

PLANNING ISSUES

Summary: This paper outlines – and makes recommendations on - key planning-related issues which require a clear position from the Cotswolds Conservation Board. These issues include: consultation criteria for the planning applications that the Board would like to be pro-actively consulted on by local authorities; the scale of housing proposals in the Cotswolds AONB above which all proposals should constitute major development; the need to take a landscape-led approach to housing provision in the AONB; and the evidence of housing need that should be required for housing proposals in the AONB.

Recommendations (for the Executive Committee to endorse, to go to the Board meeting in December 2019):

1. **To endorse the proposed consultation criteria.**
2. **To agree that it is not necessary to further update or re-launch the 2011 planning protocol.**
3. **To endorse the proposed position relating to the scale at which housing developments and / or allocations in the Cotswolds AONB should always be considered to constitute major development.**
4. **To endorse the proposed position relating to taking a landscape-led approach to housing provision in the Cotswolds AONB.**
5. **To endorse the proposed position relating to evidence of affordable housing need that should be required for housing proposals within the Cotswolds AONB**
6. **To endorse the proposed position relating to choice-based lettings systems.**
7. **To endorse the proposed next steps.**

Officer Ref: John Mills, Planning and Landscape Officer (01451 862004)

Introduction

1. The main objective of the Board’s engagement in the planning system, is to put the Board’s purposes at the heart of this system. One of the main ways in which the Board does this is by identifying, developing and promoting best practice and guidance on AONB-related planning issues. This helps to facilitate the consistent and appropriate application of relevant legislation and national policy across the whole of the Cotswolds Area of Outstanding Natural Beauty (AONB) and its setting.
2. Much of this best practice and guidance is already embedded in Board documents such as the Cotswolds AONB Management Plan, Landscape Strategy & Guidelines and Position Statements. However, as this best practice evolves, it is also appropriate for the Board to evolve and refine its position and guidance on relevant issues. It is also appropriate for the Board to advocate this *best practice* becoming *standard practice*.
3. This paper makes a number of recommendations on how the Board should evolve and refine its position and guidance on key planning-related issues. These recommendations are intended to complement relevant legislation, planning policy and guidance and help apply them at the AONB level. The Executive Committee is

asked to endorse these recommendations to go to the Board meeting in December 2019.

Planning protocol and consultation criteria

4. In 2011, the Board developed a planning protocol with the local authorities that overlap with the Cotswolds AONB (Appendix D). The Board's Planning and Landscape Officer has been reviewing this protocol to see if it needs updating and / or re-launching.
5. The first step in this process has been to review and update the types of planning applications that the Board would like to be pro-actively consulted (and not consulted on) on by local authorities. Key aspirations include:
 - (i) making these criteria proportionate and reasonable for the local authorities and for the Board, for example, by using criteria that local authorities already have to apply and by excluding certain smaller scale development proposals; and
 - (ii) closely aligning the criteria to those in the 2011 protocol, to the requirement of legislation and national planning policy, and to the Board's purposes.
6. The Board has developed these criteria (Appendix A) through discussions with several of the local authorities in the AONB and with the Board's Planning and Infrastructure Working Group. Key messages from the local authorities have including a desire for the criteria to be as simple as possible. Ideally, they would like the criteria to be on one side of A4 so that their planning officers could easily refer to these criteria.
7. From the meetings with the local authorities it has also become apparent that the local authorities are limited in the extent to which they can readily apply bespoke filtering criteria to their planning applications (e.g. planning applications within a certain distance of the AONB boundary). As such, this kind of criteria has not been included.
8. The criteria are ordered according the stage at which each criteria can be applied. For example, a non-specialist planning administrator, who first processes a planning application, would probably be able to filter planning applications that relate to developments of 10 or more dwellings, so this is first on the criteria list. On the other hand, some criteria would require the expertise of the case officer to decide if those criteria apply, so these criteria come later in the list.
9. Some of the local authorities also indicated that if they agreed to apply the consultation criteria, they would like to have some level of commitment from the Board that the Board will respond to these consultations. As such, the criteria include a commitment to respond to relevant planning applications within 21 days. This reflects the commitment made in the 2011 protocol and also reflects what would be required of a statutory consultee. This will be a challenging commitment to uphold but, if the local authorities rigorously apply the criteria, this will help the Board to focus on the most significant planning applications.

10. With regards to the 2011 planning protocol as a whole, the local authority planning teams have provided a strong indication that they do not consider such a protocol to be desirable or necessary. In their view, the protocol largely repeats what is already set out in – and required by – relevant legislation and / or in national and local planning policy and guidance. They were also of the opinion that such a protocol would not be readily used or referred to by the local authority planning teams as it is too long-winded. They much prefer the idea of just having the one page of consultation criteria, which can be relatively easily used and applied. The Board’s Planning & Landscape Officer agrees with this feedback.
11. It is worth noting that there is not the same necessity to develop and agree criteria relating to Local Plan consultations. This is because all of the local authorities in the Cotswolds AONB already pro-actively consult the Board on all relevant Local Plan consultations (and, in some cases, pro-actively seek additional input from the Board on these matters). It would not be appropriate for the Board to be consulted on Neighbourhood Development Plan (NDP) consultations as the Board would simply not have the capacity to respond to these consultations, so no criteria are proposed for NDP consultations.
12. **With these points in mind, it is recommended that the Board should formally:**
 - **endorse the proposed consultation criteria;**
 - **agree that it is not necessary to further update or re-launch the 2011 planning protocol.**

Major Development – scale of housing developments and allocations

13. Paragraph 172 of the National Planning Policy Framework (NPPF) states that, in AONBs and National Parks, *‘planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest’*. The footnote that accompanies paragraph 172 (footnote 55) states that *‘for the purposes of paragraphs 172 and 173, whether a development is ‘major development’ is a matter for the decision maker [i.e. the relevant local authority], 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’*. It is this definition of major development which is addressed in this section of this Executive Committee paper. Appendix B provides additional relevant extracts from the NPPF and from the Government’s Planning Practice Guidance.
14. The nature, scale and setting of a proposed development, and its potential to have a significant adverse impact on the purpose of AONB designation, will be different for each and every development proposal or site allocation. In some circumstances, very small developments might constitute major development whereas, in other circumstances, relatively large developments might not. As such, it is not *normally* appropriate to specify that a particular number of dwellings - or scale of development – should, or should not, constitute major development in each and every case.

15. However, given that the NPPF (paragraph 172) states that the scale and extent of development in AONBs should be limited, the Planning & Landscape Officer considers there *are* particular scales of development above which the development being proposed should always be considered to constitute major development.
16. In the context of housing, there are two key issues relating to the scale of a proposed housing development or allocation:
 - (i) the extent to which the development or allocation is **proportionate** to the existing settlement;
 - (ii) the **overall size** of the development or allocation.
17. With regards to (i) (i.e. **proportionality**), the Board's Cotswolds AONB Landscape Strategy and Guidelines repeatedly makes the following recommendations:
 - *Ensure new development:*
 - *is proportionate and does not overwhelm the existing settlement;*
 - *does not adversely affect settlement character and form.*
18. A key measure of the proportionality of a proposed development or allocation is the percentage increase in the number of dwellings in the settlement that would occur as a result of the development or allocation.
19. The percentage increase in the number of dwellings in AONB settlements has been a key factor in a number of planning appeal decisions. However, in these planning appeal decisions, the percentage increase that has been considered to constitute major development has varied quite considerably. For example, the Board is aware of planning appeal decisions where increases of:
 - 5-8% have *not* been considered to be major development;
 - 4-11.5% (and higher) *have* been considered to be major development.
20. That variation was partly due to the local context of the individual proposed developments (for example, the setting and / or the potential landscape and visual impact). However, these examples provide a useful reference point for what might be considered as being proportionate.
21. Another useful reference point is the major development assessment that the South Downs National Park Authority undertook for potential housing allocations in the South Downs Local Plan¹. This assessment identified two allocations that would '*clearly be major*' development in terms of their scale. The increase in the number of dwellings associated with these two allocations was just 5.6% and 7.5%.
22. Based on this analysis, there are clearly circumstances in which increase the number of dwellings by, say, 4% or more *could* constitute major development. In addition, there would be clear justification for asserting that an increase of, say,

¹ South Downs National Park Authority / Envision (2015) South Downs Local Plan: Preferred Options. Assessment of Site Allocations against Major Development Considerations. Technical Report.

10% or more would be disproportionate and *should*, therefore, constitute major development.

23. With regards to (ii) (i.e. **overall size**), the Board's Planning and Infrastructure Working Group has taken the view that any development of 100 or more dwellings in the AONB should always constitute major development regardless of the size of the existing settlement.
24. This view is based primarily on the fact that paragraph 172 of the NPPF states that '*the scale and extent of development within these designated areas [including AONBs] should be limited*'. Developments of 100 or more dwellings in the AONB would not be consistent with this national policy. The Working Group came to this view when it considered the proposed housing allocations for Winchcombe in the draft Tewkesbury Borough Plan. These two, adjacent housing allocations would provide a total of 120 dwellings. This would represent an increase of just 5.4% in the number of dwellings in Winchcombe. However, given the number of dwellings proposed, the Working Group still considered the two allocations (combined) to constitute major development.
25. **Based on this analysis, it is recommended that the Board should formally endorse the position below, relating to the scale at which housing developments and / or allocations in the Cotswolds AONB should always be considered to constitute major development:**
 - **The Cotswolds Conservation Board recommends that:**
 - (i) **If proposed housing developments or allocations in the Cotswolds AONB would increase the number of dwellings in a settlement by more than 10%, they should always be considered to be disproportionate to the existing settlement. Given that they would be disproportionate, they should also always be considered to be major development in the context of paragraph 172 of the National Planning Policy Framework.**
 - (ii) **Where multiple allocations are proposed in a particular settlement, they should collectively be considered to be major development if they would collectively increase the number of dwellings in the settlement by more than 10%.**
 - (iii) **Any proposed housing development or allocation of 100 or more dwellings in the Cotswolds AONB should always be considered to be major development in the context of paragraph 172 of the NPPF.**
 - (iv) **Where adjacent allocations are proposed in a particular settlement, they should collectively be considered to be major development if the total number of dwellings being proposed across the allocations is 100 or more.**
 - **Whilst the above recommendations represent 'lines in the sand' above which development should always be considered to constitute major development, there will be many circumstances in which smaller scales of development (sometimes significantly smaller) may constitute major**

development, depending on the nature and setting of the proposed development and on the potential for it to have an adverse impact on the purpose of AONB designation.

Landscape-led housing allocations

26. Policy CE11 (Major Development) (paragraph 2) of the Cotswolds AONB states that *'any major development proposed in the Cotswolds AONB ... should be landscape-led'*. With regards to housing allocations, it is likely that some allocations would not be classed as major development. However, it is still important for local authorities to take a landscape-led approach to their AONB housing allocations regardless of whether or not they consider them to be major development in the context of paragraph 172 of the NPPF.
27. A landscape-led approach to AONB housing allocations recognises that:
- (i) Fulfilling the purpose of AONB designation may mean that it is not possible to meet objectively assessed housing needs in full through the plan-making process (as recognised in the NPPF and in national planning practice guidance).
 - (ii) Housing provision should not exceed the 'landscape capacity' of the AONB to accommodate that housing.
28. This landscape-led approach to housing allocations is an integral part of housing provision in several protected landscapes. For example, it underpins housing provision in the recently adopted South Downs National Park Local Plan (SDNPLP) and in the Arnside and Silverdale AONB Development Plan Document (which is the first of its kind in the country). The position outlined below closely follows the process that has been applied in these two Local Plan documents. To a large degree, it also reflects best practice in the Cotswolds AONB.
29. **With these points in mind, it is recommended that the Board should formally endorse the position below, relating to taking a landscape-led approach to housing provision in the Cotswolds AONB:**
- **The Board recommends that:**
 - **The identification of housing (and other) site allocations in Local Plans should be landscape-led.**
 - **This should involve site-specific landscape and visual sensitivity studies². A site assessed as having high sensitivity, or medium-high sensitivity where any development impact could not be fully mitigated, should not be taken forward.**

² In circumstances where previous Landscape and Visual Sensitivity Studies have assessed larger (or smaller) parcels of land, new, site-specific studies should be undertaken for the proposed allocation.

- **For sites below this sensitivity threshold, the landscape capacity of these sites should then be identified. This should include a calculation of the number of dwellings that could theoretically be accommodated on the site, based on the size of the site and on appropriate assumptions about housing density, design and other relevant factors.**
- **An assessment should then be made as to whether these potential allocations would constitute major development, in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF). This should include an assessment all of the factors that contribute to ‘natural beauty’³. In line with the NPPF, there should be a presumption against allocating sites that are assessed as constituting major development.**
- **For the remaining sites (i.e. sites below the sensitivity threshold and not constituting major development), it should not be considered appropriate to fully utilise the landscape capacity in one iteration of the Local Plan. This is because, if all of the landscape capacity was fully utilised, there would be no landscape capacity to accommodate further housing in the future.**

30. There should also be a further step in the recommended approach, which addresses housing need. However, for the purposes of this paper, this further step is outlined separately below.
31. This position focusses on Local Plan housing allocations, but the principles are also applicable to Neighbourhood Development Plan allocations and, to some degree, to individual development proposals.

Housing Need

32. In addition to the landscape-led approach to housing provision, another vital consideration is the need for the housing that is being proposed. As indicated above, the NPPF and the Government’s Planning Practice Guidance exempts AONBs from the requirement to meet objectively assessed needs in full (see Appendix B). In addition, Policy CE12 of the Cotswolds AONB Management Plan 2018-2023 states that:
- *‘development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB’* and that;
 - *‘priority should be given to the provision of affordable housing ...’*

³ Appendix 2 of the Cotswolds AONB Management Plan 2018-2023 provides some useful guidance on the topic of ‘natural beauty’, as does Chapter 2 of the Management Plan, which outlines the ‘special qualities’ of the Cotswolds AONB.

33. The West Oxfordshire Local Plan (and the associated Inspector's Report) goes even further. The Inspector's Report concluded that it would have been unsound for the Local Plan to include the housing site allocations that had been proposed in the section of West Oxfordshire that lies within the Cotswolds AONB (i.e. the Burford – Charlbury Sub-Area). This is primarily because there was not sufficient evidence of housing need for this sub-area. The Local Plan states that:
- *'within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas ... 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'. (N.B. Underlining added for emphasis).*
34. The Board has strongly supported this approach, for example, by successfully using it as a key reason for objecting to the proposed development of 68 dwellings in Stonesfield, West Oxfordshire. Following the positive outcome of the Stonesfield planning appeal, in which the appeal was dismissed, there is even more justification for advocating the West Oxfordshire Local Plan approach across the wider AONB.
35. **With these points in mind, it is recommended that the Board should formally endorse the position below, relating to evidence of affordable housing need that should be required for housing proposals within the Cotswolds AONB:**
- **The Board recommends that:**
 - **Housing provision in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB, with priority being given to the provision of affordable housing (in perpetuity). This evidence-base should include robust evidence of affordable housing need specific to the particular AONB parish where housing provision is being considered, including an up-to-date Rural Housing Needs Survey.**
 - **Where evidence of affordable housing need from a wider area is used, this should still primarily relate to the section of the relevant local authority's area that lies within the AONB (and not, for example, adjacent urban areas).**
 - **Where local authorities propose allocating more housing in an AONB parish, or AONB 'sub-area', than that identified in the relevant Rural Housing Needs Surveys (plus any associated cross-subsidising market housing), they should be required to provide robust justification for doing so.**
 - **In circumstances where the evidenced affordable housing need (plus any associated cross-subsidising market housing) is below the landscape capacity of the site, housing provision should be based on the housing need rather than the landscape capacity.**

- **In circumstances where the evidenced affordable housing need (and associated market housing) is above the landscape capacity of the site, housing provision should be based on the landscape capacity of the site. In these circumstances, the local authority should seek to accommodate the additional affordable housing need outside the AONB (or, at an alternative site within the AONB that does have the required landscape capacity). This could be within their own area or, through the duty to cooperate, in other local authority areas.**
- **Local authorities should prioritise undertaking Rural Housing Needs Surveys in the AONB and should regularly update these surveys, ideally on a 5 year cycle.**

36. The Stonesfield appeal highlighted the extent to which data from choice-based lettings (CBL) systems, such as Homeseeker Plus, can be manipulated by developers to justify inflated affordable housing need figures. Although CBL provides some indication of potential take-up of affordable housing, it allows for double, or even triple, counting of housing need. Also, CBL data is not normally validated until a household actual makes a 'bid' for available housing. Planning officers at West Oxfordshire District Council have acknowledged that Homeseeker Plus is not a measure of housing need. On a related point, the CBL requirement to prioritise 'local connection' – which should be a priority for the AONB - is not always applied by local authorities. The Planning & Landscape Officer has drafted a flowchart (Appendix C) to demonstrate the extent to which Homeseeker Plus data can be filtered out before it provides convincing evidence of need.

37. **With these points in mind, it is recommended that the Board should formally endorse the position below, relating to choice-based lettings systems:**

- **The Board recommends that:**
 - **Data from choice-based lettings (CBL) systems, such as Homeseeker Plus, should not be used as a measure of affordable housing need.**
 - **Within the Cotswolds AONB, CBL should prioritise 'local connection'.**

Next Steps

38. **Consultation Criteria:** Assuming that the Executive Committee endorses the proposed consultation criteria, the Board will formally consult – and seek the endorsement of - the 15 local authorities on the consultation criteria. It is recommended that this consultation should take place after the Glover Review's final report has been published (anticipated in late September 2019) so that the recommendations of the Glover Review can be used to further justify the need for the consultation criteria. The consultation criteria will then be presented to the Board for formal adoption at the Board meeting in December 2019.

39. **Other recommendations:** Assuming that the Executive Committee endorses the other recommendations made in this paper, they will be presented to the Board, for its endorsement, at the Board meeting in December 2019. Assuming that the Board endorses these recommendations, it is anticipated that the proposed positions will be incorporated into a revised Housing and Development Position Statement (possibly combined with a revised Affordable Housing Position Statement), to be adopted by the Board by summer 2020.

Supporting Paper(s):

Appendix 'A' – Draft consultation criteria

Appendix 'B' – Relevant extract from the National Planning Policy Framework and Planning Practice Guidance

Appendix 'C' – Homeseeker Plus flowchart

Appendix 'D' – 2011 planning protocol

APPENDIX A. DRAFT CONSULTATION CRITERIA

See next page (so as to keep the consultation criteria on one side of A4 paper).

CRITERIA FOR CONSULTING THE COTSWOLDS CONSERVATION BOARD ON DEVELOPMENT MANAGEMENT CASES

Development management cases that the Cotswolds Conservation Board ('the Board') would like to be consulted on:

Within the Cotswolds Area of Outstanding Natural Beauty (AONB):

1. Major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Part 1, Article (2) (1)), including developments of 10 or more dwellings.⁴
2. Isolated homes in the countryside (i.e. developments that meets the requirements of paragraph 79 of the National Planning Policy Framework (NPPF)).
3. Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017.⁵
4. Schedule 2 development under the EIA Regulations (but above the Schedule 2 '*applicable thresholds and criteria*'), including EIA screening and scoping opinion consultations.⁶
5. Cases which the case officer considers could potentially be major development in the context of paragraph 172 and footnote 55 of the NPPF.⁷

Within and / or outside the Cotswolds AONB:

6. Cases which the case officer considers could potentially:
 - (a) have a significant adverse effect on the statutory purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the Cotswolds AONB);
 - (b) set an important precedent that could fundamentally affect the statutory purpose of AONB designation;
 - (c) have cumulative significance for the Cotswolds AONB.

Development management cases that the Board would not like to be consulted on (unless they match one or more of the criteria outlined above):

1. Alteration, demolition or change of use of single buildings, including household extensions and replacement buildings.

The Conservation Board's commitment to responding to development management consultation that fit the above criteria:

For Development Management consultations that fit the above criteria, the Board will endeavour to provide a 'substantive response'⁸ within 21 days of the date of consultation or within such other period as might be agreed between the Board and the relevant local planning authority.

⁴ <http://www.legislation.gov.uk/ukxi/2015/595/article/2/made>

⁵ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>

⁶ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>

⁷ 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 or defined*'.

⁸ <http://www.legislation.gov.uk/ukxi/2015/595/article/22/made>

APPENDIX B. RELEVANT EXTRACTS FROM THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

NATIONAL PLANNING POLICY FRAMEWORK

(<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)

Paragraph 172:

...The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁹ [Footnote 55] other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

Footnote 55:

For the purposes of paragraph 172 ... 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.

Paragraph 11:

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

... (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses ... unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area [Footnote 6]

... For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [Footnote 6]...

⁹ N.B. Although there is also a planning-related definition of major development which relates to developments of 10 or more dwellings, etc, this definition should not be applied when considering major development in the context of paragraph 172 of the NPPF.

Footnote 6:

The policies referred to are those in this Framework ... relating to ... land designated as ... an Area of Outstanding Natural Beauty ...

PLANNING PRACTICE GUIDANCE (<https://www.gov.uk/guidance/natural-environment#landscape>)

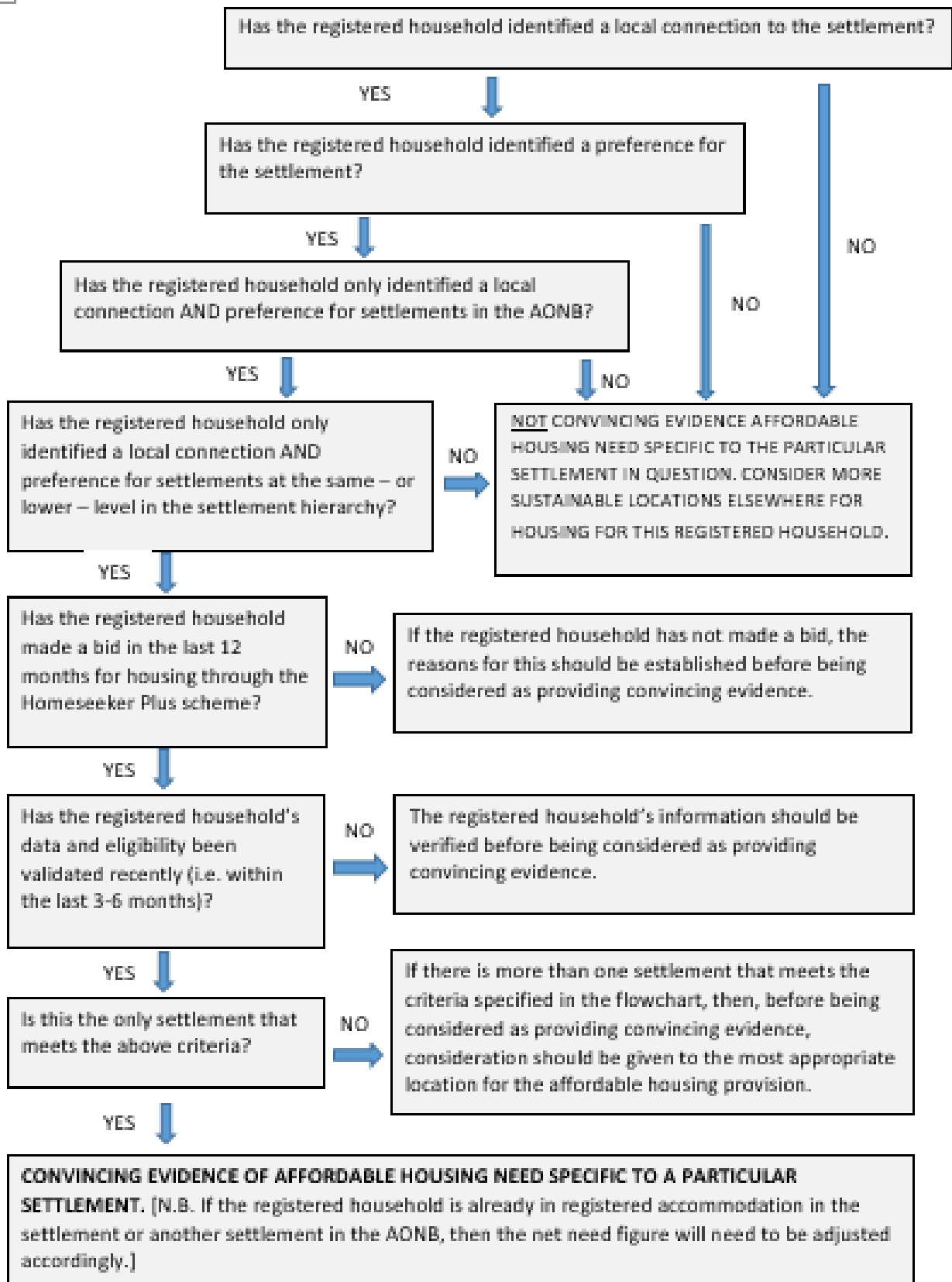
[N.B. This is new text which was added when the guidance was updated in July 2019. As a result, the guidance is now much clearer on how paragraphs 172 and 11 of the NPPF should be interpreted, adding further weight to limiting the scale and extent of development in AONBs.]

How should development within National Parks, the Broads and Areas of Outstanding Natural Beauty be approached?

The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.

All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality ...

APPENDIX C. HOMESEAKER PLUS FLOWCHART (N.B. Please accept my apologies for the blurred text, which is a result of the way in which the flowchart has been extracted from the original document; the text in the original document is much clearer)



APPENDIX D. 2011 PLANNING PROTOCOL

This protocol sets out the respective roles and responsibilities of the Cotswolds Conservation Board and the Local Planning Authorities with respect to planning matters in the Cotswolds AONB.

Background to planning within the Cotswolds AONB

The Cotswolds Conservation Board's primary duties are conserving and enhancing the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB) and increasing understanding and public enjoyment of its special qualities. Within the AONB priority is given to the conservation and enhancement of the natural beauty of the area - its landscape, flora and fauna, geological or landform features and heritage, including archaeology and settlement character. If there is a conflict then conserving and enhancing the area takes precedence over increasing public understanding and enjoyment.

The Board is also expected to foster the economic and social well-being of local communities within the AONB in co-operation with local authorities and other public bodies.

AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty, and their planning status. PPS7 makes clear that nationally designated areas including National Parks and AONBs are confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. This means that the conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies and development control decisions in these areas.

The Government also states that the conservation of wildlife and the cultural heritage are important considerations in all these designated areas. At the same time planning policies should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate housing to meet identified local needs.

PPS7 also details national policy regarding major developments in designated areas, including AONBs. These should only be permitted in exceptional circumstances and such proposals will need to be subject to rigorous examination. PPS7 sets out issues that will need to be addressed as part of such an assessment.

Such proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of applications should therefore include an assessment of:

- the need for the development, in terms of national considerations and the impact of permitting it, or refusing it, on the local economy
- the cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that should be moderated.

Sub-national planning policies relating to AONBs have been set out in a range of statutory and non-statutory documents including Regional Planning Guidance, Structure Plans, Local Plans and Supplementary Planning Guidance. Recently enacted legislation means that this hierarchy will be changed into one which will feature Local Development Documents amongst its key elements. Policies relating to AONBs will need to be fully addressed by the new planning system.

All public bodies and statutory undertakers must have regard to the purposes of AONBs in performing their statutory functions to meet the requirements of the Countryside and Rights of Way Act (CROW) Act 2000.¹⁰

A guidance note on “Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads” has been issued by DEFRA. This guidance is intended to provide greater clarity on these duties and to whom they apply. It explains how authorities subject to the duties might demonstrate compliance with them and explains the process by which they will be monitored.

Planning Context

The Cotswolds AONB is under considerable pressure. The AONB Management Plan examines these pressures in some detail, but the main elements are briefly summarised in this section.

Rapid change in the rural economy of the AONB and its communities are major challenges to the social and economic life of the area. The population has continued to increase sharply, mostly due to in-migration, particularly of retired people. More people living in the Cotswolds travel to work on a daily basis outside the area or work away from the area during the week.

Demand for housing within the AONB has increased in the last 15 years. This is placing increasing pressure for the further development of land, including an urgent requirement for low cost housing. The AONB is also under threat from increasing traffic particularly heavy goods vehicles, changes in agricultural operations, recreation pressures, additional quarrying and road developments.

The main economic activities that affect the character and appearance of the landscape of the AONB are farming, tourism and quarrying. However, fewer people work in these industries. The broader economic and social well-being of the area plays a vital role in underpinning the area’s natural beauty. The Cotswolds must thus be treated as a living and working landscape within which people and businesses can prosper.

Resulting from these changes there is considerable concern about the scale and location of new developments and their impact upon landscape character and biodiversity. The different tiers of government and a range of specialist agencies have been working to manage these pressures in the AONB in a constructive way consistent with the purposes of AONB designation. Planning policies have been formulated and implemented to this

¹⁰ CROW Act 2000, section 85.

end and it is of critical importance that the general commitment to AONB-sensitive objectives is continued on a long-term basis.

Working in Partnership

The Cotswolds Conservation Board recognises that, to progress many of the AONB objectives, it must work closely with, and to an extent rely on, other agencies and organisations, i.e. those which have specific roles, responsibilities and statutory obligations. The local planning authorities are one such type of organisation. The Board's role must therefore be to work with the planning authorities in furtherance of those AONB objectives that require a significant planning input.

Planning responsibilities

Planning issues are primarily dealt with by the 15 local authorities, at county, unitary and district level; they act as statutory local planning authorities under specific town and country planning legislation. In addition the Government also exerts a key influence over the planning system both through policy, guidance and regulations and, in limited circumstances, through reserve 'call-in' powers.

The Cotswolds Conservation Board does not have direct responsibility for the preparation of land use planning policies nor the determination of planning applications. Its role is rather one of advising and guiding the statutory planning authorities regarding particular issues within the AONB and ensuring that the national, and indeed international, value of the area is consistently conserved and enhanced and interpreted to promote greater public understanding and enjoyment.

The aims and policies for the Cotswolds AONB are set out in the statutory AONB Management Plan endorsed by 13 of the 15¹¹ local authorities and the Cotswolds Conservation Board. Development that is subject to planning control and the wider application of planning policies can affect and influence many of the different topics and issues dealt with in this plan. The specific Management Plan policies for planning and development are detailed at Appendix 1.

The Conservation Board has a specific role in monitoring the implementation of the Management Plan, including its planning policies and priority actions. It is likely to require support from other organisations, particularly local authorities, in doing so.

Basis of the Board's involvement in planning matters

The Cotswolds Conservation Board's planning involvement is based on the following objective set out in the adopted statutory AONB Management Plan:

CEO5: Employment and housing is provided, particularly for those involved in the promotion and care of the landscape, as part of a buoyant rural economy and viable communities.

¹¹ Wiltshire and South Gloucestershire unitary authorities have not yet formally endorsed the Management Plan (July 2011)

In pursuing this objective and ensuring the policies in Appendix 1 are implemented, the Board will, within the resources available to it, seek to contribute by concentrating on the following five areas:-

1. Effective involvement at the policy making level (e.g. current development plans, future local development documents, regional spatial strategies and sub-regional studies; and national planning policy statements) to ensure that the right framework is in place to guide development control decisions;
2. The development and application of tools which help to define the character of the AONB, and what is to be conserved and enhanced, thereby providing practical help and guidance for development control decision makers;
3. Highly selective submission of representations relating to development control cases only where proposed development would have major implications, by virtue of its size and nature, for the character of the AONB, and/or where it would set an important precedent for future proposals that would fundamentally affect the special qualities of the AONB. These cases may be located within or outside the AONB boundary.
4. Working with all those partners in and around the AONB who are concerned with development in order to enhance their understanding of AONB objectives.
5. Providing advice on aspects of legislation and policies covering conservation and enhancement of AONBs that are relevant to planning decisions.

1. Planning Policy

The Board's involvement in planning policy development will include:-

- Influencing and responding to consultations regarding changes in national policies on behalf of the whole AONB;
- Informing the development of relevant and consistent regional and sub-regional strategies and policies that cover parts of the AONB;
- Contributing to and commenting on emerging strategies, policies, development plans/local development documents at appropriate stages;
- Submitting written representations to Examinations in Public and Inquiries, where necessary, and attending these in exceptionally important cases;
- Supporting the monitoring and review process by periodically working with partners to assess overall development impacts and land-use or character changes within the AONB;
- Promoting coordinated guidance based on an AONB-wide perspective and assisting with the production of design guides and supplementary planning

documents within the AONB, where these are in accordance with Local Development Schemes.

The local planning authorities will:-

- Work with the Conservation Board to develop appropriate consistent and robust development plan documents/policies that reflect the adopted statutory Cotswolds AONB Management Plan to continue to give the AONB the highest status of protection in relation to its landscape and natural beauty;
- Consult the Conservation Board at each stage in the preparation of local development plan documents which have a bearing on the AONB by sending to the Cotswolds AONB Planning Officer electronic or paper copies of all these documents (and other relevant planning policy material) as they are produced for consultation;
- Consult the Conservation Board in the preparation of other documents, such as supplementary planning documents and review and scoping studies/reports.

2. Tools and guidance

The Conservation Board will assist the planning process by:

- Translating the AONB landscape character assessment to “grassroots” level through the production of landscape guidelines, in consultation with the planning authorities, whilst recognising that local authority landscape character assessments where they exist may provide more detailed guidance,
- Developing guidance, in consultation with the local planning authorities, on significant issues affecting development across the AONB where criteria are needed to ensure consistency of decision making;
- Promoting awareness and discussion of relevant information sources and decisions that can assist good planning practice affecting the AONB.

3. Development Control

The Conservation Board will:-

- Request local planning authorities’ officers to provide it with details of applications that the local planning authority considers have major implications for the character of the AONB or where development proposed would establish an important precedent for future applications, or have potential cumulative significance;
- Submit comments on applications that fall into the above categories within 21 days of the date of the consultation, unless an extension is agreed prior to the expiry of the 21 days (Representations made by the Conservation Board will be based primarily on the published policies and aims contained in the Cotswolds AONB Management Plan and those contained within national and regional planning policy statements and statutory development documents);

- Explain to those who lobby the Conservation Board for comments on particular applications, that it will do so only where there is likely to be a major impact on the character of the AONB or where an important precedent would be established;
- Where appropriate suggest relevant conservation and enhancement provisions for inclusion in planning conditions and obligations.
- Submit written evidence to, and attending planning inquiries where the Board considers it to be necessary.

The local planning authorities' officers will:-

- Inform the AONB Planning Officer where planning applications (whether sited inside the AONB or in areas that affect it) are considered to have major implications for the character of the AONB, or where development proposed would establish an important precedent for future applications. This will enable the Board to comment if necessary.
- Provide details of development control cases where these are requested by the AONB Planning Officer;
- Have due regard to the adopted statutory Cotswolds AONB Management Plan as a material consideration in the determination of planning applications, in addition to the local development plan and Local Development Documents

4. Developing partners' understanding

The Conservation Board will:-

- Help to enhance the understanding of the AONB's purpose and significance amongst local authority officers and members, Parish Councils, residents, builders and developers and the AONB's partners in the community.

The local planning authorities will:-

- Nominate relevant liaison officers to facilitate efficient communication with the Conservation Board on planning matters and monitoring.

5. Providing advice

The Conservation Board will:-

- Provide advice on aspects of AONB conservation legislation and policies that are relevant to planning decisions;
- Act as a “signpost” to point individual enquirers to their local planning authority and, where appropriate, inform them where to seek independent professional advice.

The local planning authorities will:-

- Link their advice wherever appropriate to advice provided by the Board and explain the Board’s role.

The Conservation Board requests that, it be kept informed of the outcome of representations that it has made.

The Conservation Board will form a Planning Topic Working Group to assist in liaison between local planning authorities and act as a forum for the exchange of relevant information and views with the Board.

Agreement

This protocol has been endorsed by:

Name.....Position.....

Representing Cotswolds Conservation Board

Name.....Position.....

RepresentingCounty Council

Name.....Position.....

RepresentingUnitary Council

Name.....Position.....

Representing District Council

Name.....Position.....

RepresentingI

Appendix 1

Cotswolds AONB Management Plan: Development policies

DTP1: *That all Local Development Framework documents and planning decision-making processes will use the following criteria to determine the acceptability of a proposed development in the Cotswolds AONB. Development will:*

- *be compatible with the distinctive character of the location as described by the relevant landscape character assessment, strategy and guidelines*
- *incorporate designs and landscaping consistent with the above, respecting the local settlement pattern and building style*
- *be designed to respect local building styles and materials*
- *incorporate appropriate sustainability elements and designs*
- *maintain or improve the existing level of tranquillity*
- *not have an adverse impact on the local community amenities and services and access to these*
- *protect, or where possible enhance, biodiversity*
- *be in accordance with a more sustainable pattern of development, reducing dependence on car travel*

DTP2: *That only development which supports the local economy, improves access to local services, and increases the opportunity for people to live and work in their local community will be promoted in Local Development Frameworks, unless required for some clearly identified national interest.*

DTP4: *That those involved in the care of the AONB have the opportunity to live within it.*

DTP5: *That the current level of local services and access to those services is maintained or enhanced where possible, to support sustainable communities.*

DTP6: *That issues of importance for the management of the landscape are fully reflected in community focused strategies and plans.*