

National Association of Areas of  
Outstanding Natural Beauty

## **Response to the Levelling Up and Regeneration Bill: reforms to national planning policy open consultation**

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on behalf of and in collaboration with NAAONB.

## SUMMARY – KEY ISSUES

### **Policies relating to protected landscapes (1) – paragraph 176 (paragraph 179 in the draft NPPF)**

We recommend that paragraph 176 should:

- be amended to state that great weight should be given to conserving and enhancing natural beauty, including landscape and scenic beauty, wildlife and cultural heritage;
- specify that protected landscapes are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated areas);
- apply the requirement for development to be sensitively located and designed – to development within protected landscapes<sup>1</sup> as well as to development within their settings.

### **Policies relating to protected landscapes (2) – paragraph 176 (paragraph 189 in the draft NPPF)**

We recommend that paragraph 176 should explicitly address the issue of major development at the plan-making stage as well as at the development management stage.

### **Clarification of the circumstances in which objectively assessed needs do not have to be met in full (Q7)**

We support the proposal to clarify the circumstances in which objectively assessed needs (OAN) do not have to be met in full, particularly in paragraph 35a. This is, arguably, the proposed change that will be most beneficial to protected landscapes, particularly AONBs, by helping to avoid excessive, harmful development in these areas. However, we recommend that additional clarification should be provided in paragraph 35a and in Chapter 5, including in paragraph 66 (paragraph 67 in the draft NPPF).

### **Clarification of the difference between housing need and housing requirement (Q7)**

Related to the previous point regarding OAN, we recommend that Chapter 5 should more clearly distinguish between housing *need* and housing *requirement*.

### **Sustainable development / climate emergency / ecological emergency / principle of leaving the environment in a better state than we inherited it (Q6, Q37 and Q40-Q44)**

Chapter 2 (Achieving sustainable development) should address economic, social and environmental objectives equally, in mutually supportive ways. As such, it would not be appropriate to just emphasise the issue of housing and development in the opening text, although it may be appropriate to refer to it later in the chapter.

Other issues that should be explicitly addressed in Chapter 2 and be given greater emphasis within the document as a whole include:

- the climate emergency;
- the ecological emergency;
- the principle of leaving the environment in a better state than we inherited it.

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<sup>1</sup> The term ‘protected landscapes’, in the context of this consultation response, relates to National Parks, the Broads and Areas of Outstanding Natural Beauty (AONBs).

We consider the questions relating to climate change, including mitigation and adaptation measures, to be of high priority. In principle, we support the measures that are proposed in the consultation, such as the measures that are being proposed to end what has, in effect, been a moratorium on onshore wind energy. However, the implications of these measures for protected landscapes, including potential impacts on the natural beauty of these areas, will need to be carefully assessed.

The NPPF should give greater emphasis to the issue of nature recovery. For example, it should ensure that nature recovery policies in development plans are underpinned by Local Nature Recovery Strategies (and any associated nature recovery plans). It should specify the legal requirement for development to deliver at least 10% biodiversity net gain (BNG) and should advocate opportunities for delivering higher levels of BNG, particularly in protected landscapes.

#### **Green Belt (Q9)**

Green Belt is an important consideration. However, ruling out development in Green Belt would put greater development pressure on National Parks and AONBs. Green Belt should not be protected at the expense of these nationally important landscapes.

#### **Affordable housing (Q8, Q22, Q27)**

The priority for housing provision in protected landscapes should be affordable housing that meets local needs, particularly housing that is affordable in perpetuity, such as social-rented housing. This principle is already set out in Government guidance relating to National Parks ('Circular 2010'). We recommend that this guidance should be updated to also include AONBs.

If you require any more information or have any questions regarding this consultation response, please contact us – our contact details are set out below. We would also be happy to liaise with DLUHC officers on any of the detailed points raised in the NAAONB response; and on future reviews of national planning policy that may affect AONBs.

National Association of AONBs

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## CONTEXT

The National Planning Policy Framework (NPPF) plays a key role in protecting England's 34 Areas of Outstanding Natural Beauty (AONB) and the wider family of protected landscapes.

**AONBs are landscapes whose distinctiveness and natural beauty are so outstanding that it is in the public interest to safeguard them.** The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the designated area, including its landscape and scenic beauty. Together with National Parks and the Broads, AONBs have the highest status of protection in this regard.

**AONBs are also living and working landscapes.** Maintaining vibrant and thriving local communities is essential to their long-term future. Accommodating development that meets the needs of these local communities plays an important role in achieving these aspirations.

**However, development within AONBs and their settings has the potential to significantly harm the natural beauty of these areas.** Many of England's AONBs are experiencing significant development pressures, particularly in southern England and where they are located adjacent to large urban areas. Much of this development pressure relates to meeting needs arising outside of the AONB boundaries.

**These development pressures are exacerbated by the fact that, unlike National Parks, AONBs do not have their own planning authorities.** Indeed, individual AONBs overlap with up to 15 different local planning authorities (LPAs), with development needs in these areas being identified on an LPA, rather than AONB, basis.

In order to safeguard AONBs for the nation into the future, it is vitally important that **development within AONBs and their settings is delivered in a way that is compatible with and, ideally, positively contributes to the statutory purpose of conserving and enhancing their natural beauty.**

**AONBs are well placed to make a meaningful contribution to addressing two of the most pressing issues of our times - the climate and ecological emergencies.** For example, AONBs have a key role to play in delivering nature-based solutions to climate change and in achieving the Government's commitment to protect at least 30% of land for nature by 2030.

**We believe that the NPPF can be further strengthened to help deliver these aspirations.** Some of the proposed changes to the NPPF are positive step in this regard but do not, currently, go far enough. In addition to changes to the NPPF that have been proposed in the consultation, we consider that there are a number of additional changes that also need to be made.

Appendix 1 addresses issues that have not been explicitly addressed in the NPPF consultation. A full response to the consultation questions is provided in Appendix 2. The summary of key issues, above, is based on points that are addressed in both Appendix 1 and Appendix 2.

## APPENDIX 1. ISSUES THAT HAVE NOT BEEN ADDRESSED IN THE NPPF CONSULTATION

### PARAGRAPH 176<sup>2</sup>

Paragraphs 176 and 177 of the NPPF are the two paragraphs of the NPPF that relate specifically and explicitly to protected landscapes including AONBs. No changes have been proposed to these paragraphs in the consultation. However, we consider that it would be desirable to make a number of changes, as outlined below.

Paragraph 176 of the NPPF currently states that *‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty ...’*. It also states that *‘The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads’*.

However, the statutory purpose of AONB designation<sup>3</sup> (and the first part of the statutory purpose of National Park designation<sup>4</sup>) is to conserve and enhance the area’s natural beauty. Landscape and scenic beauty are important components of natural beauty. However, they do not represent the sum total of natural beauty. For example, the factors that contribute to an area’s natural beauty also include relative tranquillity, natural heritage and cultural heritage.<sup>5</sup>

We acknowledge that wildlife (i.e., natural heritage) and cultural heritage are explicitly referred to in the statutory purpose of National Parks but not for AONBs. However, notwithstanding the differences in the express statutory provisions, the Government’s formal position during the passage of the Natural Environment and Rural Communities Act was that the natural beauty required of a National Park and an AONB are the same. Also, Natural England considers that there is no material difference between the requirements in practical terms of the natural beauty criterion in the two pieces of legislation.

For these reasons, we do not think that the NPPF should distinguish between the weight given to wildlife and cultural heritage in National Parks and in AONBs. Instead, these two factors should come under the umbrella of ‘natural beauty’, with great weight being given to conserving and enhancing this natural beauty in both National Parks and AONBs.

This would be a timely update to the wording of paragraph 176 as it would closely align with the Government’s emphasis on ensuring that beauty is a key consideration in planning matters. Whereas ‘beauty’, in its broadest sense, can be quite subjective and difficult to define, there is clear guidance on the meaning of natural beauty, both at a national level<sup>6</sup> and at the level of individual protected landscapes<sup>7</sup>. Giving great weight to wildlife would also closely align with the important role that these protected landscapes are expected to play in achieving the Government’s target of managing 30% of land for nature by 2030 (commonly referred to as ‘30 x 30’).

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<sup>2</sup> Paragraph 179 in the draft NPPF.

<sup>3</sup> Section 82 of the Countryside and Rights of Way Act 2000 ([link](#)).

<sup>4</sup> Section 5 of the National Parks and Access to the Countryside Act 1949 ([link](#)).

<sup>5</sup> Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty* ([link](#)). For example, see Table 3 (Factors related to Natural Beauty) and Appendix 1 (Evaluation Framework for Natural Beauty Criterion).

<sup>6</sup> As per Natural England’s guidance for assessing landscapes for designation.

<sup>7</sup> For example, with reference to the ‘special qualities’ of the protected landscape and to the key characteristics / features of the individual landscape character types / areas within it.

We welcomed the inclusion of the new text relating to development in the setting of these designated areas in the 2019 version of the NPPF and support the retention of this text. However, the principle of ensuring that development should be sensitively located and designed applies equally within these designated areas. This principle is reflected in paragraph 041 of the Government's Natural Environment guidance<sup>8</sup> but merits inclusion within the NPPF itself.

The Government's Natural Environment guidance also states that these designated areas '*are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*'.<sup>9</sup> However, anecdotally, this principle does not appear to be widely implemented, particularly in AONBs. This issue is exacerbated by the fact that, for AONBs, housing need is assessed on the basis of the local authority areas that overlap with AONBs, rather than on the basis of the AONB area itself. It is also exacerbated by the fact that many protected areas are abutted by large urban areas and therefore face significant pressure to accommodate urban extensions of these areas. It would be very helpful if this guidance could be brought forward into the NPPF itself.

#### Recommendation:

New wording should be provided for paragraph 176, as follows:

- *Great weight should be given to conserving and enhancing the natural beauty of National Parks, the Broads and Areas of Outstanding Natural Beauty, including their landscape and scenic beauty, wildlife and cultural heritage. These designated areas all have the highest status of protection in relation to these issues. The scale and extent of development within all of these designated areas should be limited, while development within these areas and within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. These designated areas should not normally be expected to accommodate unmet needs from adjoining (non-designated) areas, including from neighbouring urban areas and from other local planning authority areas.*

#### **PARAGRAPH 177<sup>10</sup>**

Paragraph 177 helpfully provides a presumption against 'major development' in protected landscapes (other than in exceptional circumstances and where the development is demonstrably in the public interest).

However, the wording of paragraph 177 addresses this issue in the context of refusing permission for development (i.e., at the development management stage of the planning process). We consider that the issue of major development should also be addressed at the plan-making stage of the planning process and that paragraph 177 should make this explicit.

This is an important consideration, not least because legal opinion has stated that '*it would arguably amount to an error of law to fail to consider [paragraph 177] at the site allocations stage of plan making ... The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF*'.<sup>11</sup>

In AONBs, in particular, the issue of major development is frequently not adequately addressed at the plan-making stage. For example, the development plan evidence base doesn't always explicitly

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<sup>8</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

<sup>9</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

<sup>10</sup> Paragraph 180 in the draft NPPF.

<sup>11</sup> Landmark Chambers (2017) *In the matter of the South Downs National Park and in the matter of paragraph 116 of the NPPF* ([link](#)).

identify whether proposed allocations within an AONB constitute major development. Where this issue has been explicitly addressed, this has sometimes only been as a result of recommendations made by the relevant AONB unit at the Issues & Options or Preferred Options stage of the development plan process.

Where a potential allocation has been explicitly identified as major development, the major development ‘tests’ are often only applied to a very limited degree and / or do not explicitly identify whether exceptional circumstances apply and whether the allocation would demonstrably be in the public interest.

We are also concerned about the way in which the issue of ‘exceptional circumstances’ and ‘public interest’ are addressed at the development management stage, both in planning applications and in planning decisions (both by the local planning authority and, on appeal, by the Planning Inspectorate). For example, in some decisions it has been accepted that a number of non-exceptional circumstances collectively pass the exceptional circumstances threshold. In our opinion, this approach undermines what ‘exceptional circumstances’ should mean.

Major development, as defined in footnote 60 of the 2021 version of the NPPF is sometimes, incorrectly, conflated with major development as defined in Annex 2 of the NPPF, which itself is based on the definition provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015<sup>12</sup>. The Annex 2 definition of major development should be amended to help address this issue.

#### **Recommendations:**

The wording of paragraph 177 of the current NPPF should be changed as follows:

- *When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused – and sites should not be allocated - for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.*

The following sentence should be added to the definition of major development in Annex 2 of the NPPF:

- In the context of paragraphs 176<sup>13</sup> and 177<sup>14</sup>, relating to major development in protected landscapes, what constitutes major development is defined in footnote 60<sup>15</sup>.

Further guidance should be provided on what constitutes exceptional circumstances and being in the public interest (or, at least, clarify what does not). This should take into account the fact that it is in the national interest to safeguard the natural beauty of our protected landscapes. This guidance could potentially be incorporated into National Development Management Policy (NDMP). We would be happy to work with Government and other key stakeholders, such as Natural England, to help develop this guidance.

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<sup>12</sup> The Town and Country Planning (Development Management Procedure) (England) Order 2015. Schedule 2. ([Link](#)).

<sup>13</sup> Paragraph 179 in the draft NPPF.

<sup>14</sup> Paragraph 180 in the draft NPPF.

<sup>15</sup> Footnote 69 in the draft NPPF.

## PARAGRAPH 11d OF THE NPPF

Paragraph 11d of the NPPF refers to circumstances in which the development plan policies which are most important for determining a planning application are out-of-date. Footnote 8<sup>16</sup> explains that one example of this is where the local authority cannot demonstrate a five-year housing land supply.

Case law has helped to clarify that a shortfall in housing land supply does not necessarily make the other policies that are important for determining an application out-of-date.<sup>17</sup> So, for example, a shortfall in housing land supply does not make the development plan's AONB policy out-of-date.

Unfortunately, there are still planning decisions (including appeal decisions) that do not reflect this case law. One example of this is the recent planning appeal decision relating to the proposed development of 250 dwellings at Oakley Farm, Cheltenham, stated that:

- *The Framework is ... clear that where a Council cannot demonstrate a five-year supply of deliverable sites, policies which are the 'most important for determining the application' are rendered out of date. The policies relied on in the Council's putative reasons for refusal must self-evidently fall within that category and so must be considered out of date.*<sup>18</sup>

The policies relied upon in Cheltenham Borough Council's putative reasons for refusal included the policies relating to the Cotswolds AONB. Therefore, the Inspector's statement clearly indicates that he considered that the AONB-related policies were out-of-date, which reduced the weight given to these policies in reaching his decision. This conclusion was not consistent with the case law referred to above and significantly undermines the level of protection afforded to the AONB.

To help ensure that similar errors are not made in future, we consider that this issue should be explicitly addressed in the NPPF by making amendments to Footnote 8 of the NPPF.

### Recommendations:

The following sentences should be added to the end of footnote 8 of the current NPPF:

- *The fact that the housing-related policies may be out-of-date does not mean that non-housing policies should also be treated as being out-of-date. Treating the non-housing policies as out-of-date would be particularly inappropriate for those policies that relate to the topics listed in footnote 7.*

## NATURE RECOVERY AND BIODIVERSITY NET GAIN

The consultation document ([link](#) – Chapter 7, paragraphs 5-9) addresses the related issues of nature recovery and biodiversity net-gain (BNG) but only poses one question, in this regard, relating to small scale nature interventions (Question 37).

We are currently facing an ecological emergency at an international, national and local level. For example, 41% of species in the UK are in decline and 15% are at risk of extinction. There has been a 13% decline in the average abundance of species since 1970, with a 6% decline between 2009 and 2019.

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<sup>16</sup> Footnote 9 in the draft NPPF.

<sup>17</sup> *Suffolk Coastal District v Hopkins Homes Ltd* [2017] UKSC 37 ([link](#)). In particular, note paragraphs 59, 60 and 61 of this Supreme Court ruling.

<sup>18</sup> Planning Inspectorate (2021) Appeal Decision. Appeal Ref: APP/B1605/W/21/3273053. Land at Oakley Farm. 5 October 2022. ([Link](#)). Paragraph 15.



It is vitally important that we put measures in place to halt and reverse these declines. The planning system has a key role to play in achieving this, as part of the over-arching purpose of contributing to the achievement of sustainable development. This should be explicitly addressed in Chapter 2 (Achieving Sustainable Development) of the NPPF, which should also explicitly address the related issue of the climate emergency.

We are pleased to see, in the consultation document, that consideration is being given to how plan-making and decision-making in the planning system can have regard to – and play a complementary role in fulfilling the objectives of – the forthcoming, statutory Local Nature Recovery Strategies (LNRS). We recommend that this issue should be explicitly addressed in the NPPF.

One of the key mechanisms that the planning system can use to support nature recovery is through Biodiversity Net Gain (BNG). The Environment Act has introduced a statutory requirement for development to deliver BNG of at least 10%. This should be explicitly addressed in the NPPF as should opportunities for delivering higher levels of BNG. Higher levels of BNG are particularly relevant in protected landscapes, which are an integral part of the Government's aspirations to ensure that 30% of land is management for nature by 2030 (commonly referred to as 30x30).

### **Recommendations:**

We recommend that the NPPF should explicitly address the ecological emergency and the issue of nature recovery in Chapter 2 (Achieving Sustainable Development) and in Chapter 15 (Conserving and enhancing the natural environment), under the 'Habitats and Biodiversity'. For example, we recommend that the 'Habitats and Biodiversity' section<sup>19</sup> should explicitly address the issue of Local Nature Recovery Strategies (LNRS). The NPPF should explicitly require development plans to have regard to LNRS and, ideally, require LNRS (and any nature recovery plans that are produced as part of the LNRS process) to be incorporated into development plans.

We also recommend that the NPPF should make explicit reference to the statutory requirement to deliver at least 10% biodiversity net gain (BNG). The NPPF should also advocate opportunities to deliver higher levels of BNG (e.g., 20%+), particularly in protected landscapes and in priority areas for nature recovery.

Please also have regard to our response to Question 37, regarding small-scale nature interventions.

### **IRREPLACEABLE HABITATS**

The consultation document ([link](#) – Chapter 7, paragraph 9) refers to the intention to undertake a review of ancient woodlands and ancient and veteran trees protection in the NPPF (including consideration of options for further protection) but does not pose any questions relating to this topic.

Ancient woodlands and ancient and veteran trees are important, irreplaceable habitats. However, the term 'irreplaceable habitats' covers a wider range of habitats. For example, the list of irreplaceable habitats in Annex 2 of the NPPF also includes blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen. The use of the word 'include' indicates that this is not an exhaustive list.

We consider that the following habitats also match the definition of irreplaceable habitat provided in Annex 2 of the NPPF (i.e., habitats which would be technically very difficult (or take a very significant

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<sup>19</sup> For example, in current paragraph 179 (new paragraph 182).

time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity):

- ancient, unimproved grasslands (i.e., unimproved grasslands that pre-date 1945); and
- ancient hedgerows (i.e., hedgerows that pre-date the Enclosure Acts of the 1700s).

**Recommendation:**

Ancient, unimproved grasslands and ancient hedgerows should be:

- added to the list of irreplaceable habitats in Annex 2 of the NPPF;
- included in the Government's review of the level of protection afforded to irreplaceable habitats, along with the other types of irreplaceable habitat listed in Annex 2;
- included in the Government's forthcoming definition of irreplaceable habitat and list of habitat types to be considered irreplaceable.<sup>20</sup>

**SUITABLE AREAS FOR RENEWABLE ENERGY (WIND AND SOLAR)**

Several of the consultation questions relate to the issue of renewable energy, which we have answered in Appendix 2. As indicated in response to those questions, we support the removal of what has, in effect, been a moratorium on onshore wind since 2015. In protected landscapes and their settings, it is important that onshore wind and other forms of renewable energy are delivered in a way that is compatible with the purpose of conserving and enhancing the natural beauty of these areas.

With this in mind, we support the retention of the requirement to identify 'suitable areas' for wind energy<sup>21</sup> and the option of identifying suitable areas for other renewable energy, including wind<sup>22</sup>. However, this will only be meaningful if the identification of suitable areas is underpinned by a landscape sensitivity assessment (with high sensitivity areas being excluded from the suitable areas) and by the mapping (and exclusion) of other key constraints.

The Government's guidance on Renewable and Low Carbon Energy<sup>23</sup> ([link](#) – paragraph 005) currently states that '*landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of locations*'. In protected landscapes and their settings this should be essential.

**Recommendation:**

We recommend that paragraph 005 of the Government's guidance on Renewable and Low Carbon Energy should be amended to state that the identification of suitable areas in protected landscapes and their settings should be underpinned by landscape sensitivity assessments and by the mapping of relevant constraints, with high sensitivity areas and key constraints being excluded from the suitable areas.

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<sup>20</sup> Section 3.3 of the Government's response to the consultation on biodiversity net gain (BNG) regulations and implementation ([link](#)), updated 21 February 2023, states that '*we will use secondary legislation to set out a clear definition of irreplaceable habitat and list of habitats types to be considered irreplaceable*'.

<sup>21</sup> Footnote 54 of the NPPF (footnote 63 of the draft NPPF).

<sup>22</sup> Paragraph 155 of the NPPF (paragraph 157 of the draft NPPF)

<sup>23</sup> <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>. Paragraph 005.

## DESIGN CODES AND DESIGN GUIDANCE

The new text in paragraph 133 (paragraph 135 of the NPPF) states that '*the primary means of [assessing and improving the design of development] is through the preparation of local design codes, in line with the National Model Design Code*'.

Another important reference point that should be explicitly mentioned in the NPPF is the National Design Guide. The NPPF should also recognise that there may be other valuable sources of guidance and information relating to design. In particular, in protected landscapes it is important that regard is given to relevant guidance published by the National Park Authority, Conservation Board or AONB unit. This guidance can help to identify the features, materials, colour palettes and vernacular architecture that make the built environment locally distinctive.

## APPENDIX 2. RESPONSE TO NPPF CONSULTATION QUESTIONS

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
<b>Q1.</b> Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?	Yes (at least in LPAs that overlap with AONBs)	74 and footnote 8	75 and footnote 9	Beneficial	Medium	<p>The NAAONB agrees that local planning authorities (LPAs) should not have to continually demonstrate a five-year housing lands supply as long as the housing requirement set out in its strategic policies is less than five years old. This is particularly relevant in the context of LPAs that overlap with AONB, as outlined below.</p> <p>This proposal should help to ensure that the planning system is genuinely plan-led rather than being continuously subject to speculative, windfall development proposals. It should also act as an incentive for local planning authorities to keep their development plans up-to-date.</p> <p>By reducing the risk of speculative, windfall development proposals, the proposal should also help to reduce the risk of harmful development in protected landscapes, including AONBs.</p> <p><b>Recommendation:</b></p> <p>Retain the proposed amendments.</p>
<b>Q2.</b> Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?	Yes (at least in LPAs that overlap with AONBs)	74	75	Beneficial	Medium	<p>The NAAONB agrees that buffers should not be required as part of the five-year housing land supply (5YHLS), at least in the context of local planning authorities (LPAs) that overlap with AONBs.</p> <p>The Housing Delivery Test<sup>24</sup> does not apply in National Parks or The Broads. Presumably this is because it is recognised that the scale and extent of development in these areas should be limited.</p> <p>However, in other local planning authority areas, including those that overlap with AONBs, if the housing delivery falls below 85%, a 20% buffer is added to the LPA's five-year housing land supply (5YHLS) figure, regardless of the reasons for the shortfall in housing delivery.</p> <p>In many cases the shortfall in housing delivery is due to allocated sites not being delivered within the anticipated timescales, for reasons that might be outside the control of the LPA. As a result, in order to make up for this shortfall and to accommodate the 20% buffer, the LPA often has no choice but to utilise sites that have not been allocated or to permit speculative, windfall housing proposals. This, in turn, undermines the Plan-led system.</p> <p>For LPAs that overlap with AONBs, this significantly increases the pressure to build more housing (potentially over and above the housing requirement figure) within AONBs, especially where the AONB covers a large proportion of the LPA area. This is not compatible with the requirement for the scale and extent of development in AONBs to be limited and is not compatible with the purpose of AONB designation.</p> <p>The proposal to remove the 20% buffer would bring the way in which this issue is addressed more in line with National Parks, with which AONBs are supposed to be afforded the same level of protection.</p> <p>The 5% and 10% buffers that are currently specified in paragraph 74 of the NPPF also risk inappropriate housing development in AONBs and their settings. An LPA's housing requirement figure is supposed to take into account potential constraints. If the housing requirement figure is exceeded (as a result of applying the buffers) then it is more likely that there will be excessive and / or inappropriate development in AONBs and their settings.</p> <p>The main focus should be on getting the LPA 5YHLS back on track in order to achieve the housing requirement identified in the LPA development plan, within the plan period, utilising the sites that have been allocated within the Plan.</p> <p><b>Recommendation:</b></p>

<sup>24</sup> The Housing Delivery Test is an annual measurement of housing delivery, which measures net homes delivered in a local planning authority area against homes required over the previous three years.

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						Retain the proposed amendments.
<b>Q3.</b> Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?	Yes	74	75	Beneficial	Medium	<p>The NAAONB supports the proposal to take previous oversupply into consideration when calculating the five-year housing land supply (5YHLS).</p> <p>If the 5YHLS figure remains unchanged (and is delivered), even when there has been an oversupply of homes early in a plan period, then the overall number of homes built during the plan period will exceed the original housing requirement figure for the plan period.</p> <p>This may result in more housing being built in AONBs than was strictly necessary in order to achieve the original housing requirement figure. This would not be compatible with the requirement to limit the scale and extent of development in AONBs and may result in a level of development that would be harmful to the AONB.</p> <p>Also, it is not fair to ‘penalise’ those LPAs who have ‘over-performed’ by requiring an ever-increasing amount of housing (over and above the housing requirement identified in the LPA development plan).</p> <p>Taking previous oversupply into consideration should apply to development management as well as to plan-making. So, for example, previous over-supply within the Plan period should be taken into account when assessing whether housing delivery and housing land supply is sufficient.</p> <p><b>Recommendation:</b></p> <p>Retain the proposed amendments.</p> <p>In addition, a new sub-clause should be added as paragraph 11diii, i.e., granting permission unless:</p> <p>iii. past over-delivery of homes within the plan period balances out any current housing shortfall.</p>
<b>Q4.</b> What should any planning guidance dealing with oversupply and undersupply say?	N/A	74	75	N/A	N/A	See comments above.
<b>Q5.</b> Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?	Yes	14	14	Beneficial	Medium	<p>The NAAONB supports the proposal to extend protection to neighbourhood plans that are up to five years old instead of the current two years.</p> <p>It would be completely unrealistic to secure a new neighbourhood plan every two years as this would be far too onerous for local communities. As such, a five-year timescale is far more appropriate.</p> <p>Neighbourhood Plans form part of the statutory development plan. Therefore, it is appropriate to bring the requirements relating to housing supply and housing delivery for these plans in line with the proposals relating to other parts of the development plan (i.e., the Local Plan).</p> <p><b>Recommendation:</b></p> <p>Retain the proposed amendments.</p>
<b>Q6.</b> Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other	No	Chapters 1 and 2 (particularly para 7)	Chapters 1 and 2 (particularly para 7)	Adverse	High	<p>The NAAONB does not agree that the opening chapters of the Framework should be revised in this way, at least not in the way that is currently proposed.</p> <p>The NPPF quite rightly states that the purpose of the planning system is to contribute to the achievement of sustainable development. As explained in paragraph 8 of the NPPF, this means pursuing economic, social and environmental objective in mutually supportive way (i.e., the three pillars of sustainability).</p>

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
development our communities need?						<p>By making explicit reference to housing and other forms of development in the opening sentence, but not to other aspects of the three pillars of sustainability, the proposed amendments throw these three ‘pillars’ of sustainable development out of balance. In effect, these changes risk biasing planning towards development that would not be sustainable.</p> <p>It may be appropriate to refer to housing and other development later within the Chapter 2. For example, this could form part of a new paragraph after paragraph 9. However, if explicit reference is going to be made to ‘housing and other development’, it would also be appropriate to explicitly address other key, over-arching issues in Chapter 2.</p> <p>Given that we are facing a climate crisis and ecological emergency – at an international, national and local level – it could be argued that these are the two most important issues that we need to address in order to achieve sustainable development as they both have significant implications for the future of humanity.</p> <p>Another important and related issue is to ensure that we leave the environment in a better state than we inherited it (which is the aim of the Government’s 25 Year Environment Plan). In the context of protected landscapes, this means leaving the natural beauty of these areas in a better state than we inherited it.</p> <p><b>Recommendation:</b></p> <p>The proposed reference to ‘housing and development’ should either be removed or should be moved to later in Chapter 2.</p> <p>Chapter 2 should also explicitly address the climate and ecological emergencies, including the need to mitigate and adapt to climate change and to deliver nature recovery. Chapter 2 should also explicitly address the principle of leaving the environment (including the natural beauty of our protected landscapes) in a better state than we inherited it.</p>
<b>Q7.</b> What are your views on the implications these changes may have on plan making and housing supply?	N/A	11d and Chapter 5	11 and 35 and Chapter 5	Beneficial	High	<p><b>CIRCUMSTANCES IN WHICH OBJECTIVELY ASSESSED NEEDS DON’T HAVE TO BE MET IN FULL</b></p> <p>The NAAONB would strongly support clarification being provided, in the NPPF, of when it is acceptable to bring forward a plan that does not meet objectively assessed needs (OAN) in full.</p> <p>The explicit starting point in many draft development plans is an assertion that the plan must, <u>as a minimum</u>, meet the area’s OAN. This assertion is based on paragraph 35(a) of the NPPF, which currently states that, in order for a development plan to be sound, it must provide ‘<i>a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs</i>’.</p> <p>This starting point fails to acknowledge the exemptions to this requirement that are set out in paragraph 11b of the NPPF and in planning practice guidance (PPG) (for example, paragraph 042 of the Natural Environment PPG<sup>25</sup>, relating to protected landscapes, and in the Housing and Economic Land Availability Assessment PPG<sup>26</sup>).</p> <p>By failing to acknowledge these exemptions when starting the process of identifying housing requirements for their development plan, the whole process of identifying housing requirements is knocked out of balance, with a clear steer towards meeting and, in many cases, exceeding objectively assessed needs. This can result in a level of housing provision that causes significant harm to AONBs, either as a result of inappropriate housing allocations or inappropriate planning decisions both within the AONBs and within their settings.</p> <p>The proposed amendments to paragraph 35a go some way in addressing this issue by removing the phrase ‘<i>as a minimum</i>’ and by adding ‘<i>so far as possible, taking into account the policies in this Framework</i>’. This change would, arguably, be the single most important of the proposed changes in helping to protect AONBs from excess development, particularly with regards to housing.</p>

<sup>25</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

<sup>26</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>. Paragraphs 002, 010, 012, 013, 015, 018, 021 and 025.

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p>However, these amendments do not go far enough. In particular, we consider that it is vitally important for paragraph 35a to explicitly cross-reference with paragraph 11b and footnote 7.</p> <p><b>Recommendations:</b></p> <p>We recommend that paragraph 35a should be further amended, as follows:</p> <ul style="list-style-type: none"> <li>Positively prepared – providing a strategy which seeks to meet the areas objectively assessed needs, so far as possible, taking into account the policies in this Framework, in particular, paragraph 11d and footnote 7.</li> </ul> <p><b>CLEARLY DIFFERENTIATING BETWEEN HOUSING NEED AND HOUSING REQUIREMENT</b></p> <p>The problems created by the current wording of paragraph 35a, as outlined above, are further exacerbated by the opening text in Chapter 5, which fails to provide a sufficiently clear distinction between housing <i>need</i> (i.e., OAN plus unmet needs arising from neighbouring areas) and housing <i>requirement</i> (i.e., the amount of housing that is planned for in the development plan).</p> <p>The proposed amendments to paragraph 35a help to clarify that there may be circumstances in which the housing requirement figure may be <i>lower</i> than the identified housing need. However, no such clarification is provided in Chapter 5. Indeed, the new text in paragraph 66 (paragraph 67 in the draft NPPF) only highlights the circumstances in which the housing requirement may be <i>higher</i> than the identified housing need.</p> <p>A key problem with the current wording of the NPPF, in this regard, is that the start of Chapter 5 fails to clearly differentiate between the unconstrained housing <u>need</u> figure (i.e., the ‘standard method’) and the housing <u>requirement</u> figure (i.e., the level of housing provision identified in the development plan, once relevant constraints have been taken into account). If this was made clearer (and if the terms ‘need’ and ‘requirement’ were used consistently), there wouldn’t be as much of an issue with having the standard method as a starting point that is used to <i>inform</i> the housing requirement figure.</p> <p><b>Recommendations:</b></p> <p>We recommended that a new paragraph should be inserted below paragraph 60 of the NPPF. This paragraph should bring forward the following text from paragraph 001 of the Government’s guidance on Housing and Economic Development Needs Assessment:</p> <ul style="list-style-type: none"> <li><i>Housing need is an unconstrained assessment of the number of homes needed in an area. Assessing housing need is the first step in the process of deciding how many homes need to be planned for. It should be undertaken separately from assessing land availability, establishing a housing requirement figure and preparing policies to address this such as site allocations.</i><sup>27</sup></li> </ul> <p>We also recommend that in paragraph 66 of the NPPF (paragraph 67 in the draft NPPF), the new sentence ‘<i>The requirement may be higher...</i>’, should be followed by the following, additional new sentence:</p> <ul style="list-style-type: none"> <li><i>Equally, when planning constraints are factored in, such as those listed in footnote 7, the requirement may be lower than the identified housing need.</i></li> </ul>
<b>Q8.</b> Do you agree that policy and guidance should be clearer on what may constitute an exceptional	Yes	61	61	Beneficial	Medium	The NAAONB agrees that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs.

<sup>27</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>. Paragraph 001.



Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
circumstance for the use of an alternative approach for assessing local housing needs?						<p>A key consideration in this regard is the exceptional circumstances that may justify an alternative approach in protected landscapes.</p> <p>National planning practice guidance already allows for National Park Authorities (NPAs) to identify a housing need figure using a method determined locally.<sup>28</sup> One of the reasons for this is that the standard method for calculating housing need is based on local authority areas, rather than NPA areas.</p> <p>AONBs face a similar challenge, in terms of the standard method figure being based on the LPA area rather than on the AONB area. However, unlike in National Parks, there are currently no examples of housing need assessments being based on the area within the protected landscape. This is because AONBs don't have a local planning authority, or a development plan, specifically for AONB (even though both of those options were proposed in the Government-commissioned Landscapes Review).</p> <p>AONBs do not normally include large urban areas. However, the housing need figure for local authority areas that overlap with AONBs takes into account the housing needs arising in large urban areas that lie outside of the AONBs. As a result, the local authority housing need figure will, in many cases, be considerably larger than if the housing need figure was just related to the AONB area and AONB needs.</p> <p>Assessing housing need is the first step in the process of deciding how many homes need to be planned for. Given that the housing need figure for local authorities that overlap with AONBs is likely to be significantly higher than the housing need identified for National Parks, this means that AONBs are under considerably more pressure to accommodate large amounts of housing than an equivalent national park would be. This is despite the fact that national planning policy affords AONBs the same level of protection as National Parks (with regards to conserving and enhancing landscape and scenic beauty) and requires the scale and extent of development to be limited in both designations.</p> <p>Another concern is that the standard method factors in the affordability of housing in the local authority area, resulting in a higher housing need figure in areas of low affordability. This is presumably based on the unfounded assumption that building more houses within a local area will make housing more affordable generally.<sup>29</sup> However, AONBs are desirable areas to live, with high house prices to match. As a result, the standard method is likely to provide an inflated housing need figure for local authority areas that overlap with AONBs, despite the fact that the scale and extent of development is supposed to be limited in AONBs.</p> <p>In addition to the housing need figure identified through the standard method, LPAs are also supposed to have regard to unmet needs arising from neighbouring areas. This may result in a housing need figure that is higher than the objectively assessed needs. This in turn adds further pressure on AONBs. This is not compatible with the Government's planning practice guidance which states that protected landscapes '<i>are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas</i>'.<sup>30</sup></p> <p>Furthermore, national guidance relating to National Parks<sup>31</sup> states that:</p> <ul style="list-style-type: none"> <li>• '<i>the expectation [in National Parks] is that new housing will be focussed on meeting affordable housing requirements, supporting local employment opportunities and key services</i>';<sup>32</sup> and</li> <li>• '<i>National Park Authorities should work to ensure that ... affordable housing remains so in perpetuity</i>'.<sup>33</sup></li> </ul>

<sup>28</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#housing-need>. Paragraph 014 Reference ID: 2a-014-20190220.

<sup>29</sup> The amount of housing that would be required to have a meaningful impact on house prices far exceeds what could be realistically accommodated.

<sup>30</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph: 041. Reference ID: 8-041-20190721.

<sup>31</sup> Defra (2010) *English National Parks and the Broads. UK Government Vision and Circular 2010* ([link](#)).

<sup>32</sup> Circular 2010 ([link](#)). Paragraph 78.

<sup>33</sup> Circular 2010 ([link](#)). Paragraph 79.



Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p>Given that AONBs are afforded the same level of protection as National Parks and that the scale and extent of development in both designations should be limited, we consider that the same principles should be applied in AONBs. Ideally, the relevant national guidance should be updated to address this issue in the context of both National Parks and AONBs.</p> <p>We acknowledge that there would be significant challenges in devising a housing need methodology specifically for AONBs, especially where the AONBs overlap with multiple LPAs. However, for the reasons outlined above, we still consider that, as a matter of principle, the NPPF (and / or associated guidance) should explicitly identify that AONBs may constitute an exceptional circumstance for the use of an alternative approach for calculating housing need.</p> <p><b>Recommendations:</b></p> <p>We recommend that:</p> <ul style="list-style-type: none"> <li>• The NPPF (and / or related guidance) should explicitly identify that exceptional circumstances, for justifying an alternative approach to calculating housing need, may apply in relation to AONBs.</li> <li>• Further consideration should be given to the planning-related proposals in the Government-commissioned Landscapes Review that would facilitate assessing housing need on an AONB basis (e.g., AONB-focussed Local Plans).</li> <li>• The document '<i>English National Parks and the Broads – UK Government Vision and Circular 2010</i>' should be updated to address AONBs, particularly with regards to priorities for housing provision in these protected landscapes.</li> </ul>
<b>Q9.</b> Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?	a. Green Belt – no	Chapter 13, particularly paragraph 140	Chapter 13, particularly paragraph 142	Adverse	High	<p>The NAAONB does not agree with the proposed amendments relating to Green Belt.</p> <p>We recognise that Green Belt is an important designation, which plays a key role in preventing urban sprawl, including in AONBs and their settings.</p> <p>However, if Green Belt land is treated as being sacrosanct (i.e., if no consideration is given to allocating or permitting development in Green Belt) then this would put additional development pressure on other, equally important, designated areas, including AONBs.</p> <p>It is not appropriate to prioritise the protection afforded to Green Belt over the protection afforded to AONBs. For example, there may be circumstances in which a site could be allocated in the Green Belt without significantly affecting the aim of preventing urban sprawl, whereas an allocation of the same type and scale in an AONB in the same local authority area could cause significant harm to the natural beauty of the AONB.</p> <p>It is worth noting that AONB designation is a national-level designation whereas Green Belt designation is decided at the local level. It is also worth noting that the issue of exceptional circumstances applies to both Green Belt and AONBs. However, in addition to considering exceptional circumstances, development proposals / allocations in AONBs are also required to address the issue of whether the proposal would be in the public interest.</p> <p>A distinction should be made between the need to review Green Belt boundaries and the need to alter them.</p> <p>We consider that it is appropriate for consideration to be given to allocating development within the Green Belt that might conflict with Green Belt purposes, as part of the Local Plan process. In effect, this means that consideration <i>should</i> be given to reviewing the Green Belt boundary.</p> <p>However, the fact that objectively assessed needs cannot be met in full if the Green Belt boundary isn't altered, doesn't necessarily mean that the boundary <i>should</i> be altered. This principle is already enshrined in paragraph 11bi and Footnote 7 of the NPPF. The same principle also applies to AONBs (and their settings). In this regard, it is the <u>application</u> of the policies that is the key consideration, not just the existence of the policies.</p>

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p><b>Recommendation (for paragraph 142 (previously 140) of the NPPF):</b></p> <p>The proposed amendment to paragraph 140 (paragraph 142 in the draft NPPF)<sup>34</sup> should be removed.</p> <p>Instead of including the proposed amendment, a footnote could potentially be added to Chapter 13 (Protecting Green Belt), cross-referencing with paragraph 11b and footnote 7, to clarify that the application of Green Belt policies in the NPPF may mean that it is not possible to meet objectively assessed needs in full.</p>
	b. Density – yes		11bii	Beneficial	Low	<p>The NAAONB supports the proposed addition to paragraph 11bii of the NPPF, which identifies that building at densities that are significantly out of scale with the existing area is an adverse effect that may provide an exception to the requirement for objectively assessed needs to be met in full. However, it may be more appropriate to have this as a footnote.</p> <p>Within AONBs, the character of settlements is a key component of their natural beauty. For example, the ‘distinctive settlements’ of the Cotswolds National Landscape are one of the area’s ‘special qualities’ (i.e., a key attribute on which the priorities for the area’s conservation, enhancement and management should be based). Building new housing at densities that are significantly out of scale with the existing area has the potential to adversely affect the distinctiveness and character of these settlements. It may also result in a ‘hard edge’ between the settlement and the surrounding countryside.</p> <p>This would not be compatible with paragraphs 176 and 177 of the NPPF, relating to development in AONBs.</p> <p>Increased densities of housing also have the potential to adversely affect:</p> <ul style="list-style-type: none"> <li>the relationship between the historic core of settlements and surviving historic features;</li> <li>biodiversity net gain delivery;</li> <li>objectives relating to access to open space and / or green infrastructure;</li> <li>and provision of sustainable drainage systems.</li> </ul> <p><b>Recommendation:</b></p> <p>Retain the proposed amendments.</p> <p>In addition the following sentence should be added to the new footnote 8:</p> <ul style="list-style-type: none"> <li>In protected landscapes and their settings, relevant guidance published by the National Park Authority, Conservation Board or AONB Unit should also be taken into account.</li> </ul>
	c. Past over-supply		11biii	Beneficial	Medium	<p>The NAAONB supports the proposed addition of paragraph 11biii, which allows for past over-delivery of housing to be a justification for not having to meet objectively assessed needs in full.</p> <p>The objective, with regards to housing provision, should be to deliver the housing requirement identified in the development plan. In theory, the housing requirement figure should have taken into account relevant constraints, such as AONB designation. In doing so, it should ensure that the three over-arching objectives of sustainable development (economic, social and environmental) are delivered in mutually supportive ways.</p> <p>If the level of housing provision exceeds the housing requirement in the development plan, there is a significant risk that the three over-arching objectives of sustainable development will no longer be in balance and that the level of housing provision will no longer be sustainable. In relation to AONBs, there is a risk that this over-provision would result in significant harm to the natural beauty of AONBs (including their landscape and scenic beauty).</p>

<sup>34</sup> Proposed new wording: Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period.

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p>Taking account of over-delivery during previous plan periods would help to ensure that housing provision remains at – and does not exceed – a level that could be considered to be sustainable development.</p> <p>The same principle also applied to over-delivery within the current plan period (i.e., over delivery during the first few years of the plan). As such, we recommend that the same principle should also be added to paragraph 11c of the NPPF, in relation to decision-making.</p> <p><b>Recommendation:</b></p> <p>Retain the proposed amendments.</p>
<b>Q10.</b> Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?	N/A		11biii	N/A	Medium	<p>The evidence should identify and compare: (i) the level of housing that could be provided without building at densities significantly out-of-character; and (ii) the additional level and density of housing that would be required to meet objectively assessed needs and details of the affected areas.</p> <p>For potential allocations within protected landscapes and their settings, consideration should be given to the effect of increased density on the character of the settlements and on the natural beauty of the protected landscapes.</p> <p><b>Recommendation:</b></p> <p>Landscape character assessments, design guidance and other guidance published by National Park Authorities, Conservation Boards and / or AONB units should form part of the evidence base.</p>
<b>Q11.</b> Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?	No	35b	35b	Adverse	Medium	<p>The NAAONB does not agree with removing the explicit requirement for plans to be justified.</p> <p>As currently stated in paragraph 35b of the NPPF, ‘justified’ means that the development plan is an appropriate strategy, taking into account the <u>reasonable</u> alternatives, and based on <u>proportionate</u> evidence.</p> <p>In the context of development plans that overlap with AONBs, it is essential that there is proportionate evidence to justify any development that is allocated in the AONB and / or its setting (and, conversely, to justify why potential sites should not be allocated), having regard to the purpose of AONB designation and the requirements of the NPPF in relation to AONBs. If the requirement for plans to be justified is removed, this could potentially undermine the protection afforded to AONBs by reducing the need to provide this evidence.</p> <p>Similarly, taking into account reasonable alternatives is an essential consideration for potential allocations in an AONB, particularly for types and scales of development that would constitute major development, in the context of paragraph 177 of the NPPF. For example, paragraph 177b requires ‘<i>an assessment of ... the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way</i>’. In this context, case law has stated that ‘<i>no permission should be given for major development save to the extent that the development ... met a need that could not be addressed elsewhere or in some other way</i>’.<sup>35</sup></p> <p>If the requirement for development plans to be justified is removed, this could potentially mean that insufficient evidence is provided to justify any major development in AONBs that is allocated in the plan. This, in turn, could mean that major development is allocated when it shouldn’t be.</p> <p>The same principle would apply to other AONB-related considerations such as impacts on nature conservation designations and historic environment designations.</p>

<sup>35</sup> R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807 ([link](#)). Direct quote from paragraph 35.

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p>The purpose of the proposed change is to make sure that plans are subject to proportionate assessment when they are examined.<sup>36</sup> However, the requirement for development plans to be justified already does this by requiring evidence to be proportionate (i.e., an appropriate level of evidence for the issue under consideration). As such, there is no need to remove it on this basis either.</p> <p><b>Recommendation:</b></p> <p>Do not remove the requirement for plans to be justified.</p>
<b>Q12.</b> Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation?	Yes	35b	35b	Beneficial	Low	<p>As indicated in response to the previous question (Question 11), the NAAONB does not consider that the requirement for plans to be justified should be removed at all.</p> <p>However, if the requirement for plans to be justified <i>is</i> removed, we agree that this should not apply to plans at more advanced stages of preparation. In theory, the evidence base should already be comprehensive at this stage. Removing the requirement for plans to be justified could undermine this evidence base and / or cause uncertainty about the weight that should be given to it.</p> <p><b>Recommendation:</b></p> <p>Do not remove the requirement for plans to be justified where the plans are at a more advanced stage of preparation.</p>
<b>Q13.</b> Do you agree that we should make a change to the Framework on the application of the urban uplift?	Yes	N/A	New paragraph 62	Beneficial	Low	<p>The NAAONB agrees with the proposed changes relating to the application of the ‘urban uplift’.</p> <p>The urban uplift in the Standard Method was introduced following consultation on proposed amendments to the Standard Method in 2020. The amendments that were originally proposed (prior to the introduction of the urban uplift) would have resulted in the objectively assessed needs for local authority areas that overlap with AONBs increasing considerably. For example, for Cotswold District (78% of which lies within the Cotswolds National Landscape), the housing need figure deriving from the revised Standard Method would have represented a 188% increase on the housing requirement figure in the Local Plan. The Government quite rightly dropped this proposal and, instead, introduced the urban uplift component of the Standard Method, with the Standard Method (and the resulting housing need figures) outside of our 20 largest cities and urban areas remaining largely unchanged.</p> <p>The introduction of the urban uplift requirement has, therefore, helped to avoid the significant increase in housing pressure in our AONBs that would have resulted from the previously proposed amendments to the Standard Method. As such, we support the urban uplift requirement. We also support the proposed explicit reference to the urban uplift requirement in the NPPF and the proposed, explicit requirement for this uplift to be accommodated within the relevant cities and urban areas (unless it would conflict with the policies in the NPPF and legal obligations).</p> <p>The local authority boundaries for some of the urban uplift areas extend into open countryside, protected landscapes and / or Green Belt. As such, it would be useful if the NPPF to clarify whether the urban uplift relates to the whole of the local authority area or to land within the settlement boundary.</p> <p><b>Recommendations:</b></p> <p>Retain the proposed amendments, including the new paragraph 62.</p> <p>Clarify whether the urban uplift areas relate to the relevant local authority boundary or to the relevant settlement boundary.</p>
<b>Q14.</b> What, if any, additional policy or guidance could the department provide which	N/A	N/A	New paragraph 62	N/A	Low	No comment.

<sup>36</sup> <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>. Paragraph 12.

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
could help support authorities plan for more homes in urban areas where the uplift applies?						
<b>Q15.</b> How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?	N/A	N/A	New paragraph 62	N/A	Medium	<p><b>Recommendations:</b></p> <p>With regards to neighbouring authorities that overlap with AONBs, the NAAONB recommends that the NPPF should include the wording that is currently in the Natural Environment PPG, which states that AONBs ‘<i>are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas</i>’<sup>37</sup>.</p> <p>Ideally, the NPPF should explicitly state that when allocations or development proposals are being considered in AONBs, the unmet needs from neighbouring local authority areas should not be taken into account. The same principle should apply for unmet needs arising from urban areas that are adjacent to an AONB and which are located in the same local authority area as the AONB.</p> <p>Please also see our separate comments relating to paragraph 176 of the NPPF (paragraph 179 in the draft NPPF), in which we recommend that this principle should be brought forward into the NPPF.</p>
<b>Q16.</b> Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?	Yes	N/A		Beneficial	Low	The NAAONB supports this measure on the basis that it is intending to help reduce the risk of communities being exposed to speculative development. As such, it should also help to reduce the risk of inappropriate development in AONBs and their settings.
<b>Q17.</b> Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?	Indifferent				Low	No Comment
<b>Q18.</b> Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?	Yes	76	77 and footnote 49 (and paragraph 11d)	Beneficial	Medium	<p>The NAAONB supports the proposal to not apply the presumption in favour of sustainable development if permissions have been granted for homes in excess of 115% of the authority’s housing requirement. This will help to address the issue of local planning authorities being penalised unfairly when slow housing delivery results from developer behaviour. This proposal should help to ensure that the planning system remains plan-led. It should also help to reduce the risk of inappropriate, speculative developments within AONBs and their settings.</p> <p>However, this switching off of the presumption should be added as a third ‘exception’ under paragraph 11d (and not as footnote to paragraph 77 of the NPPF), as it is paragraph 11d which sets the rules relating to the presumption in favour of granting planning permission.</p> <p>In addition, we do not think that the wording of paragraph 77b, as currently proposed is appropriate. This wording indicates that the presumption in favour of sustainable development applies where delivery falls below 75% of the requirement over the</p>

<sup>37</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.



Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p>previous three years. However, paragraph 11d makes it clear that there are circumstances where the presumption doesn't apply, even if delivery has fallen below 75%.</p> <p><b>Recommendations:</b></p> <p>Instead of having the proposed footnote 49, an additional exemption should be added to paragraph 11d, as follows:</p> <ul style="list-style-type: none"> <li>Paragraph 11 d(iii): <i>permissions have been granted for homes in excess of 115% of the planning authority's housing requirement over the applicable Housing Delivery Test monitoring period.</i></li> </ul> <p>The wording of paragraph 77b should be changed to:</p> <ul style="list-style-type: none"> <li><i>Where delivery falls below 75% of the requirement over the previous three years, paragraph 11d of the NPPF, relating to the presumption in favour of sustainable development comes into play.</i></li> </ul>
<b>Q19.</b> Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?	Indifferent	76	77 and footnote 49	Beneficial	Low	No comment
<b>Q20.</b> Do you have views on a robust method for counting deliverable homes permissioned for these purposes?	N/A	76	77 and footnote 49	N/A	Low	No comment
<b>Q21.</b> What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	N/A	76	77 and footnote 49	N/A	Low	No comment
<b>Q22.</b> Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?	Yes	Chapter 5 (e.g., paragraphs 64-67)	Chapter 5 (e.g., paragraphs 64-67) – but doesn't seem to have addressed this issue	Beneficial	High	<p>The NAAONB supports the proposal to attach more weight to Social Rent in planning policies and decisions.</p> <p>Given the disparity between incomes and house prices in many parts of the country, new build affordable rent or shared ownership housing remains unaffordable for many. This 'affordability gap' can be particularly significant in protected landscapes where the desirability of these locations makes the expensive places to live but where local employment opportunities can be dominated by relatively low-paying jobs in the tourism and agriculture sectors.</p> <p>Government guidance for National Parks states that '<i>the expectation is that new housing will be focussed on meeting affordable housing requirements ...</i>' and that National Park Authorities should work to '<i>ensure that ... affordable housing remains so in the longer term</i>'.<sup>38</sup> AONBs have the same level of protection as National Parks and the requirement for the scale and extent of development applies in both designations. Therefore, we believe that the same principles should also apply to AONBs. Indeed, we believe that Circular 2010 should be updated to address this issue for both National Parks and AONBs (as recommended in response to Question 8).</p> <p>This proposal is supported in the Cotswolds National Landscape Board's Housing Position Statement, for example, which recommends that:</p>

<sup>38</sup> Defra (2010) *English National Parks and the Broads – UK Government Vision and Circular 2010* ([link](#)). Paragraph 79.

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						<ul style="list-style-type: none"> <li>Housing provision in the Cotswolds National Landscape should be focused on – and prioritise – meeting affordable housing requirements.</li> <li>Within the context of Government requirements and locally identified need, priority should be given to the provision of housing that is affordable in perpetuity, including social rented housing.</li> </ul> <p><b>Recommendations:</b></p> <p>The NPPF should make the proposal to attach more weight to social rented housing more explicit.</p> <p>In recognition of the unique issues facing protected landscapes, we recommend that the NPPF should explicitly identify protected landscapes as locations where social rented housing should be a particular priority.</p>
<b>Q23.</b> Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?	Indifferent	61	61	Neutral	Low	No comment.
<b>Q24.</b> Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?	Indifferent	69	70	Neutral	Low	No comment.
<b>Q25.</b> How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?	N/A	69	70	Beneficial	Medium	<p>Paragraph 64 of the current NPPF (paragraph 65 in the draft NPPF) already allows for on-site provision of affordable housing, on sites of five units or fewer, in designated rural areas (which includes National Parks and AONBs).</p> <p>This opportunity is explicitly addressed in several development plan documents that relate to protected landscapes, including:</p> <ul style="list-style-type: none"> <li>The South Downs Local Plan – Strategic Policy SD28 (Affordable Homes), which requires on site affordable home provision (on a 'sliding scale') for site of 4 or more homes.<sup>39</sup></li> <li>The Arnsdale and Silverdale AONB Development Plan Document – Policy AS03 (Housing Provision), which requires no less than 50% affordable housing on sites of two or more properties.<sup>40</sup></li> </ul> <p>However, this issue is more commonly addressed in National Park Local Plans than in development plans that overlap with AONBs.</p> <p>The Government-commissioned Landscapes Review recommended that local planning authorities in AONBS should make use of the paragraph 64 provision in relation to designated rural areas.<sup>41</sup></p> <p>As outlined in response to Question 8 and 22, the issue of affordable housing is a particularly important consideration in protected landscapes.</p> <p><b>Recommendations:</b></p>

<sup>39</sup> South Downs National Park Authority (2019) *South Downs Local Plan* ([link](#)).

<sup>40</sup> Lancaster City Council and South Lakeland Council (2019) *Arnsdale & Silverdale Area of Outstanding Natural Beauty Development Plan Document* ([link](#)).

<sup>41</sup> Defra (2019) *Landscapes Review – Final Report* ([link](#)). Proposal 18, page 110.

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p>Paragraph 64 of the NPPF (paragraph 65 in the draft NPPF) should explicitly, positively encourage on-site affordable housing provision, on sites with fewer than 10 dwellings, in protected landscapes. Suggested wording:</p> <ul style="list-style-type: none"> <li><i>Provision of affordable housing should not be sought for residential developments that are not major developments. <u>The exception to this is in designated rural areas where the on-site provision of affordable housing on smaller sites should be positively encouraged (and where policies may set out a lower threshold of 5 units or fewer), particularly in protected landscapes.</u></i> [N.B. Additional wording added for emphasis].</li> </ul>
<b>Q26.</b> Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?	Indifferent	Annex 2	Annex 2	Neutral	Low	No comment.
<b>Q27.</b> Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?	N/A	72 and 78	73 and 80	Neutral	Medium	<p>Rural exception sites were originally intended to provide 100% affordable housing (that is affordable in perpetuity). National policy now allows for a proportion of market housing on such sites. However, in some locations, the proportion of market housing on permitted rural exemption sites is as much as 49%.</p> <p>This level of market housing undermines the purpose of rural exemption sites. It also means that sites are considerably larger (in area and in number of dwellings) - and / or that more sites are needed - than if the sites just accommodated an appropriate level of affordable housing. In protected landscapes, this undermines the requirement for the scale and extent of development to be limited and results in more adverse impacts.</p> <p>The provision to allow for a proportion of market housing was presumably intended to make rural exception sites more viable. However, it has also resulted in increased ‘hope value’ for rural exception sites, whereby landowners keep hold of land in the hope that a development that includes open market housing will be supported (which would enable them to sell the land for a higher price). This adversely affects both the release rate and the cost of such sites. This, in turn, offsets some of the potential viability benefits of allowing a proportion of market housing on such sites in the first place.</p> <p>Best practice in protected landscapes (such as in the South Downs Local Plan and New Forest National Park Local Plan) sets an expectation for 100% housing that is affordable in perpetuity, with the absolute minimum being 75%.</p> <p>National policy also requires rural exemption sites to be ‘small’. Further clarity is needed on what this means in practice. The size thresholds that are used for Entry Level Exception Sites could be a good starting point in this regard.<sup>42</sup></p> <p><b>Recommendations:</b></p> <p>The definition of rural exception sites, provided in Annex 2 of the NPPF, should be amended as follows (N.B. New text underlined for clarity):</p> <ul style="list-style-type: none"> <li>Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. <u>The starting point when considering such sites should be to provide</u></li> </ul>

<sup>42</sup> As provided in footnote 35 of the current, 2021 version of the NPPF.



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						<p><u>100% affordable housing that is affordable in perpetuity.</u> A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example, where essential to enable the delivery of affordable units without grant funding. <u>However, the proportion of market housing should never exceed 25%.</u></p> <p>The suggested percentage of affordable housing / market housing should at least be applied in protected landscapes.</p> <p>A footnote should also be added to explain what is meant by 'small sites'.</p> <p>We suggest the following thresholds:</p> <ul style="list-style-type: none"> <li>• A small site, in this context, means whichever is the smallest of the following thresholds: <ul style="list-style-type: none"> <li>○ No larger than one hectare in size.</li> <li>○ Would not exceed 5% of the size of the existing settlement.</li> <li>○ Would not increase the number of dwellings in the settlement by more than 5%.</li> </ul> </li> </ul>
<b>Q28.</b> Is there anything else that you think would help community groups in delivering affordable housing on exception sites?	Indifferent	Annex 2	Annex 2	Neutral	Low	No comment.
<b>Q29.</b> Is there anything else national planning policy could do to support community-led developments?	Indifferent	Annex 2	Annex 2	Neutral	Low	No comment.
<b>Q30.</b> Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?	Indifferent	N/A	N/A	Neutral	Low	No comment.
<b>Q31.</b> Of the two options above, what would be the most effective mechanism?	Indifferent	N/A	N/A	Neutral	Low	No comment.
<b>Q32.</b> Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly?	Indifferent	N/A	N/A	Neutral	Low	No comment.
<b>Q33.</b> Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?	Yes	Paragraph 133 and Chapters 6, 8 and 12	Paragraph 135 and Chapters 6, 8 and 12	Beneficial	Low	<p>In principle, the NAAONB supports the proposed changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development.</p> <p>However, the changes that are proposed in the draft NPPF would not have a meaningful impact in this regard. For example, the addition of the word 'beautiful' to the title of Chapter 12 is not backed up by any new policy wording that includes this wording.</p> <p>The perception of beauty is very subjective so it may be difficult to define what constitutes 'beautiful' or to provide clear guidance on this issue.</p> <p>Key considerations, with regards to beauty, should be the extent to which a proposed development contributes to a sense of place by:</p>

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						<p>(i) reflecting and incorporating traditional, locally-sourced building materials and locally distinctive, high quality, vernacular architecture (for example, as found in the historic core of settlements, including in Conservation Areas); and</p> <p>(ii) having regard to historic settlement patterns.</p> <p>This is particularly important in protected landscapes where such features are an integral component of the area's natural beauty. Relevant guidance published by National Parks, Conservation Boards and AONB Units can be particularly useful in this regard.</p> <p>Please refer to our separate comments on paragraph 176 of the NPPF (paragraph 179 in the draft NPPF) regarding the issue of 'natural beauty'</p> <p><b>Recommendations</b></p> <p>The NPPF should integrate the issue of beauty more into the policy wording.</p> <p>Further guidance should be provided on what constitutes 'beauty' in this context.</p>
<b>Q34.</b> Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?	Yes	Chapter 12, 84a, 124c	Chapter 12, 86a	Beneficial	Low	<p>See response to Question 33.</p> <p>There don't appear to be any proposed changes to the existing paragraph 84a (i.e., paragraph 86a in the draft NPPF).</p>
<b>Q35.</b> Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Yes	135	137	Beneficial	Medium	<p>The NAAONB agrees that greater visual clarity on design requirements should be encouraged.</p> <p>Planning conditions should not be vague. Developers tend to do the minimum required to meet the permissions. If the intention is to reduce enforcement action, then greater clarity is needed with the wording planning conditions, so there is less wriggle room available for interpretation. Some LPAs might benefit from guidance in preparing planning conditions, bearing in-mind that generally enforcement teams are very stretched, and officers should not have to try and interpret wordings and meanings at a later date.</p> <p>Guidance published by National Parks, Conservation Boards and AONB Units are an important consideration in this regard, for example, guidance on colour palettes.</p> <p><b>Recommendation:</b></p> <p>Retain the proposed amendments.</p>
<b>Q36.</b> Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing	No	120e	122e	Neutral	Low	<p>The NAAONB does not agree that specific reference to mansard roofs is helpful.</p> <p>The explicit reference to mansard roofs seems to be an incongruous and unnecessarily detailed addition that does very little to add to the requirements of paragraph 120e (i.e., paragraph 122e in the draft NPPF).</p> <p><b>Recommendations:</b></p> <p>Remove the reference to mansard roofs.</p>

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densification/creation of new homes?						
<b>Q37.</b> How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?	N/A			Beneficial	Medium	<p>Nature interventions (including small scale interventions) are critically important consideration, particularly in the face of the ecological crisis that we are facing at an international, national and local level.</p> <p>Ideally, national policy should make compliance with Natural England’s Green Infrastructure Framework mandatory (or, at least, give greater weight to proposals that do demonstrate compliance).</p> <p>With regards to the issue of artificial grass, we support the aspiration to halt the threat to wildlife created by the use of artificial grass by developers in new development. Artificial grass blocks access to the soil beneath for burrowing insects, such as solitary bees, and the ground above for soil dwellers such as worms, which will be starved of food beneath it. There has also been a dramatic decline of wildflowers over the past generation, which artificial grass will have contributed to, notwithstanding that it is also a single use plastic.</p> <p>It is disappointing that the draft NPPF does not incorporate relevant aspects of the Environment Act 2021, including biodiversity net gain requirements and Local Nature Recovery Strategies (LNRS) (e.g., a requirement for proposals to demonstrate how they will contribute to implementing LNRS).</p> <p><b>Recommendations:</b></p> <p>National policy on small scale nature interventions should be strengthened by explicitly addressing this issue in design codes (including the National Model Design Code) and by setting a requirement for development proposals to demonstrate that they would implement ‘nature interventions’ in line with best practice guidance, including:</p> <ul style="list-style-type: none"> <li>• Natural England’s Green Infrastructure Framework (<a href="#">link</a>)</li> <li>• Building with Nature (<a href="#">link</a>)</li> <li>• Biodiversity in new housing developments: creating wildlife-friendly communities (<a href="#">link</a>)</li> <li>• Site Leve Design Code: Design Code for Net Zero and Nature Recovery (<a href="#">link</a>)</li> <li>• Homes for People and Wildlife (<a href="#">link</a>)</li> </ul> <p>The use of artificial grass should be discouraged as a source of microplastics in the environment.</p> <p>The NPPF should recognise adopted countywide Nature Recovery Strategies and more localised Nature Recovery Plans as a material planning consideration (and, ideally, incorporate them into development plans).</p> <p>Please see our separate comments relating to nature recovery and biodiversity net gain.</p>
<b>Q38.</b> Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?	No	Footnote 58	Footnote 67	Adverse	Medium	<p>Neither the consultation document or the proposed changes to footnote 58 (footnote 67 in the draft NPPF) are particularly clear what they are setting out to achieve. This is compounded by the fact that the words ‘value’, ‘quality’ and ‘versatile’ seem to be used interchangeably.</p> <p>If the intention is to ensure that the best and most versatile (grade 1-3a) land is adequately weighted in the planning process then it should be stated in this way.</p> <p>In protected landscapes, land that is either Grade 3b, 4 or 5 often constitutes a significant component of the land area within the protected landscape. Such land often forms an integral component of a protected landscape’s ‘natural beauty’ and landscape character. As such, there may be particular circumstances in which it may be preferable to accommodate new development on land that is Grade 3a or above, outside a protected landscape, than on land that is Grade 3b or below within a protected landscape.</p>

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						<p>This scenario should be reflected in the NPPF.</p> <p><b>Recommendation:</b></p> <p>The proposed additional wording to footnote 58 (footnote 67 in the draft NPPF) should be removed.</p> <p>The wording in footnote 58 (footnote 67 in the draft NPPF) should be amended as follows:</p> <ul style="list-style-type: none"> <li>Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. <u>The exception to this is in protected landscapes where it is demonstrated that development on poorer quality land would harm the natural beauty of the protected landscape.</u> [N.B. New wording underlined for emphasis].</li> </ul>
<b>Q39:</b> What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?	N/A			Beneficial	Low	No comment.
<b>Q40:</b> Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?	N/A			Beneficial (in terms of supporting appropriate climate adaptation measures)	High	<p>The NAAONB supports the measures outlined in the consultation document relating to flooding, flood risk, sustainable drainage and nature-based solutions. These should all be explicitly addressed and advocated in the NPPF.</p> <p>In protected landscapes, nature-based solutions may be a more appropriate form of climate change mitigation and / or adaptation than measures such as large scale renewable energy. For example, restoring degraded peatlands provides a significant opportunity for carbon sequestration. Nature-based solutions to climate change should work alongside – and be part of – nature recovery strategies / plans.</p> <p>Measures will also need to be taken to ensure that water demand does not exceed water supply. This may be a factor in deciding where it is most appropriate for new development to be located.</p> <p><b>Recommendation:</b></p> <p>Climate adaptation measures should be explicitly addressed in the NPPF, including measures relating to flood management, sustainable drainage, nature recovery and nature-based solutions.</p>
<b>Q41:</b> Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?		155	157	Beneficial and adverse	High	<p>In principle, the NAAONB agrees with the changes proposed to paragraph 155 (paragraph 157 in the draft NPPF), which support the future re-powering and maintenance of renewable and low carbon energy and heat facilities.</p> <p>However, the proposal does have potential implications for protected landscapes, in terms of potential long-term harm to the natural beauty of these areas, which would need to be carefully addressed, both at the plan-making stage and at the development management stage. This relates to schemes within protected landscapes and within their settings.</p> <p>The proposed amendments could, in effect, become a presumption in favour of re-powering and / or maintaining the renewable or low carbon energy operation. This in turn, could mean that the facility should be treated as a permanent rather than a temporary feature.</p> <p>With this in mind, it should be noted that the duration of a proposed development is a factor in Landscape and Visual Impact Assessments (LVIAs). For example, the duration of a proposed development is a factor in assessing the magnitude of change</p>

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						<p>resulting from the proposed development. So, all other things being equal, the longer the duration, the larger the magnitude of change and the larger the significance of any adverse effects resulting from the proposed development.</p> <p>The proposal to approve applications for repowering and life-extension of existing renewable sites may mean that these sites / facilities / operations should be treated as permanent when first proposed. This would increase the significance of any adverse effects (compared to a temporary scheme). This will be a particularly important consideration in protected landscapes, which have the highest status of protection in relation to landscape and scenic beauty.</p> <p>In some cases, renewable energy / low carbon schemes may already have been permitted on the basis that they are temporary operations. A different decision may have been reached if it was anticipated that the scheme would be re-powered / maintained in the longer term.</p> <p>On the other hand, it may be preferable, in landscape and visual impact terms, to maintain an existing renewable or low carbon energy operation than to construct a new facility elsewhere within a protected landscape, in an area that has not been affected by that type of development.</p> <p>The requirement to ensure that adverse impacts are satisfactorily addressed, or made acceptable, should help to address these concerns and should not be overlooked.</p> <p><b>Recommendation:</b></p> <p>Further consideration should be given to the implications of the proposals relating to future re-powering and maintenance of renewable / low carbon schemes, particularly in the context of protected landscapes.</p> <p>The proposals should not be treated as a presumption in favour of permitting the future re-powering and maintenance of renewable / low carbon schemes, at least in protected landscapes.</p> <p>The NPPF should specify that when sites <i>are</i> de-commissioned, or reach the end of their design life, the site will need to be restored to a standard whereby factors such as landscape character and scenic beauty of the site (and its locality) are in a better state than the pre-development baseline.</p>
<b>Q42.</b> Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	Yes (with provisos)	158	160c	Beneficial and adverse	High	<p>In principle, the NAAONB agrees with the changes proposed to paragraph 158 of the NPPF (paragraph 160 in the draft NPPF) about approving applications for the repowering and life-extensions of existing renewable sites.</p> <p>However, we have concerns about the second sentence of the new paragraph, which states that <i>‘the impacts of repowered and life-extended sites should be considered for the purposes of this policy from the baseline existing on site’</i>.</p> <p>We do not consider that this is appropriate, particularly in the context of schemes within protected landscapes and their settings. In addition to assessing a scheme against the existing baseline (i.e., with the operational renewable energy scheme in place), it is also important to assess a scheme against a baseline in which the re-powering / life extension is not permitted (i.e., with no operational renewable energy scheme in place).</p> <p>As indicated in response to Q42 some renewable energy schemes are permitted on the basis that they are temporary development, with any associated adverse impacts also being temporary. If it was anticipated, at the time of making a planning decision, that such a scheme was going to operate for a significantly longer time period then it might not have been permitted in the first place.</p> <p><b>Recommendation:</b></p> <p>The second sentence of the new paragraph 158c (paragraph 160c in the draft NPPF) should be removed or, at the very least, should not apply in protected landscapes.</p>

Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
<b>Q43a.</b> Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?	Yes (in principle, with amendments and additional guidance)	Footnote 54	Footnote 63	Beneficial and adverse (the amendments make onshore wind more likely)	High	<p>In principle, the NAAONB supports measures that bring to an end what has effectively been a moratorium on onshore wind since 2015. This is because we recognise the urgent need to implement a wider range of measures to address the climate emergency. However, the implications of any proposed changes on protected landscapes needs to be fully considered.</p> <p>In this context, it is important to note that we support the continued requirement for the identification of ‘suitable areas’ for wind energy (and, where appropriate, other forms of renewable energy including wind energy). This is a particularly important consideration in protected landscapes and their settings, where the identification of suitable areas should be underpinned by a landscape sensitivity assessment<sup>43</sup> and by the mapping of other relevant constraints.</p> <p><b>The proposal to allow for suitable areas for wind energy to be identified in supplementary planning documents</b></p> <p>The intention of this proposed change is to provide local authorities to have a range of routes to demonstrate their support for certain areas in their boundaries to be suitable for onshore wind, including the identification of suitable areas in supplementary planning documents (SPDs).</p> <p>However, it is not clear why SPDs should be considered as a suitable alternative to development plans for identifying suitable areas for wind (and, potentially, other forms of renewable energy such as solar energy).</p> <p>If a local planning authority (LPA) is reviewing their development plan it would be appropriate for the LPA to identify suitable areas as part of the local plan review process. As this is such a sensitive topic, it is appropriate that it should undergo the scrutiny of an independent examination as part of the development plan process.</p> <p>The only scenario where an SPD might be appropriate is where it is likely to be several years before a development plan is reviewed and the updated plan adopted. In this instance, an SPD could potentially provide a stop-gap measure for identifying ‘suitable areas’. However, in that scenario, the identification of suitable areas should still, ultimately, be incorporated into the development plan review process. The SPD (and the methodology that underpins it) would obviously provide a useful starting point for this, although the identification of suitable areas would still be subject to public scrutiny (and potential modification) as part of the development plan review process.</p> <p>The emphasis should still be on reviewing and updated development plans in a timely fashion rather than relying on an SPD to prop up out-of-date development plan policies.</p> <p><b>Recommendation:</b> We recommend that the wording of the new footnote 63 (currently footnote 54) in relation to SPDs should be changed as follows:</p> <ul style="list-style-type: none"> <li>... unless it is in an area identified as suitable for wind energy development in the development plan or, as an interim measure until the development plan is reviewed, in a supplementary planning document (where the existing development plan includes policy on supporting wind and other renewable energy) ...</li> </ul> <p><b>The proposed changes relating to community support</b></p> <p>With the proposed changes, it would only be necessary for:</p> <ul style="list-style-type: none"> <li>the planning impacts identified by the local community to be <i>satisfactorily</i> addressed, rather than <i>fully</i> addressed;</li> <li>the proposal to have the <i>support</i> of the local community, rather than the <i>backing</i>.</li> </ul> <p>In principle, we would support the proposed changes as a means of making wind energy more of a viable option.</p>

<sup>43</sup> We recommend that landscape character areas / types within - and adjacent - to protected landscapes that are identified as having the highest level of landscape sensitivity (for the type and scale of renewable energy being proposed) should be excluded from the suitable areas.



Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
						<p>However, these are nuanced amendments that will require further guidance in order to determine the full implications. Without this further guidance there is a risk that the changes will just be ‘window dressing’ (i.e., superficial changes that don’t actually change the practicalities).</p> <p>‘Support’ is presumably meant to be a less stringent requirement than ‘backing’. However, it is not clear what this means in any quantifiable sense, particularly given that the consultation documents indicates that the support will need to be demonstrable.</p> <p>Similarly, ‘satisfactorily addressed’ is presumably meant to be less stringent than ‘fully addressed’. However, the impacts will presumably still need to be fully looked at (i.e., assessed) before a decision can be reached as to whether the impacts are acceptable in the overall planning balance.</p> <p>This is a particularly important consideration in protected landscapes where local planning authorities (and other relevant authorities, including the Planning Inspectorate and the Secretary of State) have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the area.<sup>44</sup> The expectation of this duty is that adverse impacts will be (i) avoided and (ii) minimised. If a proposed development within a protected landscape constitutes major development, in the context of paragraph 177 of the NPPF, this adds a further level of scrutiny as part of the major development ‘tests’ that are specified in paragraph 177.</p> <p>It is also not clear what is meant by ‘local community’ in this context. Ideally, local community, in this context, would relate to relevant stakeholders that have a valid interest in a proposed scheme, such as Conservation Boards and AONB Units.</p> <p><b>Recommendation:</b></p> <p>The Government should provide further guidance on the proposed changes, including an explanation of what they would actually mean in practice and what the implications of the proposed changes would be.</p> <p>Guidance relating to the issue of local community support should make explicit reference to the relevant protected landscape body, including Conservation Boards and AONB Joint Advisory Committees.</p>
<b>Q43b.</b> Do you have any views on specific wording for new footnote 62?	No		Footnote 62	Adverse	High	<p>Under the new footnote 62, wind energy development involving one or more turbines can be granted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. This would, in effect, grant permitted development rights for wind energy developments involving one or more turbines, regardless of their scale.</p> <p>The footnote goes on to state that wind energy development can be granted through these orders ‘<i>if it can be demonstrated that the planning impacts identified by the affected local community are appropriately addressed and the proposal has community support</i>’. However, it is not clear whether these Orders: (i) are applied to individual wind energy proposals; or (ii) provide permitted development rights for any proposals (including future proposals) within the area where the Order applies. If it is the latter, then it would not be possible to identify, at the time of implementing the Order, what the planning impacts might be.</p> <p>It is also not clear what scale of wind energy footnote 63 relates to. It would be particularly inappropriate to provide permitted development rights for large-scale, commercial wind energy schemes.</p> <p>It is not clear if this footnote applies regardless of footnote 63 or if the two footnotes should be considered together. Presumably, as they are separate footnotes, they are independent of each other. In that case, wind energy developments could potentially be granted through Local Development Orders, etc., even if they are not in ‘suitable areas’. This would undermine the purpose of identifying suitable areas. We do not consider that this is appropriate within the context of protected landscapes and their settings.</p>

<sup>44</sup> Section 85 of the Countryside and Rights of Way Act 2000 ([link](#)).

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						<p>Overall, we do not consider that the proposals set out in this footnote would be appropriate in protected landscapes (and their settings). In particular, they would not be appropriate for wind energy development proposals that would constitute major development, in the context of paragraph 177 of the NPPF.</p> <p><b>Recommendations:</b></p> <p>The new footnote 62 should be removed.</p> <p>If it is not removed then it should be made clear that it does not apply in protected landscapes (or their settings).</p>
<b>Q44.</b> Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?	Yes (with amendments)	N/A	161	Beneficial and adverse	High	<p>In principle, the NAAONB supports the proposal to allow for the adaptation of existing buildings to improve their energy performance.</p> <p>Reducing energy use, through such measures, should be at the top of a greenhouse gas mitigation hierarchy as this will help to avoid and / or reduce greenhouse gas emissions. Increased levels of energy efficiency would also reduce the amount of off-setting (e.g., renewable energy) that is required in order to reach net-zero.</p> <p>An important component of this proposed change is to deliver this energy efficiency whilst ensuring that local amenity and heritage continues to be protected (as stated in the consultation document).</p> <p>However, the proposed wording might not provide the appropriate balance between energy efficiency and protecting heritage. For example, the new paragraph gives ‘significant weight’ to supporting energy improvements but only ‘takes into account’ the policies set out in chapter 16 of the Framework (i.e., those policies relating to conserving and enhancing the historic environment). This does not seem to be an appropriate balance.</p> <p>In many protected landscapes, there are aspects of the built environment (settlements, buildings and other structures) that contribute to a distinctive sense of place, for example, the use of locally sourced stone as a building material and locally distinctive, vernacular architecture. These, in turn, contribute to the natural beauty of AONBs and, in some cases, are a component part of the ‘special qualities’ of the AONB. As such, impacts on these features are a key consideration when having regard to the purpose of conserving and enhancing the natural beauty of AONBs (including their landscape and scenic beauty). This should be explicitly addressed within the policy.</p> <p><b>Recommendations:</b></p> <p>Rather than stating that proposals ‘should also take into account’ the policies set out in chapter 16 of the Framework, paragraph 161 should say ‘should also comply with’ these policies.</p> <p>An additional paragraph should be added to paragraph 161 which states that ‘<i>Proposals should also have regard to potential impacts on features of the built environment in protected landscapes that contribute to the natural beauty of these areas, including their local distinctiveness and special qualities</i>’.</p> <p>Any supporting guidance that is produced should refer to relevant guidance such as Historic England’s guidance on ‘Energy Efficiency and Historic Buildings’.</p>
<b>Q45.</b> Do you agree with the proposed timeline for finalising local plans (30 June 2025), minerals and waste plans and spatial development strategies being prepared under the current system?	Indifferent			Neutral	Low	No comment.



Consultation Question	Answer (Yes / No / Indifferent)	Old NPPF paragraph	New NPPF paragraph	Beneficial / Adverse / Neutral impact on natural beauty of AONBs	High / Medium / Low significance (or priority) for NAAONB response	Comments and Recommendations
<b>Q46.</b> Do you agree with the proposed transitional arrangements for plans under the future system?	Indifferent			Neutral	Low	No comment.
<b>Q47.</b> Neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced.  Do you agree with the proposed timeline for preparing neighbourhood plans under the future system?	Indifferent			Neutral	Low	No comment.
<b>Q48.</b> Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.  Do you agree with the proposed transitional arrangements for supplementary planning documents?	Indifferent			Neutral	Low	No comment.
<b>Q49.</b> Do you agree with the suggested scope and principles for guiding National Development Management Policies?	Indifferent				Low	<p>The NAAONB has some concerns that the three-tier system of National Development Management Policies (NDMP), National Planning Policy Framework (NPPF) and development plans could add extra complexity to the planning system and would potentially undermine the principle that the planning system should be (local) plan-led.</p> <p>Development plans currently undergo rigorous scrutiny through several stages of consultation and through the development plan examination process. They are also democratically accountable at the local level. It is not currently clear the level of consultation and scrutiny that will be applied to the NDMP or to the new version of the NPPF, which will be re-focused on principles for plan-making, or to future revisions of these documents.</p> <p>It is also unclear as to exactly what the boundaries will be between the NDMP, the NPPF and development plans. For example, there are many policies within the NPPF that are relevant at both the plan-making and development management stages of the planning process, such as paragraph 176, relating to protected landscapes.</p> <p>The consultation document states that the NDMP would not address subjects such as pollution. However, the extent to which a proposed development would 'pollute' the local environment, including noise and light pollution, is an important consideration in deciding whether a proposed development should be permitted. This is particularly important in protected landscapes where</p>

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						<p>tranquillity and dark skies are factors that contribute to the natural beauty of these areas and are often identified as special qualities of the individual protected landscapes.</p> <p><b>Recommendations</b></p> <p>The NDMP and the new, plan-making, focussed NPPF should be subject to rigorous consultation. For example, there should be more than one round of consultation, with the second round setting out comments made on the first, and the Government's response.</p>
<b>Q50.</b> What other principles, if any, do you believe should inform the scope of National Development Management Policies?	Indifferent				Low	No comment
<b>Q51.</b> Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions? <sup>45</sup>	Indifferent				Low	No comment
<b>Q52.</b> Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?	Yes			Beneficial	High	<p>The NAAONB considers that the following two issues should be much more 'front and centre' in both the NDMP and the NPPF:</p> <ul style="list-style-type: none"> <li>• The climate emergency and the urgent need to implement measures that will enable 'net-zero' and other mitigation and adaptation measures.</li> <li>• The ecological crisis (international / national / local) and the urgent need to implement measures to recover nature (underpinned by Local Nature Recovery Strategies).</li> </ul> <p>In addition, the following issues should also be given greater consideration than is currently the case:</p> <ul style="list-style-type: none"> <li>• Measures to implement the Government's 25 Year Plan for the Environment.</li> <li>• Measures that help to implement / address the proposals that were set out in the Government-commissioned Landscapes Review.</li> </ul> <p>In relation to the Landscapes Review and protected landscapes, it may be appropriate to bring forward relevant guidance from national guidance into national policy. For example:</p> <ul style="list-style-type: none"> <li>• Protected landscapes are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated areas).</li> </ul> <p>Please also refer to our response to Question 6.</p>
<b>Q54.</b> What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?	Indifferent			Neutral	Low	No comment.

<sup>45</sup> The selected additions are: carbon reduction in new developments; allotments; housing in town centres and built-up areas.

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<b>Q55.</b> Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?	Yes			Beneficial	Low	<p>The NAAONB agrees that, as a matter of principle, brownfield land should be considered for development before greenfield land. Greenfield land should not be considered until brownfield land has been developed or ruled out.</p> <p>A potential exemption to this principle would be in rural areas within protected landscapes where re-developing a brownfield would harm the natural beauty of the protected landscapes. In that scenario, it may be more appropriate to restore the brownfield to a rural land use or manage it for its biodiversity interest.</p>
<b>Q56.</b> Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?	Indifferent			Neutral	Low	No comment.
<b>Q57.</b> Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?	Indifferent			Neutral	Low	No comment
<b>Q58.</b> We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.	Indifferent			Neutral	Low	No comment.