

**BATH and NORTH EAST SOMERSET COUNCIL
CORE STRATEGY AMENDMENTS CONSULTATION NOVEMBER 2013
RESPONSE OF THE COTSWOLDS CONSERVATION BOARD**

Preamble

The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

The Board has two statutory purposes¹:

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

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

Comments on the consultative document – Amendments CSA22, 23 and 24; and CSA25, 26, 27 and 28.

1. Paragraph 14 of the National Planning Policy Framework (NPPF) includes:

“For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or specific policies in this Framework indicate development should be restricted.⁹”

Footnote 9 states:

“⁹ For example, those policies relating to ... an Area of Outstanding Natural Beauty....”

2. NPPF paragraph 47 includes:

“47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as

¹ Section 87, Countryside and Rights of Way Act 2000.

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far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;”

3. NPPF paragraph 115 states:

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

4. NPPF paragraph 116 states:

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

5. Thus NPPF paragraphs 115 and 116 make clear that development within an Area of Outstanding Natural Beauty may be restricted, and that “exceptional circumstances” need to be demonstrated if planning permission is to be granted for major development in these areas. *It is clear therefore that where policies within the NPPF restrict development, then the “full, objectively assessed needs for market and affordable housing in the housing market area,” may not be able to be met.*

6. Since the sites under consideration in the proposed Core Strategy amendments are “strategic allocations”, they clearly represent “major development” in relation to paragraph 116 and must comply with the policy set out in that paragraph.

7. This was also confirmed by the Inspector examining the Wealden District Core Strategy, Michael Moore BA (Hons) MRTPI CMILT MCIHT, when, in his proposed modifications dated 5th March 2012, he deleted the only housing allocation within the High Weald AONB for around 160 dwellings for the following reason:

“26. PPS7 indicates that the conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies for AONBs.

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Major developments should not take place in these designated areas except in exceptional circumstances and should be subject to the most rigorous examination. They should be demonstrated to be in the public interest. The Council considers that in PPS7 terms the SDA would constitute a minor development. However, AONBs are areas of countryside and attractive landscape. In this context, a residential development of the scale proposed, considered by the Council to be a strategic provision, must be regarded as major. *While the criteria for consideration of major development in para 22 of PPS7 are expressed in terms of applying to planning applications they must logically also relate to proposals in plans.*" [Board's italics]

18. We see that the criteria set out in paragraph 22 of the former PPS 7 are essentially repeated in paragraph 116 of the NPPF. One of the criteria to be assessed is "the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way".
19. This issue was addressed by the Inspector reporting to the Secretary of State for his decision on the Highfield Farm, Tetbury appeal (APP/F1610/A/11/2165778):

Conclusions in respect of paragraph 116 of the Framework

14.69 ... But importantly, in terms of the harm that would be caused to the AONB, I have not been provided with any evidence to suggest that there is anything other than very limited scope indeed to provide housing *within the District on sites that are not part of the AONB.* [Boards italics]

The Secretary of State concurred with the Inspector:

The cost of, and scope for, developing elsewhere

20. The Secretary of State agrees that it is preferable for development to be accommodated on previously-developed land (IR14.51); but there is no evidence to indicate that the remaining shortfall could be addressed solely through the use of previously developed sites. He notes that the Inspector found no evidence of anything other than very limited scope to provide housing on sites outside the AONB (IR14.52). Although preliminary work on the Core Strategy Second Issues and Options Paper identifies a potential strategic site at Cirencester, outside the AONB (IR8.33), he attributes limited weight to this due to the early stage of plan preparation.

- 20 We conclude that *the Secretary of State considers that there should be consideration of the scope for developing sites within the District but outside the AONB before releasing major development sites inside.* We note that the BANES

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SHLAA (November 2013) indicates that there is considerable scope for development within the District but outside the AONB. Examples are as follows:

Land in the Green Belt to the SE of Bristol

Paragraph 2.53 of the SHLAA summary considers a site at Hicks Gate. It states:

“The potential of the area (within BANES) is at least from 650 and rises to 1200 if a greater level of environmental impact and Green Belt intrusion is accepted. It is the impact on the Green Belt and the separation of Bristol, Keynsham and Bath that is the key issue here. This is perhaps the most sensitive area of Green Belt in BANES. The impact on the highways network is also of concern with traffic already backing up along the A4 through Brislington.”

Paragraph 2.54 of the SHLAA summary considers a site at Whitchurch. It states:

“The report (Development Concept Options Report) concludes that if all the area is available for development then 3000 dwellings could be forthcoming. If the majority of Horseworld is removed from the equation then the capacity of the area is unlikely to exceed 2000. Significantly less than this is currently deliverable in the absence of major highway improvements. Barton Willmore suggest a first phase of 600 could come forward without such improvements.

21. The Board therefore suggests that even the minimum potential development at these two sites would provide an additional 1250 dwellings, comfortably exceeding the numbers proposed to be provided from the AONB sites at Weston and Odd Down to meet the suggested shortfall in housing numbers for the Council area as a whole.
23. With respect to the description in the SHLAA of the importance of the Green Belt at Hicks Gate, the Board would suggest that the landscape of the Green Belt at Odd Down and Weston is considerably more sensitive, being designated as part of an AONB and forming part of the setting of a World Heritage Site: as stated in NPPF paragraph 115, AONBs have the highest status with respect to protection in relation to landscape and scenic beauty.
24. However, the Board regards the availability and merits of land to the south-east of Bristol as informative rather than decisive. It would remind the Council that, whether or not there is land elsewhere which can be identified for development, §116 of the National Planning Policy Framework still requires a presumption against development in an AONB unless exceptional circumstances can be demonstrated. There may well be cases where (§5 above) as a result of policies

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within the NPPF restricting development, the “full, objectively assessed needs for market and affordable housing in the housing market area” cannot be met.

Conclusion

- 25. The Board objects to the Core Strategy amendments relating to the allocation of land at Weston (CSA25, 26, 27 and 28) and Odd Down (CSA22, 23 and 24) on the grounds that they do not show the “exceptional circumstances” which Paragraph 116 of the National Planning Policy Framework requires to be demonstrated for the allocation of these sites for major development in the Cotswolds AONB.**