

**Draft Tewkesbury Borough Plan - Site options and policies for public consultation.
Response from the Cotswolds Conservation Board. April 2015.**

The Board wishes to make the following comments on the Draft Tewkesbury Borough Plan:

Generally the Board supports references to the AONB throughout the Plan and the cross reference to the main JCS AONB policy. Section K on Landscape in particular cross references the AONB and paragraphs 115 and 116 of the NPPF.

However, there is then somewhat of a contradiction in the Plan in that the proposed housing allocations for Winchcombe, for example, show all four housing sites (A, B, C & D) as being within the nationally protected AONB. The JCS however took the following approach to site selection:

“3.2.16 The JCS area is constrained by Green Belt land, areas at risk of flooding and The Cotswolds AONB, which is the highest national landscape designation within the JCS area. It is considered that land within the AONB is not an appropriate location for urban extensions and it has therefore been excluded from this site selection process. Green Belts are not a landscape designation and do not share the same characteristics as AONB designations.”

The JCS also noted the implications of Paragraph 14 of the NPPF in that there is a “presumption in favour of sustainable development” but that “restrictions apply” (see Policy SD1 (3ii) of the JCS). Restrictions specifically apply in AONBs as identified within Footnote.9. of the NPPF.

Paragraph 116 of the NPPF requires an application for major development within an AONB to be refused, unless there are exceptional circumstances (“exceptional” in this context connotes rarity and relates to the development itself and not any benefits to the future occupiers). There is a requirement through Paras. 115 and 116 of the NPPF to assess the need for the development (eg housing) in the AONB, the scope for developing elsewhere outside their area or meeting the need in “some other way” whilst giving “great weight” to conserving landscape and scenic beauty.

Therefore, further consideration in justifying a site selection in the Plan should address the following questions (i) Given Winchcombe’s recent additional new housing and its constraints in relation to the AONB, is there the need/ability to accommodate more housing? (ii) By reason of Para.116 all options outside the AONB should be considered in greater detail not just in relation to Winchcombe, but also in respect of District and Joint Core Strategy level . (iii) Therefore, can housing need be met in “some other way” outside the AONB or even within the existing settlement thereby avoiding harm to the AONB?

Brandon Lewis the Minister of State for Housing and Planning wrote to the Planning Inspectorate on 19th December 2014 to highlight the need for Councils to consider in their Plan preparation whether there are environmental and policy constraints which will impact on their overall final housing requirement. The Minister also highlighted the need to consider whether there are opportunities to cooperate with neighbouring planning authorities to meet needs across housing market areas. To date it was also the Board’s understanding, that other than the existing planning permissions in Winchcombe, the other SHLAA sites (which included the larger West of Winchcombe area) had previously been discounted by the District Council, specifically because of the AONB designation. However, the Plan now includes all four sites for Winchcombe as being within the AONB.

This letter has been followed by a further letter from the Minister dated 26th March 2015, again to the Planning Inspectorate, in which Mr Lewis stated:

“I have become aware of several recent appeal cases in which harm to landscape character has been an important consideration in the appeal being dismissed. These cases are a reminder of one of the twelve core principles at paragraph 17 of the National Planning Policy Framework – that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context. While National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts quite rightly enjoy the highest degree of protection, outside of these designated areas the impact of development on the landscape can be an important material consideration....”

Requested Changes

In conclusion, the Board recommends the following changes to Policy HOU1 and the related Rural Site Options on Page 19 and in particular any proposed housing allocations in the AONB should be tested through paragraphs 115 and 116 of the NPPF:

- Reference should be made to the restrictions that apply due to Footnote.9. of Paragraph 14 of the NPPF that confirms the presumption in favour of sustainable development does not automatically apply where restrictions exist (which include AONBs).
- The letters of Brandon Lewis of December 2014 and March 2015 should be taken into consideration in the Plan preparation specifically in relation to the strategic approach to the AONB as a national landscape designation protected by law under Section 85 of the CRoW Act 2000.
- Any proposed sites within the AONB should be considered through the tests of Paragraphs 115 and 116 of the NPPF. The Board attaches two recent appeal examples (**Broadway & Stow Appeal Decisions**) where proposed housing development in the AONB, once considered through these tests, have failed to gain planning permission due in part to the restrictions of the AONB designation.
- Accordingly the approach to the AONB through the JCS and the Local Plan should consistently apply relevant NPPF and NPPG guidance that applies to the AONB.