



# COTSWOLDS CONSERVATION BOARD

## DRAFT POSITION STATEMENT

# LANDSCAPE-LED DEVELOPMENT - APPENDICES

## APPENDIX 1. LANDSCAPE-LED CASE STUDIES

This appendix provides three case studies of where a landscape-led approach has been developed in protected landscapes:

1. South Downs Local Plan
2. Arnside & Silverdale AONB Development Plan Document
3. A417 'Missing Link' road scheme (Cotswolds National Landscape): Landscape-led vision, design principles, objectives and sub-objectives

### LANDSCAPE-LED CASE STUDY 1: SOUTH DOWNS LOCAL PLAN<sup>1</sup>

The South Downs Local Plan is explicitly underpinned by a landscape-led approach. Key extracts from the Local Plan that articulate this landscape-led approach, are outlined below.

**Foreword:** [The Local Plan] looks different from most other local plans, because at its heart is the requirement to conserve and enhance the nationally important landscapes of the South Downs.

#### Key Messages:

- This is a landscape led Local Plan ...looking at the South Downs as a whole with National Park purposes and our duty to the fore.
- Allocations and policies are ... landscape capacity led, not target driven. This complies with the National Planning Policy Framework.
- We have searched thoroughly and rigorously for suitable development sites; it is just that in carrying out this work landscape conservation takes the primary role.
- We are ... determined to ensure the quality of new build reflects the landscape within which it sits and is of a standard befitting a National Park as an exemplar of rural planning.

**Paragraph 1.16 (How have the Local Plan policies been prepared):** All the Local Plan policies have been formulated putting landscape first and then peoples' interaction with it. This is in line with the purposes of national parks ... The Local Plan and its policies require development proposed to conserve and enhance various aspects of natural beauty, wildlife and cultural heritage.

**Paragraph 5.22 (A Landscape-Led Approach):** Development should enhance, respect and reinforce the landscape through a landscape-led design approach.

**Paragraph 7.18 (Housing):** Provision of housing to meet local needs is crucial to ensure the sustainability and vitality of communities within the national Park ... However, the provision of housing should not be at the expense of a nationally protected landscape. The NPPF cites national parks as areas where development should be restricted and objectively assessed need not met.

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<sup>1</sup> South Downs National Park Authority (2019) *South Downs Local Plan 2014-2033*. ([Link](#)).

**Paragraph 7.121 (Employment):** A Local Plan objective ... is to protect and provide for local businesses that are broadly compatible with and relate to the landscapes and special qualities of the National Park.

**Paragraph 7.215 (Infrastructure):** All infrastructure development proposals should reflect the nationally protected landscapes, be appropriately designed and consider carefully the impact upon the natural beauty, wildlife and cultural heritage of the area.

**Paragraphs 7.270 (Climate Change):** The use of renewable energy rather than fossil fuels will help to reduce carbon emissions and this reduce climate change ... However, the landscape character of the National Park is a finite and precious resource that the National Park is charged with conserving and enhancing. Development of renewable energy, therefore needs to be suitably constrained so as not to compromise the special qualities.

**Paragraph 8.5 (Need for the Development):** There is a need for development to take place to meet growth needs, as far as it is compatible with the National Park purposes and the overarching ecosystem services led approach.

## LANDSCAPE-LED CASE STUDY 2: ARNSIDE & SILVERDALE AONB DEVELOPMENT PLAN DOCUMENT<sup>2</sup>

The Arnside & Silverdale AONB Development Plan Document (DPD) is the first DPD for an AONB in the country. Like the South Downs Local Plan, it sets out a landscape-led approach to development in the protected landscape. As stated in the DPD itself, *'it is a pioneering and innovative approach and has been followed closely by AONB Partnerships up and down the country as an example of how an AONB Partnership, councils and communities can work together to produce the best outcomes for an AONB'* (paragraph 1.2.6).

**Foreword:** The AONB DPD complements the Management Plan for the AONB, for which the underlying principle is to work collaboratively to help conserve and enhance the landscape of the area. The AONB DPD places the landscape at the heart of shaping development over the next 15 years.

**Paragraph 2.1.2 (Vision):** Within the Arnside & Silverdale AONB, housing, employment, services, infrastructure and other development is managed to contribute towards meeting the needs of those who live in, work in and visit the area in a way that:

- (I) conserves and enhances the landscape, the natural beauty, and the Special Qualities of the AONB; and
- (II) creates vibrant, diverse and sustainable communities with a strong sense of place; and
- (III) maintains a thriving local economy.

**Policy AS01 (Development Strategy):** A landscape capacity-led approach to development will be taken in the AONB ... All development in the ... AONB should be sustainable, consistent with the primary purpose of AONB designation and support the Special Qualities of the AONB as set out in the AONB Management Plan.

**Paragraph 3.1.2:** The primary purpose of the AONB designation is to conserve and enhance the landscape and natural beauty of the area. It is therefore entirely appropriate that the Development Strategy identifies a landscape-capacity led and criteria-based approach to development,

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<sup>2</sup> South Lakeland District Council and Lancaster City Council (2019) *Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) – Adopted Version, 28 March 2019*. ([Link](#)).

consistent with this primary purpose and the AONB's Special Qualities. A strategy that did not put the conservation and enhancement of the landscape central to the approach to development would compromise the primary purpose and undermine the national designation and the value of the AONB in the national interest. Where a development proposal would create conflict between the primary purpose of the AONB and other uses of the AONB, greater weight will be attached to the purpose of conserving and enhancing the landscape and natural beauty of the AONB.

**Paragraph 3.1.4:** In the AONB, the priority should be to meet identified affordable and other local housing needs within the capacity of the landscape.

**Paragraph 3.1.7:** The Development Strategy ensures that only development that can be accommodated without harm to the AONB's primary purpose will be permitted, whilst maintaining a positive approach, recognising that appropriately located and designed development can contribute to conserving and enhancing the landscape and settlement character, including where opportunities for regeneration and redevelopment can be delivered.

**Policy AS02 (Landscape):** Within the Arnside & Silverdale AONB, development proposals will be required to demonstrate how they conserve and enhance the landscape and natural beauty of the area. Proposals will not be permitted where they would have an adverse effect upon the landscape character or visual amenity of the AONB.

**Paragraph 3.1.22:** All development within the AONB should conserve and enhance the natural beauty of the area and must reflect the capacity of the landscape to accommodate it without harm to key features and characteristics and without compromise to the statutory purpose.

### LANDSCAPE-LED CASE STUDY 3: A417 MISSING LINK ROAD SCHEME

The A417 Missing Link road scheme is the most significant infrastructure scheme that is currently being proposed in the Cotswolds National Landscape. In recognition of its location in this sensitive and nationally important landscape, Highways England, the Cotswolds Conservation Board and other stakeholders developed and agreed a landscape-led vision, design principles and objectives for the scheme in 2017. The vision and design principles, together with the objectives and sub-objectives that relate specifically to landscape and / or natural beauty, are outlined below.

#### Vision

A landscape-led highways improvement scheme that will deliver a safe and resilient free-flowing road whilst conserving and enhancing the special character of the Cotswolds AONB; reconnecting landscape and ecology; bringing about landscape, wildlife and heritage benefits, including enhanced visitors' enjoyment of the area; improving local communities' quality of life; and contributing to the health of the economy and local businesses.

#### Design Principles

Any solution involving a new road must ensure that the scheme is designed to meet the character of the landscape, not the other way round.

Any scheme should bring about substantial benefits for the Cotswolds landscape and environment as well as people's enjoyment of the area.

Any scheme must have substantially more benefits than negative impacts for the Cotswolds AONB.

### **Objectives**

Improving the natural environment and heritage; to maximise opportunities for landscape, historic and natural environment enhancement within the Cotswolds AONB and to minimise negative impacts of the scheme on the surrounding environment.

### **Sub-Objectives**

The Scheme will have an identity which reflects, conserves and enhances the character of the local landscape.

The Scheme will improve landscape and ecological connectivity through landscape and habitat restoration and creation.

The horizontal and vertical alignments of the Scheme will pay due regard to the nature of the local landform.

The siting and form of structures, cuttings, embankments and landscape mounding will reflect local topography and landform.

The design of structures will be of lasting architectural quality.

The Scheme will avoid significant interruption to groundwater flows or negative impacts on the aquifer, springs and watercourses.

The Scheme will avoid or, where absolutely necessary, minimise the direct loss of National Trust land, other areas owned and managed for conservation, open access land and country parks and at the same time minimise intrusion upon such land.

The Scheme will enable enhanced preservation of heritage assets and their settings and adopt designs that reflect and enhance the historic character of the area.

The Scheme will minimise road noise by applying sensitive noise mitigation measures where required.

The Scheme will minimise light pollution through sensitive structural, junction, and lighting design and sign illumination.

## APPENDIX 2. LANDSCAPE AND VISUAL IMPACT ASSESSMENTS AND THE SIGNIFICANCE OF A PROPOSED DEVELOPMENT IN THE CONTEXT OF THE COTSWOLDS NATIONAL LANDSCAPE

Many Landscape and Visual Impact Assessments (LVIAs) highlight the fact that the scale of the proposed development is very small compared to the size of the Cotswolds National Landscape - and / or the relevant landscape character type (LCT) - as a whole. This fact is then used to support the argument that the scale and potential impacts of the proposed development are not significant.

The Cotswolds Conservation Board acknowledges that the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' allow for the geographical extent of potential landscape effects to be considered in the context of the scale of the relevant landscape type (or character area) or on a larger scale.<sup>3</sup> It is worth noting that these guidelines relate to the geographical extent of the effects of a proposed development, not to the more limited extent of the development itself. The Guidelines also clarify that not all of these scales may be relevant on every occasion.

However, as outlined below, the Board considers that the scale of the Cotswolds National Landscape - and of the associated LCTs - is such that it would not be appropriate to compare the scale of a proposed development, or the geographical extent of the development's effects, with the scale of the National Landscape, or its component LCTs, as a whole.

The Cotswolds National Landscape is the largest AONB - and the third largest protected landscape - in England and Wales, covering over 2,000km<sup>2</sup> and cutting across 15 local authority areas. In fact, it is larger than 12 of these local authorities, with only Wiltshire, Gloucestershire and Oxfordshire being larger.

Even at the scale of the 19 individual landscape character types (LCTs) that make up the National Landscape, it is worth noting that two of these LCTs are larger than 300km<sup>2</sup> and five more are larger than 100km<sup>2</sup>.<sup>4</sup> 12 of the 19 LCTs are larger than Cheltenham Borough (the smallest of the local authorities that overlap with the National Landscape).

The implication of the assertion made by developers in their LVIAs is that a proposed development should only be considered significant if it was to cover a substantial proportion of the National Landscape (or the relevant LCT) as a whole.

However, if a development was only considered to be major if it covered, say, 1% of the National Landscape, this would mean that the development would only be considered major if it covered more than 20km<sup>2</sup>. Alternatively, if it was only considered to be major if it covered, say, 5% of the relevant LCT (and the relevant LCT was LCT 7 - High Wold), this would mean that the development would only be considered major if it covered 19km<sup>2</sup>.

Taking this approach would completely undermine the national planning policies that are put in place to protect, conserve and enhance the natural beauty of AONBs. In particular, it would make the 'major development' component of paragraph 172 of the NPPF completely meaningless.

To address this issue, the Board recommends that the following definition should be applied when considering the geographical extent - and significance - of landscape effects:

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<sup>3</sup> Landscape Institute and Institute of Environmental Management & Assessment (2013) *Guidelines for Landscape and Visual Impact Assessment. Third Edition*. Section 5.50.

<sup>4</sup> The two landscape character types (LCTs) larger than 300km<sup>2</sup> are LCT 7 - High Wold (375km<sup>2</sup>) and LCT 9 - High Wold Dip-Slop (328km<sup>2</sup>).

- *The area of landscape that needs to be covered in assessing landscape effects should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner.*<sup>5</sup>

Depending on the nature, scale and setting of the proposed development this area might, for example, equate to the zone of theoretical visibility or the area over which local roads would experience a significant increase (i.e. 10% or more) in traffic or HGV movements

If the development is considered to have significant, adverse effects within this geographical context, then the Board would also consider the development to have a significant adverse impact on the purpose of designation. By extension, it would also constitute major development.

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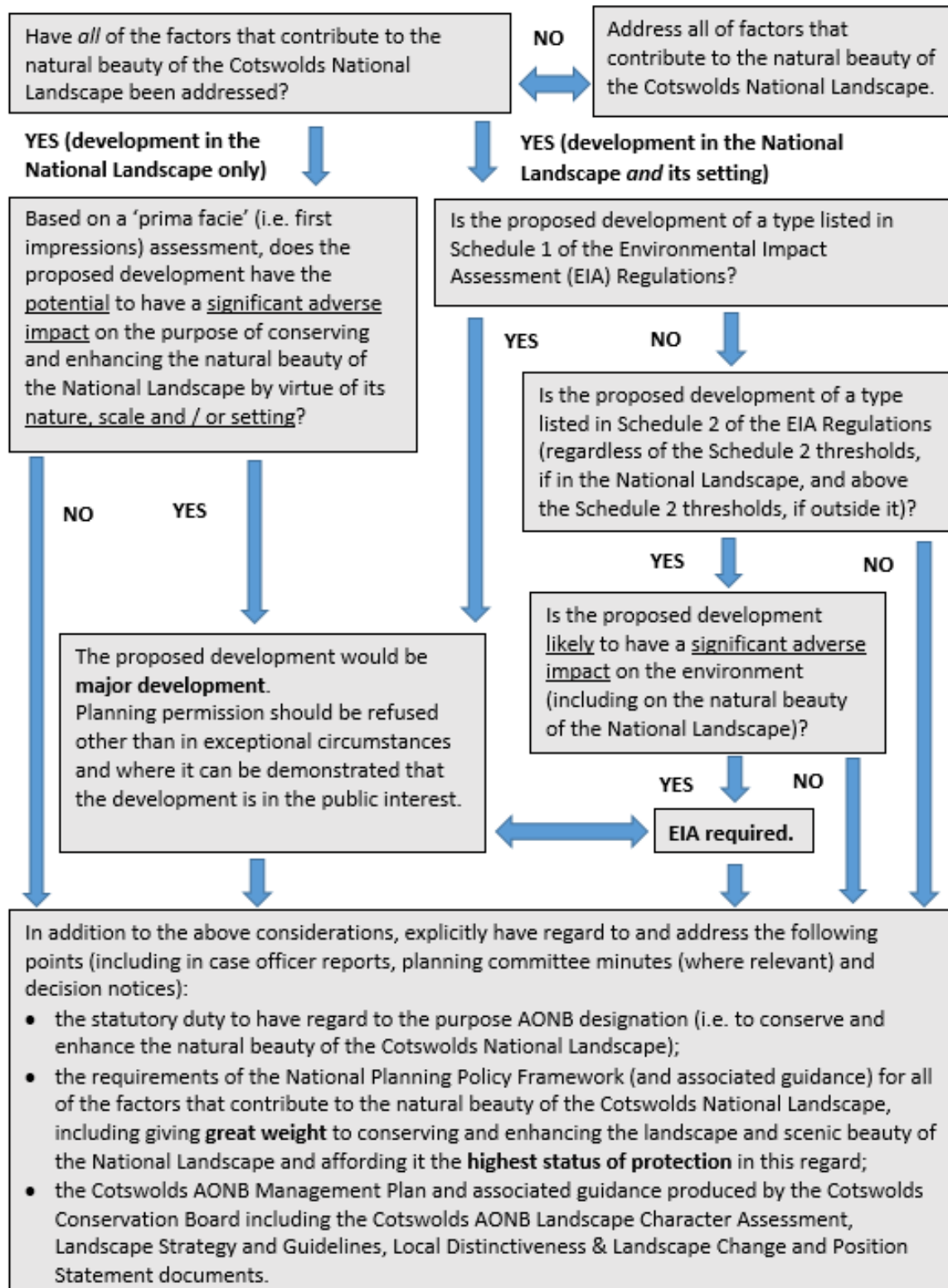
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<sup>5</sup> This definition is provided in paragraph 20 of Appeal Decision APP/R3650/W/16/3165974 ([link](#)) and re-iterated in paragraph 21 of the High Court decision for *Monkhill Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 1993 (Admin) ([link](#)).

### APPENDIX 3. TEN STEPS FOR ACHIEVING A 'LANDSCAPE-LED' APPROACH FOR MAJOR DEVELOPMENT IN THE COTSWOLDS NATIONAL LANDSCAPE

1. Adopting an agreed landscape-led vision, overarching design principles, scheme objectives and sub-objectives as part of core objectives and rationale of the scheme.
2. Identification at the outset and ongoing of key challenges and design principles based on a full assessment of landscape character and management issues.
3. Application of landscape-related statutory duties and policies and past and current best practice as a guiding framework in all aspects of optioneering, design, assessment and decision-making.
4. Holistic landscape-wide and integrated natural beauty approach to scheme development within overall vision principles and objectives.
5. Ensuring full consideration of alternatives and options on a fully informed basis relative to their implications for different aspects of landscape and natural beauty; fully documenting the rationale for choices that do not fully achieve agreed landscape-led vision, overarching design principles, scheme objectives and sub-objectives.
6. Meeting exemplary landscape design standards at every stage of scheme development including having regard to standards set by past and current best practice elsewhere to ensure decisions are fully informed of both harm and opportunities for enhancement.
7. Ensuring thorough landscape-scale EIA assessment of impact interactions and direct, indirect and cumulative effects on the natural beauty of the national landscape and how harm may be minimised or offset; and enhancement opportunities maximised directly or indirectly both on and off site.
8. Using cost benefit assessments that fully reflect the special role of National Landscapes in relation to their value in terms of natural and cultural capital; health and social benefits; and reversible and irreversible harm.
9. Budgeting to achieve landscape vision and objectives through exemplary high quality design including consideration of standards set by past and current best practice. Providing detailed explanation of priorities and relative costs of all rejected options that fall short of fully or better achieving those ends.
10. Agreeing with statutory consultees and decision-makers the information required to facilitate rigorous application of key policy tests and statutory duties in determining major development applications.

APPENDIX 4. FLOWCHART OF CONSIDERATIONS FOR DEVELOPMENT IN THE COTSWOLDS NATIONAL LANDSCAPE AND ITS SETTING<sup>6</sup>



<sup>6</sup> This flowchart has been developed by the Cotswolds Conservation Board.



## APPENDIX 5. MAJOR DEVELOPMENT CHECKLISTS

The ‘checklists’ in the tables below are intended to be a tool that can be used by local planning authorities and other stakeholders to help identify:

- the relevant factors that contribute to the natural beauty of the Cotswolds National Landscape in the vicinity of a proposed development;
- potential adverse impacts on the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape;
- relevant issues relating to the nature, scale and setting of a proposed development.

In addition, and perhaps most importantly, the checklists are intended to help identify whether a proposed development, within the National Landscape, should be considered to be major development, in the context of paragraph 172 of the NPPF. On a similar basis, it is also intended to help identify: whether Schedule 2 development, within the National Landscape or in its setting, requires an Environmental Impact Assessment (EIA); and the weight that should be given to issues relating to landscape and scenic beauty, wildlife / natural heritage and cultural heritage.

There are three checklists – nature, scale and setting. It is not considered necessary to have an additional checklist for ‘potential adverse impacts’. This is because the assessment to be made, with regards to major development, is whether a proposed development has the potential to have a significant adverse impact on the purpose of AONB designation, in light of (or by reason of) its nature, scale and setting.

This is consistent with legal opinion, which has specified that consideration of whether a proposed development could have a significant adverse impact on the purpose of designation ‘*does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient*’.<sup>7</sup>

Whilst the checklists are quite extensive (as they address all of the factors that contribute to the natural beauty of the Cotswolds National Landscape), most of the relevant information should be readily obtainable (for example, proximity of the proposed development to designated sites<sup>8</sup>). As such - and in line with the legal opinion stated above - the assessment of whether a proposed development constitutes major development does not need to be in-depth.

We acknowledge that it would be wrong, in law, to apply any set or rigid criteria to defining ‘major development’. The checklists aren’t intended to provide set or rigid criteria. Instead, they are intended to help guide the decision maker (and other stakeholders) through the process of assessing if a proposed development constitutes major development. The checklists also take account of the fact that ‘*what constitutes major development will depend on all the circumstances, including the local context*’.<sup>9</sup>

We also acknowledge that, when determining if a proposed development constitutes major development in the context of paragraph 172 of the NPPF, it would be wrong, in law, to apply the

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<sup>7</sup> Maurici, J., QC (2014) *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority – Opinion* (commonly referred to as one of the ‘Maurici Opinions’). Paragraph 26. ([Link](#)).

<sup>8</sup> Proximity of relevant designations was one of the criteria used by South Downs National Park Authority in their assessment of site allocations against major development considerations in 2015 ([link](#)) and 2027 ([link](#)).

<sup>9</sup> Maurici, J., QC (2014) *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority – Opinion* (commonly referred to as one of the ‘Maurici Opinions’). Paragraph 31. ([Link](#)).

definition of major development contained in the Town and Country Planning (Development Management Procedure) (England) Order 2010.<sup>10</sup> However, it is important to note that *'whether [a proposed development] falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended), whether it is 'major development' for the purposes of the 2010 Order [as amended], or whether it requires the submission of an appraisal / assessment of the likely traffic, health, retail implications of the proposal will all be relevant considerations, but will not determine the matter and may not even raise a presumption either way'*<sup>11</sup> (N.B. Underlining added for emphasis).

As such, we consider that these factors merit inclusion in the checklist relating to the 'nature' of a proposed development, particularly where the development significantly exceeds the relevant thresholds. We acknowledge that there are circumstances in which development that is above the relevant thresholds might not be 'major development' in the context of paragraph 172 of the NPPF. Conversely, there may be circumstances in which a development that is below these thresholds might be 'major development', in this context.

The Board considers that a proposed development should be classed as major development if the assessment of any one of the three main factors (i.e. nature, scale and setting) indicates that it is major. If two or more of these factors indicate that it is major development, this cumulatively adds more weight to it being considered to be major development overall.

Similarly, if multiple sub-factors indicate that the development would be of 'moderate significance', the cumulative effect could be that the development should be considered to be major development.

Local distinctiveness, tranquillity and dark skies are addressed as topics in their own right in the checklists below. However, these topics are also integral components of landscape and scenic beauty. As such, great weight should be given to their conservation and enhancement.

The level of scrutiny applied to the checklists should be proportionate to the development being considered.

Questions in the 'Major Development Consideration' column are framed in such a way that a 'Yes' answer increases the significance of the proposed development and the likelihood of it being classed as major development. So, for example, the questions in the 'Setting' checklist include:

- *Could it [i.e. the proposed development] have an adverse impact on ...?*

However, conversely, if it is considered that the proposed development could have a beneficial effect on any of the relevant factors that contribute to the natural beauty of the Cotswolds National Landscape, then that would stand in its favour.

The checklists refer to the Cotswolds AONB Management Plan and other relevant guidance documents published by the Cotswolds Conservation Board, not least because these relate to the whole of the Cotswolds National Landscape. However, we acknowledge that local planning authorities and other stakeholders may have other relevant reference documents that can feed into this assessment process.

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<sup>10</sup> As above. Paragraph 31.

<sup>11</sup> As above. Paragraph 28.

**CHECKLIST 1: NATURE OF THE PROPOSED DEVELOPMENT**

FACTOR	MAJOR DEVELOPMENT CONSIDERATION	Y/N	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N) <sup>12</sup>	REASONS / JUSTIFICATION / COMMENTS
<b>MISCELLANEOUS CONSIDERATIONS</b>				
Town and Country Planning (Environmental Impact Assessment) Regulations 2017 <sup>13</sup>	Is it an EIA Schedule 1 development? <sup>14</sup>			
	Is it an EIA Schedule 2 development? <sup>15</sup>			
	If so, is it above the 'applicable thresholds and criteria'?			
	If so, would it significantly exceed the 'applicable thresholds and criteria'?			
Town and Country Planning (Development Management Procedure) (England) Order 2015 <sup>16</sup>	Is it 'major development' under the 2015 Order, i.e.: <sup>17</sup>			
	(i) The winning and working of minerals or the use of land for mineral-working deposits?			
	(ii) Waste development?			
	(iii) 10+ dwellings?			
	(iv) 1,000 square metres or more of new floor space?			
	(v) Site having an area of 1 hectare or more?			
Additional 'nature' considerations under Schedule 3 of the EIA Regulations <sup>18</sup>	If it is (iii), (iv) or (v), would it significantly exceed the relevant thresholds?			
	Would it involve the production of waste?			
	Does it have the potential to cause pollution or other nuisance?			
	Would it entail the risk of major accidents?			
	Would it entail risks to human health?			
Existing assessments of potential adverse impacts <sup>19</sup>	Would there be a cumulation of adverse effects with other existing / approved development?			
	Do any existing assessments indicate that, for the site or locality in question, the type (or scale) of development being proposed might have an adverse impact on any of the factors that contribute to the natural beauty of the Cotswolds National Landscape?			
	If so, are any of these impacts identified as being potentially significant?			
Climate change	Do any existing assessments indicate that the site wouldn't have capacity to accommodate the type (or scale) of development being proposed?			
	Could it exacerbate the impacts of climate change (for example, through significant carbon dioxide emissions)?			

<sup>12</sup> The cumulative assessment of all the relevant factors will also be a key consideration as to whether a proposed development constitutes major development overall.

<sup>13</sup> <https://www.legislation.gov.uk/uksi/2017/571/contents/made>

<sup>14</sup> <https://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>. Development that comes under Schedule 1 are classed as such because they are considered likely to have significant adverse environmental effects. As such, they should also be considered to be 'major development' in the context of paragraph 172 of the NPPF.

<sup>15</sup> <https://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>

<sup>16</sup> <https://www.legislation.gov.uk/uksi/2015/595/contents/made>

<sup>17</sup> <https://www.legislation.gov.uk/uksi/2010/2184/article/2/made>

<sup>18</sup> <https://www.legislation.gov.uk/uksi/2017/571/schedule/3/made>

<sup>19</sup> For example, landscape and visual sensitivity studies, landscape and visual impact assessments, sustainability appraisals, ecological assessments (including any Habitat Regulations Assessments), heritage assessments, transport assessments, etc.

FACTOR	MAJOR DEVELOPMENT CONSIDERATION	Y/N	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N) <sup>12</sup>	REASONS / JUSTIFICATION / COMMENTS
<b>LANDSCAPE – see also ‘Setting’ checklist</b>				
Local Forces for Change <sup>20</sup>	Is it a ‘local force for change’, as identified in the Cotswolds AONB Landscape Strategy and Guidelines for the relevant landscape character type?			
Potential landscape implications <sup>21</sup>	Could it exacerbate the ‘potential landscape implications’ for the type of development being proposed?			
Landscape strategy and guidelines <sup>22</sup>	Could it conflict with the ‘landscape strategies and guidelines’ for the type of development being proposed?			
Local distinctiveness / design (especially with regards to housing and built development)	Could it undermine local distinctiveness by, for example:			
	• Not being consistent with, or incorporating, the relevant ‘special qualities’ of the Cotswolds National Landscape? <sup>23</sup>			
	• Not being consistent with the local distinctiveness / design-related guidelines of the Cotswolds AONB Landscape Strategy & Guidelines for the relevant landscape character types? <sup>24</sup>			
	• Not being consistent with the guidance in the Cotswolds Conservation Board’s ‘Cotswolds AONB Local Distinctiveness and Landscape Change’ publication (in relation to: the type, form and distribution of settlements; boundaries; roofs; and walls)? <sup>25</sup>			
	Is it designed in a way that does not reflect the status of the Cotswolds AONB as a landscape of the highest quality? <sup>26</sup>			
<b>SCENIC QUALITY / BEAUTY – see ‘setting’ checklist</b>				
<b>RELATIVE TRANQUILLITY<sup>27</sup> - see also ‘setting’ checklist</b>				
Noise	Could it increase noise levels and / or other aural disturbance within the locality of the proposed development, including for receptors on local public rights of way?			

<sup>20</sup> The Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) identifies relevant ‘local forces for change’ for each landscape character type (LCT) in the Cotswolds AONB. These are the forces that have been assessed as being of greatest significance in each of the LCTs.

<sup>21</sup> The Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) the potential adverse implications of various types of development for each landscape character type.

<sup>22</sup> The Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) provides strategies / guidelines for different types of development in each landscape character type (LCT) to help ensure that the natural beauty of the Cotswolds AONB is conserved and enhanced.

<sup>23</sup> ‘Special qualities’ of the Cotswolds National Landscape that are relevant to local distinctiveness include:

- The unifying character of the limestone geology – its visible presence in the landscape and use as a building material.
- Distinctive dry stone walls.
- Variations in the colour of the stone from one part of the AONB to another which add a vital element of local distinctiveness.
- Distinctive settlements, developed in the Cotswold vernacular, high architectural quality and integrity?

<sup>24</sup> <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-strategy-guidelines/>

<sup>25</sup> <https://www.cotswoldsaonb.org.uk/our-landscape/local-distinctiveness-landscape-change/>

<sup>26</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041. ([Link](#)). This specifies that all development in AONBs will need to be located and designed in a way that reflects their status as landscapes of the highest quality.

<sup>27</sup> The tranquillity of the Cotswolds National Landscape is one of the area’s ‘special qualities’.

FACTOR	MAJOR DEVELOPMENT CONSIDERATION	Y/N	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N) <sup>12</sup>	REASONS / JUSTIFICATION / COMMENTS
	Could it increase noise levels above the 'lowest observed adverse effect level'? <sup>28</sup>			
	Could it increase noise levels above the 'significant observed adverse effect level'? <sup>29</sup>			
Visual disturbance	Could it increase levels of visual disturbance within the locality of the proposed development (for example, by introducing incongruous and / or intrusive features into the landscape)?			
Traffic	Could it increase overall traffic movements and / or HGV movements on local roads?			
	Could it increase overall traffic movements and / or HGV movements on local roads by 10% or more? <sup>30</sup>			
Dark skies <sup>31</sup>	Could it introduce lighting / lit elements into a location that currently has no lighting?			
	Could it increase existing levels of lighting / light pollution?			
	Could any associated obtrusive light exceed the limits set out in the Institution of Lighting Professionals' 'Guidance Note for the Reduction of Obtrusive Lights'? <sup>32</sup>			
<b>RELATIVE WILDNESS – see also 'Setting' checklist</b>				
Sense of remoteness	Could it introduce development into an area that is currently perceived to be relatively remote, i.e. an area that currently has:			
	(i) relatively few roads or other transport routes?			
	(ii) a perception of being distant from significant habitation?			
<b>NATURAL HERITAGE – see also 'Setting' checklist</b>				
Biodiversity net-gain	With regards to biodiversity net-gain, could it result in:			
	(i) net-loss?			
	(ii) no net-gain?			
	(iii) net-gain of less than 10%?			
<b>CULTURAL HERITAGE – see also 'Setting' checklist</b>				

<sup>28</sup> Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected. See <https://www.gov.uk/guidance/noise--2> (paragraph 004).

<sup>29</sup> No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected. See <https://www.gov.uk/guidance/noise--2> (paragraph 004).

<sup>30</sup> Section 4.5 of the Cotswolds Conservation Board's Tranquillity Position Statement ([link](#)) indicates if a proposed development was to result in traffic movements and / or HGV movements on local roads increasing by 10% or more, this would be a significant issue.

<sup>31</sup> The 'extensive dark sky areas' of the Cotswolds National Landscape are one of the area's 'special qualities'.

<sup>32</sup> Institution of Lighting Professionals (2011) *Guidance Note for the Reduction of Obtrusive Lights*. Table 2. ([Link](#)).

**CHECKLIST 2: SCALE OF THE PROPOSED DEVELOPMENT<sup>33</sup>**

FACTOR	MAJOR DEVELOPMENT CONSIDERATION	ANSWER TO MAJOR DEVELOPMENT CONSIDERATION? (Y/N)	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N)	REASONS / JUSTIFICATION / COMMENTS ('SCALE')
Town and Country Planning (Environmental Impact Assessment) Regulations 2017 <sup>34</sup>	Is it an EIA Schedule 2 development above the relevant, spatial 'applicable thresholds and criteria'?			
	If so, would it significantly exceed the relevant, spatial 'applicable thresholds and criteria'?			
Town and Country Planning (Development Management Procedure) (England) Order 2010 <sup>35</sup>	Would it involve the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more?			
	If so, would the new floor space significantly exceed 1,000 square metres?			
	Would it be taking place on a site having an area of 1 hectare or more?			
	If so, would the area significantly exceed 1 hectare?			
Proportionality	Would it be disproportionate to existing development in the locality?			
	For example:			
	<ul style="list-style-type: none"> <li>• Would the quantity, size, shape and / or density of any built development be disproportionate to existing development in the locality?</li> </ul>			
	<ul style="list-style-type: none"> <li>• Would the amount of material being imported / exported be disproportionate to existing development in the locality?</li> </ul>			
	For housing developments in, or directly adjacent to, existing settlements:			
	<ul style="list-style-type: none"> <li>• Would it exceed the size of – and / or the number of dwellings in - the existing settlement by 5% or more?<sup>36</sup></li> <li>• Would the proposed development, combined with other allocated / approved / recent housing development, overwhelm the existing settlement?</li> </ul>			

<sup>33</sup> It is worth noting that the size of a development is also a consideration under Schedule 3 of the EIA Regulations.

<sup>34</sup> <https://www.legislation.gov.uk/ukxi/2017/571/contents/made>

<sup>35</sup> <https://www.legislation.gov.uk/ukxi/2015/595/contents/made>

<sup>36</sup> The Cotswolds AONB Landscape Strategy and Guidelines recommends that new housing development should be: (i) proportionate; and (ii) not overwhelm the existing settlement. Paragraph 71 and footnote 33 of the NPPF provide a useful definition of 'proportionate' in the context of housing developments. For example, paragraph 71 states that 'entry-level exception sites' should be proportionate in size to the existing settlements and footnote 33 clarifies that proportionate means that the site should not exceed 5% of the size of the existing settlement. The Board recognises that entry-level exception sites should not be permitted in AONBs. However, we consider that this definition of 'proportionate' is an appropriate one to use for housing developments in AONBs. Another useful reference point, in this regard, is the major development assessment that the South Downs National Park Authority undertook in 2015 for potential housing allocations in the South Downs Local Plan ([link](#)). This assessment identified two allocations that would 'clearly be major' development in terms of their scale. The increase in the number of dwellings associated with these two allocations was 5.6% and 7.5%.

Strategic / large scale	Would it be of a scale that would be classed as 'strategic' or 'large scale'? <sup>37</sup>		
Limited scale and extent <sup>38</sup>	Is it a large site (e.g. more than one hectare)?		
	Is there a large quantum of development (for example, a large number buildings or dwellings)?		
	Does the <i>scale</i> of the proposed development exceed what could be considered to be 'limited'?		
	Does the <i>extent</i> of the proposed development exceed what could be considered to be 'limited'?		
Needs of AONB communities	Would it serve needs over and above the needs of local communities within the AONB? <sup>39</sup>		

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<sup>37</sup> For example, the Warwickshire Waste Core Strategy (Policy CS3) classifies waste facilities managing 50,000 tonnes of waste per annum or more as being 'large scale'.

<sup>38</sup> If the scale and / or extent of the proposed development is not limited then it is not consistent with the requirements of paragraph 172 of the NPPF and the development should be considered to be major development. See also the questions relating to 'proportionality'.

<sup>39</sup> Policy CE12 of the Cotswolds AONB Management Plan 2018-2023 specifies that '*Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the Cotswolds AONB*'.

### CHECKLIST 3: SETTING OF THE PROPOSED DEVELOPMENT

FACTOR	MAJOR DEVELOPMENT CONSIDERATION	ANSWER TO MAJOR DEVELOPMENT CONSIDERATION? (Y/N)	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N)	REASONS / JUSTIFICATION / COMMENTS ('SETTING')
<b>LANDSCAPE QUALITY / BEAUTY – see also 'Nature' checklist</b>				
Landscape Character Type (LCT) <sup>40</sup>	Is it located in a LCT that is identified as having high landscape sensitivity and / or low landscape capacity in the 'Landscape Sensitivity' section of the Cotswolds AONB Landscape Strategy and Guidelines for the relevant LCT? <sup>41</sup>			
	Does the 'Landscape Sensitivity' section of the Cotswolds AONB Landscape Strategy and Guidelines for the relevant LCT identify that the LCT is particularly sensitive to – and / or have low capacity for - this type of development?			
	Is it in a LCT that is reflected in the 'special qualities' of the Cotswolds National Landscape (i.e. Cotswold escarpment, high wolds, and / or river valleys)?			
	Is it in, or close to, more than one LCT?			
	Are any of the key features / characteristics of the relevant LCTs represented in the locality of the proposed development?			
	Could it adversely affect any of these key features / characteristics?			
	Landscape and Visual Sensitivity Assessment (LVSS) <sup>42</sup>	Does a LVSS identify the land parcel as having high-medium or high sensitivity to the type of development being proposed?		
Landscape and Visual Impact	Are any of the relevant landscape receptors 'high value'?			
	Are any of the relevant visual receptors 'high value'?			
AONB Special Qualities	Are any of the 'special qualities' of the AONB represented in the locality of the proposed development? <sup>43</sup>			
	If so, could it adversely affect any of these special qualities?			
Proximity to existing development	Is it located beyond the boundary of existing development (i.e. in the open countryside)?			
	For housing, is it located outside the settlement boundary?			
<b>SCENIC QUALITY / BEAUTY – see also 'Nature' checklist</b>				
Rights of Way	Is it located close to / visible from Public Rights of Way, including (in order of hierarchy):			

<sup>40</sup> The key features / characteristics of the landscape character types (LCTs) in the Cotswolds AONB are listed in the Cotswolds AONB Landscape Character Assessment ([link](#)) and the Cotswolds AONB Landscape Strategy and Guidelines ([link](#)).

<sup>41</sup> <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-strategy-guidelines/>

<sup>42</sup> Landscape and Visual Sensitivity Assessments often form part of the Local Plan evidence base, for example, as part of the Strategic Housing and Economic Land Availability Assessment (SHEELA).

<sup>43</sup> The 'special qualities' of the Cotswolds AONB are listed in Chapter 2 of the Cotswolds AONB Management Plan 2018-2023 ([link](#)).



FACTOR	MAJOR DEVELOPMENT CONSIDERATION	ANSWER TO MAJOR DEVELOPMENT CONSIDERATION? (Y/N)	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N)	REASONS / JUSTIFICATION / COMMENTS ('SETTING')
	<ul style="list-style-type: none"> <li>Cotswold Way National Trail<sup>44</sup> (and / or National Trail circular walks<sup>45</sup>)?</li> <li>County long-distance walks (e.g. Gloucestershire Way)?</li> <li>Other named routes (e.g. Macmillan Way)?</li> <li>'Unbranded' rights of way?</li> </ul>			
	Could it adversely affect views for receptors on these Public Rights of Way?			
Viewpoints	Is it located close to / visible from key viewpoints (e.g. viewpoints marked on Ordnance Survey maps or recognised in a Neighbourhood Development Plan)?			
	Could it adversely affect views for receptors at these key viewpoints?			
Access land / common land	Is it in / close to / visible from access land or common land?			
	Could it adversely affect views for receptors on this access land / common land?			
Landscape Character Types (LCTs)?	Could it adversely affect views that are specified as key features / characteristics of the relevant LCTs?			
	Could it adversely affect views between two or more LCTs?			
<b>RELATIVE TRANQUILLITY – see also 'Nature' checklist</b>				
Relative tranquillity	Is it located in an area of relatively high tranquillity and / or low noise pollution (i.e. relatively free of traffic noise, urban development, low flying aircraft, power lines and / or similar influences)? <sup>46</sup>			
Dark skies	Is it located in an area with relatively low levels of night-time light pollution? <sup>47</sup>			
<b>RELATIVE WILDNESS – see also 'Nature' checklist</b>				
Sense of remoteness	Is there a sense of remoteness in the locality of the proposed development, with:			
	(i) relatively few roads or other transport routes?			
	(ii) a perception of being distance from significant habitation?			
Relative lack of human influence	Are there extensive areas of semi-natural vegetation in the locality of the proposed development?			
	Are there uninterrupted tracts of land with few built features and few overt industrial or urban influences, in the locality of the proposed development?			

<sup>44</sup> The Cotswold Way National Trail is one of the 'special qualities' of the Cotswolds National Landscape.

<sup>45</sup> [https://www.nationaltrail.co.uk/en\\_GB/trails/cotswold-way/circular-linear-walks-2/](https://www.nationaltrail.co.uk/en_GB/trails/cotswold-way/circular-linear-walks-2/)

<sup>46</sup> See Appendices 3, 4 and 5 of the Cotswolds Conservation Board's Tranquillity Position Statement ([link](#)).

<sup>47</sup> See Appendix A of the Cotswolds Conservation Board's Dark Skies and Artificial Light Position Statement ([link](#)).

FACTOR	MAJOR DEVELOPMENT CONSIDERATION	ANSWER TO MAJOR DEVELOPMENT CONSIDERATION? (Y/N)	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N)	REASONS / JUSTIFICATION / COMMENTS ('SETTING')
<b>NATURAL HERITAGE -- see also 'Nature' checklist</b>				
Nature conservation designations	Is it located in, or in close proximity to, any nature conservation designations, including:			
	(i) international-level nature conservation designations?			
	(ii) national-level nature conservation designations?			
	(iii) local-level nature conservation designations?			
	Could it adversely affect any nature conservation designations?			
Priority habitat	Is it located in, or in close proximity to, any priority habitats, including:			
	(i) those that are aligned to the relevant 'special qualities' of the Cotswolds AONB (i.e. flower-rich grasslands and ancient broadleaved woodland)?			
	(ii) those listed in Appendix 8 of the Cotswolds AONB Management Plan 2018-2023?			
	(iii) irreplaceable habit, including ancient woodland?			
	(iv) other priority habitat not covered in (i) – (iii)?			
	Could it adversely affect any priority habitats?			
Species	Is it located in, or in close proximity to, any sites that have:			
	(i) protected species?			
	(ii) priority species (particularly those listed in Appendix 8 of the Cotswolds AONB Management Plan 2018-2023)? <sup>48</sup>			
	Could it adversely affect any protected / priority species?			
Nature recovery networks	Is it located in, or close proximity to, a nature recovery network area?			
	Could it adversely affect any nature recovery network areas?			
Geological designations	Is it located, or in close proximity to, any geological designations, including:			
	(i) national-level geological designations?			
	(ii) regional / local-level geological designations?			
	Could it adversely affect any geological designations?			
<b>CULTURAL HERITAGE – see also 'Nature' checklist</b>				
Heritage / historic environment assets	Is it located in, or in the setting of, any heritage assets, including:			
	(i) international-level heritage designations (e.g. World Heritage Sites)?			
	(ii) national-level heritage designations (e.g. scheduled monuments, listed buildings, battlefields, registered parks and gardens)?			

<sup>48</sup> For example, species protected under the Wildlife and Countryside Act 1981, the UK Post-2010 Biodiversity Framework, the European Habitats Directive and / or the European Birds Directive.

FACTOR	MAJOR DEVELOPMENT CONSIDERATION	ANSWER TO MAJOR DEVELOPMENT CONSIDERATION? (Y/N)	IS IT POTENTIALLY MAJOR DEVELOPMENT? (Y/N)	REASONS / JUSTIFICATION / COMMENTS ('SETTING')
	(iii) local-level heritage designations (e.g. Conservation Areas)?			
	(iv) non-designated heritage assets?			
	Could it adversely affect any designated heritage assets?			
	Could it adversely affect any non-designated heritage assets?			
Cultural associations	Is it located in, or in close proximity, to a site / view / landscape of importance for its cultural associations? <sup>49</sup>			
	Could it adversely affect the cultural associations of any of these sites / views / landscapes?			

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<sup>49</sup> Cultural associations include: famous artists / paintings, composers / music, authors / books; the Arts and Crafts Movements; traditional Cotswolds events, etc. Please refer to the Board's 'Conserving and Celebrating Cultural Capital in the Cotswolds AONB' Position Statement ([link](#)) for further guidance.