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working locally and nationally to
protect and enhance a beautiful,
thriving countryside for everyone to
value and enjoy

West Oxfordshire Local Plan 2031 - Stage 2 Examination

CPRE West Oxfordshire - Written Statement - Matter 10 - Environmental & Heritage Assets

10.2 Taken together are policies OS4 (High Quality Design), EH1 (Landscape Character), EH2 (Biodiversity), EH3 (Public Realm and Green Infrastructure), EH4 (Decentralised and Renewable or Low Carbon Energy Development) and EH7 (Historic Environment) justified, effective and consistent with national policy?

BULLET POINTS 1 & 2

- ***Do policies OS4 and EH1 provide appropriate guidance on how all relevant aspects of landscape character are to be protected or enhanced?***
- ***Do policies OS4 and EH7 provide an appropriately positive strategy for the protection and enhancement of heritage assets whilst enabling them to be put to viable uses?***

General

While very welcome revisions have been made to a number of these policies to bring them more into line with the NPPF, they have not been accompanied by a parallel strengthening of the wording of the related Core Objective (CO14). In this Objective (as originally noted by the Rollright Trust) the four key areas of environmental protection that carry special statutory duties and great weight in planning terms, are still just rolled together as if they did not carry any distinct obligations. Moreover, far from being properly recognized as having such distinct status as part of how sustainable development is defined and promoted by NPPF paragraphs 7, 9 and 61, their importance is belittled by the Objective making reference only to *protection and promotion of its diverse landscape, biodiversity and geological conservation interests* [not physical assets or areas] and only of the District's *local cultural heritage and environmental assets* [seemingly not recognising the international and national importance of many of them], compounding the effect by making no reference to the significant economic and social benefits of conservation in addition to the obvious environmental gains.

As suggested by the Rollright Trust in its original submission, to provide a proper context for the relationships between policies OS4 and EH1 to EH7 CO14 could be reworded to better reflect the statutory and policy obligations on the local planning authority as follows:

Conserve and enhance the high environmental quality of West Oxfordshire, protecting and enhancing the diverse, internationally, nationally and locally important landscape, biodiversity, geological and cultural heritage conservation interests, assets and areas of the District, recognising and supporting their contribution to people's quality of life and social and economic well-being.

High Quality Design and Landscape

General approach

OS4 and EH1 do not fully reflect national statutory and policy requirements for conservation of landscape and how this is to be balanced with other public interest benefits. Furthermore, they do not adequately recognise the overall character of settlements within the rural landscape and the crucial relationship between the two - which not only in the Cotswolds AONB but across the District generally is the quintessential character of the area. The absence of any distinct awareness of the sensitivity of such historic relationships is all too evident in the scale and location of several of the site allocations. Likewise, while the approach recognises both broad landscape character and detailed architectural design issues, there is nothing about the how the density of building and layout of streets in new development can either reflect historic town and village spaces or just more suburbia.

Cotswolds AONB

Although in relation to the AONB EH1 says that '*great weight will be given to the conservation of the area's landscape and scenic beauty*' which reflects paragraph 115 of the NPPF, the overriding statutory duty on all public bodies and officials (s.85 Countryside and Rights of Way Act) is to '*...have regard to the purpose of conserving and enhancing the natural beauty of the area...*' (added emphasis). This phrase occurs throughout references to the AONB.

Other key policy tests are highlighted in various sections of the explanatory text, but not the policy itself, as for example paragraph 9.2.70:

In accordance with Policy EH1 and national policy, any proposed development within the AONB will be expected to conserve landscape and scenic beauty [Note lack of reference here to great weight or enhancing] and major developments will only be permitted in exceptional circumstances and where it can be demonstrated that they are in the public interest.

This reference to the 'major development' test in NPPF paragraph 116 repeats Paragraph 8.4, but in that case it is further stated that:

Importantly, there is no singular definition of major development and the Council will consider each case on its merits having regard to relevant factors including location, scale, context and design. In some instances, even relatively small-scale developments will be classed as major development and therefore only permitted

in exceptional circumstances and where they can be demonstrated to be in the public interest.

These statements of policy reflect NPPF paragraph 116 and court judgments concerning the term ‘major development’ in the context of AONBs, but neither Policy OS4 nor EH1 refer to ‘major development’ in the AONB.

The explanatory text also indicates the other documents that will be used to guide decisions in the AONB: Paragraph 8.3 says “*the Cotswolds AONB Management Plan (endorsed by the District Council as supplementary guidance and is a material consideration) and Landscape Character Assessment, Strategy and Guidelines, is invaluable*” But Policies OS4 and EH1 are far less clear, not referring to the Management Plan Landscape Character Assessment, Strategy and Guidelines or Position Statements - though these are for example referred to in the revised text and policy about energy.

Paragraph 8.3 is poorly drafted because it does not recognise that the *Cotswolds AONB Management Plan* is a statutory plan that is a material consideration irrespective of local authority ‘endorsement’ and that by virtue of s85 of the CROW Act all other formal guidance documents and position statements published by the AONB Conservation Board are also material considerations. Furthermore, no reference is made to the status of the AONB as a ‘Sensitive Area’ under the EIA Regulations and the requirements for formal screening of all types of development falling within Schedules 1 and 2 of the Regulations irrespective of size. West Oxfordshire (like many other planning authorities) does not apply such screening consistently and furthermore (unlike other planning authorities) does not appear to have a public register of screening opinions and directions as required by the Regulations.

Overall

OS4 and EH1 do NOT ‘*provide appropriate guidance on how all relevant aspects of landscape character are to be protected or enhanced?*’ As explained above:

- Some key aspects of landscape character concerning settlement form and layout and the relationship between historic settlements and their rural surroundings are missed.
- There is a general problem (only illustrated here) that important policy statements are dotted about in the explanatory text rather than the policies themselves.
- The provisions regarding the AONB in particular do not fully reflect the statutory duty to enhance as well as conserve its natural beauty or the status of the AONB Management Plan and published guidance and position statements as material considerations, or the special provisions for EIA screening that apply.

OS4 and EH1 together with explanatory text and other references to the AONB in sub-area policies need to be overhauled so that the policies themselves fully key landscape issues and reflect both NPPF and the s.85 statutory duty regarding the AONB (including special status in EIA regulations).

High Quality Design and Heritage

OS4 and EH7 as redrafted (substantially following Historic England and Rollright Trust advice now reflect very much better national statutory and policy requirements for conservation of the historic environment and how this is to be balanced with other public interest benefits. In many respects this has achieved for heritage policy what is still required for landscape.

However, the question as to whether the policies adequately provide for *protection and enhancement of heritage assets whilst enabling them to be put to viable uses* is pertinent to how the strong references to balancing public interests is to be interpreted.

For example the newly inserted (much welcome) paragraph 8.90a covering heritage at risk contains the policy statement:

'The Council will monitor buildings or other heritage assets at risk and proactively seek solutions.'

This should clearly be transferred to policy EH7.

Ensuring that heritage assets have a viable and appropriate use is important for their long term conservation, but what use is more or less suitable depends on the type of building. Thus conversion of redundant historic barns to houses is often the most economically profitable and for prospective owners the most desirable re-use, but is very seldom the most suitable in terms of conserving the historic fabric and character of the building or an appropriate setting.

Such considerations are case-by-case issues and are inherent in the balancing process stated in the policy as redrafted. But the general principle could be further stated in a manner that better reflects NPPF paragraph 126 along the following lines:

The Council will seek to conserve heritage assets in a manner appropriate to their historic character and significance, taking into account

- *the desirability of sustaining and enhancing their significance and putting them to viable uses consistent with conservation of their particular character;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*

- *opportunities to draw on the contribution made by the historic environment to the character of a place.*

In cases of ‘enabling development’ where otherwise harmful development may be justified as the only means of securing key conservation benefits, the Council will apply the balancing criteria set out by Historic England.

BULLET POINT 4

Does policy EH4 accord with national policy with specific regard to:

- its requirements in respect of wind turbines and the defining of 'more' and 'less' suitable areas for such development?
- its requirements in respect of an assessment or strategy which considers decentralised energy systems?

CPRE Oxfordshire Policy

1. CPRE considers climate change a threat to the countryside and supports renewable energy in the right places - that is where the benefit of the production of renewable energy clearly outweighs the inevitable harm to the character of the countryside and the amenity of its residents.
2. CPRE Oxfordshire which is an independent charity within the overall CPRE umbrella has assessed Oxfordshire as an unsuitable location for wind energy as, being a very inland County, wind speeds are relatively low whereas the nature of the various landscapes and the closeness of the settlements makes the impact of wind turbines unacceptable.
3. With regard to solar energy we consider its deployment should be limited to existing buildings, or new buildings permitted for other purposes, especially industrial, where the building itself has already done the greater part of the damage. Previously developed sites, where the renewables development would be no more intrusive than the previous structures could also be acceptable.
4. Deployment in the open countryside itself is unacceptable for landscape and amenity reasons, and particularly where productive land would be lost, even though this is notionally temporary. Nationally our food security is poor and we cannot risk reducing it. Additionally we strongly support local produce and local food produce sold in local shops.

Government Policy

1. Paragraph 112 of the NPPF echoes our concerns about loss of agricultural land albeit particularly best and most versatile land. The ENV report on which the Council relies has chosen to assume that none of the Grade 3 land within the District is "best and most versatile" 3a, and the report is consequently flawed for that reason (amongst others).
2. The Government recognises the need to minimise damage from individual renewables developments, whilst encouraging renewable energy overall. In particular Planning Practice Guidance lays out in detail "*How can local planning authorities identify suitable areas for renewable and low carbon energy*" and in respect of wind energy the written ministerial statement on 18 June 2015 is quite clear that when considering applications for wind energy development, local

planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

(and, we might add, is not on best and most versatile land as per Para 112 of the NPPF.)

3. It is transparently clear that the Government expects to see Local Authorities determine which sites (if any) in their area are suitable for renewables development and (by inference) resist applications on “unsuitable sites”.
4. This in turn means an evaluation of the District’s geography showing areas which are fully suitable and (by default) the rest which are not.

Proposed West Oxfordshire District Council Policy

1. However, West Oxon proposed policy EH4 is that *Applicants for solar farms and wind power will be encouraged to locate new developments in ‘more suitable’ areas as shown in the suitability maps. Where applicants deem it necessary to develop ‘less suitable’ areas, clear justification will need to be provided.*

This is effectively drawn from the very lengthy LDA 2016 report (ENV12) which states that the Council should *‘Encourage applicants through planning policy and our guidance to locate new developments of wind power and solar farms in ‘more suitable’ areas. Where applicants deem it necessary to target ‘less suitable’ areas, we recommend that West Oxfordshire District Council requires clear and robust justification to be provided by the applicant.’*

2. In our view this is a flawed reading of the Government’s intention, and, since the LDA report is based entirely on this position, that report itself is flawed and unreliable.
3. This is not just because it leaves such an opening for development in “less suitable” areas, undermining the analysis arrived at in the document.
4. It is also because every area must by definition be “more” or “less” suitable. But all areas which are “more suitable” are not necessarily “suitable”. “Suitable” is an absolute and a far higher hurdle than being “more suitable”. But “suitable” is the definition the Government rightly wishes to see.