

## Comments

### Local Plan Reg. 18 Consultation: Development Strategy and Site Allocations January 2015 (15/01/15 to 27/02/15)

Comment by	Mr Andrew Lord
Comment ID	840
Response Date	25/02/15 13:43
Consultation Point	Policy SP 8 Gypsy and Traveller Need ( <a href="#">View</a> )
Status	Submitted
Submission Type	Web
Version	0.1

#### Comments field

Land Parcel Opposite Windmill Farm, Hartley Lane, Leckhampton Hill, Coberley, Gloucestershire,

The Cotswolds Conservation Board has previously responded in respect of this site. The following should therefore be taken into consideration in amending the plan to exclude this site allocation:

- 1 The site lies within the Cotswolds Area of Outstanding Natural Beauty, and therefore paragraph 115 of the National Planning Policy Framework (NPPF) applies.

*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.*

- 2 In granting temporary consent on appeal ref: **APP/F1610/A/13/2192673** for use of part of the application site for the keeping of horses (existing) and as a residential caravan site for one Gypsy family with two caravans, including one static caravan/mobile home for a limited period, being the period of 3 years from the date of the decision, or the period during which the site is occupied by them, whichever is the shorter, the Inspector stated:

‘10. Views are partial because of the lie of the land and the natural screening of trees and hedgerows. The appellant has carried out quite a lot of planting along the boundaries but this has not yet reached the point where it has much effect. In the winter, there would be less screening from vegetation and the mobile home and play equipment would be even more visible. Although, as I suggest above, this is not a pristine, high quality part of the AONB, it is still attractive countryside that is only partially marred by the man made intrusions. In wider views other houses and farm buildings are visible, but these seem to be a natural part of the landscape. By way of contrast the settlement on the site does not. It stands out as alien and intrusive. This may partly be because it is new, but the mobile home and its domestic appurtenances in particular appear brashly out of place as they intrude into the paddock area, away from the stable building. They

have a somewhat temporary and ramshackle feel. It would be wrong to add further harmful structures to this part of the AONB that is already suffering from a poorly designed road system.

11. In my view, therefore, the harm caused by the site as it stands, is considerable. It is highly visible, even with screening, and stands out in views across the valley. However, if I consider just the site proposed in appeal D, the harm would be reduced. The majority of views are from the west, and the mobile home would be partially masked by the stables. As long as any garden area does not extend northwards into the paddock, the whole would be contained within the hardstanding area between the stables and the tree screen next to the A435. This much more compact and discrete grouping would still, in some views stand out, but generally would be less visible and have less harmful impact. I am required by the Framework to give great weight to conserving the AONB, and bearing this in mind I find the site does cause significant harm, but the proposed site of appeal D less so.'

- 3 The Board is of the view that the intensification and extension of the permitted site will also cause significant harm, "even with screening". It was clearly the Inspector's view that the harm to the landscape could not be mitigated over time, hence in part the temporary consent.
- 4 Hartley Lane forms part of the Cotswold Way National Trail, which attracts in the region of 100,000 walkers per year. Users of the Cotswold Way are very likely to be highly sensitive to landscape change. Thus even if the site is considered not to be 'a pristine, high quality part of the AONB' the harm caused by the development will be noticed by a considerable number of people seeking to enjoy a landscape nationally designated for its natural beauty. NPPF Paragraph 75 requires the Council to protect and enhance public rights of way, including National Trails.
- 5 The Board therefore **objects** to this proposal on the ground that it is contrary to paragraph 115 of the NPPF.

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Comment by	Mr Andrew Lord
Comment ID	847
Response Date	25/02/15 14:11
Consultation Point	Policy SP 1 Presumption in Favour of Sustainable Development ( <a href="#">View</a> )
Status	Submitted
Submission Type	Web
Version	0.1

#### Comments field

**The Cotswolds Conservation Board wish to make the following comments in respect of Policy SP1:**

Policy SP1 has only in part referred to Paragraph 14 of the NPPF. It has not included, crucially, reference to footnotes 9 and 10 of the NPPF. In particular Footnote.9. confirms the areas where development restrictions apply, which include AONBs and designated heritage assets.

For example in respect of the Highfield Farm, Tetbury appeal decision(11/01591/OUT) the Inspector stated:

*"But even if that were so, footnote 9 to the second bullet point of Paragraph 14 makes it clear that where specific policies in the Framework "for example, those policies relating to... land designated as... an AONB" indicate development should be restricted, then the presumption in favour of granting permission does not apply. That is the case here."*

**Recommended Change:**

Amend Policy SP1 to highlight the relevant footnotes of the NPPF and in particular that the "presumption" in favour of sustainable development does not automatically apply due to the restrictions of the AONB national designation.

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<b>Comment by</b>	Mr Andrew Lord
<b>Comment ID</b>	857
<b>Response Date</b>	25/02/15 14:36
<b>Consultation Point</b>	7.22 Paragraph ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Web
<b>Version</b>	0.1
<b>Files</b>	

**Comments field**

**The Cotswolds Conservation Board wish to make the following comments in respect of paragraph 7.22:**

The Cotswolds Conservation Board supports the reference to the AONB and reference to its setting. It is recommended, to assist further in this matter, a cross reference is added to paragraph 7.22 referring to the Cotswolds Conservation Board's Position Statement on Setting (as attached).

<b>If you wish to upload any supporting documents/ evidence please do so here</b>	Cotswolds AONB Position Statement on Setting 2013 Cotswolds AONB Position Statement on Setting 2013
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<b>Comment by</b>	Mr Andrew Lord
<b>Comment ID</b>	874
<b>Response Date</b>	25/02/15 15:22
<b>Consultation Point</b>	Policy SP 4 Natural and Historic Environment ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Web
<b>Version</b>	0.1
<b>Files</b>	

**Comments field**

## **The Cotswolds Conservation Board wish to make the following comments.**

The Plan should include a specific **Landscape Policy** with detailed reference to the AONB.

Although the Plan makes reference to the AONB no strategic statement has been made as to the legal duty of the Council under the CRoW Act (2000) to ensure the conservation and enhancement of the AONB as a nationally protected landscape. Accordingly reference should be made to the enhanced status of protection afforded to the AONB and in particular Paragraph 14 (footnote 9), Paragraph 115 and Paragraph 116 of the NPPF and the existence of the AONB Management Plan (2013-18) as a material consideration and the related Position Statements.

Additional guidance is contained within the attached Position Statement on Housing and Development.

### **Requested Changes:**

By way of example the following extracted text is from the recently Adopted Wiltshire Core Strategy 2015 and was agreed between all AONBs, the Council and Inspector (Core Policy 51 and associated text):

*"Applications for development which would by its nature, scale, appearance or location have the potential to change local landscape character must be accompanied by a Landscape and Visual Impact Assessment.*

*6.76 The national significance of the landscape of Wiltshire is acknowledged in the designation of 44% of the area administered by Wiltshire Council as an AONB while a small area of the New Forest National Park is also present within the south of the county. When determining proposals in AONBs and the New Forest National Park, great weight will be given to conserving landscape and scenic beauty in accordance with paragraphs 115 and 116 of the NPPF. Particular attention is also drawn to paragraph 14 (including footnote 9), which restricts the presumption in favour of sustainable development in such areas. However Core Policy 51 also addresses development outside these areas which could affect the setting of these highly valued landscapes. The current Management Plans for these areas are as follows:*

*Cranborne Chase and West Wiltshire Downs AONB Management Plan 2009 – 201433 North Wessex Downs AONB Management Plan 2009 – 201434 Cotswolds AONB Management Plan 2013 – 2018 New Forest Management Plan 2010 – 2015.*

*6.77 Proposals for development within or affecting the AONBs or NFNP should demonstrate that they have taken account of the objectives, policies and actions set out in those current or any other revised or replacement Management Plans. Other documents prepared by the AONBs or NFNP may also be relevant, including position statements, woodland and biodiversity strategies, landscape sensitivity and tranquillity studies, and the landscape character assessments listed above. Development affecting the Stonehenge and Avebury World Heritage Site and its setting should be considered in light of Core Policy 59, while any development in the setting of the Bath World Heritage Site should have regard to the findings of the Bath World Heritage Site Setting Study (2009) and any associated Supplementary Planning Document as a material planning consideration.*

*6.78 Core Policy 51 refers to development within the setting of an AONB or national park; setting is considered to be all of the surroundings from which a designated landscape can be experienced, or which can be experienced from the designated landscape. Its extent is not fixed and may change as the landscape and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the natural beauty of a landscape, and may affect the ability to appreciate it. Landscape Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures: i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies ii. The locally distinctive character of settlements and their landscape settings iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe iv. Visually sensitive skylines, soils, geological and topographical features v. Landscape features of cultural, historic and heritage value vi. Important views and visual amenity vii. Tranquillity and the need to protect against intrusion from*

*light pollution, noise, and motion* viii. Landscape functions including places to live, work, relax and recreate, and ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty. Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting."

<b>If you wish to upload any supporting documents/ evidence please do so here</b>	Housing & Development Position Statement 2013 Housing & Development Position Statement 2013
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<b>Comment by</b>	Mr Andrew Lord
<b>Comment ID</b>	887
<b>Response Date</b>	25/02/15 16:12
<b>Consultation Point</b>	4.15 Paragraph ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Web
<b>Version</b>	0.1

**Files**

#### Comments field

**The Cotswolds Conservation Board wish to make the following comments:**

The Board supports the provision of new renewable energy projects where the aims of conserving and enhancing the AONB (CRoW Act 2000) are not undermined.

Paragraph 4.15 does not conform to the guidance made at Paragraphs 115 and 116 of the NPPF (the NPPG and the most up to date Ministerial Statements) which highlight the constraints of "larger scale" renewable energy projects in the AONB and within its setting and that particular attention should be given to **"landscape and visual impact, heritage and local amenity."**

**Requested Change:**

Amend Paragraph 4.15 to refer to the NPPF (paras.115 & 116), the NPPG, the most recent ministerial statements and the Cotswolds Conservation Board's Position Statement on Renewable Energy (see attached).

<b>If you wish to upload any supporting documents/ evidence please do so here</b>	Renewable Energy Position Statement Cotswolds Conservation Board Renewable Energy Position Statement
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<b>Comment by</b>	Mr Andrew Lord
<b>Comment ID</b>	964
<b>Response Date</b>	26/02/15 10:17

Consultation Point	Policy SP 3 Land for new homes ( <a href="#">View</a> )
Status	Submitted
Submission Type	Web
Version	0.1

#### Comments field

**The Cotswolds Conservation Board wish to make the following comments:**

##### **Strategic Direction of Housing & Affordable Housing in relation to the AONB designation.**

Under the relevant statutory provisions (notably Part IV of the Countryside and Rights of Way Act 2000), the sole criterion for designation of an AONB is that the outstanding beauty of the area makes it desirable that particular protections should apply to it. Under sections 84(4) and 85(1) of the 2000 Act, a planning authority must take steps to accomplish the purpose of conserving and enhancing the natural beauty of an AONB; and must have regard to that purpose in exercising any function in relation to, or affecting land in, an AONB.

The NPPF advises that Local Plans should provide greater clarity as to the strategic direction of locating development taking into account the different roles and characters of different areas. In particular Paragraph 14 (footnote 9) states that the "presumption" in favour of sustainable development does not apply in areas where development is "restricted" and this includes AONBs.

Paragraph 17 of the NPPF confirms that planning should *"contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value..."*

Accordingly Paragraph 113 of the NPPF states that *"Local planning authorities should set criteria based policies against which proposals for any development on or affecting...landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and local designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance..."*

Paragraph 115 confirms that "great weight" should be given to conserving landscape and scenic beauty with AONBs having the highest status of protection.

Finally Paragraph 116 states that *"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 applications include three tests in relation to (i) the need for the development in terms of national considerations, (ii) the cost and scope for developing outside the designated area or meeting the need in some other way and (iii) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

The Board also positively supports the provision of affordable housing within the AONB to meet local needs. However the Plan does not appear to refer to the DCLG document from November 2014 "Planning Contributions" (Sect.106 Planning Obligations) that states: *"For designated rural areas under section 157 of the Housing Act 1985, which includes National Parks and **Areas of Outstanding Natural Beauty**, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions. Within these designated areas, if the 5-unit threshold is implemented then payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development"* (emphasis added).

As well as any detrimental effect of the development on the landscape, this national policy requires the planning policy-maker to assess, and take into consideration, the need for the development and the scope for meeting the assessed need in some other way. This process should be clearly stated within the Plan.

##### **Requested Change**

The Plan should provide a clear strategy as to how the nationally designated AONB influences the location of development in terms of both housing and affordable housing. There should be specific reference to the above paragraphs of the NPPF and the DCLG 214 publication on Planning Contributions in relation to affordable housing provision within the AONB (additional comments have been made in relation to Policy SP4 that relate to this matter).

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Comment by	Mr Andrew Lord
Comment ID	973
Response Date	26/02/15 10:44
Consultation Point	Policy SP 9 Local Green Spaces ( <a href="#">View</a> )
Status	Submitted
Submission Type	Web
Version	0.1

#### Comments field

**The Cotswolds Conservation Board wish to make the following comments:**

The Board supports the Council's aims in designating Local Green Spaces and the process that has been gone through in gaining community support in identifying these areas.

As part of this process the Board have been asked to support the inclusion of land at Blockley Mill (Water Board site) which should bring benefit to the local community and ensure the aims of conserving and enhancing the character and special qualities of the AONB are met.

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Comment by	Mr Andrew Lord
Comment ID	976
Response Date	26/02/15 11:15
Consultation Point	Policy SP 7 Rural Housing ( <a href="#">View</a> )
Status	Submitted
Submission Type	Web
Version	0.1

#### Comments field

**The Cotswolds Conservation Board wish to make the following comments:**

The Board has made detailed comments in respect of the strategic direction of housing in relation to the AONB designation (particularly in relation to Policies SP3 and SP4).

It is requested that reference to the AONB is referred to within the Rural Housing Policy (and in particular paragraphs 115 and 116 of the NPPF) and a cross reference is given to the requested changes to SP3 / SP4.

It should be noted that specific restrictions apply due to the AONB designation.

Accordingly changes should be made to the wording of the Policy (see deletions/bold type):

- 1 *Planning applications for rural housing will only be permitted if it is shown that there are clear social, economic or **AND** environmental benefits resulting from the development; and it has been demonstrated that there would be no material adverse impacts on one or more of the following criteria:*

And there should be an additional criteria added:

***(i) proposals within the Cotswolds AONB will be subject to consideration in respect of paragraphs 115 and 116 of the NPPF, should conserve and enhance the special qualities of the AONB and should be supported by a Landscape and Visual Impact Assessment.***

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Comment by	Mr Andrew Lord
Comment ID	984
Response Date	26/02/15 11:46
Consultation Point	8 The Strategy ( <a href="#">View</a> )
Status	Submitted
Submission Type	Web
Version	0.1

#### Comments field

**The Cotswolds Conservation Board wish to comment as follows:**

Detailed comments have been submitted in relation to Policies SP3, SP4 and SP7 requesting a clearer strategic direction in relation to the influence of the nationally protected AONB designation in respect of the location of housing sites.

It is not clear from the Plan that the proposed housing site allocations within the AONB (for example in Blockley, Chipping Campden, Northleach etc.) have been tested as to whether they can be developed in a way without harming the purposes of designation of the AONB and whether the proposed allocation meets the requirements of Paragraphs 115 and 116 of the NPPF.

**Requested Change** Include clarification within the Plan that the site selection process does conform to the requirements of the NPPF and to ensure the Council meets with their legal duty under Section 85 of the CROW Act to ensure the conservation and enhancement of the AONB.