

# COTSWOLDS CONSERVATION BOARD POSITION STATEMENT



## Development in the setting of the Cotswolds AONB

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### 1. Introduction

Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England and Wales are conserved and enhanced. In policy terms they have the same planning status as National Parks.

The Cotswolds Conservation Board is the body set up by Parliament to conserve and enhance the natural beauty of the Cotswolds AONB and increase the awareness and understanding of the special qualities of the AONB. The Board also has a duty to have regard to the social and economic needs of those who live and work in the Cotswolds.

The Cotswolds Conservation Board is aware of pressures for major development (for example housing, employment and renewable energy schemes) outside but in the setting of the AONB. However, even poorly designed and located minor development can also have negative impacts. The Board recognizes there is a need to manage development pressures and land use changes both within and within the setting of the AONB, with sensitivity in order to maintain a balance in promoting economic and social viability whilst retaining traditional Cotswold character.

### 2. Purpose

This Statement provides guidance to local planning authorities, landowners and other interested parties regarding the consideration of the impact of development and land management<sup>1</sup> proposals which lie outside the AONB but within its “setting”.

**The Board considers the setting of the Cotswolds AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the landscape, scenic beauty and special qualities of the Cotswolds AONB.**

This Statement clarifies references to setting from the Cotswolds AONB Management Plan. The surroundings of the Cotswolds AONB are also important to its landscape character and quality. There are views out of the AONB and across back into land within the AONB and views towards or into it from surrounding areas, all of which can be very significant. Development proposals that affect views into and out of the AONB need to be

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

carefully assessed to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.

As explained below, the level of harm from any proposal does however have to be considered and expressed in terms of : (i) harm directly to land in the designated AONB itself which is the significant issue and (ii) as a separate material consideration, harm to land outside the designated AONB that is viewed in the context or backdrop of the AONB.

The Cotswolds AONB boundary edges major urban areas including Bath, Stroud, Cirencester, Gloucester and Cheltenham for example. The pressure for development outside, but in many locations within the setting of the AONB is significant.

The Cotswolds Conservation Board will make representations, particular in respect of Local Plans and Neighbourhood Plans, to ensure policies make specific reference to the setting of the Cotswolds AONB. The Board will also make comments on pre-application, application and appeal stages of planning applications if required on setting issues where relevant.

In all cases where setting issues may arise specific consideration should be given to guidance within the Cotswolds AONB Landscape Character Assessment, the Cotswolds AONB Landscape Strategy and Guidelines and the Cotswolds AONB Management Plan.

### **3. National Planning Policy Framework and National Planning Policy Guidance.**

The NPPF (March 2012) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

The second paragraph of the NPPF states that *“Planning Policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.”* AONBs are of course protected under the existing statutory requirements of the Countryside and Rights of Way Act 2000, specifically under Section 85 it is a legal duty for all relevant authorities to have regard to the primary purpose of AONBs to conserve and enhance the natural beauty of the area.

At paragraph 113 the NPPF states that *“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.”* The phrase “or affecting” landscape areas supports the need for setting as a consideration in policy making.

Paragraphs 126 to 141 of the NPPF, refers to conserving and enhancing the historic environment and defines the setting of heritage assets within its Annex.2.Glossary as:

*“The surroundings in which an asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral.”*

A “Heritage asset” is defined in the NPPF as *“a building, monument, site, place, area, or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest”*. In view of the number, scale, quality and

distribution of designated and undesignated historic features in the Cotswolds AONB, the Board considers that the AONB is also a landscape which can be considered a heritage asset under this definition and therefore setting is also a consideration in this respect.

The National Planning Policy Guidance (NPPG 2014) also confirms in relation to the Section 85 duty that *“The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.”*

The High Court decision (Stroud District Council v Secretary of State for Communities and Local Government (Gladman Development Ltd) February 2015) helps confirm the application of Paragraph 115 of the NPPF. Mr Justice Ouseley stated in this case that Paragraph 115 of the NPPF *“certainly covers the impact on the scenic beauty of the land actually within the AONB. It seems to me that it would be unduly restrictive to say that it could not cover the impact of land viewed in conjunction with the AONB from the AONB. But to go so far as to say that it must also cover land from which the AONB can be seen and great weight must be given to the conservation of beauty in the AONB by reference to that impact reads too much into paragraph 115.”* Further to this the use of Paragraph 116 of the NPPF is quite specific in relation to development “in” AONBs.

The above decision helps clarify that there are differing ways of assessing impacts on the setting of the AONB which require the application of different policies and guidance:

- (i) harm directly to land **in** the designated AONB itself from views out of the AONB and between parts of the AONB towards new development in its setting (where Paragraph 115 of the NPPF is relevant) and:
- (ii) as a separate material consideration, harm to land **outside** the designated AONB, for example views of new development in the context or backdrop of the AONB (where Paragraphs 115 or 116 is not relevant).

The priority to the Board, when responding to development within its setting, will be to express impact, positive or negative, on the special qualities and character **in** the designated AONB and with reference to Paragraph 115 of the NPPF.

Impact of views back towards the AONB, from **outside** the AONB, may be still be considered by the Board, but may be a separate material consideration and subject to separate policy and guidance. Paragraph 109 of the NPPF for example confirms that the planning system should contribute to and enhance the natural and local environment generally including protecting and enhancing “valued landscapes” which may include landscapes outside of nationally protected landscapes. Three appeal decisions have been considered and have been listed as additional guidance at the end of the Position Statement, where views back to the AONB and impact on the wider landscape as a whole have featured within Inspector’s decisions.

The NPPF also contains a number of references to various forms of pollution. Pollution can result from outside the AONB, but impact on and into the AONB including from noise, dust, and light. Paragraph 125 states *“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity,*

*intrinsically dark landscapes and nature conservation.*” At paragraph 123 of the NPPF it is also recommended that policy makers and decision takers “*identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*”

Adverse effects may not only be visual, a development that is noisy may well affect the tranquillity of the Cotswolds AONB even if not visible from the AONB. The Cotswolds Conservation Board will monitor and comment as appropriate on significant planning applications that relate to the impact of development on the setting of the AONB. The AONB will consider proposals on the balance of their positive change against negative impacts.

#### **4. Examples of Adverse Impacts on the Setting of the Cotswolds AONB**

Examples of adverse impacts on the setting of the Cotswolds AONB could include:

- \* development which would have a significant visual impact on views out of the AONB or between parts of the AONB (and subject to separate guidance and policies views into the AONB) including consideration of cumulative impact of several similar forms of development;
- \* loss of tranquillity through the introduction or increase of lighting and or noise (including consideration of cumulative impact of several similar forms of development);
- \* other environmental impact and forms of pollution like dust;
- \* introduction of abrupt change of landscape character (including the addition of tall structures, masts, wind turbines etc);
- \* loss or harm to heritage assets and natural landscape, particularly if these are contiguous with the AONB;
- \* impact on special associations and interrelationships of settings (for example between the Bath World Heritage Site and the AONB)
- \* change of use of land where of a significant enough scale to cause harm to landscape character; and
- \* development individually or cumulatively giving rise to significantly increased traffic flows to and from the AONB (resulting in loss of tranquillity and erosion of the character of rural roads and lanes);
- \* inappropriate use of external materials, external colours, reflective surfaces, and inappropriate landscaping.

#### **5. Conserving & Enhancing the Cotswolds AONB**

The Environmental Impact Assessment process for example, is based on avoiding harm in the first place before then considering minimising harm and then offsetting adverse

impacts. In relation to development affecting its setting, the Cotswolds Conservation Board, considers avoidance in the first place to be the best option. However, there may be circumstances where options exist to minimise harm. The Board supports the following:

- \* measures to consider impact on the setting of development of the AONB (including where required through Landscape and Visual Impact Assessments);
- \* accordingly avoiding development that fails to conserve and enhance the setting of the Cotswolds AONB and cannot be made acceptable;
- \* if development can be made acceptable then ensuring care over orientation, site layout, height and scale of structures and buildings;
- \* consideration not just of the site but also the landscape, land uses, topography and heritage assets around and beyond it;
- \* careful use of external colours, materials and non-reflective surfaces;
- \* careful use of existing native landscaping and provision of new additional native landscaping (where suitable) to help screen views of development;
- \* where new landscaping is proposed ensuring it is of sufficient quantity, quality, species and has a suitable agreed management plan to ensure long term effectiveness;
- \* consideration of the potential impacts of light, noise and other forms of pollution spreading from outside the Cotswolds AONB into the AONB (either from individual sites or through cumulative effects of several sites) and ensuring suitable design and mitigation measures;
- \* generally avoiding external lighting or street lighting; or ensuring if external lighting is required it is of a “dark night skies” compliant design, with full cut off or shielding to prevent light pollution and “night glow”. Use of lighting time switches to ensure lighting is only used when actually needed.

**The Board therefore recognises that in certain circumstances where setting issues cannot be resolved, the Board may choose to oppose specific forms of development within its setting if brought forward for development.**

#### **Key Documents:**

National Planning Policy Framework 2012

National Planning Policy Guidance 2014 Natural Environment – Landscape.

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2015).

Cotswolds Conservation Board Management Plan, Position Statements, Landscape Character Assessment and Landscape Strategy and Guidelines.

Planning Appeal: APP/B1605/W/14/3001717 (650 dwellings and associated works) Kidnappers Lane, Leckhampton, Cheltenham.

Planning Appeal: APP/C1625/11/2155923 (Berkeley Vale 4 Wind Turbines) Agricultural land at Standle Farm, bounded by the M5 and A38, Stinchcombe, Gloucestershire.

Planning Appeal: APP/C1625/W/15/3007972 (100 dwellings) Land off Shakespeare Road, Dursley,

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