

PLANNING AND INFRASTRUCTURE WORKING GROUP (PIWG)

Summary: To review the progress of the Planning and Infrastructure Working Group and planning-related activity

Recommendation: That the Executive Committee notes the report

Report by: John Mills, Planning and Landscape Lead

MEMBERS OF THE GROUP

- Liz Hodges (Chair), Parish Council Board Member
- Cate Le Grice Mack, SoS Board Member
- Steve Bucknell, Local Authority Board Member (Wiltshire Council)
- Caroline Mumford, Cotswolds Voluntary Warden
- Sue Crawford, SoS Board Member
- Officers:
 - John Mills, Planning and Landscape Lead
 - Simon Joyce, Planning Officer
 - Mandy Pressland, Office Manager (providing admin support)

PIWG MEETINGS SINCE THE LAST EXECUTIVE COMMITTEE

1. A joint PIWG and Climate Change Working Group meeting, co-facilitated by Mike Elliot, was held on 2 November 2022. This meeting was to discuss the draft Renewable Energy Position Statement.
2. This was a very interactive meeting with plenty of discussion. The main thrust of the feedback from the Working Group members was that the Position Statement needs to be more positively framed (i.e. we need to make it clearer as to when we would consider that renewable energy *is* appropriate / acceptable with the National Landscape and its setting).
3. There will be further 'sub-group' meeting to discuss the Position Statement on 25 January 2022.

KEY PERFORMANCE INDICATOR (KPI) DATA

4. In Q2 (July-September) we provided a substantive response to 89% of pro-active planning application consultations, above our consultation thresholds, by the original deadline. This is at the top end of our target range of 65-89% and up from the Q1 figure of 81%.
5. In Q3 (October-December), this figure increased to 94%.
6. These figures demonstrate a very high level of performance by our Planning Officer, Simon Joyce. However, given that the figure is above our target range, we will review whether more of Simon's time should be allocated on other planning-related work.

OTHER PLANNING-RELATED QUARTERLY DATA

7. In Q2 we commented on:
 - 22 'major' planning applications (compared to 21 in Q1);

- 27 'minor' planning applications (compared to 19 in Q2).
8. In Q3 we commented on:
 - 32 'major' planning applications;
 - 18 'minor' planning applications.
 9. Variations in the quarterly figures are to be expected as the number will depend on the number of development management proposals that we are consulted on. The Q2 figures were unusual in that we responded to more 'minor' planning applications than 'major' planning applications. However, it is worth noting that we provide bespoke responses to the majority of the major planning applications, whereas we just provide a standard response to some minor planning applications. As such, the amount of time spent on minor applications is less than for major applications.
 10. In Q2, decisions were made on three development management applications that we had objected to. All were either refused planning permission or withdrawn prior to a decision being made. In other words, 100% of the outcomes were in line with the Board's recommendations (as per Q1).
 11. In Q3, the number of relevant decisions was unusually high, with decisions being made on 19 development management applications that we had objected to. 12 of these (i.e. 63%) were either refused planning permission or withdrawn prior to a decision being made. The average for Q1-Q3 combined is 75%.
 12. We haven't yet reviewed the Q3 decisions but we will endeavour to do so. In particular, we will want to see if there are any lessons to be learned from these decisions. It is worth noting that many of our objections are 'holding objections', in which we request further information to enable us to make an informed assessment of the proposal. Decisions are sometimes taken on these 'holding objections' before this additional information is provided.

OTHER PLANNING-RELATED ACTIVITY

13. Other planning-related activity since the last PIWG report for the Executive Committee meeting on 13 September 2022 includes:
 - **Chartered Landscape Professional:** John's application to become a Chartered Landscape Professional chartered member of the Landscape Institute has been successful, with John's membership being confirmed in December 2022.
 - **Renewable Energy Position Statement:** As indicated above, a joint meeting of PIWG and the Climate Change Working Group meeting was held on 2 November. John circulated a draft Position Statement ahead of this meeting. As a result of the feedback from the meeting, it was decided that more time would be needed to further develop the Position Statement before it goes out to external consultation. As such, the decision was taken to move the anticipated adoption date from February 2023 to June 2023.
 - **Neighbourhood Planning Position Statement:** Simon has reviewed the current Position Statement and circulated an updated draft to PIWG for comment.

- **Southern Protected Landscapes Planning Officers Group:** John held his first meeting as Chair of this group, which brings together planning-related officers from AONBs and National Parks across southern England, on 17 October 2022.
- **Cotswolds AONB Management Plan Review:** John has continued to be closely involved in the Management Plan Review process, including providing comments and attending a meeting with local authority officers on 22 November.
- **Presentation to the Board:** John and Simon gave a presentation to the Board in October, focussing on our planning-related work.
- **Significant planning-related decisions since – in line with our recommendations**
 - **A417 ‘Missing Link’ scheme:** On 16 November 2022, the Secretary of State for Transport granted development consent for the A417 Missing Link scheme, in line with the recommendations of the Examining Authority (i.e., the Planning Inspectorate). We were particularly pleased to see that the Examining Authority’s conclusions regarding the scheme very closely matched our own conclusions. For example, the Examining Authority concluded that there would be a net-adverse effect on the natural beauty of the Cotswolds National Landscape but that exceptional circumstances applied to justify the scheme.
 - **APP/C1625/W/22/3300819 (35 dwellings; Land Adjoining High Dale, The Knapp, Minchinhampton) (Stroud District):** In their appeal decision, dated 24 October 2022, the Planning Inspector dismissed the appeal, concluding that the benefits of the scheme *‘do not justify setting aside the great weight I attribute to the harm to the AONB’*. In line with our recommendations (and with Stroud District Council’s reasons for refusing the development), the Inspector considered that the proposed development would have a significant adverse impact on the natural beauty of the AONB, that the proposal would constitute major development and that exceptional circumstances did not apply.
 - **MW.0149/18 (Variation of planning conditions; Rollright Quarry, Oxfordshire) (Oxfordshire County Council):** For this planning application, we were particularly concerned about the proposed increase in the number of HGVs accessing the site via the adjacent minor road. The applicant subsequently withdrew the application. It is worth noting that a new planning application has now been submitted. We do not object to the new planning application as the access arrangements that are now being proposed are more acceptable.
- **Significant planning-related decisions in Q2 and Q3 – not in line with our recommendations**
 - **Oakley Farm planning appeal inquiry (APP/B1605/W/21/3273053: 250 dwellings, Land at Oakley Farm, Cheltenham) (Cheltenham Borough):** This proposed development of up to 250 dwellings on the

Cotswold escarpment, within the Cotswolds National Landscape, was permitted on appeal (appeal decision date = 7 October 2022). The main reasons given by the Planning Inspector were that: (i) Cheltenham Borough has a significant shortfall in its five-year housing supply; and (ii) the site was 'suitable' because it already has development on 3.5 sides (with the remaining 0.5 side being a reservoir complex). The decision was hugely frustrating given the large amount of time that John had given to this appeal, single-handedly representing the Board as a Rule 6 party in the planning inquiry. In John's opinion, the Inspector made some 'errors in law' in his appeal decision. Legal advice obtained by Cheltenham Borough Council came to the same conclusion. However, the legal advice concluded that there was a high risk that a judicial review would not be successful so the Council did not pursue this option.

- **Significant development management consultation responses - objections (led by Simon Joyce):**
 - 22/03179/OUT (West Oxfordshire District Council) - 70 residential units, Burford: This site was recently the subject of a planning appeal, relating to the proposed development of 141 additional extra care residential units and 32 affordable housing units, which was dismissed on AONB grounds. The applicant has acknowledged that the current proposal would constitute major development. We consider that the proposal would be harmful to the natural beauty of the National Landscape and would not demonstrate the exceptional circumstances / public interest that is required for major development such as this.
 - 22/02935/FUL (Stratford on Avon District Council) - Anaerobic digestion facility, Kineton: The proposed development would be located in the setting of the National Landscape, approximately 1.5km from the CNL boundary. The scale of the proposed development (which includes five biodigester domes that would be 16.5m tall) is such that we consider that the development would adversely affect views from the Cotswold escarpment at Edge Hill. We also consider that the number of associated HGV movements through the CNL would adversely affect the tranquillity of the CNL. This proposal has generated a lot of interest / opposition locally.

14. Since the Executive Committee meeting on 13 September 2022, we have responded to four Local Plan consultations:

- West Oxfordshire 'Your Voice Counts' consultation: The consultation focussed on six 'themes', all of which are relevant to the Board, including the themes of 'Tackling the Climate and Ecological Emergency', 'An Enhanced Natural and Built Environment' and 'Meeting the Housing Needs for All'. For each theme there was a series of questions, seeking to identify the level of agreement with the themes and to gauge the level of importance of related sub-topics.

- Bath & North East Somerset Local Plan Partial Update – Main Modifications¹ consultation: We supported the main modification to Policy CE3 (Renewable Energy), which now makes explicit reference to the issue of major development in AONBs.
- Bath & North East Somerset Local Plan - Launch Document consultation: Whereas the Main Modifications consultation (referred to above) related to the partial update of the existing Local Plan, the Launch Document consultation related to the development of a new Local Plan. This consultation sought to identify the level of agreement with the draft 'primary ambitions' and 'other issues' (both of which we agreed with) that are identified in the consultation document. It also asked questions regarding the evidence base and engagement with stakeholders. Given the nature of the consultation, our response was relatively light touch.
- South Worcestershire Development Plan Publication (Regulation 19) consultation: This was a consultation on the final version of the Development Plan before it is submitted to the Planning Inspectorate for examination. The key consideration at this stage in the process is whether the proposed policies are sound and legally compliant. We identified that four of the proposed site allocations are currently not sound and / or not legally compliant: two sites in Broadway, one at Elmley Castle and one at Mitton (in the setting of the CNL). We also identified that, in order to be legally compliant / sound, the Plan should:
 - require a higher proportion of affordable housing provision (50%) for housing developments within the CNL;
 - specify the level of biodiversity net-gain that would be required – we recommended that this should be at least 10% and, ideally, in the CNL, at least 20%;
 - make reference to the AONB Management Plans in the AONB policy.

DECISIONS REQUIRED

15. No decisions required.

NEXT STEPS

16. A PIWG meeting will be scheduled for late January / early February 2023.
17. Key work areas over the next few months will include:
 - Responding to the Government consultation on the National Planning Policy Framework (including coordinating a response on behalf of the National Association of AONBs).
 - Progressing the Renewable Energy Position Statement and Neighbourhood Planning Position Statement (which are both now scheduled for adoption at the Board meeting in June 2023).

¹ 'Main Modifications' are the modifications that a Local Plan Inspector considers to be necessary in order to make the Plan sound and legally compliant.

- Providing further input into the Management Plan process (e.g. reviewing planning-related feedback from consultees).
- Commenting on the South Warwickshire Local Plan consultation.
- Speaking at the planning appeal inquiry, relating to the lorry park proposal near Daglingworth (Ref: APP/F1610/W/22/3306694), on 31 January 2023.

SUPPORTING PAPERS

- No supporting papers.

JANUARY 2023