) community amenities and services.

However, in the context of the Draft Plan, the Board still has significant concerns regarding the three proposed allocations in the Cotswolds AONB - Minchinhampton (PS05), Nailsworth (PS07) and Painswick (PS41). In particular, these concerns relate to:

- the lack of a coherent, comprehensive and stand-alone assessment of major development considerations for the proposed AONB allocations;
- the adverse effects of the proposed allocations (primarily at Minchinhampton);
- other non-compliance with legal and national planning policy requirements (primarily at Nailsworth).

With this in mind, **the Board recommends** that:

- the proposed AONB allocations should not be taken forward until a coherent, comprehensive and stand-alone assessment has been undertaken of major development considerations for the proposed AONB allocations;
- if this assessment identifies that any of the proposed AONB allocations constitute major development, those allocations should be withdrawn unless the District Council can provide robust evidence that exceptional circumstances apply and that allocating the sites would be in the public interest – this should include an assessment of the need for the development and the scope for developing outside the AONB or meeting the need for it in some other way;
- the Minchinhampton allocation (PS05) should be deemed to constitute major development (primarily because of its *potential* to have a significant adverse effect on the adjacent scheduled monument) and should, therefore, be withdrawn;
- the Nailsworth allocation (PS07) should be withdrawn, primarily because it is being allocated to accommodate unmet needs from an adjoining areas outside the Cotswold AONB designation, which would contradict national planning policy.

The Board considers that implementing these recommendations would be a crucial component of demonstrating compliance with:

- (i) the statutory duty to have regard to the purpose of AONB designation;
- (ii) national planning policy.

Major Development

As emphasised in our previous consultation response on the Stroud Local Plan Emerging Strategy Paper (and in subsequent correspondence and meetings), the Board recommends that a comprehensive assessment should be undertaken of the proposed AONB allocations against major development considerations (in the context of paragraph 172 and footnote 55 of the NPPF). The relevant extract from this previous response, which still reflects the Board's current position on this issue, is provided in Annex 3.

The Board acknowledges that *some* components of this major development assessment have been undertaken (albeit not in this specific context) as part of the evidence base that the District Council has compiled for the Draft Plan. This includes some explicit (but by no means comprehensive) reference to major development in the 'Evaluation of Site Landscape and Visual Issues' (October 2019). However, this existing evidence base relating to major development considerations is presented in a very disparate way, for example, in multiple documents that also relate to multiple other allocations. This makes it very difficult for the Board and, presumably, the District Council and other relevant stakeholders, to compile a coherent picture of the relevant major development considerations.

Also, the evidence base that does exist is sometimes contradictory. For example, for the Minchinhampton allocation (P05), the Sustainability Appraisal identifies '*significant negative effect likely*', in terms of landscape, whereas the Stroud District Landscape Sensitivity Assessment (December 2016) identifies the sensitivity of the landscape for housing development on this site as being '*medium*'.

As indicated in footnote 55 of the NPPF, the assessment of whether an allocation constitutes major development should take into account '*its nature, scale and setting, and whether it could have a significant adverse impact on the purpose for which the area has been designated*' (i.e. to conserve and enhance the natural beauty of the AONB). As indicated in Annex 3, this assessment should address the full context of 'natural beauty' – including (but not limited to) the special qualities of the Cotswolds AONB, tranquillity, natural heritage (including biodiversity) and cultural heritage (including the historic environment) - not just landscape and visual impact²¹.

The major development assessments undertaken by South Downs National Park Authority (SDNPA) in 2015 and 2017, as part of their Local Plan evidence base, are an exemplar of best practice in this regard.^{22,23} If Stroud District Council undertakes such an assessment (as recommended by the Board), it should be modelled on these SDNPA assessments.

When assessing whether exceptional circumstances apply (and whether the allocations would be in the public interest), the District Council should bear in mind that exceptional need does not equate to exceptional circumstances. This is because any exceptional need must be weighed against the potential adverse impacts and the scope for meeting the need in some other way. Also, for circumstances (or need) to be 'exceptional', they should be over and above the normal state of affairs. So, for example, the national and district-level demand for housing should not necessarily equate to exceptional need in the context of housing provision in AONBs (otherwise, the NPPF constraints that apply to development in AONBs would be completely undermined).

²¹ Further information on 'natural beauty' is provided in the Cotswolds AONB Management Plan 2018-2023, particularly in Appendix 2.

²² <https://www.southdowns.gov.uk/wp-content/uploads/2015/10/SDNP-Major-Sites-Assessment-Report.pdf>

²³ <https://www.southdowns.gov.uk/wp-content/uploads/2017/10/Major-Sites-Assessment-FINAL.pdf>

To assist the District Council in this process, the Board has provided some observations on major development considerations for each of the AONB allocations in the site-specific comments below. These observations focus on considerations that the Board considers to be particularly pertinent. They are not intended to provide a comprehensive assessment.

THE STROUD VALLEYS ALLOCATIONS

Minchinhampton (PS05 Tobacconist Rd – 80 dwellings)

Scale – number of dwellings

A total of 80 dwellings are proposed for this allocation, reduced from 100 dwellings in the previous consultation (i.e. the Stroud Local Plan Emerging Strategy Paper).

This would still constitute a relatively large housing development in the context of the Cotswolds AONB, which is a designation in which the scale and extent of development should be limited and in which objectively assessed needs do not need to be met in full.

The Board has previously suggested to the District Council (in meetings in July 2019 and in email correspondence in August 2019) that *'any development in the AONB of 100 dwellings or more should constitute major development, regardless of the size of the AONB settlement'*. Presumably, this is one of the factors in the decision to reduce the total number of dwellings from 100 to 80.

Unfortunately, the 'Evaluation of Site Landscape and Visual Issues' report has misinterpreted this 100+ dwelling threshold to also mean that sites of fewer than 100 dwellings would *not* constitute major development. The Board did not intend the 100+ dwellings threshold to be interpreted in this way. This is because we consider that there would be many circumstances in which smaller-scale development should constitute major development when other factors, such as potential adverse impacts on the purpose of AONB designation, are taken into account.

Largely because of the potential for misunderstandings / misinterpretations such as this, the Board has decided not to formally adopt this 100+ dwelling threshold as an indicator of major development. However, **the Board considers** that it is still logical to conclude that the larger a proposed allocation or development is, the more likely it is to constitute major development, in terms of scale (especially given that the scale and extent of development in AONBs should be limited).

Scale - proportionality

Another consideration with regards to the extent to which a proposed allocation or development constitutes major development, in terms of scale, is 'proportionality'.

The Cotswolds AONB Landscape Strategy and Guidelines (LSG) provides a guideline which states:

- *Ensure new development is proportionate* [to the scale of the existing settlement].

As indicated in our response to Delivery Policy DHC2 (Sustainable Rural Communities), a useful definition of 'proportionate' in paragraph 17 and footnote 33 of the NPPF, albeit in relation to 'entry-level exception sites'. Paragraph 71 states that such sites should be proportionate in size to the existing settlement that they would be located adjacent to. Footnote 33 clarifies that such sites *'should not be larger than one hectare in size exceed*

5% of the size of the existing settlement. In theory, 5% of the size of the existing settlement would equate to 5% of the number of dwellings. Where there is a difference between the two, the smaller of the two could potentially be used as the appropriate threshold.

It is also worth noting that major development assessment undertaken by the South Downs National Park Authority (SDNPA), as part of the evidence base for their Local Plan, identified that a potential housing allocation that would have increased the number of dwellings in a settlement by 5.6% would '*clearly be major*' development, in terms of scale.

Based on this evidence base, **the Board considers** that it may be appropriate to regard a proposed allocation or development that would increase the number of dwellings in a settlement (and / or the area of the settlement) by more than 5% as major development, in terms of scale.

Using data from the 'NOMIS' website, which provides data from the 2011 census, the Board has identified that the Minchinhampton 'built-up area sub-division' (which includes the area within the settlement development limit (SDL)) had 1,366 dwellings at the time of the 2011 census. 5% of this equates to 68 dwellings. 80 dwellings, as proposed in the allocation, equates to 5.9%. It is worth noting that the built-up area sub-division extends beyond the SDL, so there would be fewer dwellings in the SDL than in the built-up area sub-division. As such, the proposed allocation would actually equate to more than a 5.9% increase in the number of dwellings within the settlement.

The Board considers that, if the 5% 'proportionality' threshold is used as an indicator of major development, then the Minchinhampton allocation would constitute major development, in this context.

It is important to note that this major development threshold relates purely to scale. There may be many circumstances in which a smaller scale development might be deemed to constitute major development when other factors, such as potential adverse impacts on the purpose of AONB designation, are taken into account.

Scale – other relevant considerations

The scale of a proposed allocation or development might also affect other considerations. In the context of the Minchinhampton allocation, the Board is particularly concerned that the scale of the proposed allocation may exacerbate the following 'landscape implication' (as quoted from the Cotswolds AONB Landscape Strategy and Guidelines):

- *Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.*

This impact on historic character should be an additional major development consideration in relation to scale (as well as in relation to the setting of the allocation and the potential adverse impacts on the historic environment).

Setting

The Cotswolds AONB Landscape Character Assessment (LCA) identifies 19 different Landscape Character Types (LCTs) in the Cotswolds AONB. The Minchinhampton allocation is located in LCT 9 (High Wold Dip Slope). The Cotswolds AONB LSG identifies

that this LCT '*is particularly sensitive to large scale developments*'. The Board considers that the Minchinhampton would probably constitute 'large scale' in this context.

As indicated above, the Sustainability Appraisal identifies '*significant negative effect likely*', in terms of landscape, whereas the Stroud District Landscape Sensitivity Assessment (December 2016) identifies the sensitivity of the landscape for housing development on this site as being '*medium*'.

As such, there appear to be different interpretations of the sensitivity of this landscape setting to the proposed allocation (or equivalent development). However, it is worth noting that the decision as to whether an allocation / development constitutes major development relates to whether the allocation / development *could* have significant adverse impacts (i.e. *has the potential* to have such impacts), rather than whether the allocation / development *is likely* to have such impacts. Therefore, if some of the supporting evidence base indicates that the allocation has the potential to have significant adverse impacts then it may be appropriate to class it as major development, in this context.

Based on the information outlined above, **the Board considers** that the allocation would probably constitute major development in relation to setting and sensitivity.

Natural beauty – landscape impact

The Board considers that the site of the proposed allocation is fairly characteristic of the 'complex mosaic of smaller scale arable and pasture', which forms one of the key features of this LCT 9 (High Wold Dip Slope). However, the Board acknowledges that this landscape character is compromised, to some degree, by the rather stark housing developing along the norther boundary of the allocation site and by the use of white tape fencing to demarcate the footpath that crosses the site and the use of the main field as a paddock.

On the other hand, the housing development on the northern boundary presumably has a condition requiring some level of screening or filtering of views along this boundary (albeit that this condition obviously hasn't been implemented yet). The adverse effects of this development on the landscape character would be reduced to some degree if this screening / filtering of views was implemented or enforced. Also, the adverse effects could presumably be reduced relatively easily if the land owner / land manager was to remove the white tape fencing (which doesn't seem to be essential in terms of demarcating the footpath).

If these measures were implemented, the landscape character would be less compromised and the susceptibility of the landscape to the proposed change (i.e. the housing allocation) would be increased. The impact of the proposed allocation on landscape character would then become more significant.

Without these measures being implemented, **the Board considers** that the overall impact of the proposed allocation on landscape character is likely to be moderate (adverse). If these measure were implemented, the impact of the allocation on landscape character would probably be moderate-significant (adverse). In this second scenario, the allocation should probably be considered to be major development, in the context of landscape impact.

The Board's comments in relation to 'Setting', above, should also be noted.

The Board agrees with the findings of the Landscape Sensitivity Study that this site would be less significant, in terms of landscape sensitivity, than other options to the north, south and west of the settlement boundary at Minchinhampton and less significant than the withdrawn allocation, PS04 (South of Cirencester Road).

Natural beauty – visual impact

The site of the proposed allocation is well screened (in summer time at least) - by mature trees / vegetation - from the footpaths to the north-east of the site. The site is also partially screened from the road to the south by the intervening field and caravan site. The main visual impact would be in relation to the footpath passing through the site over a distance of approximately 300m. The proposed allocation may also have an adverse visual impact for users of the recreation ground to the north-west, as it would provide a more distinctly urban edge to the eastern boundary of this recreation ground.

The visual impacts resulting from the proposed allocation would obviously be permanent and not reversible.

Overall, **the Board considers** that the visual impact of the proposed allocation is likely to be moderate (adverse), assuming that appropriate mitigation is provided (including providing a wide, natural-feeling 'corridor' for the footpath through the site).

Natural beauty – historic environment

The Board's greatest area of concern in relation to this proposed allocation is its potential significant adverse impact on the historic environment of this location.

The western boundary of the proposed allocation is directly adjacent to (or potentially overlaps with) a scheduled monument – 'Banks and ditch at Glebe Farm' – which is potentially Iron Age in origin.

This western boundary also forms the boundary between the proposed allocation and the adjacent recreation ground / playing field. As such, there is highly likely to be significant footfall across the scheduled monument, between these two locations.

The Sustainability Appraisal identifies 'significant negative effect likely' for this allocation, primarily because of the potential impact on this scheduled monument. The SALA Heritage Impact Assessment identifies this as a very sensitive site with very significant heritage constraints.

Based on this information, **the Board considers** that the proposed allocation would definitely have the *potential* to have a significant adverse impact on the historic environment. On this basis, the Board recommends that the allocations should be classed as major development.

Need

As indicated in Annex 3, the Board considers that housing provision within a particular parish within the Cotswolds AONB should be based on robust evidence of affordable housing need specific to that parish. The Board considers that Housing Needs Surveys (HNS) are a key mechanism for providing this robust evidence.

The HNS for Minchinhampton Parish (2017) identified 24 households in Minchinhampton Parish as being in need of affordable housing. On this basis, **the Board considers** that the proposed allocation would seem to be proportionate to the identified affordable housing need in the parish.

This conclusion is based on the assumption that:

- (i) all of these households are still in need of affordable housing;

- (ii) the allocation would provide at least 30% affordable housing;
- (iii) the type and tenure of affordable housing provided would match that required by those households that have been identified as being in need of affordable housing in the HNS;
- (iv) those households that have been identified as being in need of affordable housing in the HNS would have priority when it comes to allocating the new affordable housing.

However, as indicated in the Board's response to Core Policy CP9 (Affordable Housing), we recommend that market housing developments should provide at least 50% affordable housing. **The Board considers** that, if the Local Plan was to incorporate this 50% recommendation into its affordable housing policy, then the amount of housing proposed for this allocation could potentially be excessive.

It is worth noting that the Board recognises Minchinhampton's role as a Tier 2 settlement (i.e. a Local Service Centre) in the Draft Plan's settlement hierarchy and the additional pressures that this brings in terms of housing provision. However, any housing provision over-and-above the identified affordable housing need, specific to the parish, would still need to be robustly justified.

Overall

The Board recommends that the Minchinhampton allocation (PS05) should be withdrawn. This is primarily because it should be considered to be major development, mainly because of its potential to have a significant adverse impact on the historic environment (in particular, the adjacent scheduled monument). The allocation would therefore conflict with national planning policy and would not adequately address the statutory duty to have regard to the purpose of AONB designation. This would make the allocation unsound.

Further assessments of the potential adverse impacts on the historic environment should be undertaken, including consideration of alternative options, such as a smaller scale allocation.

Nailsworth (PS07 North of Nympsfield Rd – 25 dwellings)

As with the Board's comments on the Minchinhampton allocation (PS05), the comments below are groups according to the major development considerations specified in footnote 55 of the NPPF. They are intended to identify key pertinent points, rather than provide a comprehensive assessment of major development considerations.

Scale

This allocation is quite small in the context of Nailsworth. For example, according to the NOMIS website, there were 2,662 dwellings in Nailsworth Parish at the time of the 2011 census. 25 dwellings represents just a 0.9% increase on this baseline figure. As such, the Board considers that it would not constitute major development, in terms of scale.

However, whilst the scale of development might, in itself, not be significant, the scale of the development in the context of this location in the Cotswolds AONB might be – see comments on 'Need', below, for more details.

Setting

The Nailsworth allocation lies within the Cotswolds AONB, adjacent to the AONB boundary.

The allocation is located in Landscape Character Type LCT 5 (Settled Valley). The Cotswolds AONB LSG identifies that this LCT '*is under pressure from the outward expansion of existing urban areas*'. It adds that '*such development would detract from the characteristic rural backdrop of valley towns and their typical linear form*'.

The Sustainability Appraisal identifies '*significant negative effect likely*', in terms of landscape, whereas the Stroud District Landscape Sensitivity Assessment (December 2016) identifies the sensitivity of the landscape for housing development as being '*medium*' (albeit across a much larger land parcel).

As such, there appear to be different interpretations of the sensitivity of this landscape setting to the proposed allocation (or equivalent development). However, it is worth noting that the decision as to whether an allocation / development constitutes major development relates to whether the allocation / development *could* have significant adverse impacts (i.e. *has the potential* to have such impacts), rather than whether the allocation / development *is likely* to have such impacts. Therefore, if some of the supporting evidence base indicates that the allocation has the potential to have significant adverse impacts then it may be appropriate to class it as major development, in this context.

The AONB boundary was thoroughly reviewed prior to the boundary changes that were made in 1990, particularly in relation to the AONB boundary around urban areas. It is important to note that the land where the proposed allocation would be located was retained in – or added to – the Cotswolds AONB, following the boundary review, because, inter alia:²⁴

- the quality and character of the landscape is unimpaired by its proximity to urban development;
- the quality of the landscape is commensurate with the landscape quality in other parts of the Cotswolds AONB;
- it exhibits similarities with the rest of the Cotswolds AONB in terms of landscape character.

As such, the proximity of the adjacent urban area should not, in principle, be considered as a reason to justify housing development. The Board acknowledges that the adverse impact of the urban edge in this particular location has probably increased since the 1990 boundary review. For example, the football stadium is a more recent feature which detracts considerably from the setting of this part of the AONB. However, as indicated in the 'Need' section, below, the football stadium is also an allocated sitw, which should be prioritised for development over allocation PS07. Assuming that the housing development on the stadium site is delivered in a way that is compatible with the character and local distinctiveness of the AONB, then its current adverse impacts on 'setting' would be considerably reduced.

Based on the information outlined above, **the Board considers** that the allocation would probably constitute major development in relation to setting and sensitivity.

Natural beauty – landscape impact

The field on which the allocation would be located has, in itself, a landscape character that is commensurate with – and similar to - the quality of the landscape character in other parts of the AONB. It also exhibits some of the key features of the LCT within which it is located (i.e. LCT 5 (Settled Valley). For example, it has a pastoral land use enclosed by hedgerow boundaries.

²⁴ Woolmore, R (2004) *Designation History Series. Cotswolds AONB. Volume 1*. Countryside Commission. The issue of boundary changes at urban edges is referred to in paragraph 58. There is only one hard copy of this document, which is at the Cotswolds Conservation Board office in Northleach.

This high quality landscape character is balanced (in Landscape and Visual Impact Assessment terms), to some degree, by the relatively small size of the allocation (approximately 1.4ha). However, the residual landscape impacts would be permanent and irreversible.

As indicated in relation to 'Setting', above, some of the features of the current urban edge, adjacent to the allocation site (for example, the football stadium) detract from this landscape character, to some degree. These adverse impacts could potentially be significantly mitigated by the development of the proposed housing allocation on the football stadium site.

If these measures were implemented, the landscape character would be less compromised and the susceptibility of the landscape to the proposed change (i.e. the housing allocation) would be increased. The impact of the proposed allocation on landscape character would then become more significant.

Without these measures being implemented, **the Board considers** that the overall impact of the proposed allocation on landscape character is likely to be 'moderate' (adverse). If these measure were implemented, the impact of the allocation on landscape character would probably be moderate-significant (adverse). In this second scenario, the allocation should probably be considered to be major development, in the context of landscape impact.

Natural beauty – visual impact

The site of the proposed allocation is relatively well screened (in summer time at least) - by mature trees / vegetation - from views to the north-west. However, there would probably be clearer views into the site at its north-west corner, where the footpath runs directly adjacent to the site.

The site is much more visible from the roundabout on Nymphsfield Road and from the minor road (and pavement) along the eastern boundary of the site (Nortonwood), from where the site provides a visually appealing foreground for view into the AONB. Planting trees or vegetation in these locations would not be appropriate as this would significantly detract for the existing views into the AONB.

The residual visual impacts resulting from the proposed allocation would obviously be permanent and not reversible.

Overall, **the Board considers** that the visual impact of the proposed allocation is likely to be moderate (adverse), assuming that appropriate mitigation is provided.

Natural beauty – natural heritage / biodiversity

The allocation site is located within approximately 250m of Woodchester Park Site of Special Scientific Interest (SSSI). This appears to be the main reason for the Sustainability Appraisal identifying '*significant negative effect likely*' for this allocation, in relation to biodiversity.

However, there doesn't appear to be any direct access from the allocation site to the SSSI so it is not clear exactly what the significant negative effect would be. Natural England may be able to provide further advice on this issue.

Based on the conclusions of the Sustainability Appraisal, **the Board considers** that the proposed allocation should be considered to be major development, in relation to natural heritage / biodiversity (subject to further input from Natural England).

Need

The Housing Needs Survey (HNS) for Nailsworth Parish (2013) identified 52 households in need of affordable housing. However, given that this HNS is now seven years old, it is probably not appropriate to use this data.

In order to secure a robust evidence base of affordable housing need, **the Board recommends** that a new HNS should be undertaken for Nailsworth Parish – and the affordable housing need identified - prior to the District Council finalising its Nailsworth allocations.

It is important to note that the vast majority of housing in the parish lies outside the AONB. Given that the amount of housing in the parish that lies within the AONB is very low, the affordable housing need arising within this section of the parish is also likely to be very low.

This is a vitally important consideration because the Government's Planning Practice Guidance (PPG) explicitly states that AONBs '*are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*'.²⁵ As such, in principle, the section of Nailsworth Parish that lies within the Cotswolds AONB should not be expected to accommodate the unmet housing needs arising within the section of the parish (or the wider district) that lies outside the AONB.

It is worth noting that there is an additional, significantly larger housing allocation for 80 dwellings (PS06) in close proximity to PS07. PS06 is on the site of a football stadium and lies outside (albeit adjacent to) the Cotswolds AONB boundary. Given its location outside the AONB and on brownfield land, **the Board considers** that allocation PS06 should be prioritised over PS07.

On the basis of the information outlined above, the Board considers that it is highly unlikely that exceptional circumstances would apply or that allocation site PS07 would be in the public interest.

Overall

The Board recommends that allocation PS07 should be withdrawn. This is primarily because the allocation would mainly be used to accommodate unmet needs from adjacent (non-designated) areas. The allocation would therefore conflict with national planning practice guidance and would not adequately address the statutory duty to have regard to the purpose of AONB designation. This would make the allocation unsound.

THE COTSWOLD CLUSTER

Painswick (PS41 Washwell Fields – 20 dwellings)

The Board does not intend to make detailed comments on this allocation as the potential implications of this allocation (in terms of major development considerations, for example), are relatively minor.

However, **the Board considers** that it is still important that the District Council undertakes a major development assessment of this allocation. This will help to ensure that all relevant considerations have been adequately addressed and provide a definitive view, from the

²⁵ <https://www.gov.uk/guidance/natural-environment#landscape>: paragraph 041

District Council, as to whether this allocation would constitute major development. This, in turn, would help to ensure compliance with: (i) the relevant national planning policy requirements; and (ii) the statutory duty to have regard to the purpose of AONB designation.

OTHER SECTIONS (Sections 1.0, 2.0 - 2.8, 3.0, 7.0 or Appendix A, B or C)

N.B. The Appendix B maps showing suitable areas for renewable energy are addressed in response to Delivery Policy ES2 (Renewable or low carbon energy generation).

SECTION 1.0 (40 Key Issues)

The Cotswolds Conservation Board endorses many of the key issues that have been identified in the Draft Plan. However, we are disappointed that the Draft Plan does not identify conserving and enhancing the natural beauty of the Cotswolds AONB as one of the 'priority issues' or '40 key issues'.

This is particularly surprising given that:

- the Cotswolds AONB covers over 50% of the Stroud District area;
- the natural beauty of the AONB is one of the key features that makes Stroud District such a desirable place to live and work;
- AONBS are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them;
- AONBS have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty;
- the scale and extent of development in the AONB should be limited;
- development pressure in the AONB (and its setting) risk undermining the purpose of AONB designation by eroding the natural beauty and special qualities of the AONB;
- Stroud District Council has a statutory duty to have regard to the purpose of AONB designation and the statutory power to take all such action as appears to them expedient for the accomplishment of this purpose.

For these reasons, **the Board recommends** that conserving and enhancing the natural beauty of the Cotswolds AONB should be included as a 'priority issue' and as a 'top 40 issue'.

Please refer to the Boards comments on Delivery Policy ES7 (Landscape character) for further information on key AONB considerations.

SECTION 2.1 (Stroud District tomorrow – a vision for the future)

The Cotswolds Conservation Board is pleased to see the reference to Cotswolds AONB at the start of the Vision, albeit that this reference primarily provides a geographical context rather than emphasising the importance of the AONB.

However, the Board is disappointed that there is no specific mention of the AONB, especially in terms of its national importance and significance.

The Board recommends that the vision should include a statement to the effect that '*the nationally important landscape of the Cotswolds AONB has been conserved and enhanced*'.

SECTION 2.2 (Strategic objectives for the future)

Strategic Objective SO5 (Climate change and environmental limits)

The Cotswolds Conservation Board supports the aspirations of Strategic Objective SO5.

However, **the Board recommends** that the objective should identify the landscape capacity of the Cotswolds AONB as an additional key environmental limit.

Strategic Objective SO6 (Our District's distinctive qualities)

The Cotswolds Conservation Board support the aspirations of Strategic Objective SO6.

However, the Board is disappointed that the objective doesn't specifically mention the Cotswolds AONB (for the reasons outlined in response to Section 1.0 – 40 key issues).

The Board recommends that the following wording should be added to the end of the objective:

- ...in particular, the natural beauty of the Cotswolds AONB.

SECTION 2.3 (An introduction to the development strategy)

Please refer to the Cotswolds Conservation Board's responses to relevant policies that relate to the development strategy.

SECTION 2.5 (Housing)

Please refer to the Cotswolds Conservation Board's responses to relevant policies that relate to housing.

ANNEX 2. EXTRACTS FROM THE ARNSIDE AND SILVERDALE AONB DEVELOPMENT PLAN DOCUMENT AND THE SOUTH DOWNS NATIONAL PARK LOCAL PLAN (ADPOTED JULY 2019)

ARNSIDE AND SILVERDALE AONB DEVELOPMENT PLAN DOCUMENT (ADOPTED MARCH 2019)

Paragraph 1.3.6: [The requirements of the National Planning Policy Framework] means that, within AONBs, development should be restricted and Objectively Assessed Needs need not be met. It also means that the presumption in favour of sustainable development needs to be taken in the context of the AONB's status as a nationally designated landscape and in the context of the purpose of AONB designation.

SOUTH DOWNS NATIONAL PARK LOCAL PLAN (ADPOTED JULY 2019)

Local Plan

Paragraph 7.18: The NPPF cites [protected landscapes] as areas where development should be restricted and objectively assessed need not met.

Supply of Homes Background Paper

Paragraph 3.1: The National Planning Policy Framework (the NPPF) sets a strategy to significantly boost housing. For the most part, this is focused on meeting the objectively assessed housing needs for the area. However it also makes very clear that where specific policies in it indicate development should be restricted, then this requirement to meet the full need does not apply.

Paragraph 3.3: The NPPF also expects that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the Framework.

Housing Background Paper

Paragraph 5.2: The presumption that planning authorities should seek to meet the full OAHN in their area does not apply in [protected landscapes] where it can be shown that this conflicts with the statutory purpose of conserving and enhancing.

ANNEX 3. EXTRACTS FROM THE BOARD'S PREVIOUS STROUD LOCAL PLAN CONSULTATION (STROUD LOCAL PLAN EMERGING STRATEGY PAPER)

Major Development

The [Local Plan evidence base] should include an assessment of whether or not the potential allocations in the AONB, both individually and collectively, would constitute 'major development' in the context of paragraph 172 and Footnote 55 of the NPPF²⁶. This assessment should explicitly identify whether or not these allocations *could* have a significant adverse impact on the purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONBs). In other words, the assessment should consider whether the development has the *potential* to have a significant adverse impact on the natural beauty of the AONB. As outlined in a legal opinion provided to South Downs National Park Authority by James Maurici QC of Landmark Chambers, '*that does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient*'²⁷.

The assessment should address the full context of 'natural beauty' - including the special qualities of the Cotswolds AONB, tranquillity, natural heritage (including biodiversity) and cultural heritage (including the historic environment) - not just landscape and visual impact²⁸. It should also address the three major development 'tests' specified in paragraph 172 of the NPPF. If the allocations *do* constitute major development, these sites should not be allocated unless the District Council can demonstrate that exceptional circumstances apply *and* that the allocations would be in the public interest. The nation-wide drive to build more homes should not be considered to be an exceptional circumstance, as this situation reflects the national 'norm', not the 'exception'.

The justification for these recommendations is outlined below.

Paragraph 172 of the NPPF states that '*planning permission should be refused for major development [in an AONB] other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest*'. Although consideration of planning permission is part of the 'decision-taking' process, the issue of major development should still be considered at the 'plan-making' stage, rather than left until the decision-taking stage. This is because if a site that is allocated in a local plan is subsequently considered to be major development, it should not be permitted²⁹ and the site would be undeliverable. A local plan which allocates such undeliverable sites would be unsound. Making an assessment, at the plan-making stage, of whether an allocation constitutes major development would help to resolve this issue. This approach to the major development issue reflects the legal opinions provided to the South Downs National Park Authority by

²⁶ Footnote 55 of the NPPF states that '*whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*'.

²⁷ South Downs National Park Authority (2014) *Opinion – In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority*. James Maurici QC, Landmark Chambers.

²⁸ Further information on 'natural beauty' is provided in the Cotswolds AONB Management Plan 2018-2023, particularly in Appendix 2.

²⁹ Unless exceptional circumstances applied and the development was shown to be in the public interest.

Toby Fisher³⁰ and, separately, by James Maurici QC³¹, both of Landmark Chambers. It is worth noting that Mr Fisher's legal opinion concluded that:

- *It would arguably amount to an error of law to fail to consider paragraph 116³² at the site allocations stage of plan making for the National Park.*

Factors that might lead to the conclusion that the allocations *could* have a significant adverse impact on the purpose of AONB designation – and, therefore, constitute major development – include the nature, scale and setting of the proposal allocations. Even if the allocations are retained in the Plan after the issue of major development has been considered at the plan-making stage, the issue of major development should still be a consideration at the planning permission / decision-taking stage of the planning process as well. This is because the planning application stage provides a significant level of detail (e.g. design, layout, etc.) that is not available at the plan-making stage and which could still significantly influence whether or not the development would constitute major development.

Robust evidence of affordable housing need specific to the individual AONB settlement / parish

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

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

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

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

- for any housing development that is considered in the Burford-Charlbury sub-area, 'it will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area' (paragraph 9.6.29);

³⁰ <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/Core-11-Major-Development-Advice-2017.pdf>

³¹ <https://www.southdowns.gov.uk/wp-content/uploads/2015/01/Guidelines-on-Significance-for-SDNP-Planning-Applications---Supplementary-Advice-October-2014.pdf>

³² The paragraph 116 referred to here is now paragraph 172 in the NPPF published in July 2018.

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

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

ANNEX 3. RELEVANT EXTRACTS FROM THE SUSTAINABILITY APPRAISAL

N.B. Bold text added for emphasis.

SA7: Biodiversity / geology

5.12: Seven of the 33 draft site allocations (G1, PS02, **PS07**, PS13, PS17, PS34 and PS35) are located within very close proximity (250m) of internationally or nationally designated biodiversity or geodiversity sites or would involve the loss of existing green infrastructure assets at the site. **Significant negative effects** have therefore been identified in relation to SA objective 7: biodiversity/geodiversity for these draft site allocations.

6.28: The majority of the draft site allocations included in the Draft Plan are also likely to have a negative effect on this SA objective given that they would be within close proximity of a designated biodiversity site. There is potential for particular pressures to result in relation to the Severn Estuary SAC/SPA/Ramsar site, **Cotswold Beechwoods SAC and Rodborough Common SAC** due to the proximity of draft site allocations and their sensitivity to residential development and recreational pressures. In addition, seven draft site allocations located at Brimscombe and Thrupp (PS02), **Nailsworth (PS07)**, Stroud (PS13), Stonehouse (PS17) and Newtown and Sharpness (PS34, PS35 and PS36) are in close proximity of a national or international designated site or include an identified green infrastructure asset which might be lost as part of the development. Therefore, **the impact at these sites is expected to be significant negative.**

SA8: Landscapes / townscapes

5.13: Areas around the settlements of Brimscombe and Thrupp, **Minchinhampton, Nailsworth**, Stonehouse and **Painswick** have been identified as having high landscape sensitivity to employment or residential development. As such five draft site allocations (PS02, **PS05, PS07**, PS20 and **PS41**) at these settlements are expected to have **significant negative effects** in relation to SA objective 8: landscape/townscape.

6.33: The majority of draft site allocations set out for development in the Draft Plan are expected to have an adverse effect in terms of enhancing the local distinctiveness and character of landscapes in the District. These sites have been assessed as having at least medium/low or medium sensitivity to development as set out in the Landscape Sensitivity Assessment for Stroud District or are located within 500m of the AONB. Seven sites at Brimscombe and Thrupp (PS02), **Minchinhampton (PS05), Nailsworth (PS07)**, Stonehouse (PS20), Cam (PS22), Newton and Sharpness (PS36) and **Painswick (PS41)** are located at locations which have been identified as having medium/high or high sensitivity to development. Development at these locations could have **significant negative effects** on landscape character in the district.

SA9: Historic Environment

5.14: Based on the SALA heritage findings, significant negative effects alone are expected in relation to this SA objective for draft site allocations G1, **PS05**, PS20 PS21 and PS47 at Hardwicke, **Minchinhampton**, Stonehouse, Cam and Kingswood respectively.

6.37: A number of the draft site allocations included in the Draft Plan are likely to have significant negative effects in relation to this SA objective. Sites at Brimscombe and Thrupp (PS01 and PS02), **Minchinhampton (PS05)**, Stroud (PS10, PS11 and PS13), Stonehouse (PS20), Cam (PS21), Newtown and Sharpness (PS34) and Kingswood (PS47) have been identified as having **significant or very significant heritage constraints** as per the findings of the SALA heritage assessment.