



COTSWOLDS CONSERVATION BOARD

DRAFT POSITION STATEMENT

PLANNING AND DEVELOPMENT

CONTEXT

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.⁽¹⁾ The purpose of AONB designation is to conserve and enhance the natural beauty of the area.⁽²⁾

In recognition of this, national planning policy and guidance makes it clear that:

- the scale and extent of development in AONBs should be limited;⁽³⁾
- there is a presumption that planning permission should be refused for major development;⁽⁴⁾
- policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for housing and other development in full through the plan-making process;⁽⁵⁾
- AONBs are unlikely to be suitable areas for accommodating unmet needs arising from adjoining, non-designated, areas.⁽⁶⁾

The Cotswolds AONB is also a living and working landscape in which the social and economic well-being of AONB communities are important considerations. Maintaining vibrant and thriving local communities is essential to the long-term future of the AONB. In addition, development in the AONB and its setting needs to be considered in the context of relevant national and international drivers, such as the Government's objective to build 300,000 homes each year and the internationally recognised 'climate emergency'.⁽⁷⁾

As such, AONBs cannot be considered exempt from the need for new housing and other development. Indeed, appropriate development in appropriate locations can potentially play a positive role in helping to conserve and enhance the natural beauty of the AONB.

The Planning and Development Position Statement sets out the Cotswolds Conservation Board's key principles and recommendations for ensuring that development needs are met in a way that is consistent with the purpose of AONB designation. It complements and expands on relevant policies in the Cotswolds AONB Management Plan 2018-2023.

The Position Statement, together with the supporting guidance (which is available as a separate document), is intended to help relevant stakeholders, including local authorities and developers, to:

- identify if potential allocations or developments are appropriate in the context of the AONB; and
- ensure that development makes a positive contribution to enhancing the natural beauty of the AONB over and above the baseline condition.

The Position Statement is applicable at both the plan-making stage (including Local Plans and Neighbourhood Development Plans) and at the development management stage.

It is hoped that the Position Statement and supporting guidance will help to ensure that these principles and recommendations are implemented consistently across the whole of the AONB.

The principles and recommendations in this Position Statement, together with the information provided in the supporting guidance document, are based on existing best practice, both within the Cotswolds AONB and in other protected landscapes.

As this is a Cotswolds Conservation Board Position Statement, it carries the full weight of the Cotswolds AONB Management Plan as a material consideration in planning decisions.

OVER-ARCHING PRINCIPLES

The over-arching principles of the Position Statement are that:

1. Development within the Cotswolds AONB and its setting should be 'landscape-led'.
2. Development within the Cotswolds AONB should be based on robust evidence of local need arising within the AONB.

A 'landscape-led' approach is one 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 considers that this approach should be proportionately applied to all development in the AONB, not just major development, in line with best practice that has evolved since the AONB Management Plan was published.

The principle of development in the AONB being based on robust evidence of need arising within the AONB is based on Policy CE12 of the Cotswolds AONB Management Plan 2018-2023. It is also based on best practice established in the West Oxfordshire Local Plan (and the associated planning inspector's report).

RECOMMENDATIONS – LANDSCAPE-LED APPROACH

LANDSCAPE SENSITIVITY AND CAPACITY:

At the planning policy stage (Local Plans and Neighbourhood Development Plans):

- A landscape sensitivity and capacity study (LSCS) should be undertaken for all sites (or land cover parcels) in the Cotswolds AONB and its setting that are included in the local authority's: (i) housing and economic land availability assessment; and (ii) 'suitability mapping' for renewable energy.
- This study should assess the sensitivity of these sites to specific types and scales of development.

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- Where such studies identify that the sensitivity of the landscape to specific types and scales of development is high, or medium-high (where any development impacts could not be fully mitigated), the development should be deemed to exceed the capacity of the landscape to accommodate that development. In such cases, the site should not be allocated, except in exceptional circumstances. Within the AONB, such sites should be deemed to be major development (see ‘Major Development’ below).
- Where the identified landscape sensitivity is below these thresholds, an assessment should be made of the specific quantum of development that could theoretically be accommodated on these sites, based on appropriate assumptions relating to, for example, design, density and layout.
- Where relatively large scale land cover parcels are refined to smaller scale potential allocation sites, a further, site specific iteration of the LSCS should be undertaken.
- In order to maintain some landscape capacity for future development, not all of the sites that are considered to have landscape capacity for development should be allocated in one iteration of the plan.

At the development management stage:

- Landscape and Visual Impact Assessments / Appraisals (LVIAs) should be undertaken for all development that requires an Environmental Impact Assessment (EIA) and for other development in the AONB and its setting that has the potential for adverse landscape and visual impacts (see supporting guidance for further details).
- LVIAs should be consistent with the guidance published by the Landscape Institute and the Institute of Environmental Assessment.
- 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’.
- Even where a LVIA is not undertaken, great weight should still be given to landscape and scenic beauty.

At both stages:

- The Cotswolds AONB should be accorded the highest ‘value’ in the LSCS and LVIA assessments, albeit with some consideration being given to the degree to which the criteria and factors used to support the case for AONB designation are represented in the specific study area.

FACTORS THAT CONTRIBUTE TO NATURAL BEAUTY:

- All of the factors that contribute to the natural beauty of the Cotswolds AONB should be fully considered and assessed at both the plan-making stage and the development management stage, including:
 - landscape quality;
 - scenic quality;
 - relative wildness;
 - relative tranquillity;
 - natural heritage;
 - cultural heritage;

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- the special qualities of the Cotswolds AONB.
- These factors should be assessed:
 - individually (i.e. in their own right, in the context of national planning policy and best practice guidance);
 - collectively (i.e. in terms of their contribution to the AONB designation, including the AONB's special qualities); and
 - cumulatively (i.e. in terms of the increasing level of significance associated with the proximity of – or potential impacts on - multiple factors).

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 / developments that are deemed to be major development.
- 'Exceptional circumstances' should be truly exceptional (i.e. an exception to the norm) and not just relate to development pressures that are common to multiple local authorities and / or multiple protected landscapes.
- The major development 'tests' should also be applied to allocations / development that are 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.
- For sites that are allocated in a Local Plan or Neighbourhood Development Plan, a further re-iteration of the major development assessment should be undertaken at the development stage.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA):

- Development listed in Schedule 1 of the EIA regulations should be classed as major development (see 'Major Development' above).
- Screening for development listed in Schedule 2 of the EIA regulations should be rigorously applied. Within the 'sensitive area' of the Cotswolds AONB, all proposals for Schedule 2 development should be rigorously 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.

- The natural beauty of the AONB, including its special qualities, should be integrated into the planning, design, implementation and management of a proposed development from the very beginning of the development's inception.

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:

- The evidence base for proposed allocations and / or development proposals should include robust evidence of local need arising within the AONB, based on the hierarchy of:
 - (i) the specific settlement / parish;
 - (ii) sub-areas of the AONB within the relevant local authority area;
 - (iii) the whole of the AONB within the relevant local authority area.
- Proposals for windfall development (i.e. development not allocated in the Local Plan or Neighbourhood Development Plan) should only be permitted where there is robust evidence of local need arising within the AONB, based on the above hierarchy.
- The Cotswolds AONB should not normally be required to accommodate unmet needs arising from outside the AONB, including unmet needs arising from: (i) urban areas adjacent to the AONB; and (ii) local authority areas that do not overlap with the AONB.

RECOMMENDATIONS – LANDSCAPE-LED APPROACH v EVIDENCE OF NEED

- Where the development need arising within the Cotswolds AONB (or the objectively assessed need) exceeds the landscape capacity, the amount of development allocated / permitted should not exceed the landscape capacity.
- Where the development need arising within the Cotswolds AONB is less than the landscape capacity, development should be based on the development need.
- 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.

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Notes

The numbers below relate to the bracketed numbers shown, in superscript, in the Position Statement.

- (1) Defra (2019) Areas of Outstanding Natural Beauty: technical support scheme (England) 2019 to 2020 ([link](#))
- (2) 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](#)).
- (3) National Planning Policy Framework (NPPF): paragraph 172. See also Appendix 9 of the Cotswolds AONB Management Plan 2018-2023 ([link](#)).
- (4) NPPF: paragraph 172.
- (5) This wording is taken from paragraph 41 of Planning Practice Guidance – Natural Environment ([link](#)), which itself is based on paragraph 11 and footnote 6 of the NPPF.
- (6) Planning Practice Guidance – Natural Environment: paragraph 41 ([link](#)).
- (7) The Cotswolds Conservation Board recognises the need for the Cotswolds AONB to play an important role in addressing the internationally recognised ‘climate emergency’. The Cotswolds AONB Management Plan 2018-2023 promotes appropriate measures to mitigate and adapt to the impacts of climate change. The Cotswolds Conservation Board is currently reviewing its Climate Change Strategy, first published in 2012. As part of this process, the Board will also be reviewing its position statements and guidance on relevant topics such as renewable energy.