



COTSWOLDS CONSERVATION BOARD

DRAFT POSITION STATEMENT

PLANNING AND DEVELOPMENT

The Cotswolds Area of Outstanding Natural Beauty (AONB) is a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it. The purpose of AONB designation is to conserve and enhance the natural beauty of the area.

In recognition of this, national planning policy make it clear that:

- the scale and extent of development in Areas of Outstanding Natural Beauty (AONBs) should be limited;
- there is a presumption that planning permission should be refused for major development;
- the requirement to meet, in full, objectively assessed needs for housing and other uses does not apply in AONBs;
- AONBs are not suitable areas for accommodating unmet needs arising from adjoining, non-designated, areas (or, by extension, from further afield).

These constraints on development in AONBs raise the question: *If the scale and extent of development in AONBs should be limited, how much should it be limited by?*

The Cotswolds Conservation Board considers that the most appropriate answer to this question is to take a *'landscape-led' approach to development* in the Cotswolds AONB and its setting, in which:

- (i) development does not exceed the capacity of the landscape to accommodate it;
- (ii) development is consistent with – and demonstrably contributes to – the statutory purpose of AONB designation (i.e. conserving *and enhancing* the natural beauty of the AONB).

This reflects the approach advocated in Policy CE11 of the Cotswolds AONB Management Plan 2018-2023, with regards to major development. However, the Board now considers that this approach should be proportionately applied to all development in the AONB, in line with best practice that has evolved since the AONB Management Plan was published.

In addition, the Board considers that *development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB* (as specified in Policy CE12 of the Cotswolds AONB Management Plan 2018-2023).

The Board's key recommendations relating to these two principles are summarised overleaf. Further information is provided in the supporting text.

This Position Statement is intended to help local authorities, developers and other relevant stakeholders to understand these two over-arching principles and to guide them through the process of implementing them.

As this document is a Cotswolds Conservation Board Position Statement, it should carry the full weight of the Cotswolds AONB Management Plan.

OVER-ARCHING PRINCIPLES

Development within the Cotswolds AONB should be:

- (i) landscape-led;
- (ii) based on robust evidence of local need arising within the AONB.¹

Where there is a potential conflict between (i) and (ii), priority should be given to (i).

RECOMMENDATIONS – LANDSCAPE-LED APPROACH

LANDSCAPE SENSITIVITY / LANDSCAPE CAPACITY:

- A landscape sensitivity study should be undertaken at the planning policy stage for sites (or land cover parcels) in the Cotswolds AONB and its setting.
- In such studies, the landscape capacity should be considered to be exceeded - and the site should not be taken forward for allocation - if the site is deemed to have:
 - high landscape sensitivity, or
 - medium-high landscape sensitivity where any development impact could not be fully mitigated.
- Not all of the sites that are considered to have landscape capacity for development should be allocated in one iteration of a Local Plan (in order to maintain some landscape capacity for future development).
- Where a LVIA identifies that a development in the AONB or its setting would have 'significant' or 'moderate-significant' effects, planning permission should normally be refused. In the AONB, such development should be deemed to constitute 'major development'.

FACTORS THAT CONTRIBUTE TO NATURAL BEAUTY:

- All of the factors that contribute to the natural beauty of the AONB should be fully considered and assessed, both individually and collectively / cumulatively.

MAJOR DEVELOPMENT:

- Proposed allocations and / or development proposals in the AONB should be fully assessed to see if they constitute major development in the context of paragraph 172 and footnote 55 of the NPPF.
- The local planning authority should explicitly state whether they consider such allocations and / or proposals to constitute major development.
- There should be a presumption against granting planning permission for major development.
- The major development 'tests' specified in paragraph 172 of the NPPF should be rigorously applied for all allocations / development that is considered to constitute major development.
- The major development 'tests' should also be applied to allocations / development that is not considered to be major development (as an essential component of making a balanced planning decision), albeit to a degree that is proportionate to the type and scale of the proposed development.

¹ This principle should also apply to those settlements that overlap with the AONB boundary (for example, by basing development within these settlements on robust evidence of need arising with the settlements).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA):

- Development listed in Schedule 1 of the EIA regulations should be classed as major development and should not be permitted in the AONB.
- Screening for development listed in Schedule 2 of the EIA regulations should be rigorously applied. Within the Cotswolds AONB, all proposals for Schedule 2 development should be screened, regardless of the relevant thresholds and criteria.
- The process for screening of Schedule 2 development should be closely aligned with the process for screening major development.

CONSERVING AND ENHANCING:

- Development proposals should (be required to) make a positive contribution to conserving and *enhancing* the natural beauty of the AONB, over and above the baseline condition.

COTSWOLDS AONB MANAGEMENT PLAN AND OTHER CONSERVATION BOARD GUIDANCE:

- Development in the Cotswolds AONB and its setting should have regard to, be consistent with and help to deliver the Cotswolds AONB Management Plan and other guidance published by the Cotswolds Conservation Board.

RECOMMENDATIONS – EVIDENCE OF NEED

EVIDENCE OF NEED:

- Development within the Cotswolds AONB should be based on robust evidence local need arising within the AONB, based on the hierarchy of:
 - (i) the specific settlement;
 - (ii) the AONB sub-area;
 - (iii) the AONB within the relevant local authority area;
 - (iv) the AONB as a whole.
- The Cotswolds AONB should not be required to accommodate unmet needs arising from outside the AONB, including unmet needs arising from urban areas immediately adjacent to the AONB.
- Where restrictions relating to development in the Cotswolds AONB mean that objectively assessed needs cannot be met in full, local authorities should work with neighbouring authorities outside, through the duty to cooperate and statements of common ground, to identify how these unmet housing needs can best be accommodated outside the AONB.

SUPPORTING INFORMATION

1.0 INTRODUCTION

National planning policy makes it clear that:

- the scale and extent of development in Areas of Outstanding Natural Beauty (AONBs) should be limited;²
- there is a presumption that planning permission should be refused for major development;³
- the requirement to meet, in full, objectively assessed needs for housing and other uses does not apply in AONBs;⁴
- AONBs are not suitable areas for accommodating unmet needs arising from adjoining, non-designated, areas (or, by extension, from further afield).⁵

As such, AONBs are clearly not suitable areas for unrestricted development.

These constraints on development in AONBs raise the question: **If the scale and extent of development in AONBs should be limited, how much should it be limited by?**

The answer to this question lies primarily in understanding:

- what AONBs are;
- what the purpose of designation is;
- the responsibilities associated with this purpose; and
- the level of protection (and weight) afforded to AONBs.

What are AONBs?

AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them.⁶ The enabling legislation for AONBs was the same as for national parks.⁷ Together with national parks, AONBs are part of a worldwide family of protected areas recognised and classified by the International Union for the Conservation of Nature (IUCN).⁸

What is the purpose of AONB designation?

The purpose of AONB designation is to conserve and enhance the natural beauty of the area.⁹ This is very similar to the 'conserve and enhance' element of national park designation.

What are the responsibilities associated with this purpose?

Relevant authorities have a statutory duty to have regard to this purpose¹⁰, known as the 'duty of regard', and local authorities have statutory powers to take action to accomplish this

² National Planning Policy Framework (NPPF): paragraph 172.

³ NPPF: paragraph 172.

⁴ NPPF: paragraph 11 and footnote 6. This interpretation of paragraph 11 and footnote 6 reflects the interpretation provided in adopted Local Plan documents relating to protected landscapes, such as the South Downs Local Plan ([link](#)) and the Arnside and Silverdale AONB Development Plan Document ([link](#)).

⁵ Planning Practice Guidance – Natural Environment: paragraph 041 ([link](#))

⁶ Defra (2019) Areas of Outstanding Natural Beauty: technical support scheme (England) 2019 to 2020 ([link](#))

⁷ The National Parks and Access to the Countryside Act 1949.

⁸ The IUCN recognises AONBs and national parks in England and Wales as Category V Landscapes – a protected area managed mainly for landscape protection and recreation.

⁹ Section 82 of the Countryside and Rights of Way Act 2000 ([link](#)). See also Appendix 1 of the Cotswolds AONB Management Plan 2018-2023 ([link](#)).

purpose¹¹. The purpose of AONB designation is also one of the Cotswolds Conservation Board's two statutory purposes.¹²

What is the level of protection (and weight) afforded to AONBs?

AONBs have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty, with great weight having to be given to these issues¹³ (including for development in the setting of the AONB¹⁴). This is the same status as that afforded to national parks in national planning policy.

On this basis, it is entirely appropriate to take a 'landscape-led' approach to development in the Cotswolds AONB and its setting. A landscape-led approach to development is one in which:

- (iii) development does not exceed the capacity of the landscape to accommodate it;
- (iv) development is consistent with – and demonstrably contributes to – the statutory purpose of AONB designation (i.e. conserving *and enhancing* the natural beauty of the AONB).

Policy CE11 of the Cotswolds AONB Management Plan 2018-2023 advocates a landscape-led approach for major development. However, the Cotswolds Conservation Board considers that this approach should be applied to all development in the AONB (albeit to an extent that is proportional to the proposed development).

In addition, given the planning policy restrictions outlined above, it is also entirely appropriate that development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB (as specified in Policy CE12 of the Cotswolds AONB Management Plan 2018-2023). This principle applies to all forms of development, including renewable energy and minerals development, as well as housing.

Ultimately, the objective of these over-arching planning principles is to put the statutory purpose of AONB designation at the heart of the planning process. To not do so would compromise the purpose of designation and would undermine the value of the AONB in the national interest.¹⁵ It may also mean that local authorities and other 'relevant authorities' would not be fulfilling their statutory 'duty of regard' under Section 85 of the Countryside and Rights of Way Act 2000.

This document is intended to help local authorities, developers and other relevant stakeholders to understand these two over-arching principles and to guide them through the process of implementing them. It is also hoped that this document will contribute to a coherent and consistent approach to planning and development in the AONB across all 15 local authorities that overlap with the AONB.

¹⁰ Section 85 of the Countryside and Rights of Way Act 2000 ([link](#)). See also Appendix 4 of the Cotswolds AONB Management Plan 2018-2023 ([link](#)) and guidance on the 'duty of regard' published by Defra ([link](#)) and Natural England ([link](#)).

¹¹ Section 84 of the Countryside and Rights of Way Act 2000 ([link](#))

¹² Section 87 of the Countryside and Rights of Way Act 2000 ([link](#)). The second statutory purpose of the Cotswolds Conservation Board is 'to increase the understanding and enjoyment of the special qualities of the Cotswolds AONB. See also Appendix 3 of the Cotswolds AONB Management Plan 2018-2023 ([link](#)).

¹³ NPPF: paragraph 172.

¹⁴ The 'setting' of the AONB, in the context, relates to development outside the AONB that has the potential to have adverse effects on the AONB (for example, impacts on views to and from the AONB or increased levels of traffic in the AONB). See the Board's Position Statement on 'Development in the Setting of the AONB' for more information ([link](#)).

¹⁵ This sentence is adapted from the Arnside and Silverdale AONB Development Plan Document (adopted March 2019): paragraph 3.1.2 ([link](#))

Particular emphasis is given to the need to fully address *all* of the factors that contribute to the natural beauty of the AONB (both individually and collectively / cumulatively).

This document is one of the Cotswolds Conservation Board's Position Statements. The Cotswolds AONB Management Plan 2018-2023 (Policy CE10) states that '*proposals relating to development ... in the Cotswolds AONB and in the setting of the AONB ... should be compatible with ... Cotswolds Conservation Board Position Statements*'. As such, it has the weight of the AONB Management Plan and should be treated as a 'material consideration' in planning decisions.

All of the guidance and recommendations provided within this document are based on existing, exemplar best practice, including adopted Local Plan documents and their supporting evidence base, both within the Cotswolds AONB and within other protected landscapes.

OVER-ARCHING RECOMMENDATION:

Development within the Cotswolds AONB should be:

- (iii) landscape-led, as defined above;¹⁶**
- (iv) based on robust evidence of local need arising within the AONB.¹⁷**

Where there is a potential conflict between (i) and (ii), priority should be given to (i).

2.0 LANDSCAPE-LED APPROACH

2.1 Introduction

As outlined above, development in the AONB should be landscape-led. This essentially means that:

- (i) development does not exceed the capacity of the landscape to accommodate it;
- (ii) development is consistent with – and demonstrably contributes to – the statutory purpose of AONB designation (i.e. conserving *and enhancing* the natural beauty of the AONB).

For development in the AONB and its setting, this means:

- fully assessing landscape sensitivity / landscape capacity at the planning policy stage and, at the development management stage, fully assessing landscape and visual impacts;
- fully assessing – and giving appropriate weight to - *all* of the factors that contribute to the natural beauty of the AONB;
- fully implementing the requirements of the Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) / Environmental Impact Assessment (EIA) requirements;
- ensuring that development proposals are consistent with the policies of the Cotswolds AONB Management Plan and with other guidance produced by the Cotswolds Conservation Board;
- making a positive contribution to conserving and *enhancing* the natural beauty of the AONB, not just mitigating adverse impacts;

¹⁶ This principle also applies within the setting of the AONB, where development might have the potential to compromise the purpose of AONB designation (for example, by adversely affecting views into or out of the AONB).

¹⁷ This principle should also apply to those settlements that overlap with the AONB boundary (for example, by basing development within these settlements on robust evidence of need arising with the settlements).

- considering how the development can be integrated into the landscape from the very beginning of the development's inception, including through appropriate design and layout.

For development in the AONB, specifically, this also means:

- fully assessing whether development proposals constitute major development and, if they do, fully assessing if exceptional circumstances apply and if the development would be in the public interest;
- screening all of the types of development that are listed in Schedule 2 of the EIA regulations, regardless of the thresholds and criteria specified in Schedule 2.

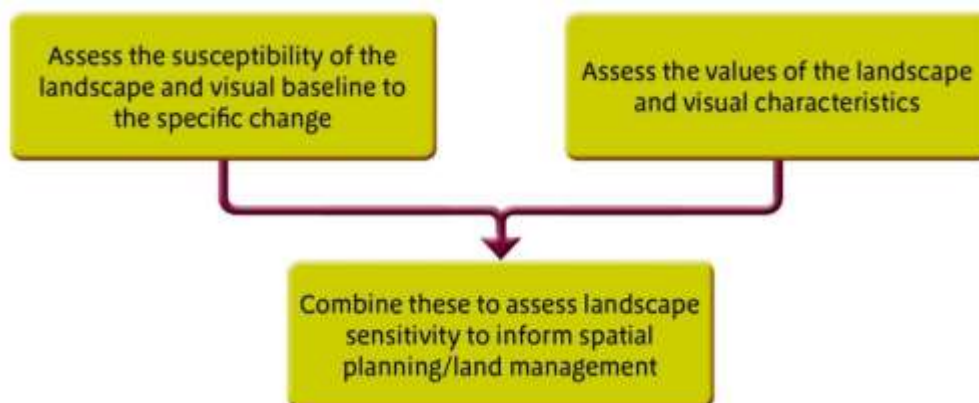
This landscape-led approach reflects the exemplar, best practice approach being taken in other protected landscapes, for example, in the adopted South Downs Local Plan¹⁸ and the adopted Arnside and Silverdale AONB Development Plan Document (DPD)¹⁹.

2.2 Landscape capacity / sensitivity

The capacity of the landscape to accommodate development primarily depends on the 'landscape sensitivity'.

Landscape sensitivity is the ability of a given landscape to respond to - and accommodate - a specific type and scale of change without undue negative effects on the landscape and visual baseline. The way in which landscapes sensitivity is assessed is summarised in Figure 1, below:

Figure 1. Assessing Landscape Sensitivity²⁰



Landscape sensitivity is (or should be) assessed at several points in the planning process. For example:

- Planning policy stage:
 - Strategic Housing and Land Availability Assessment (SHLAA): a landscape sensitivity assessment (LSA) of all land parcels identified through the SHLAA process (N.B. These land parcels are often significantly larger than the sites that are ultimately put forward for allocation. As such, a further, site-specific LSA should be undertaken at the allocation stage).
 - Site allocations: an LSA of the individual preferred site allocations.
- Development management stage:

¹⁸ https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/local-plan/

¹⁹ <http://www.lancaster.gov.uk/planning/planning-policy/arnside-and-silverdale-aonb-dpd>

²⁰ Figures 1 in Natural England's 'An Approach to Landscape Sensitivity Assessment' (2019)

- Planning application: a Landscape and Visual Impact Assessment (LVIA).

For landscape sensitivity assessments at the planning policy (i.e. Local Plan) stage, exemplar best practice from within the Cotswolds AONB²¹ and in other protected landscapes²² identifies that sites²³ would be unsuitable for the type and scale of development being considered if they were assessed as having:

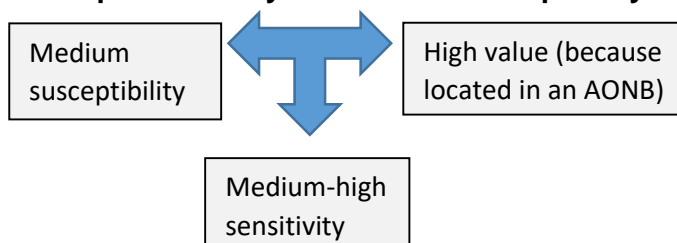
- high landscape sensitivity, or
- medium-high landscape sensitivity where any development impact could not be fully mitigated

Such sites should be considered not to have the 'landscape capacity' to accommodate that type and scale of development.

Where the landscape sensitivity has been identified as being 'medium', or less, it may be appropriate to quantify how much of a particular type and scale of development may be appropriate (i.e. to quantify the landscape capacity). For example, for housing development, it may be possible to identify the number of dwellings - and / or the area of a housing development - that a site might be able to accommodate, based on certain assumptions about density, mitigation, etc.²⁴ Similarly, for wind energy, it may be appropriate to identify the number of wind turbines of a particular height that could potentially be accommodated without compromising the area's landscape capacity.

The 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) identify that '*landscapes that are nationally designated [including AONBs] will be accorded the highest value in the assessment*'.²⁵ As such, if a landscape sensitivity study for development in an AONB shows that the susceptibility is medium, then the overall sensitivity is likely to be medium-high, as shown in Figure 2, below.

Figure 2: Landscape sensitivity for medium susceptibility in an AONB



As outlined above, a site with 'medium-high' sensitivity, where adverse impacts cannot be fully mitigated, would normally be considered to exceed the landscape capacity and should not be taken forward. Therefore, it follows that sites with medium susceptibility that are

²¹ For example, *White Consultants (2019) Cotswolds (Wychavon) AONB and Environs – Landscape and visual sensitivity study* ([link](#)). This forms part of the evidence base for the South Worcestershire Development Plan.

²² For example, the South Downs Local Plan Landscape Background Paper ([link](#)). paragraph 4.19: '*A site assessed as having high landscape sensitivity, or medium-high landscape sensitivity where any development impact could not be fully mitigated, were generally found unsuitable for housing development.*'

²³ Or land cover parcels, depending on the stage at which the assessment is carried out.

²⁴ For example, *White Consultants (2019) Cotswolds (Wychavon) AONB and Environs – Landscape and visual sensitivity study* ([link](#)).

²⁵ Landscape Institute and Institute of Environmental Management (2013) *Guidelines for Landscape and Visual Impact Assessment*: paragraph 5.47. The GLVIA (paragraph 5.23) does also indicate that an important component of establishing the value of nationally designated landscapes is '*determining to what degree the criteria and factors used to support the case for designation are represented in the specific study area*'. However, the initial presumption should still be that AONBs should be accorded the highest value/

located in an AONB (providing a combined 'medium-high' rating) – and where adverse impacts cannot be fully mitigated - should not normally be taken forward.

If a site is identified as having the landscape capacity to accommodate a particular type and scale of development, this does not necessarily mean that the site should be allocated. This is because if all of the sites that were identified as having landscape capacity were allocated in one cycle of the Local Plan, it would not be possible to allocate further development in future iterations of the Local Plan without compromising the landscape capacity (and the purpose of designation) of the AONB.

Where multiple sites are being considered in one location / settlement, consideration should also be given to the cumulative landscape capacity.

Similar principles apply for LVIA of individual development proposals, which also take into account issue such as the magnitude of effect of the proposed development.

Further guidance on the (policy-level) landscape sensitivity assessment process is provided in the Natural England publication 'An approach to landscape sensitivity assessment – to inform spatial planning and land management'.²⁶

Further guidance on LVIA is provided in the Landscape Institute / Institute of Environmental Management & Assessment publication 'Guidelines for Landscape and Visual Impact Assessment'.²⁷

RECOMMENDATIONS RELATING TO LANDSCAPE SENSITIVITY / LANDSCAPE CAPACITY:

- **A landscape sensitivity study should be undertaken at the planning policy stage for sites (or land cover parcels) in the Cotswolds AONB and its setting.**
- **In such studies, the landscape capacity should be considered to be exceeded - and the site should not be taken forward for allocation - if the site is deemed to have:**
 - **high landscape sensitivity, or**
 - **medium-high landscape sensitivity where any development impact could not be fully mitigated.**
- **Not all of the sites that are considered to have landscape capacity for development should be allocated in one iteration of a Local Plan (in order to maintain some landscape capacity for future development).**
- **Where a LVIA identifies that a development in the AONB or its setting would have 'significant' or 'moderate-significant' effects, planning permission should normally be refused. In the AONB, such development should be deemed to constitute 'major development'.**

2.3 Factors that contribute to the natural beauty of the AONB

When considering potential impacts on AONBs, developers, local authorities and other relevant stakeholders tend to focus on landscape and visual impacts. This is perhaps not surprising, given the emphasis that is given to these issues in national planning policy.

However, the statutory duty of regard relates to all of the factors that contribute to the natural beauty of an AONB. As such, when it comes to planning policy and development

²⁶ Natural England (2019) *An approach to landscape sensitivity assessment – to inform spatial planning and land management* ([link](#))

²⁷ Landscape Institute and Institute of Environmental Management and Assessment (2013) *Guidelines for Landscape and Visual Impact Assessment* ([link](#))

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management, *all* of the factors that contribute to the natural beauty of AONB should be taken into consideration and fully assessed, both individually and collectively / cumulatively.

Natural England has identified six factors that contribute to natural beauty.²⁸ These are:

Landscape quality This is a measure of the physical state or condition of the landscape.
Scenic quality The extent to which the landscape appeals to the senses (primarily, but not only, the visual senses).
Relative wildness The degree to which relatively wild character can be perceived in the landscape makes a particular contribution to sense of place.
Relative tranquillity The degree to which relative tranquillity can be perceived in the landscape.
Natural heritage features The influence of natural heritage on the perception of the natural beauty of the area. Natural heritage includes flora, fauna, geological and physiographical features.
Cultural heritage The influence of cultural heritage on the perception of natural beauty of the area and the degree to which associations with particular people, artists, writers or events in history contribute to such perception.

Further information on these six factors is provided in Annex 1.

A key component of an AONB's natural beauty is its 'special qualities', which cut across these six factors. The special qualities of an AONB are those aspects of the area's natural beauty which make the area distinctive and which are valuable, especially at a national scale. They are the key attributes on which the priorities for conservation, management and enhancement of an AONB should be based. The special qualities of the Cotswolds AONB are list in Annex 2 of this document and in Chapter 2 of the Cotswolds AONB Management Plan.

The flowchart in Annex 3 provides a relatively simplified explanation of how and when these natural beauty factors should be taken into consideration, including in relation to major development and Environmental Impact Assessment (EIA) considerations.

The table in Annex 4 outlines the issues that should be taken into consideration in relation to each of the natural beauty factors. It also provides:

- an indication of the scale of significance of effects relating to each of these issues;
- reference to the relevant:
 - policies of the NPPF;
 - policies of the AONB Management Plan;
 - special qualities

²⁸ This list is not intended to be exhaustive and other factors may be relevant in some circumstances. Not all factors will be relevant in every case.

More information about the issue of 'natural beauty' is provided in Appendix 2 of the Cotswolds AONB Management Plan 2018-2023 and in guidance published by Natural England.²⁹

RECOMMENDATIONS RELATING TO THE FACTORS THAT CONTRIBUTE TO NATURAL BEAUTY

- **All of the factors that contribute to the natural beauty of the AONB should be fully considered and assessed, both individually and collectively / cumulatively.**

2.4 Major Development

Development proposals within the Cotswolds AONB should be screened by the local planning authority to decide whether or not the proposed development constitutes major development, in the context of paragraph 172 and footnote 55 of the NPPF.

Footnote 55 of the NPPF states that:

- *Whether a development 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 areas has been designated or defined.*

If a development proposals is deemed to constitute major development, the NPPF specifies that planning permission should be refused other than in exceptional circumstances and where it can be demonstrated that development is in the public interest. As such, the starting point for any such development proposals is that planning permission should be refused (i.e. a presumption *against* the development taking place), rather than merely weighing up the potential benefits and adverse impacts of the proposed development.

Development in the setting of the AONB is not required to go through this major development screening process. However, the statutory duty of regard still applies in relation to development in the setting of the AONB. As such, all of the factors that contribute to the natural beauty of the AONB should still be considered for such development, with great weight still being given to conserving and enhancing landscape and scenic beauty in the AONB. The same principles apply for development within the AONB that is not deemed to be major development.

More information about 'major development' is provided in Appendix 9 of the Cotswolds AONB Management Plan 2018-2023. However, there are a number of points that merit specific consideration in the context of this guidance, as outlined below.

Assessment as to whether the development constitutes major development

The consideration (i.e. assessment) of whether a proposed development constitutes major development should be a robust and well documented 'screening process'. Explicit reference should be made to this process - including whether the development is deemed to be major development - in case officer reports and planning decision notices.

²⁹ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty in England* ([link](#)). The six factors outlined above are listed in Table 3 of this guidance. Further considerations relating to these six factors are outlined in Appendix 1 (Evaluation Framework for Natural Beauty Criterion) of this guidance.

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This assessment should also apply to potential Local Plan allocations (as explained in Appendix 9 of the Cotswolds AONB Management Plan 2018-2023). As such it should also be well documented in the Local Plan evidence base.

This assessment should not just be applied to strategic development. It should also be applied to smaller scale development (for example, housing development proposals for one or more dwellings), although the assessment should be proportionate to the scale and nature of the proposed development.

The 'Assessment of Site Allocations Against Major Development Considerations' undertaken by the South Downs National Park Authority in 2015 and 2017, as part of their Local Plan process, provides an excellent exemplar of best practice in this regard.^{30, 31}

Major development – potential to have significant adverse impact on the purpose for which the area has been designated

As outlined above, the purpose of AONB designation is to conserve and enhance the natural beauty of the area. Therefore, the major development screening process should include an assessment of all of the factors that contribute to natural beauty, both individually and collectively / cumulatively. It should not just focus on landscape and visual impact.

The table in Annex 4 provides some guidance on major development considerations, in relation to the factors that contribute to the natural beauty of the AONB.

Major development – nature / scale / setting

In addition to considering the potential impacts on the purpose of AONB designation, the major development screening process is also required to consider the nature, scale and setting of a proposed development.

Nature

The 'nature' of a development relates to the type of the development being proposed and its characteristics.

Relevant – although not necessarily deciding - factors include whether the proposed development constitutes:

- major development in the context of the The Town and Country Planning (Development Management Procedure) (England) Order 2015.³² In other words, whether the development involves 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

³⁰ <https://www.southdowns.gov.uk/wp-content/uploads/2015/10/SDNP-Major-Sites-Assessment-Report.pdf>

³¹ <https://www.southdowns.gov.uk/wp-content/uploads/2017/10/Major-Sites-Assessment-FINAL.pdf>

³² <http://www.legislation.gov.uk/ukxi/2015/595/article/2/made>. It is important to note that this isn't the same definition as that applied to major development in AONBs, in the context of paragraph 172 of the NPPF. However, it provides a useful indicator of 'significance' in relation to the nature of the proposed development.

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- (ii) (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;
- Schedule 1 development in the Environmental Impact Assessment (EIA) regulations;³³
- Schedule 2 development in the EIA regulations.³⁴

Other relevant factors include the characteristics of the development, as listed in Schedule 3 of the EIA regulations³⁵, including:

- (a) the size and design of the whole development;
- (b) cumulation with other existing development and/or approved development;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example, due to water contamination or air pollution).

In relation to design, it also relates to the extent to which the proposed development reflects and / or incorporates the characteristic and distinctive features of the local area, especially those features relating to the built environment.

Another relevant factor is whether the proposed development is one of the 'local forces for change' identified in the Cotswolds AONB Landscape Strategy and Guidelines, especially where this force for change is likely to result in adverse impacts on the natural beauty of the AONB – see '*Setting*', below, for further details.

Scale

Scale relates to issues such as the area, height and density of the proposed development as well as to the number of relevant assets within the development (for example, the number of dwellings, wind turbines, etc.). For mineral and waste development it also relates to the amount of material being exported and / or imported (e.g. weight and / or volume) and the associated number of lorry movements.

The larger a development, the more likely it is that the development would constitute major development, in terms of scale. However, in some previous developments, this principle has been taken to extremes. For example, the scale of the development has been compared to the overall scale of the Cotswolds AONB, or to the overall scale of a particular landscape character type (LCT), in order to justify the development not being classed as major development. However, the Board considers this to be a completely inappropriate comparison, as outlined below.

The Cotswolds AONB is the largest AONB – and the third largest protected landscape – in England and Wales, covering over 2,000km² and cutting across 15 local authority areas. Some of the individual LCTs are probably bigger than the area of some the local authorities

³³ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>

³⁴ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>

³⁵ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/3/made>

that overlap with the Cotswolds AONB. If you were to consider that a development was only major if it covered, say, 5% of the AONB, this would mean that developments would only be considered major if they covered more than 100km². Even just 1% of the AONB area covers over 20km². It would be a gross distortion of the major development policy in paragraph 172 of the NPPF - and would completely undermine this policy - if a development was only considered major development if it was at this scale.

For these reasons, the scale of the proposed development should be considered in the context of the scale of existing development in the immediate locality. For example, the scale of a proposed housing development on the edge of a settlement should be considered in the context of the scale of the existing settlement or the existing scale of related development in that part of the AONB. So, for example, a development of, say, 20 dwellings on the edge of a settlement of 100 dwellings might be more significant than a development of 20 dwellings on the edge of a settlement of, say, 200 dwellings. In the example of housing development, a key consideration is whether the development proposal is proportionate to the existing settlement. More information on this topic is provided in the Board's Housing Position Statement.

Setting

The setting of a proposed development has several connotations. In the context of the factors that contribute to the natural beauty of the AONB, two of the most relevant issues are:

- i. the landscape character of the development site and its setting;
- ii. the landscape sensitivity of the development site and its setting.

The Cotswolds AONB Landscape Character Assessment (LCA) identifies 19 landscape character types (LCTs) within the Cotswolds AONB. Each LCT has its own unique and distinctive combination of features that contribute to the landscape character of the area. The features that make the most important contribution to the character of the landscape are referred to as the 'key features'. The key features are listed in the LCA and in the Cotswolds AONB Landscape Strategy & Guidelines (LSG).

The LSG summarises the landscape sensitivity of each LCT and, where appropriate, outlines the capacity of the landscape to successfully accommodate change. In addition, the LSG identifies 'local forces for change' relating to different types of development in each LCT. It also identifies the 'landscapes implications' of each of the local forces for change, with these implications being different for each LCT. Finally, the LSG presents strategies for each LCT based on the key environmental features and consideration of the implications for each of the local.

The information in the LCA and the LSG should be an essential consideration, in relation to scale, in the major development screening process. For example, a proposed development should be considered to constitute major development if it is a type of development that:

- the LSG identifies the landscape as being particularly sensitive to;
- exacerbates the 'landscape implications' identified in the LSG;
- is contrary to the strategies and guidelines proposed in the LSG.

Major (and non-major) development assessments – need / alternatives / impacts

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Where a development is deemed to constitute major development, the assessment as to whether exceptional circumstances apply and that the development is in the public interest (to a degree that outweighs any potential adverse impacts) should be robust and comprehensive. For example, it should address all aspects of the assessments (sometimes referred to as major development ‘tests’) specified in paragraph 172.

Although the NPPF breaks these major development tests into three groupings – relating to need, alternatives and adverse impacts – these three groupings have several components. So, for example, test (a), relating to need, can be broken down into:

- the need for the development, including in terms of any national considerations;
- the impact of permitting it upon the local economy; and
- the impact of refusing it upon the local economy.

Similarly, test (b), relating to alternatives can be broken down into:

- the cost of developing outside the AONB;
- the scope for developing outside the AONB;
- the cost of meeting the need for it in some other way;
- the scope for meeting the need for it in some other way.

It is worth noting that test (c), relating to impacts, goes beyond addressing the purpose of AONB designation. For example, it also addresses impacts on recreational opportunities (which ties in with the Board’s second statutory purpose to ‘*increase the understanding and enjoyment of the special qualities of the AONB*’).

Case officer reports and planning decisions are often ambiguous about whether a proposed development constitutes major development. In some cases, if they do go as far as identifying that a development might be major development, they just briefly explain that there is an exceptional need and that, therefore, exceptional circumstances apply (sometimes with no reference being made to whether the development would be in the public interest). Addressing the issue of major development in this way (if at all) does not adequately address the requirements of the statutory duty of regard or the requirements of national planning policy. It could, therefore, be argued that such planning decisions are legally and technically unsound.

Even if a proposed development is not deemed to constitute major development (or if it is in the setting of the AONB, where the NPPF policy relating to major development does not apply), consideration still needs to be given to the potential adverse impacts on the purpose of AONB designation and whether these adverse impacts are outweighed by the need for the development. It may also be appropriate to give some consideration to alternative options in these scenarios. As such, much of the assessment work required for major development is also necessary for proposals that are not deemed to constitute major development, albeit to a degree that is proportional to the proposed development.

The ‘*Assessment of Site Allocations Against Major Development Considerations*’ undertaken by the South Downs National Park Authority in 2015 and 2017, as part of their Local Plan process, provides an excellent exemplar of best practice with regards to fully assessing the three major development tests specified in paragraph 172 of the NPPF.

Need

The NPPF (paragraph 11 and footnote 6) makes it clear that the requirement to meet objectively assessed needs (OAN) in full does not apply in protected landscapes (i.e.

AONBs and National Parks). Several adopted Local Plans - such as the South Downs Local Plan³⁶ - and Development Plan Documents (DPDs) – such as the Arnside & Silverdale AONB DPD³⁷ – and their supporting evidence base have articulated this argument very well.

In addition, paragraph 172 of the NPPF explicitly states that *‘the scale and extent of development [in AONBs] should be limited’*. The Government’s Planning Practice Guidance adds that AONBs *‘are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas’*.³⁸ So, for example, an undeveloped section of the AONB that lies directly adjacent to an urban area outside the AONB, would not normally be an appropriate location for accommodating housing needs arising within that urban area (and beyond).

Given these restrictions, what is an appropriate basis for deciding the amount of development that should take place in the AONB? The Board recommends that a key consideration should be the need arising within the AONB. For example, Policy CE12 of the Cotswolds AONB Management Plan 2018-2023, states that

- *‘Development in the Cotswolds AONB should be based on robust evidence of need arising from within the AONB. Priority should be given to the provision of affordable housing, maintaining and enhancing local community amenities and services, and improving access to these amenities and services.’*

In the case of the West Oxfordshire Local Plan, the Planning Inspector ruled that it would have been unsound to allocate housing in the sub-area that overlapped with the Cotswolds AONB without convincing evidence of need arising within that specific sub-area. As a result, all of the proposed housing allocations were withdrawn. The adopted West Oxfordshire Local Plan³⁹ states that:

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

The Board considers this approach to be an exemplar of best practice for determining housing provision in AONBs. As such, the Board recommends that housing provision within the Cotswolds AONB should primarily be based on robust evidence of affordable housing need arising within the specific settlement where the development is being proposed. If necessary, the housing need within the AONB sub-area (for example, contiguous sections of the AONB within that particular local authority area) can be taken into account.

The Board recognises that additional housing may be required in the AONB (over and above the affordable housing need arising within the AONB) in exceptional circumstances, for example:

- in settlements that are higher up the settlement hierarchy (such as market towns); or
- where the large majority of the local authority area lies within the AONB and where the amount of allocated housing would be so low would be so low that the Local Plan would be unsound (thereby risking speculative housing developments).

³⁶ https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

³⁷ <http://www.lancaster.gov.uk/planning/planning-policy/arnside-and-silverdale-aonb-dpd>

³⁸ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

³⁹ <https://www.westoxon.gov.uk/media/1936509/Local-Plan-BOOK-WEB.pdf>.

However, even in these circumstances, robust evidence of affordable housing need should still be a primary consideration when deciding the amount of housing that should be allocated.

Relevant case law⁴⁰ has clarified that even robust evidence of need does not necessarily equate to exceptional circumstances or being in the public interest. For example, even when this evidence is provided, consideration still needs to be given to alternative options (i.e. locating the development outside the AONB or meeting the need in some other way). Also, it would still need to be demonstrated that the need outweighs the potentially significant adverse effects on the purpose of AONB designation.

In addition, the amount of development permitted in the AONB should be based on the landscape-capacity of the AONB to accommodate that need. Under 'normal' circumstances, the landscape capacity should over-ride need.

Further information and guidance on housing provision in the Cotswolds AONB is provided in the Board's Housing Position Statement.

Alternatives

Just because there might be evidence of exceptional need that does not necessarily mean that a particular development proposals is required in a particular location.

It may be more appropriate to meet the need for the development in some other way. For example, building up the organic content of soils (i.e. carbon sequestration) may be a more appropriate way of mitigating the impacts of climate change than building large-scale wind farms.

Alternatively, it may be more appropriate to accommodate the need outside the AONB. As outlined in the Government's Planning Practice Guidance (NPPF), in relation to limiting the scale and extent of development in AONBs:

- *'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.'*⁴¹

In other words, it may be appropriate for local authorities to negotiate (through the duty to cooperate) some of their unmet housing needs being located in another local authority area, outside the AONB, rather than allowing inappropriate housing development in the AONB.

RECOMMENDATIONS RELATING TO MAJOR DEVELOPMENT

- **Proposed allocations and development proposals in the AONB should be fully assessed to see if they constitute major development in the context of paragraph 172 and footnote 55 of the NPPF.**
- **The local planning authority should explicitly state whether they consider such allocations and / or proposals to constitute major development.**

⁴⁰ For example, R (Mevagissey Parish Council) v Cornwall County Council [2013] EWHC 3684 (Admin) Hickinbottom J - judicial review of the grant of planning permission for residential development in the Cornwall AONB.

⁴¹ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

- **There should be a presumption against granting planning permission for major development.**
- **The major development ‘tests’ specified in paragraph 172 of the NPPF should be rigorously applied for all allocations / development that is considered to constitute major development.**
- **The major development ‘tests’ should also be applied to allocations / development that is not considered to be major development (as an essential component of making a balanced planning decision), albeit to a degree that is proportionate to the type and scale of the proposed development.**

2.5 Environmental Impact Assessment

Environmental Impact Assessments (EIAs) are required for certain types of development where it is considered that they are likely to have a significant adverse impact on the environment.

Some types of development (i.e. those listed in Schedule 1 of the EIA Regulations) automatically require an EIA as it is automatically considered that they are likely to have a significant adverse impact on the environment.

EIA screening is required for the types of development listed in Schedule 2 of the EIA Regulations. Normally, this screening is only applied if the development is above the thresholds and criteria that are listed in Schedule 2. However, in ‘sensitive areas’, such as AONBs, these thresholds and criteria do not apply. Therefore, in AONBs, all Schedule 2 development should be screened, regardless of the thresholds and criteria. If this screening process identifies that the development is likely to have a significant adverse impact on the environment, then an EIA is required.

The EIA screening process has many parallels with the major development screening process. For example, all of the factors that contribute to the natural beauty of an AONB are relevant to both the major development screening process and to the EIA screening process. Both processes also require consideration of the nature, scale and setting of the proposed development. The main difference is that the major development process identifies proposals that *could* (i.e. have the potential to) have a significant adverse impact (on the natural beauty of the AONB), whereas the EIA process identifies proposals that are *likely to* have a significant adverse impact (on the environment).

Therefore, considerable time and effort could be saved by integrating the major development and EIA screening process, particularly in relation to the factors that contribute to the natural beauty of the AONB.

Given that development listed in Schedule 1 of the EIA automatically requires an EIA, such development should automatically be deemed to be major development in the context of the AONB.

All Schedule 2 development in the AONB should be screened for both major development and for EIA. Where a Schedule 2 development is deemed to require an EIA, it should also be deemed to constitute major development. However, it is not necessarily the case that all Schedule 2 development that is deemed to be major development will require an EIA. This is because the major development threshold (i.e. *could* have a significant adverse impact) is less stringent than the EIA threshold (i.e. *likely to* have a significant adverse impact).

RECOMMENDATIONS RELATING TO ENVIRONMENTAL IMPACT ASSESSMENT (EIA):

- **Development listed in Schedule 1 of the EIA regulations should be classed as major development and should not be permitted in the AONB.**
- **Screening for development listed in Schedule 2 of the EIA regulations should be rigorously applied. Within the Cotswolds AONB, all proposals for Schedule 2 development should be screened, regardless of the relevant thresholds and criteria.**
- **The process for screening of Schedule 2 development should be closely aligned with the process for screening major development.**

2.6 Consistency with the Cotswolds AONB Management Plan and other guidance produced by the Cotswolds Conservation Board

Policy CE10 of the Cotswolds AONB Management Plan specifies that '*proposals relating to development ... in the Cotswolds AONB and in the setting of the AONB ... should have regard to – and help deliver – the Cotswolds AONB Management Plan and be compatible with guidance produced by the Cotswolds Conservation Board, including the:*

- *Cotswolds AONB Landscape Strategy & Guidelines;*
- *Cotswolds AONB Landscape Character Assessment;*
- *Cotswolds AONB Local Distinctiveness and Landscape Change;*
- *Cotswolds Conservation Board Position Statements.'*

In addition to being 'compatible' with the policies and guidance in these documents, development proposals should also be 'consistent' with them, as specified in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.⁴²

The Board considers these requirements to be an essential component of a landscape-led approach to development in the Cotswolds AONB, hence these recommendations being reiterated in this Position Statement (with the addition of the requirement to be 'consistent').

RECOMMENDATION RELATING TO THE AONB MANAGEMENT PLAN AND OTHER CONSERVATION BOARD GUIDANCE:

- **Development in the Cotswolds AONB and its setting should have regard to, be consistent with and help to deliver the Cotswolds AONB Management Plan and other guidance published by the Cotswolds Conservation Board.**

2.7 Positive contribution to conserving and *enhancing* the natural beauty of the AONB

Development proposals (and planning decisions) often focus on the extent to which: (i) the adverse impacts of development proposals can be avoided or mitigated and, from that, (ii) the extent to which the natural beauty of the AONB can be conserved. However, the purpose of AONB designation is as much about 'enhancing' as it is about 'conserving'. Therefore, when having regard to the purpose of AONB designation, equal consideration should be given to the extent to which a development proposal has the potential to enhance the natural beauty of the AONB.

⁴² Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted December 2017) ([link](#)). Policy SD7 states that '*All development proposals in or within the setting of the Cotswolds AONB will be required to be ... consistent with the policies set out in the Cotswolds AONB Management Plan*'.

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The Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' (paragraph 4.35) explains that 'enhancement' means improving '*the [natural beauty] of the proposed development site and its wider setting, over and above its baseline condition*' (N.B. Underlining added for emphasis).

The importance of enhancement is reflected in the Government's 25 Year Environment Plan, which has the aspiration for this to the first generation to leave the natural environment in a better state than we found it.

Of particular relevance, Objective 6 of the 25 Year Environment Plan states:

- *We will conserve and enhance the beauty of our natural environment...*

Objective 6 is supported by a number of sub-objectives, including:

- *Safeguarding and enhancing the beauty of our natural scenery...*

The development of biodiversity net-gain criteria is one of the first measures that is being introduced to quantify the extent to which the aspirations of the 25 Year Environment Plan are being achieved. However, a whole suite of indicators is being developed as part of the 25 Year Plan Indicator Framework. For example, one of the proposed indicators relates to change in landscape character.

Therefore, one of the key objectives for development in the Cotswolds AONB should be to enhance the factors that contribute to the natural beauty of the AONB over and above their baseline condition. As indicated in the GLVIA, this should apply to both the individual development sites and to their wider setting.

RECOMMENDATIONS RELATING TO CONSERVING AND ENHANCING

- **Development proposals should (be required to) make a positive contribution to conserving and *enhancing* the natural beauty of the AONB, over and above the baseline condition.**

3.0 ROBUST EVIDENCE OF LOCAL NEED ARISING FROM WITHIN THE AONB

The Government's Planning Practice Guidance (PPG) states that AONBs '*are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*'.⁴³

This principle is reflected in Policy CE12 of the Cotswolds AONB Management Plan 2018-2023 which states that '*development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB*'.

With regards to housing, the West Oxfordshire Local Plan (and the associated Planning Inspector's report) has made it clear that this evidence should relate to the specific settlement (or AONB sub-area) where development is being proposed. The Board endorses this approach. Further information on the Board's views and recommendations relating to housing provision in the Cotswolds AONB is provided in the Board's Housing Position Statement.

The PPG (Natural Environment – paragraph 041) adds that '*joint working between planning authorities covering designated and adjoining areas, through the preparation and*

⁴³ Planning Practice Guidance – Natural Environment: Paragraph 041 ([link](#)).

maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated. In other words, local authorities should work with neighbouring authorities, through the duty to cooperate, to identify how unmet needs resulting from AONB constraints can best be accommodated outside the AONB. For example, this principle should apply for any objectively assessed needs (OAN) that exceed the landscape capacity of the AONB and / or OAN that are in excess of the robust evidence of need arising within the AONB.

RECOMMENDATIONS RELATING TO EVIDENCE OF NEED:

- **Development within the Cotswolds AONB should be based on robust evidence local need arising within the AONB, based on the hierarchy of:**
 - (v) **the specific settlement;**
 - (vi) **the AONB sub-area (i.e. an appropriate sub-component of the local authority area, such as a cluster of parishes identified within the Local Plan or a geographically contiguous section of that local authority area);**
 - (vii) **the AONB within that local authority area;**
 - (viii) **the AONB as a whole.**

- **The Cotswolds AONB should not be required to accommodate unmet needs arising from outside the AONB, including unmet needs arising from urban areas immediately adjacent to the AONB.**

- **Where restrictions relating to development in the Cotswolds AONB mean that objectively assessed needs cannot be met in full, local authorities should work with neighbouring authorities outside, through the duty to cooperate and statements of common ground, to identify how these unmet housing needs can best be accommodated outside the AONB.**

ANNEX 1. ADDITIONAL INFORMATION RELATING TO THE SIX FACTORS THAT CONTRIBUTE TO THE NATURAL BEAUTY OF A PROTECTED LANDSCAPE

‘Landscape’:

- (a) **Landscape Character:** Landscape is addressed in Policy CE1 of the Cotswolds AONB Management Plan 2018-2023. The issue of local distinctiveness merits its own, stand-alone policy in the Management Plan (Policy CE3). Many of the special qualities of the Cotswolds AONB relate to the issue of landscape, including those that relate to the Cotswold escarpment, the high wolds, and the river valleys. As outlined in paragraph 172 of the NPPF, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, with AONBs being afforded the highest status of protection in relation to this issue.
- (b) **Local Distinctiveness:** The issue of local distinctiveness merits its own, stand-alone policy in the Cotswolds AONB Management Plan 2018-2023 (Policy CE3). The special qualities that relate to local distinctiveness include ‘*distinctive settlements developed in the Cotswold vernacular*’ and ‘*distinctive dry stone walls*’. In the context of paragraph 172 of the NPPF, local distinctiveness is an integral component of landscape and scenic beauty and should, therefore, be given great weight.

‘**Scenic quality**’ (or ‘scenic beauty’ as it is referred to in paragraph 172 of the NPPF) tends to be primarily considered in relation to the potential visual impacts of proposed developments. However, there are a number of different components to scenic quality, including the extent to which the area appeals to the senses (such as sounds and smells). Many of the special qualities of the AONB relate to scenic quality. Views are specifically mentioned as a special quality in relation to the Cotswold escarpment and the high wolds. In the Cotswolds AONB Management Plan, scenic quality is addressed in the same policy as landscape (i.e. Policy CE1). As outlined in paragraph 172 of the NPPF, great weight should be given to conserving and enhancing scenic beauty in AONBs, with AONBs being afforded the highest status of protection in relation to this issue.

‘**Relative wildness**’ is a factor that is more commonly associated with the wilder landscapes of our National Parks. However, ‘relative wildness’ includes a number of components that are very relevant to AONBs, including the Cotswolds AONB. These include ‘*a sense of remoteness*’ and ‘*a sense of openness and exposure*’. This factor is closely linked to the issue of tranquillity. As such, in the Cotswolds AONB Management Plan 2018-2023, it is, in effect, addressed in the policy relating to tranquillity (Policy CE4). In the context of paragraph 172 of the NPPF, it is an integral component of landscape and scenic beauty and should, therefore, be given great weight.

‘Relative tranquillity’:

- (a) **Tranquillity:** Tranquillity can be defined as tranquillity as ‘*a state of calm and quietude associated with peace, experienced in places with mainly natural features and / or historic character, free from man-made noise and other aural and visual disturbance*’.⁴⁴ Relative tranquillity means one being relatively tranquil compared to other (adjacent) areas. It is worth noting that tranquillity, as defined above, is one of the special qualities of the Cotswolds AONB. In the Cotswolds AONB Management Plan 2018-2023, tranquillity is addressed in Policy CE4. In the context of paragraph 172 of the NPPF, tranquillity is an integral component of landscape and scenic beauty and should, therefore, be given great weight. In addition, paragraph 180 of

⁴⁴ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/06/Tranquillity-Position-Statement-FINAL-June-2019.pdf>

the NPPF requires the mitigation and reduction of noise from new development, the identification and the protection of tranquil areas. The issue of tranquillity is addressed in more detail in the Board's Tranquillity Position Statement.⁴⁵

- (b) **Dark Skies:** In the context of the six factors that contribute to natural beauty, the issue of 'relative tranquillity' includes the issue of 'dark skies'. However, given that the dark skies of the Cotswolds are one of the special qualities of the AONB (i.e. '*extensive dark sky areas*'), the issue of dark skies merits its own, stand-alone policy in the Cotswolds AONB Management Plan (Policy CE5). In the context of paragraph 172 of the NPPF, the issue of dark skies is an integral component of landscape and scenic beauty and should, therefore, be given great weight. In addition, paragraph 180 of the NPPF requires the impact of light pollution from new development to be limited. The issue of dark skies is addressed in more detail in the Board's Dark Skies & Artificial Light Position Statement.⁴⁶

'Natural heritage':

- (a) **Biodiversity:** Relevant biodiversity-related special qualities of the Cotswolds AONB include the '*internationally important flower-rich grasslands, particularly limestone grasslands*' and the '*internationally important ancient broadleaved woodland*'. Biodiversity is addressed in Policy CE7 of the Cotswolds AONB Management Plan 2018-2023. Paragraph 172 of the NPPF refers specifically to 'wildlife' as being an 'important consideration' in AONBs. However, it could be also argued that biodiversity is an integral component of landscape and scenic beauty and should, therefore, be given great weight. In addition, other policies within the NPPF⁴⁷ set a presumption that development that would have an adverse impact on specific biodiversity features, such as Sites of Special Scientific Interest and irreplaceable habitat, should not be permitted and / or limited.
- (b) **Geology:** Relevant geology-related special qualities include '*the unifying character of the limestone geology*' and '*variations in the colour of the stone from one part of the AONB to another*'. Geology is addressed in Policy CE2 of the Cotswolds AONB Management Plan. In the context of paragraph 172 of the NPPF, geology is an integral component of landscape and scenic beauty and should, therefore, be given great weight.

'Cultural heritage':

- (a) **Historic Environment:** Special qualities of the Cotswolds AONB that relate to the historic environment include '*significant archaeological, prehistoric and historic associations dating back 6,000 years, including Neolithic stone monuments, ancient drove roads, Iron Age forts, Roman villas, ridge and furrow fields, medieval wool churches and country estates and parks*'.
- (b) **Cultural Associations:** Special qualities of the Cotswolds AONB that relate to cultural associations include '*a vibrant heritage of cultural associations, including the Arts and Crafts movement of the 19th and 20th centuries, famous composers and authors and traditional events such as the Cotswolds Olympicks, cheese rolling and woolsack races*'.

⁴⁵ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/06/Tranquillity-Position-Statement-FINAL-June-2019.pdf>

⁴⁶ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Cotswolds-Dark-Skies-Artificial-Light-Position-Statement.pdf>

⁴⁷ Paragraphs 11 (and footnote 6) and 174 to 177 of the NPPF.

- (c) **Cultural heritage (i.e. (a) + (b)):** Historic environment and cultural heritage are addressed in Policy CE6 of the Cotswolds AONB Management Plan 2018-2023. 'Cultural capital' is also addressed in Policy CC4. Paragraph 172 of the NPPF states that the conservation and enhancement of cultural heritage is an 'important consideration' in AONBs. However, it could be also argued that 'cultural heritage' is an integral component of landscape and scenic beauty and should be given great weight. In addition, other policies within the NPPF⁴⁸ give great weight to the conservation of designated heritage assets and state that substantial harm or loss to such assets should be (wholly) exceptional. The issue of cultural capital is addressed in the Board's Position Statement on '*Conserving and Celebrating Cultural Capital in the Cotswolds AONB*'.

⁴⁸ Paragraphs 11 (and footnote 6) and 184 to 202 of the NPPF.

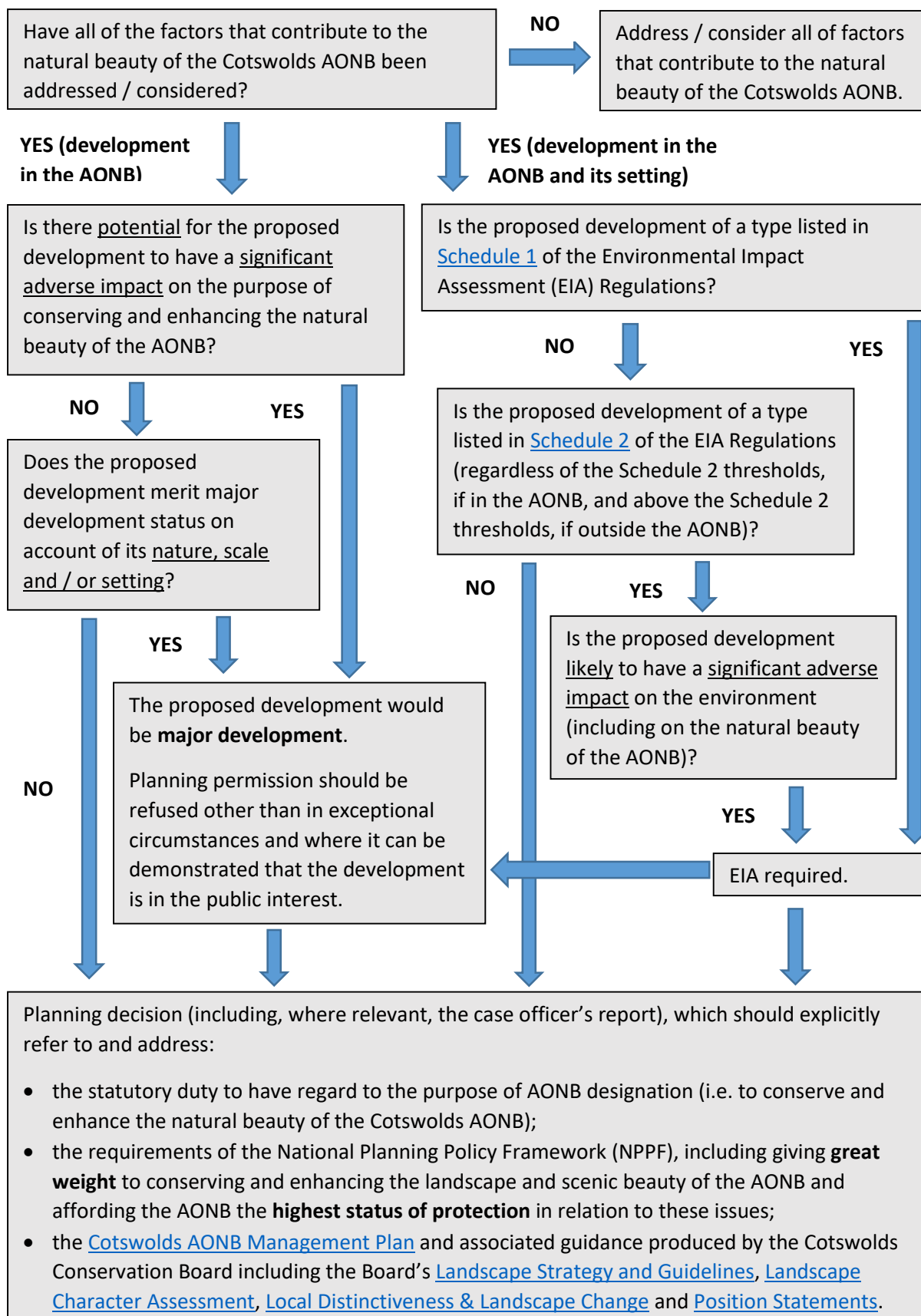
ANNEX 2. SPECIAL QUALITIES OF THE COTSWOLDS AONB

The Cotswolds are a rich mosaic of historical, social, economic, cultural, geological, geomorphological and ecological features.

The special qualities of the Cotswolds AONB are:

1. The unifying character of the limestone geology – its visible presence in the landscape and use as a building material;
2. The Cotswold escarpment, including views from and to the AONB;
3. The high wolds – a large open, elevated predominately arable landscape with commons, 'big' skies and long-distance views;
4. River valleys, the majority forming the headwaters of the Thames, with high-quality water;
5. Distinctive dry stone walls;
6. Internationally important flower-rich grasslands, particularly limestone grasslands;
7. Internationally important ancient broadleaved woodland, particularly along the crest of the escarpment;
8. Variations in the colour of the stone from one part of the AONB to another which add a vital element of local distinctiveness;
9. The tranquillity of the area, away from major sources of inappropriate noise, development, visual clutter and pollution;
10. Extensive dark sky areas;
11. Distinctive settlements, developed in the Cotswold vernacular, high architectural quality and integrity;
12. An accessible landscape for quiet recreation for both rural and urban users, with numerous walking and riding routes, including the Cotswolds Way National Trail;
13. Significant archaeological, prehistoric and historic associations dating back 6,000 years, including Neolithic stone monuments, ancient drove roads, Iron Age forts, Roman villas, ridge and furrow fields, medieval wool churches and country estates and parks;
14. A vibrant heritage of cultural associations, including the Arts and Crafts movement of the 19th and 20th centuries, famous composers and authors and traditional events such as the Cotswolds Olympicks, cheese rolling and woolsack races.

ANNEX 3. FLOWCHART OF CONSIDERATIONS FOR DEVELOPMENT IN THE COTSWOLDS AONB AND ITS SETTING IN RELATION TO THE FACTORS THAT CONTRIBUTE TO NATURAL BEAUTY



ANNEX 4. TABLE OF FACTORS THAT CONTRIBUTE TO NATURAL BEAUTY

NATURAL BEAUTY

KEY QUESTION: Has the planning policy / planning application / officer’s report / planning decision: (i) explicitly referred to the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB and (ii) explicitly addressed all of the topics outlined below in relation to this duty?

N.B. Not all of the factors have to be present / relevant for individual applications! Significant adverse impact on one factor would still equate to significant adverse impact on the natural beauty of the AONB.

TOPIC	CONSIDERATION OF POTENTIAL ADVERSE EFFECTS	CONSIDERATION OF POTENTIAL ENHANCEMENT OPPORTUNITIES	MAJOR DEVELOPMENT & EIA CONSIDERATIONS (SIGNIFICANCE OF EFFECTS)	WEIGHT (IN THE CONTEXT OF PARAGRAPH 172 OF THE NPPF)	RELEVANT SECTION OF NPPF	RELEVANT POLICIES OF THE AONB MANAGEMENT PLAN	MOST RELEVANT SPECIAL QUALITIES (see Annex 3)
LANDSCAPE / LANDSCAPE QUALITY				Great weight	Section 16, particularly paragraph 172 + paragraph 11 and footnote 6.	Policy CE1 (Landscape)	
Landscape Character	Landscape and Visual Impact Assessment (LVIA) ⁴⁹ considerations: <ul style="list-style-type: none"> • Sensitivity of receptor: susceptibility of receptor to change; value related to receptor⁵⁰. • Magnitude of effect – size / scale; duration; reversibility. (N.B. Need to separate these out so that I can expand on scale, etc.) 	Scope to help to (i) restore, construct or provide new local landscape character; and / or (ii) meet landscape management objectives for the area?	Significance of effect = ‘moderate-significant’ to ‘significant’.				
	Quality / condition of the landscape (including potential adverse impacts): <ul style="list-style-type: none"> • the extent to which the site of the proposed development (and its setting) is representative of the relevant Landscape Character Type (LCT)⁵¹, including the extent to which it includes the key features of the LCT; • the ‘intactness’ of the landscape (in visual, functional and ecological perspectives); • the condition the landscape’s features and elements; • the influence of incongruous features or elements. 		‘Moderate-significant’ to ‘significant’ effect on the relevant key features.				
Landscape Sensitivity	Landscape sensitivity of the relevant LCTs, as identified in the Cotswolds AONB Landscape Strategy & Guidelines, both: (i) in general; and (ii) specific to the type of proposed development?		High sensitivity to: (i) development in general; and (ii) the type of development being proposed.				
Landscape	The extent to which the development would		The development would result in				

⁴⁹ The main guidance for assessing landscape and visual impacts is the Landscape Institute’s ‘Guidelines for Landscape and Visual Impact Assessment’ (GLVIA).

⁵⁰ The GLVIA (see previous footnote) states that ‘landscapes that are nationally designated will be accorded the highest value’ (paragraph 5.47, page 90). It is worth noting that developers quite often use - or refer to - Box 5.1 on page 84 of the GLVIA (‘Range of factors that can help in the identification of valued landscapes’) when considering the value of landscapes within the AONB. However, Box 5.1 is primarily meant to be used in undesignated landscapes where there is no existing evidence to indicate landscape value. Within nationally protected landscapes, where the landscape value is well established, the emphasis should be on ‘determining to what degree the criteria and factors used to support the case for designation are represented in the specific study area’ (GLVIA, paragraph 5.23).

⁵¹ The Cotswolds AONB Landscape Character Assessment (LCA) outlines the 19 different Landscape Character Types (LCTs) that are found in the Cotswolds AONB. Each LCT has a number of key features that are listed in both the LCA and in the Cotswolds AONB Landscape Strategy and Guidelines (LSG).

TOPIC	CONSIDERATION OF POTENTIAL ADVERSE EFFECTS	CONSIDERATION OF POTENTIAL ENHANCEMENT OPPORTUNITIES	MAJOR DEVELOPMENT & EIA CONSIDERATIONS (SIGNIFICANCE OF EFFECTS)	WEIGHT (IN THE CONTEXT OF PARAGRAPH 172 OF THE NPPF)	RELEVANT SECTION OF NPPF	RELEVANT POLICIES OF THE AONB MANAGEMENT PLAN	MOST RELEVANT SPECIAL QUALITIES (see Annex 3)
implications	result in the relevant 'potential landscape implications' identified in the Cotswolds AONB Landscape Strategy and Guidelines (LSG).		the 'potential landscape implications' outlined in the LSG.				
	The extent to which the development would be consistent with the guidelines in the Cotswolds AONB Landscape Strategy & Guidelines (LSG).		The development would not be consistent with the guidelines outlined in the LSG.				
Local Distinctiveness ⁵²	Extent to which the development incorporates locally distinctive features, in particular: <ul style="list-style-type: none"> • the use of Cotswolds AONB limestone of a as a building material (the colour of which reflects its local origin); • Cotswold vernacular architecture; • distinctive features found in the historic core of relevant settlements (e.g. as specified in a Conservation Area statement); • relevant elements of the built environment, as outlined in the 'Cotswolds AONB Local Distinctiveness and Landscape Change' document (including the type, form and distribution of settlements, boundaries, roofs and walls). 	Scope to help to restore, construct or provide new local distinctiveness?	Development that incorporates few, if any, of the locally distinctive features of: (i) the settlement; (ii) the AONB sub-area; (iii) the AONB as a whole. Housing: standardised / suburban layout, construction details and materials.			Policy CE3 (Local Distinctiveness)	
SCENIC BEAUTY / SCENIC QUALITY				Great weight	Section 16, particularly paragraph 172 + paragraph 11 and footnote 6.	Policy CE1 (Landscape)	
Visual effects	Landscape and Visual Impact Assessment (LVIA) considerations: <ul style="list-style-type: none"> • Sensitivity of receptor: susceptibility of receptor to change; value related to receptor.⁵³ • Magnitude of effect – size / scale; duration; reversibility. 	Scope to improve the visual amenity of the area?					
Striking landform	The extent to which (i) the landscape shows a strong sense of scale or contrast; there are striking landform types.						
Visual interest in patterns of land cover	The extent to which land cover and vegetation types form an appealing pattern or composition in relation to each other and /or to landform which may be appreciated from either a vantage point or as one travels through a landscape.						
Appeal to the senses	The extent to which there are: Strong aesthetic qualities, reflecting factors such as scale and form, degree of openness or enclosure, colours and textures, simplicity or						

⁵² It is worth noting that, although the issue of local distinctiveness is a component of landscape character / quality, it merits its own stand-alone policy in the Cotswolds AONB Management Plan 2018-2023.

⁵³

TOPIC	CONSIDERATION OF POTENTIAL ADVERSE EFFECTS	CONSIDERATION OF POTENTIAL ENHANCEMENT OPPORTUNITIES	MAJOR DEVELOPMENT & EIA CONSIDERATIONS (SIGNIFICANCE OF EFFECTS)	WEIGHT (IN THE CONTEXT OF PARAGRAPH 172 OF THE NPPF)	RELEVANT SECTION OF NPPF	RELEVANT POLICIES OF THE AONB MANAGEMENT PLAN	MOST RELEVANT SPECIAL QUALITIES (see Annex 3)
	diversity, and ephemeral or seasonal interest. Memorable or unusual views and eye-catching features or landmarks. Characteristic cognitive and sensory stimuli (e.g. sounds, quality of light, characteristic smells, characteristics of the weather).						
RELATIVE WILDNESS⁵⁴				Great weight ⁵⁵	Section 15, particularly paragraphs 180 and 172 + paragraph 11 and footnote 6.	Policy CE4 (Tranquillity) & Policy CE1 (Landscape)	
Sense of remoteness	Relatively few roads or other transport routes.						
	Distant from, or perceived as distant from, significant habitation.						
A relative lack of human influence	Extensive areas of semi-natural vegetation.						
	Uninterrupted tracts of land with few built features and few overt industrial or urban features.						
A sense of openness and exposure.	Open, exposed to the elements and expansive in character.						
A sense of enclosure and isolation.	Sense of enclosure provided by (e.g.) woodland, landform that offers a feeling of isolation.						
A sense of the passing of time and a return to nature.	Absence or apparent absence of active human intervention.						
RELATIVE TRANQUILLITY - TRANQUILLITY⁵⁶				Great weight ⁵⁷	Section 15, particularly paragraphs 180 and 172 + paragraph 11 and footnote 6.	Policy CE4 (Tranquillity) & Policy CE1 (Landscape)	
Tranquillity	Existing level of (theoretical) tranquillity – CPRE maps.	Scope to remove or reduce existing sources of noise pollution and other aural and visual disturbance.					
	Extent to which the development would increase traffic flows and / or HGV movements on individual roads within the AONB.		Development that would increase traffic flows and / or HGV movements on individual roads in				

⁵⁴ 'Relative wildness' overlaps to a significant degree with 'tranquillity', so an adverse impact on one is likely to have an adverse impact on the other.

⁵⁵ As an integral component of tranquillity, which, in turn, is an integral component of landscape.

⁵⁶ Tranquillity is a special quality of the Cotswolds AONB and a natural beauty factor in its own right. However, it is also a key component of both landscape and visual sensitivity and relative wildness. As such a 'significant' adverse landscape or visual effect is also likely to constitute a 'significant' adverse effect on tranquillity. To avoid duplication, the rows in this table that relate to tranquillity only relate to issues that have not been addressed under other relevant topics.

⁵⁷ As an integral component of landscape.

TOPIC	CONSIDERATION OF POTENTIAL ADVERSE EFFECTS	CONSIDERATION OF POTENTIAL ENHANCEMENT OPPORTUNITIES	MAJOR DEVELOPMENT & EIA CONSIDERATIONS (SIGNIFICANCE OF EFFECTS)	WEIGHT (IN THE CONTEXT OF PARAGRAPH 172 OF THE NPPF)	RELEVANT SECTION OF NPPF	RELEVANT POLICIES OF THE AONB MANAGEMENT PLAN	MOST RELEVANT SPECIAL QUALITIES (see Annex 3)
			the AONB by 10% or more.				
Contributors to tranquillity - baseline	Presence and/or perceptions of natural landscape, birdsong, peace and quiet, natural-looking woodland, stars at night, stream, sea, natural sounds and similar influences.						
Detractors from tranquillity – baseline	Presence and/or perceptions of traffic noise, large numbers of people, urban development, overhead light pollution, low flying aircraft, power lines and similar influences.						
Noise	Noise that would constitute a statutory nuisance. ⁵⁸						
	Noise 'Important Areas'						
	Noise giving rise to significant adverse impacts on health and the quality of life						
Movement	Introduction of incongruous moving features (e.g. wind turbines).						
Hieroglyphic effect	Introduction of elements that cause reflection of sunlight off surfaces.						
RELATIVE TRANQUILLITY – DARK SKIES⁵⁹	Existing level of light pollution – CPRE maps.	Scope to remove or reduce existing light pollution.		Great weight ⁶⁰		Policy CE5 (Dark Skies) & Policy CE1 (Landscape)	
NATURAL HERITAGE					Section 15, particularly paragraphs 174-177 + paragraph 11 and footnote 6.	Policy CE7 (Biodiversity) / Policy CE2 (Geology)	
Biodiversity (inc. wildlife / flora & fauna)	Close proximity to, and / or potential impact on: Undesignated priority habitat? Irreplaceable habitat in Local nature conservation designations? National nature conservation designations? International nature conservation designations? Priority habitats and species listed in the Cotswolds AONB Management Plan?	Net gain. Ecological networks / nature recovery networks. Lawton principles.		'Important consideration'			
	Presence of wildlife and/or habitats that make a particular contribution to distinctive sense of place or other aspects of scenic quality.						
	Presence of individual species that contribute to sense of place, relative wildness or tranquillity.						
Geology / physiographical	Visible expression of geology in distinctive sense of place and other aspects of scenic quality			Great weight ⁶¹			

⁵⁸

⁵⁹ Natural England's guidance on tranquillity identifies the issue of light pollution / dark skies as a component of relative tranquillity. However, although dark skies is a component of tranquillity (and landscape character), it is also a special quality of the Cotswolds AONB in its own right. For this reason, it has its own stand-alone policy in the Cotswolds AONB Management Plan. It is also for this reason that the issue of dark skies merits its own heading in this table.

⁶⁰ As an integral component of tranquillity, which, in turn, is an integral component of landscape.

⁶¹ As an integral component of landscape.

AGENDA ITEM 11, APPENDIX A

TOPIC	CONSIDERATION OF POTENTIAL ADVERSE EFFECTS	CONSIDERATION OF POTENTIAL ENHANCEMENT OPPORTUNITIES	MAJOR DEVELOPMENT & EIA CONSIDERATIONS (SIGNIFICANCE OF EFFECTS)	WEIGHT (IN THE CONTEXT OF PARAGRAPH 172 OF THE NPPF)	RELEVANT SECTION OF NPPF	RELEVANT POLICIES OF THE AONB MANAGEMENT PLAN	MOST RELEVANT SPECIAL QUALITIES (see Annex 3)
features							
	Presence of striking or memorable geomorphological features.						
	Designated sites – RIGS / SSSIs.						
CULTURAL HERITAGE		Scope for cultural heritage benefit?			Section 16 (paragraphs 184-202) + paragraph 11 and footnote 6.	Policy CE6 (Historic Environment & Cultural Heritage)	
Historic environment (inc. pre-history)	Designated and non-designated sites (e.g. scheduled monuments, historic parks and gardens, battlefields, listed buildings, Conservation Areas, etc.).			Important consideration			
	Presence of settlements, buildings or other structures that make a particular contribution to distinctive sense of place or other aspects of scenic quality.						
	Presence of visible archaeological remains, parkland or designed landscapes that provide striking features in the landscape.						
	Visible presence of historic landscape types or specific landscape elements or features that provide evidence of time depth or historic influence on the landscape.						
	Perceptions of a harmonious balance between natural and cultural elements in the landscape that stretch back over time						
	Existence of characteristic land management practices, industries or crafts which contribute to natural beauty						
Cultural Associations	Associations with written descriptions - Availability of descriptions of the landscape in notable literature, topographical writings or guide books, or significant literature inspired by the landscape.			'Important consideration'			
	Associations with artistic representations: Depiction of the landscape in art, other art forms such as photography or film, through language or folklore, or in inspiring related music.						
	Associations of the landscape with people, places or events: Evidence that the landscape has associations with notable people or events, cultural traditions or beliefs.						