

AGENDA ITEM 3. BOARD PAPER DECEMBER 2019 - PLANNING GUIDANCE AND CONSULTATION WITH LOCAL AUTHORITIES

Summary: This paper outlines – and makes recommendations on - key planning-related issues which require a clear position from the Cotswolds Conservation Board.

Recommendations:

- 1. To endorse the principle of consultation criteria that should be applied consistently across the whole of the Cotswolds AONB.**
- 2. To note current progress on developing the consultation criteria.**
- 3. To agree that it is not necessary to further update the 2011 planning protocol.**
- 4. To endorse the proposed position relating to the upper thresholds above which the scale of housing developments and allocations in the AONB should be considered to be disproportionate and to constitute major development.**
- 5. To endorse the proposed position relating to taking a landscape-led approach to housing provision in the AONB.**
- 6. To endorse the proposed position relating to evidence of affordable housing need that should be required for housing proposals within the AONB.**
- 7. To endorse the proposed position relating to choice-based lettings systems.**
- 8. To endorse the proposed next steps.**

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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. 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 publications such as the 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 planning-related issues. This paper makes a number of recommendations in this regard.
3. These issues and associated recommendations have already been presented to the Board's Planning & Infrastructure Working Group and Executive Committee. The Executive Committee endorsed most of the recommendations in their current form (e.g. Recommendations 3, 5, 6 and 7 above). The text and recommendations relating to consultation criteria and scale of development have been updated to address Executive Committee comments (and, in the case of the consultation criteria, feedback from local authorities).

Planning protocol and consultation criteria

4. In 2011, the Board developed a planning protocol with the local authorities that overlap with the Cotswolds AONB. The first step in reviewing this protocol has

been to review and update the criteria for the types of planning applications that the Board should be pro-actively consulted on. The current draft criteria are shown in Appendix A.

5. The Board consulted the 15 local authorities on these criteria on 30th October, asking for responses by 29th November. To-date, ten local authorities have provided comments. The overall tone of the local authority responses has been positive, although the level of formal endorsement is more limited. A summary of the responses is provided in Appendix B.
6. The local authorities that have not responded to-date have been sent a reminder and asked to comment by 16th December. A verbal update on any additional responses that we may receive will be provided at the Board meeting.
7. The Landscapes Review Final Report, which was published in September and which is covered in a separate Board paper, adds considerable impetus to this issue. For example, the supporting text for Proposal 6 of the Final Report advocates that AONBs '*should agree with their local planning authorities what they should be consulted upon*'. The draft consultation criteria put the Board in a very strong position to deliver this aspect of the Landscapes Review's recommendations.
8. 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 also considered 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.
9. **With these points in mind, it is recommended that the Board should formally:**
 - **Endorse the principle of consultation criteria that should be applied consistently across the whole of the Cotswolds AONB.**
 - **Note current progress on developing the consultation criteria.**
 - **Agree that it is not necessary to further update the 2011 planning protocol.**

Major Development – scale of housing developments and allocations

10. The National Planning Policy Framework (NPPF) states that the decision as to whether a development proposal in an AONB constitutes 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*'.¹

¹ National Planning Policy Framework, footnote 55.

11. 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 (and as confirmed in relevant case law and legal opinions) it is not appropriate to apply rigid criteria to what would constitute major development in all cases.
12. However, although it may not be appropriate to apply rigid criteria, there is still merit in identifying and applying appropriate 'rules of thumb' for the upper thresholds above which developments are likely to constitute major development. For example, such rules of thumb would be useful when the Board wants to come to an opinion as to whether a proposed development constitutes major development (in some instances, at the request of local authorities). Rules of thumb would also be useful if the Board was to provide guidance on development that could potentially constitute major development – several LPAs has suggested that such guidance would be useful.
13. Whilst there are a wide range of factors that are involved in assessing if a proposed development constitutes major development, this paper focusses specifically on the issue of scale, in the context of housing developments and allocations.
14. In this context, 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.
15. Appendix C provides an analysis of these two issues.
16. **Based on the analysis in Appendix C, it is recommended that the Board should formally endorse the position below, relating to the upper thresholds above which the scale of housing developments and / or housing allocations in the Cotswolds AONB should be considered to constitute major development:**
 - **The Cotswolds Conservation Board recommends that, as a 'rule of thumb', the following upper thresholds should be applied in relation to the scale of proposed housing developments and allocations in the Cotswolds AONB:**
 - (i) **If proposed housing developments or allocations in the Cotswolds AONB would increase the number of dwellings in a settlement – and / or increase the size of a settlement, whichever is the lesser - by more than 5%, they should be considered to be disproportionate to the existing settlement. Given that they would be disproportionate, they should also normally be considered to be major development (in terms of scale) 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 both disproportionate and major development if they would collectively increase the number of dwellings in the settlement – or the size of the settlement, whichever is the lesser - by more than 5%.**
 - (iii) Any proposed housing development or housing allocation of 100 or more dwellings in the Cotswolds AONB should 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 normally be considered to collectively be major development if the total number of dwellings being proposed across the allocations is 100 or more.**
 - (v) Where 100 or more dwellings would increase the number of dwellings in a settlement – or the size of a settlement – by less than 5%, the 100 dwelling upper threshold should be applied.**
- The above recommendations represent rules-of-thumb for the upper thresholds above which the scale of development should be considered to constitute major development. However, it is important to emphasise that 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.**

17. It is worth noting that these recommendations have been amended to take on board comments made by Executive Committee members. For example, the paper presented to the Executive Committee indicated that the upper thresholds suggested in the recommendations should *always* be applied. However, the recommendations now provide more flexibility by framing the thresholds as 'rules of thumb' - informal principles that are intended to provide general guidance rather than precise direction. The proportionality threshold has also been reduced from 10% to 5%, taking account of the further analysis that is outlined in Appendix C.

Landscape-led housing allocations

18. 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.
19. 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.

20. 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.

21. **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.**
 - **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**

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.

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.

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.**

22. 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.
23. 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.
24. It is worth noting that the Executive Committee endorsed these recommendations in their current form.

Housing Need

25. In addition to the landscape-led approach to housing provision, another vital consideration is the need for the housing that is being proposed.
26. The National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG) exempts AONBs from the requirement to meet objectively assessed needs in full. The PPG also clarifies that AONBS '*are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*'. 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 ...*'
27. 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).

28. 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 and the developer decided to withdraw their proposed High Court challenge to this appeal decision, there is even more justification for advocating the West Oxfordshire Local Plan approach across the wider AONB.
29. **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 market housing that may be required to make the affordable housing provision viable), 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.**

30. 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.
31. 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 D) to demonstrate the extent to which Homeseeker Plus data can be filtered out before it provides convincing evidence of need.
32. **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'.**
33. It is worth noting that the Executive Committee endorsed these recommendations relating to housing need in their current form.

Next Steps

34. **Recommendations 1-3:** Before further pursuing the formal endorsement of the consultation criteria with the local authorities, it would be appropriate to await the Government's formal response to the Landscapes Review. In the meantime, the criteria will be further refined and consideration given to any additional guidance that may be required to accompany the criteria.
35. **Recommendations 4-7:** 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' – Summary of local authority comments on the draft consultation criteria

Appendix 'C' – Analysis of the scale at which housing developments and housing allocations should normally be considered to constitute major development

Appendix 'D' – Homeseeker Plus flowchart

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 to consult the Cotswolds Conservation Board 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 housing development of 10 or more dwellings but excluding minerals and waste development (for which Criteria 3-7, below, should be applied).⁽¹⁾
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.⁽²⁾
4. Schedule 2 development under the EIA Regulations, including screening opinion and scoping opinion consultations. (N.B. Pre-screening, please only consult the Board on proposals for 10 or more dwellings, under 'Urban Development Projects', and all other proposals that are above the Schedule 2 'applicable thresholds and criteria').⁽³⁾
5. EIA Schedule 2 development that the case officer, post-screening, considers likely to have significant adverse environmental effects and, therefore, requires an EIA.⁽⁴⁾
6. Cases which the case officer considers could potentially be major development in the context of paragraph 172 and footnote 55 of the NPPF.^{(5),(6)}

Within or outside the Cotswolds AONB:

7. Cases which the local planning authority case officer considers could potentially:
 - (a) have a significant adverse impact on the statutory purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONB), including relevant EIA Schedule 1 and Schedule 2 proposals outside the AONB;⁽⁶⁾
 - (b) set an important precedent that could fundamentally affect the statutory purpose of AONB designation;⁽⁶⁾
 - (c) have cumulative significance for the Cotswolds AONB.

Development management cases that the Board should not be consulted on (unless the case matches 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' 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.⁽⁷⁾

NOTES RELATING TO THE CONSULTATION CRITERIA

The numbering of these notes relates to the bracketed numbers shown, in superscript, in the consultation criteria.

- (1) <http://www.legislation.gov.uk/ukxi/2015/595/article/2/made>.

Major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Part 1, Article (2)(1)), means development involving one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where:
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

The Cotswolds Conservation Board understands that this is not the definition of major development that should be applied in the context of paragraph 172 of the National Planning Policy Framework (NPPF). As such, it is not a threshold above which there should be a presumption against granting planning permission. However, it does provide a pragmatic threshold above which it would be appropriate for local planning authorities (LPAs) to pro-actively consult the Board.

The exception to this rule would be for minerals and waste development. For the purposes of consulting the Board on such development, it would be more appropriate to apply Consultation Criteria 3-7. This is because a lot of planning applications for minerals and waste development relate to variations of existing planning permissions. In many cases, these variations are unlikely to have a significant adverse impact on the Cotswolds AONB. Also, it is unlikely that the Board would have capacity to comment on all planning applications that relate to such variations. However, great care is nonetheless needed to consider cumulative effects on top of existing harm, or in conjunction with other development. Criteria 3-7 should allow for an appropriate level of consultation on these issues.

- (2) <http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>

- (3) <http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>.

As the AONB is a 'sensitive area', *all* development proposals of a type listed in Schedule 2 that are within the AONB require screening. However, it is unlikely that the Board would have capacity to comment on all such proposals, hence the caveat about only consulting the Board on proposals for 10 or more dwellings, under 'Urban Development Projects', and all other proposals that are above the Schedule 2 'applicable thresholds and criteria'.

- (4) Criteria 5 should be applied *after* the case officer has taken a view as to whether or not a Schedule 2 development should require an EIA. The 'applicable thresholds and criteria' are not relevant in such cases.

- (5) Paragraph 172 of the NPPF states that *'planning permission should be refused for major development except in exceptional circumstances and where it can be demonstrated that the development is in the public interest'*. Footnote 55 of the NPPF explains that *'for the purposes of paragraphs 172 and 173, 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'*. In most cases, given the potential for significant adverse impacts, such development is also likely to require an EIA.
- (6) The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area. Public bodies, such as LPAs, have a statutory duty to have regard to this purpose. Landscape and scenic beauty / quality are obviously key components of natural beauty. However, natural beauty also includes other factors such as relative tranquillity (including dark skies), natural heritage (including biodiversity) and cultural heritage (including historic environment). The 'special qualities' of an AONB are also a key component of natural beauty. All of these factors should be taken into account when considering the potential impacts of a proposed development on the natural beauty of the Cotswolds AONB. The special qualities of the Cotswolds AONB are outlined in Chapter 2 of the Cotswolds AONB Management Plan 2018-2023.
- (7) This commitment to providing a 'substantive response' within 21 days is equivalent to the requirements of a statutory consultee: <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>. If, for any reason, the Board does not respond to a consultation that fits Criteria 1-7, this should not be taken to mean that the Board does not consider there to be any (significant) adverse impacts on the purpose of AONB designation.

APPENDIX B. SUMMARY OF LOCAL AUTHORITY COMMENTS ON THE DRAFT CONSULTATION CRITERIA

Local authority	Response?	Explicitly endorse?	Explicitly not endorse?	Guidelines very helpful / welcomed / seems reasonable	Won't consult on EIA screening ⁴	Reserve discretion to not consult in some circumstances	Non-statutory consultees should self-serve via LA website	Would prefer to consult CCB on all applications in the AONB	Will consult CCB when application is considered to be strategic (i.e. Criteria 7)	Need to reduce duplication between Criteria 1, 3, 4 & 5	Need guidance on criteria 6 and / or 7	Should consider including change of use/conversion of large agricultural buildings in isolated locations	Will treat no response from the Board as equating to confirmation that the Board does not consider that there are any significant adverse impacts on the AONB ⁵	Should focus on where CCB can add the most value to the determination of planning applications	Should discuss with Natural England before finalising
B&NES	Y			Y	Y	Y									
Cheltenham	Y	Y		Y											
Cherwell	Y			Y						Y	Y	Y			
Cotswold	Y		Y				Y ⁶		Y					1	
Gloucestershire	Y														Y
Oxfordshire	Y				Y			Y							
South Gloucestershire	N														
Stratford on Avon	Y	Y ⁷									Y	Y	Y		
Stroud	Y			Y	Y	Y									
Tewkesbury	N														
Warwickshire	N														
West Oxfordshire	Y (holding response)														
Wiltshire	Y				Y										
Worcestershire	N														
Wychavon	Y	Y													
TOTAL	10 (plus 1 holding response)	1	1	3	3	2	1	1	1	1	2	2	1	1	1

⁴ **B&NES and Stroud District Council re EIA screening:** There is no formal requirement to consult on EIA screening opinions and given the timescales of 3 weeks we do not consult on these and that will remain the case.

⁵ **Stratford on Avon District Council:** 'The Council will treat this as equating to a 'no representation' confirming that the Board do not consider that there are any significant adverse impacts on the AONB, as assessed by the Board.'

⁶ **Cotswold District Council:** Our standard approach with all non-statutory consultees is that they should self-serve via our website, unless Officers have a particular reason why they wish to consult that organisation. For example the CCB were consulted on the strategic development site just outside the AONB at Chesterton. There are a number of organisations that have asked to be consulted on a criteria-based approach and it could become increasingly complicated for Planning Case Officers to be certain of who to consult and when – there is always a risk that an organisation may be omitted. The "safest" way for an organisation to ensure that they can comment on all the relevant applications is to self-serve, as is done by other consultees, for example the Archaeology service at the County Council. However we do understand that self-serving is quite a task for the CCB with so many LPAs to consider, if you require any extra advice on how to refine your searches on our website, please let me know.

⁷ **Stratford on Avon District Council:** Agreed with Criteria 1,3,4,5 and 7; suggested some re-wording for Criteria 2 and 7 and for the criterion specifying what the Board should not be consulted on; suggested that additional guidance would be useful for Criteria 6.

APPENDIX C. ANALYSIS OF THE SCALE AT WHICH HOUSING DEVELOPMENTS AND HOUSING ALLOCATIONS SHOULD NORMALLY BE CONSIDERED TO CONSTITUTE MAJOR DEVELOPMENT.

Introduction

1. As outlined in the main paper, there are two key issues relating to the scale at which proposed housing developments or housing allocations should normally be considered to be major development:
 - (i) the extent to which the development or allocation is proportionate to the existing settlement (i.e. **proportionality**);
 - (ii) the **overall size** of the development or allocation.

Proportionality

2. With regards to 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.*
3. A key measure of the proportionality of a proposed development or allocation is the percentage increase in the number of dwellings in the settlement (and the percentage increase in the size of a settlement) that would occur as a result of the development or allocation being implemented.
4. 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.
5. 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.
6. Another useful reference point is the major development assessment that the South Downs National Park Authority (SDNPA) undertook for potential housing allocations in the South Downs Local Plan⁸. This assessment identified two allocations that would '*clearly be major*' development in terms of their scale. The increase in the

⁸ South Downs National Park Authority / Envision (2015) South Downs Local Plan: Preferred Options. Assessment of Site Allocations against Major Development Considerations. Technical Report.

number of dwellings associated with these two allocations was 5.6% and 7.5%. SDNPA has, therefore, clearly used a threshold of below 5.6% when deciding the scale of development (in terms of proportionality) that should be classed as major development.

7. In addition, the National Planning Policy Framework (NPPF) provides a useful definition of proportionality, albeit in the context of entry-level exception sites. Paragraph 71 of the NPPF states that such sites should be adjacent to existing settlements and proportionate in size to them. Footnote 33 clarifies that proportionate, in this context, means that such sites '*should not ... exceed 5% of the size of the existing settlement*'.
8. Taking all of these factors into consideration, it is recommended that, as a rule of thumb, housing developments or housing allocations that would increase the number dwellings in a settlement – or the size of a settlement – by more than 5% should be considered to be disproportionate.
9. Any development or allocation that is considered to be disproportionate would not be consistent with the Cotswolds AONB Landscape Strategy and Guidelines (and, therefore, would not be consistent with the Cotswolds AONB Management Plan 2018-2023). As such, it is recommended that they should also, as a rule of thumb, be considered to be major development in the context of paragraph 172 of the NPPF.

Overall size

10. With regards to overall size, the Board's Planning and Infrastructure Working Group (PIWG) has taken the view that any development of 100 or more dwellings in the AONB should, as a rule of thumb, constitute major development regardless of the size of the existing settlement.
11. 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 (Preferred Options). These two, adjacent housing allocations would have provided a total of 120 dwellings.

Caveat

12. The above recommendations represent indicative, rule-of-thumb, upper thresholds above which development should normally be considered to constitute major development. However, it is important to note that 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.

APPENDIX D. 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)

