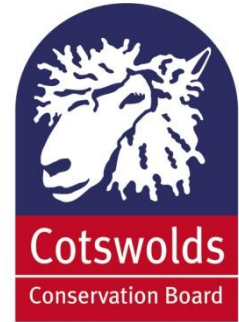


COTSWOLDS CONSERVATION BOARD POSITION STATEMENT



Development in the setting of the Cotswolds AONB

Introduction

1. Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England and Wales are conserved and enhanced. In policy terms they have the same planning status as National Parks.
2. The Cotswolds Conservation Board is the body set up by Parliament to conserve and enhance the natural beauty of the Cotswolds AONB and increase the awareness and understanding of the special qualities of the AONB. The Board also has a duty to have regard to the social and economic needs of those who live and work in the Cotswolds.

Purpose

- 3 This Statement provides guidance to regional and local planning authorities, landowners and other interested parties regarding the consideration of the impact of development and land management¹ proposals which lie outside the AONB but within its “setting”.
4. **The Board considers the setting of the Cotswolds AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the natural beauty and special qualities of the Cotswolds AONB.**
5. This Statement expands upon issues raised in the Cotswolds AONB Management Plan 2008-13², in particular key issue LK3 and policy LP1.

LK3: *The surroundings of the AONB are also important to its landscape character and quality. Views out of the AONB and into its surrounding areas can be very significant. Development proposals that affect views into and out of the AONB need to be carefully assessed in line with Planning Policy Statement 7 to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.*

¹ “Development” includes transport and other infrastructure as well as proposals requiring planning applications. “Land management” includes tree planting, energy crops, and drainage schemes.

² Cotswolds AONB Management Plan 2008-13, Cotswolds Conservation Board (2008)
<http://www.cotswoldsaonb.com/page.asp?pageID=12>

LP1: *That the unique character, tranquillity, and special qualities of the Cotswolds landscape are conserved and enhanced.*

6. The need to consider the impact of proposals within the “setting of the AONB” is set out in Planning Policy Statements, relevant legislation, regional and local planning policies and guidance from Natural England and English Heritage as detailed in Appendix A, together with extracts from relevant planning appeals in Appendix B. The special qualities of the Cotswolds AONB are identified in the AONB Management Plan and are set out in Appendix C.

7. This Statement is intended to be used to secure appropriate policies on this issue in Regional Strategies and Local Development Frameworks and other policy documents which relate to the Cotswolds AONB and assist in the decision making process with respect to proposals for development or land management outside the AONB.

8. The need to consider the potential impact of developments within the setting of the AONB on the natural beauty and special qualities of the AONB itself are explicitly referred to in a number of adopted Local Plans in relation to the Cotswolds AONB. While a development may have an adverse impact, circumstances can be envisaged where a development or changes in land use e.g.. tree planting outside the AONB could enhance the AONB by mitigating or removing unsightly existing structures which may adversely impact upon the AONB.

9. The Board will seek to ensure that the importance of considering the impact of development and land management proposals outside the Cotswolds AONB on the natural beauty and special qualities of the AONB is made clear in all Local Development Framework documents and in policies in other relevant documents.

10. The Board will expect local authorities to be mindful of both the possible positive and negative impacts of a development within the setting of the AONB on the natural beauty and special qualities of the AONB when determining planning applications, and seek the views of the Board when significant impacts are anticipated.

11. The setting of the Cotswolds AONB *does not have a geographical border*. The location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary.

12. Examples of adverse impacts will include:

- Blocking or interference of views out of the AONB particularly from public viewpoints
- Blocking or interference of views of the AONB from public viewpoints outside the AONB
- Loss of tranquillity through the introduction of lighting, noise, or traffic movement
- Introduction of abrupt change of landscape character
- Loss of biodiversity, particularly if of species of importance in the AONB

- Loss of features of historic interest, particularly if these are contiguous with the AONB
- Reduction in public access
- Increase in air or water pollution

13. Adverse impacts might not be visual. The special qualities of the Cotswolds AONB include tranquillity. A development which is noisy may well impact adversely on tranquillity³ even if not visible from the AONB.

14. The Board will monitor, comment as appropriate, and report significant planning application decisions which relate to the impact of the development within the setting of the Cotswolds AONB on the natural beauty and special qualities of the AONB.

15. The South East Plan and the Draft South West Regional Spatial Strategy both have policies which include reference to the importance of the setting of protected landscapes (see Appendix A).⁴

16. The West Midlands Regional Spatial Strategy (Regional Planning Guidance 11) is currently silent on the matter of development within the setting of designated landscapes, but is in the process of review.

17. The Board will seek the inclusion of the concept of considering the impact of development within the setting of a designated landscape in the West Midlands Regional Strategy, which is currently in preparation.

³ The Board has issued a position statement on Tranquillity and Dark Skies in the Cotswolds AONB.
<http://www.cotswoldsaonb.org.uk/userfiles/file/consultations/tranquillity%20and%20dark%20skies%2015nov09%20-%20practice.pdf>

⁴ On 31st May 2010 the Secretary of State for Communities and Local Government announced the Government's intention to abolish Regional Spatial Strategies.

NOTES

The Cotswolds Conservation Board has the statutory duty⁵ to pursue the following two purposes:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) to increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board shall seek to foster the economic and social well-being of people living in the AONB.

This is one of a series of position statements published by the Board which help to expand on the Board's policies within the Cotswolds AONB Management Plan or explain the Board's approach to new and emerging issues such as renewable energy, affordable housing, tranquillity, and energy crops. All position statements can be found on the Board's website at: <http://www.cotswoldsaonb.org.uk/?page=positionstatements>.

The Board is comprised of members appointed by the local authorities, elected parish council appointees and individuals appointed by the Secretary of State. The Board, formed in December 2004, is the only organisation that looks after the AONB as a whole.

The Cotswolds AONB was designated in 1966 and extended in area in 1990. It is one of 37 Areas of Outstanding Natural Beauty across England and Wales. It is the largest AONB, covering 790 sq.miles (2038 sq.km). It is a landscape of equal importance to National Parks such as Snowdonia and the Lake District.

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⁵ Section 87, Countryside and Rights of Way Act 2000

APPENDIX A

Policy guidance on the consideration of development proposals within the setting of protected landscapes

National legislation and guidance

1. Section 85 of the Countryside and Rights of Way Act 2000 places a statutory duty on all relevant authorities requiring them to have regard to the statutory purpose of AONBs when coming to decisions or carrying out their activities relating to, or affecting land within these areas.
2. Guidance on how the implication of this duty and how it may be discharged was issued by Defra in 2005⁶. This includes the statement “Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas”. The Guidance includes a list of relevant authorities, although this is not definitive.
3. Natural England has published more detailed guidance in 2010⁷, including case studies. It includes a case study from the Northumberland National Park regarding “Working to ensure policies include the impact on National Parks from development beyond their boundaries.”
4. Planning Policy Statement 22 “Renewable Energy” paragraph 14 states that with respect to renewable energy developments “**14.** Regional planning bodies and local planning authorities should not create "buffer zones" around international or nationally designated areas and apply policies to these zones that prevent the development of renewable energy projects. However, the potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining planning applications.”
5. This concept of the significance of setting has to be recognised with respect to protected landscapes (AONBs and National Parks). NE’s published spatial planning position⁸ considers in Position 5 the protection and enhancement of protected landscapes: “*Spatial planning policies and decisions should ensure the highest levels of protection and enhancement for England’s protected landscapes, habitats, sites and species.*” The explanatory text states “*Natural England interprets the protection and enhancement of all sites, habitats and landscapes widely. This includes safeguarding their character, qualities and features, including where appropriate, their settings...*”

⁶ Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads. Defra (2005)

⁷ “England’s statutory designations: A practical guide to your duty of regard” Natural England NE243 (2010)

⁸ Natural England’s Spatial Planning Position (2009)
(http://www.naturalengland.org.uk/Images/PlanningPosition_tcm6-16604.pdf)

6. Natural England has published “Making Space for Renewable Energy” – Natural England’s approach to assessing on-shore wind energy development”.⁹ This includes the statement “Natural England regards the setting of protected landscapes as being potentially influential on the conservation of the special qualities of the National Park or AONB concerned”

7. This guidance continues “Spatial plans should include policies that take into account the sensitivity of the setting of protected landscapes.” “The potential for developments to dominate the setting of protected landscapes requires careful consideration.”

8. The consultation draft Overarching Energy National Planning Statement (NPS) EN-1 includes in the background section¹⁰ the statement:

“• Landscape and visual impacts

The Government proposes to retain and clarify the important protection that PPS 7 provides for nationally designated areas. The PPS does not refer to developments outside such areas but visible from them. In these cases outside the remit of PPS 7, the IPC [Infrastructure Planning Commission] will, as now, have to take account of the impact on the landscape but we propose that specifically, the IPC will need to be satisfied that the application will not compromise the objectives which were the basis for designation of the designated site.”

9. The concept of “setting” is set out in the legislation¹¹ and guidance¹² relating to Designated historic assets. Setting is defined in Annex 2 of Planning Policy Statement 5 “Planning for the Historic Environment” as “The surroundings in which a historic asset is appreciated”

10. Helpful guidance on the consideration of the setting of heritage assets is given in the “Historic Environment Planning Practice Guide” published by English Heritage in March 2010.¹³ Setting is said to be “the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.” The guidance goes on to say that “ For the purposes of spatial planning, any development of change capable of affecting the significance of a heritage asset or peoples experience of it can be considered as falling within its setting, “ and “Transport proposals can affect the setting of heritage assets”.

11. A “Heritage asset” is defined in PPS5 as “a building, monument, site, place, area, or landscape positively identified as having a degree of significance meriting consideration in planning decisions”. In view of the number, scale, quality and distribution of designated and undesignated historic features in the Cotswolds AONB, the Board considers that the AONB is a landscape which can be considered a heritage asset under this definition.

⁹ http://www.naturalengland.org.uk/Images/NEBPU1805Annex2_tcm6-15152.pdf

¹⁰ <http://data.energynpsconsultation.decc.gov.uk/documents/condoc.pdf>

¹¹ Sections 16 and 66, Planning (Listed Buildings and Conservation Areas) Act 1990

¹² Planning Policy Statement 5 “Planning for the historic Environment” (PPS5) Policy HE.10.

¹³ http://www.english-heritage.org.uk/upload/pdf/Historic_Environment_Planning_Practice_Guide.pdf?1269365073

Regional Planning¹⁴

12. The concept of the setting of an AONB has been incorporated into two of the Regional Spatial Strategies affecting the Cotswolds AONB.

13. Policy ENV3 of the South West Regional Spatial Strategy states:

ENV3

Protected Landscapes

In Dartmoor and Exmoor National Parks and the 14 Areas of Outstanding Natural Beauty in the region, the conservation and enhancement of their natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. Development will only be provided for where it would:

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park or Area of Outstanding Natural Beauty; or
- Promote the understanding and enjoyment of the special qualities of the National Park; or
- Foster the social or economic well-being of the communities within the National Park or Area of Outstanding Natural Beauty, provided that such development is compatible with the pursuit of National Park or Area of Outstanding Natural Beauty purposes.

Consideration will also be given to proposals which promote the understanding and enjoyment of the special qualities of the Areas of Outstanding Natural Beauty.

Particular care will be taken to ensure that no development is permitted outside the National Park or Areas of Outstanding Natural Beauty which would damage their natural beauty, character and special qualities or otherwise prejudice the achievement of National Park or Area of Outstanding Natural Beauty purposes.

14. The following is an extract of the AONB policy in the South East Plan 2009:

POLICY C3: AREAS OF OUTSTANDING NATURAL BEAUTY

High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. Positive land management policies should be developed to sustain the areas' landscape quality. In drafting local development documents, local planning authorities should have regard to statutory AONB Management Plans.

¹⁴ On 31st May 2010 the Secretary of State for Communities and Local Government announced the Government's intention to abolish Regional Spatial Strategies.

Local Planning

15. The Board considers policy EF1 (Cotswolds Area of Outstanding Natural Beauty) in the Stratford Local Plan¹⁵ is an example of good practice. The policy includes the text:

“Proposals which will have a detrimental impact on the AONB will not be permitted, whether located inside the AONB or outside the designated area.”

¹⁵ <http://www.stratford.gov.uk/localplan/Local%20Plan%20Review.pdf>

APPENDIX B (Appeal decisions)

1. The potential for development to impact on the setting of the Dorset AONB, and hence being a material matter in the consideration of the acceptability of that development, has been affirmed by the Planning Inspectorate In respect to an appeal against the refusal of permission for the “creation of a new static caravan community of 30 bases and a reduction of 30 bases elsewhere on the park”. [APP/P1235/A/06/2012807, 2007] the Inspector wrote:

“I consider that the area immediately abutting an AONB will be relevant where the appreciation of the natural beauty of the designated area may be affected by what lies outside it. In my view, this is analogous to development outside of a Green Belt, where Planning Policy Guidance *Green Belts* (PPG2) advises, at paragraph 3.15, that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. I therefore agree with the Council that the effect on the AONB is a material consideration.”

2. Further consideration was given to the issue of setting of the Dorset AONB by the Inspector in appeal ref APP/P1235/A/08/2072794, 2008 where he stated with respect to a proposal for the “change of use of land from existing touring caravan site to site for 45 static holiday caravans”:

“However, given that the Secretary of State has now published the *Proposed Changes to the Draft South West Regional Spatial Strategy (RSS)*, I attach significant weight to *RSS Policy ENV3*, which requires particular care to be taken to ensure that no development is permitted outside AONBs which would damage their natural beauty, special character and special qualities – in other words to their *setting*. [Inspectors italics]”

3. Detailed consideration of the adverse impact of the “Construction and operation of a four 100m turbine wind farm for electricity generation, including ancillary buildings and activities. The proposed wind farm will have a maximum rated output of 12MW.” on the special qualities of Exmoor National Park was given by the Inspector in appeal ref APP/Y1138/A/08/2084526, 2008:

“I turn now to views south from Exmoor, and the setting on the National Park. Although it was suggested that the evidence presented in opposition to the proposal was tantamount to the creation of a buffer zone to the south of Exmoor, I accept that this is not the case. The special qualities of Exmoor include the description of “a landscape that provides inspiration and enjoyment to visitors and residents alike”. In my judgment part of the enjoyment stems from the appreciation of Exmoor in its rural setting, and the land to the south is a significant element in that. The National Park clearly has a setting framed by the land to the south, and proposals must be considered individually or cumulatively in respect of the setting. The

definition of setting is difficult to pin down in many instances. For a particular building it might involve hard boundaries such as walls, but for a landscape it involves concepts such as topography, land use, character, vegetation and more."

"So the effect on the character and appearance of the area, and the setting of Exmoor, can be summarised thus. The visual experience will vary from location to location, and will be of a major and substantial intrusion in places. There would be serious harm to landscape character. But from some places there would be levels of visibility and intrusion which would not, in my judgment, be so harmful as to weigh against the proposal. I consider that the skyline views and movement of blades would, notwithstanding the separation from Exmoor, impinge upon the appreciation of the special qualities of Exmoor to a material degree."

4. An Inspector, in dismissing appeal ref: APP/H1840/A/06/2023564, addressed the issue of the proposed development of a haulage depot and storage buildings outside the AONB that impacted adversely on views out from the Cotswolds AONB:

"From the elevated vantage point of the Cotswold Way [within the AONB] the greater density of the development would be readily apparent, as although the site forms part of a vast panorama, it would be towards the front of that view."

And towards the Cotswolds AONB:

"From lower viewpoints ... the breach of the AONB skyline would not be mitigated"

APPENDIX C (Special qualities of the Cotswolds AONB)¹⁶

- The unifying character of the limestone geology – its visible presence as natural outcrops, through its use as a building material and through the plant and animal communities it supports.
- The Cotswold escarpment
- The high wolds - an elevated landscape with large open landscapes, commons, 'big' skies and long distance views.
- River valleys, the majority forming the headwaters of the Thames
- Dry stone walls, which give the AONB its essential character in many areas.
- Internationally important flower-rich limestone grasslands.
- Internationally important ancient broadleaved woodland, particularly along the top of the escarpment.
- Variations in the colour of the stone from one part of the AONB to another which add a vital element of local distinctiveness.
- Tranquility
- Arable and livestock farms managed with consideration for biodiversity

¹⁶ As defined in the Landscape theme of the Cotswolds AONB Management Plan 2008-13