

Cotswolds Conservation Board Position Statement



Preparing Neighbourhood Plans In an AONB

October 2015

What is neighbourhood planning?

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.” (National Planning Practice Guidance 6.3.14).

The Cotswolds AONB Designation & The Need For a Different Approach.

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 understanding and enjoyment of the special qualities of the AONB. The Board has a duty to have regard to the social and economic wellbeing of those who live and work in the Cotswolds AONB.

Section 85 of the CRoW Act 2000 confirms that it is a legal duty for a “relevant authority” to have regard to the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty. (This duty applies individually to public servants down to Parish Council level, planning officers, statutory agencies etc who may be advising on the Neighbourhood Plan process).

Accordingly the Government has also confirmed within the plan making and decision taking process, that there should be a strategic approach to AONBs and stated the following:

- AONBs are one such location where “*development should be restricted*” and accordingly the “*presumption*” in favour of sustainable development does not automatically apply. (Footnote 9 of Paragraph 14 of the NPPF).
- There is a need to contribute to conserving and enhancing the natural environment (paragraph 17 of the NPPF).
- AONB Management Plans should highlight the value to society and special qualities of the designation and show communities and partners how their

activity contributes to protected landscape purposes (NPPG Para.004 Natural Environment).

- Allocations of land for development should prefer land of lesser environmental value (paragraph 17 and 110 of the NPPF);
- AONBs have the highest status of protection in relation to landscape and scenic beauty (paragraph 115 of the NPPF).
- AONB designation should be afforded “great weight” in the decision making process (paragraph 115 of the NPPF).
- Planning permission should be refused for major developments except in exceptional circumstances and where it can be demonstrated to be in the public interest (paragraph 116 of the NPPF).

There is often a missed opportunity to make reference to AONBs’ legally protected status, relevant planning policies and Management Plans and the wide availability of research work, reports and Position Statements. All of this information will assist those who wish to prepare Neighbourhood Plans and is available on the Cotswolds Conservation Board’s website (www.cotswoldsaonb.org.uk).

Other designations that contribute to the primary purpose of AONBs

A number of other national designations which affect land are also confirmed in the NPPF as where development should be “restricted”. These include:

Green Belt Land

Sites protected under the Birds and Habitats Directive

Sites of Special Scientific Interest

Local Green Space

World Heritage Sites and their settings

Ancient Monuments and their settings

Listed Buildings and their settings

Conservation Areas and the contribution their surroundings make to their special character or appearance.

These designations can also be ‘nested’ within one another. Areas where this occurs are likely to be especially sensitive to inappropriate change.

How should Neighbourhood Plans make reference to the Cotswolds AONB?

Neighbourhood Plans should acknowledge the special qualities of the area and include references to the current Cotswolds AONB Management Plan. It is also recommended that Neighbourhood Plans refer to AONB policies from their relevant Local Plans and to relevant Government policy.

Some of the special qualities of the Cotswolds listed within the Management Plan (page 8) include the Cotswold escarpment and views from it (which may be referred to in relevant Local Plan policies), river valleys, dry stone walls, internationally important flower-rich limestone grassland, the tranquillity of the area, distinctive settlements, historic assets, associations, features and landscapes. The Neighbourhood Plan process offers an opportunity to expand on the work already undertaken by the Board through its Landscape Character Assessment (2004) and associated document Local Distinctiveness and Landscape Change (2003) in recording the specific characteristics and special qualities of each Plan area.

The existence of the AONB designation should be considered at the very outset in plan preparation and should influence the plan in terms of allocation site choice, access issues, green infrastructure, Community Infrastructure Levy, use of natural resources, and in terms of landscape and environmental protection. More guidance on the AONB is available within Local Plans and Neighbourhood Plan groups should

discuss issues around Sustainability Appraisals (SA) and Strategic Environmental Assessments (SEA) with their relevant Local Planning Authorities from the outset.

How to consider “Major Development” within an AONB.

The NPPG 6.3.2014 confirms:

“Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.”

Therefore, amongst material considerations, national policy gives the conservation of landscape and scenic beauty in an AONB a particular enhanced status. As well as any detrimental effect of the development on the landscape, this national policy requires the planning decision-maker to assess, and take into consideration, the need for the development and the scope for meeting the assessed need in some other way.

It should be noted that where an area is covered by or adjacent to other statutory designations, similar considerations can apply. The key is the balancing test of the need for development versus conservation interests, though mindful of the fact that the AONB is afforded “great weight” in the decision making process.

How to Allocate Suitable Land For Development Within An AONB

The checklist below shows a process for considering whether sites within the AONB can be considered appropriate for development. The Board’s separate Position Statement on “Housing and Development” (paragraph 11) also advises:

“The Board fully recognises that the AONB is a living and working landscape and that some economic development should take place within the AONB. The Board therefore supports development of employment opportunities of an appropriate scale and nature for the AONB. However such economic development needs to be matched by provision of affordable housing in perpetuity so that those who work in the locality can also live there. The Board encourages making use of the provision in the NPPF whereby planning authorities can allocate sites specifically for affordable housing in rural areas in their development plans. It also recognises the possible need to approve sites which would not normally be acceptable (exception sites). The Board’s concern is primarily with open market housing development and that there will be leakage of such development from the surrounding large cities and towns creating further commuting and squeezing out local residents.”

Cotswolds AONB Board Information & Guidance

The Board has existing detailed guidance which should form a key resource in the drafting of Neighbourhood Plans. For example its Landscape Character Assessment already provides guidance on the character, distinctiveness and qualities of each area of the Cotswolds, which Neighbourhood Plans can directly refer to.

Help can be provided by the Board on request through the Neighbourhood Plan drafting process as to which guidance is relevant to any particular area. Any

Neighbourhood Plans that are wholly or partly within the AONB should consider the following:

- * The Cotswolds AONB in planning policy and in Local Plan policy;
- * The Cotswolds AONB Management Plan (2013-2018) and its objectives, policies, actions and Engagement Plan;
- * The primary purpose of AONB designation: “conserving and enhancing natural beauty”;
- * The duty on all relevant authorities including Parish Councils to consider the AONB status in any land use/environment decisions (Section 85 CRoW Act 2000);
- * Where site allocations are proposed, use of the attached checklist to help decide in the planning balance the most suitable location and scale of development.
- * Adherence to paragraphs 115 and 116 of the NPPF through the site allocation process.
- * The Landscape Character Assessment (2004) and Local Distinctiveness and Landscape Change report (2003) and additional Local Planning Authority studies.
- * The Historic Landscape Character Assessment (1999).
- * Other publications and Position Statements.

Further Neighbourhood Plan Guidance

Additional guidelines on the preparation of Neighbourhood Plans is contained within the National Planning Policy Framework March 2012 (NPPF) and the National Planning Practice Guidance 9th February 2015 (NPPG). There is additional guidance for example from English Heritage; the Planning Advisory Service and the CPRE:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

<http://www.pas.gov.uk/neighbourhood-planning>

<http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2689-how-to-shape-where-you-live-a-guide-to-neighbourhood-planning>

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Checklist for consideration of new development (allocation sites) within the AONB.

- **Is The Site In The AONB?**

- Is it also within or in the setting of any other key designated areas (Green Belt, WHS, CA, SAM, curtilage or setting of LB, SAC, SSSI)?



If “No”:

Are there any other setting issues outside but close to the AONB? Consider especially other key designated areas as above

*(paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for development on or **affecting** protected landscape areas will be judged – check which might be affected.)*

If “Yes”:

- Have you considered Paragraph 14 Footnote (9) of the NPPF that confirms the “presumption in favour of sustainable development” does not automatically apply within AONBs (or affecting designated Green Belt, heritage assets or ecological areas)? Similarly, Paragraph 119 removed the presumption where the Habitats or Bird Directives require “appropriate assessment.”

If “No”:

review and include reference, then continue:



- **In considering allocations have you preferred land of lesser environmental value?**

If “No”:

You should consider Core Planning Principles (paragraph 17 of the NPPF) that planning should “*contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*” The need to “conserve and enhance” appears at Section 82 of the CRoW Act 2000 in relation to AONB designations.

You should likewise consider the core principle that planning should “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*”

The NPPF also highlights the need to differentiate between land of the highest environmental quality and that which is not, and to allocate development accordingly to areas of lesser environmental value.

In this context paragraph 157 of NPPF requires that Local Plans – and thus in turn neighbourhood plans – should (amongst other things) “*identify land where development would be inappropriate, for instance because of its environmental or historic significance*” and “*contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.*”

If “Yes” continue to:



- **In considering allocations have you encouraged use of previously developed land first?**

If “No”:

The NPPF Paragraph 17 Core Planning Principles also encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value (which could include significant landscape, ecological or historical characteristics even if not designated).

If “Yes” continue to:



- **Following the above process, is a proven residual housing/employment land requirement still left which is needed to meet local needs within an AONB and cannot be met outside an AONB (or on previously developed land or within existing settlements in an AONB)?**

If “No”:

Then there is no need for any greenfield sites.

If “Yes” then consider:

Has your Local Planning Authority considered the “Duty to Co-operate” and opportunities to move housing allocations outside to neighbouring Districts or outside AONB locations*? Can the need be met in “some other way” ?

(*Particularly in relation to settlements on the boundary of the AONB, the Board does recognise that there may be certain circumstances where sites outside the AONB (but within the setting of the AONB) may, if developed, cause significant harm to the setting of the AONB. Therefore, in the planning balance an appropriate site within the AONB may be more desirable than an inappropriate site within the setting of the AONB. Each site will be judged on its merits.)

Have you considered paragraph 115 of the NPPF? : *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.”*

Have you considered paragraph 116 and its related tests stating *“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest”* ? Specific tests and restrictions apply on the ability of AONBs to accommodate “major development.”

Paragraph 116 of the NPPF on major developments includes an assessment of *“any detrimental effect on the environment, the landscape and recreational opportunities,*

and the extent to which that could be moderated.” Have sites been excluded or appropriately weighted based on potential AONB landscape impacts? Have detailed landscape and visual, heritage and ecological impact assessments been made on any proposed allocation sites and has this been taken into consideration before any allocations?

Have you similarly considered paragraphs of the NPPF which similarly explain the *great weight* that must be given to promoting the purposes of green belt (paras 79-92), conserving heritage assets and their setting (paras 126-41) , and conserving biodiversity (paras 109-19)

And continue to:



- **Have Strategic Priorities and Policies Been Set to Secure the Conservation and Enhancement of the Natural and Historic Environment, including landscape?**

If “No”:

Having a Policy that refers to AONBs is not the same as having a strategic approach to AONBs. Paragraph 156 of the NPPF states: “*Local Planning Authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver...climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.*”

Any AONB policy should not only be part of a strategic approach to AONBs that flows through the whole Plan process, as referred to above, but should clearly differentiate between land within and land outside AONBs. One element of sustainable development is the environmental dimension and “*Crucially, Local Plans should...identify land where development would be inappropriate, for instance because of its environmental or historic significance; and...contain a clear strategy for enhancing the natural, built and historic environment...*” (Paragraph 157 of the NPPF).

If “Yes”: continue to:



Subject to the above process being followed a planning judgement should be made as to whether a greenfield site release can be justified as being appropriate in an AONB. Justification should include how the development will respond to the requirements of the CRoW Act 2000, national policy and:

- AONB Management Plans, Guidance Notes and Position Statements,
- Setting issues (where relevant),
- Heritage conservation,
- Biodiversity conservation and management,
- Development control matters in respect of signage, materials etc,
- Identifying and protecting areas of tranquillity,
- Community Infrastructure Levy / Section 106 Legal Agreement requirements,
- Encouraging good design, including having regard to aesthetic, ecological and historic character of the Neighbourhood and the sensitivities of particular

buildings, habitats and features,

- Limiting the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation (NPPF paragraphs 123, 124, 125),
- Mitigation including detailed landscaping schemes.