

CPRE Lancashire response to Arnsdale & Silverdale AONB DPD publication draft

Submitted via the South Lakeland consultation portal [http://
applications.southlakeland.gov.uk/ldfconsultation/](http://applications.southlakeland.gov.uk/ldfconsultation/)

Overall comment

The Lancashire branch of CPRE, the Campaign to Protect Rural England, warmly welcomes the opportunity to comment on this pioneering Development Plan Document (DPD). As the first of its kind, it will be closely scrutinised by other AONB Partnerships, as well as by Local Planning Authorities with AONBs in their area and by landowners and developers with interests in and around AONBs. The process of developing policies, assessing sites, and consulting the community, as well as the final form that the Document and its policies take, will inevitably influence the future development of other AONB DPDs and of AONB-specific policies in Local Authority Local Plans.

It is widely recognised that inappropriate development provides one of the most significant threats to the primary purpose of AONBs, i.e. to conserve and enhance their natural beauty, and this threat is growing. Recent research commissioned by CPRE shows there has been an 82% increase in new housing units given planning permission in England's 34 AONBs in the past five years, despite repeated commitments by the Government to 'maintain national protections for AONBs for the benefit of future generations'. This represents almost 15,500 housing units since 2012. The research also shows that the pressure on Local Authorities is set to increase, with applications for a further 12,741 homes in AONBs currently awaiting decision. It shows clear evidence that housing developers are applying increasing pressure on local authorities to build new homes on AONBs by exploiting poorly defined and conflicting national planning policy (CPRE, November 2017: *Beauty Betrayed*, available at <http://bit.ly/2jxW1KM>). The production of individual AONB DPDs is clearly a necessary step in the right direction, enabling a much more focused and fine-grained management of development in these most important national landscapes.

We are therefore delighted to be able to strongly support this DPD overall as being both sound and legally compliant. As it sets out in its introduction, the landscape capacity-led approach is clearly consistent with national policy and legislation - indeed, we are of the view that this is the only possible approach to an AONB DPD that would be consistent with national policy and legislation. Within this baseline parameter, the DPD positively seeks opportunities for development that will support the social and economic wellbeing of the area without compromising this primary purpose, based on detailed evidence and a rigorous site assessment process. It allocates sites that will contribute towards its development needs, and provides criteria-based policies that allow the flexibility for development to come forward on non-allocated sites within the capacity of the landscape and settlement character to absorb it without adverse impact. As indicated by the Sustainability Appraisal, it will have a net positive impact on sustainability overall, by striking the right balance, in light of its nationally significant status, between its social, economic and environmental roles. It clearly demonstrates compliance with the Duty to Co-operate and could indeed be cited as one of the most successful interpretations of the Duty, providing consistency for planning decisions across the AONB in a way that will conserve and enhance its landscapes, natural beauty and special qualities.

We make more detailed comments on individual policies and other elements of the DPD below.

AS01 – Development Strategy & supporting text

CPRE strongly supports this policy and its purpose of ensuring that the primary purpose of the AONB - to conserve and enhance the natural beauty of the area - is at the heart of the overall approach to development, and that new development supports this general purpose and the specific Special Qualities for which the area was designated. It provides a clear hierarchy for preferred development locations and appropriate types of development. It reflects the increasing emphasis in national policy on prioritising previously developed land and buildings, while also providing suitable protection for brownfield sites that have become environmentally or socially valuable. Consistent with para 3.1.2, CPRE believes that any approach to development in an AONB that was not landscape capacity-led would fail to strike the correct balance between meeting the social and economic needs of the community and enacting “the highest status of protection in relation to landscape and scenic beauty” (NPPF: 115).

We are however concerned by the potential ambiguity generated by the section “Development on the edge of and outside settlements”. While we endorse the content of the policy, if the DPD is not in any way to define what counts as the edge of a settlement (cf para 3.1.8), the policy becomes open to interpretation and provides decision-takers with less certainty than could be desired about whether any given site is “within”, “on the edge of”, or “outside” a settlement, and therefore which section of the policy should be applied. While we appreciate the reasons for not wishing to draw hard settlement boundaries, perhaps a written description of what is considered to be the current settlement boundaries might help.

We support the approach set out in paras 3.1.3 - 3.1.7 dealing with Objectively Assessed Needs (OAN), which is consistent with the landscape capacity-led approach deriving from the area’s national designation and primary purpose. As established in para 1.3.6, the effect of NPPF para 14 and footnote 9 is that the AONB is not required to meet its OAN - even if it were possible to apportion an OAN to the area with any degree of accuracy. Given this, and the acknowledged difficulty and challenges of effectively and appropriately allocating sub-Local Authority OAN, setting specific housing targets is unnecessary and would risk undermining national policy and legislation by prioritising a specific quantum of development above the capacity of the landscape to absorb it without significant harm. The positive approach taken of establishing the criteria that development must comply with in order to uphold the primary purpose, with the flexibility for any proposals that meet those criteria to come forward without relying on the blunt tool of numerical targets, is more appropriate to the area’s designation.

It is clearly in line with national policy that development in the AONB should not be seen as an opportunity to meet wider district housing targets - and it would clearly contradict national policy to do otherwise. As an area where policies indicate that development should be restricted in order to offer the highest status of protection to its landscapes and scenic beauty, higher level strategic development needs should not be sought to be met here.

This is particularly the case given the current uncertainty around acceptable methodologies for calculating OAN. Under the proposed national methodology recently consulted on by the Government, the district-wide OAN of both councils would be substantially reduced - by almost 30% in the case of South Lakeland and by around 40% in Lancaster District. A number of LPAs around the country have paused (or accelerated) their plan preparation processes to take account of this methodology. While we would not advocate interrupting the plan preparation process, particularly not at this late stage, this does indicate that there is at the very least a substantial probability that the OAN of the two districts will be significantly different next time it is calculated. In the face of that uncertainty, on top of the issues noted above, apportioning any fixed level of OAN to the AONB does not seem wise.

AS02 – Landscape

CPRE strongly supports this policy. The supporting text helps to justify, explain, and guide implementation of the policy and should be retained in full. We are particularly supportive of the strong emphasis in this overarching policy on landscape and natural beauty, tranquillity, dark skies, local distinctiveness & sense of place, and on cumulative and incremental impacts, issues which are far too often neglected and which are central to the AONB's character.

AS03 – Housing Provision

We strongly support the focus on meeting local affordable and other locally identified housing needs. The requirement of a minimum 50% affordable housing is appropriate given the area's recognised need for affordable homes while also prioritising protection of the environment and the area's protected status. CPRE research from earlier this year shows that the proportion of affordable homes being provided by non-metropolitan local authorities has halved in five years, emphasising the general trend of under-delivery of affordable housing in rural areas (CPRE, June 2017, available from <http://bit.ly/2AlxYa2>). While the overarching priority must be the conservation and enhancement of the landscape, the social need for affordable housing to enable mixed and diverse communities to continue to thrive should take precedence over market housing. A target of 50% affordable will ensure that those sites that are best suited for housing will contribute significantly to meeting local need. A lower target would reduce the capacity of the area to meet its own social needs in favour of delivering market housing which national policy indicates would generally be more properly located outside of the protected landscape. A lower target delivering less affordable housing would put greater pressure for the release of sites that are not suitable for housing and would risk unnecessary harm to the beauty and special qualities of the AONB.

AS04 – Natural Environment

CPRE strongly supports this policy. There are some changes which should be made to the policy wording for sense and clarity, without which the policy is open to interpretation.

2nd paragraph: replace “*extent, value or integrity*” with “*extent, value and/or integrity*”.

“Trees and woodlands” section: Reword 1st paragraph to read: “*New development should protect and enhance existing trees unless there are clear and demonstrable reasons why their removal would aid delivery of a better development overall, and positively seek opportunities to incorporate new trees.*”

The level of detail is excellent, providing strong guidance and certainty for applicants, communities and decision-takers alike as to requirements. We are particularly supportive of the emphasis on ecological networks, the mosaic approach, and the importance of non-designated habitats, features and species for the functional integrity of biodiversity at the landscape scale, in recognition of the shift in direction at national and international level away from site-based biodiversity protection to a broader focus on ecosystem health, as set out in para 4.2.16.

AS05 – Public Open Space and Recreation

CPRE supports this policy and considers that it strikes the right balance between maintaining important public open spaces and allowing appropriate development to take place where it will enhance their function or not harm their integrity, or where they are no longer fulfilling the role for which they are designated.

AS06 – Key Settlement Landscapes

CPRE strongly supports this policy. The recognition that specific, relatively small scale plots of undeveloped green space are essential to the rural character and local distinctiveness of settlements is one of the key underpinning bases for understanding the character of the settlements in this AONB. It is also vital to recognise that development physically outwith such parcels can adversely affect their functionality in this regard, particularly given that a significant part of their role is to maintain visual connectivity with the surrounding countryside and a sense of the countryside inter-penetrating with the settlement itself. These sites not only make a significant contribution to the character and charm of each of the settlements, but precisely by virtue of their location they are also in many cases particularly vulnerable to development pressures. Their contribution to the special qualities of the AONB as a whole, through their contribution to the character of individual settlements, needs to be protected in policy in order to discourage any speculative interest in development. Parcels of open land fulfilling an equivalent function of course occur in and around towns, villages and hamlets throughout the countryside. However, the approach to be taken to such land must clearly be markedly different within the AONB in order to give effect to national policy. This policy provides an efficient way of protecting a vital element of settlement character from intrusion.

AS07 – Historic Environment

CPRE supports this policy. Supporting text para 4.4.4 is particularly useful in emphasising that the full range of heritage assets needs to be recognised and taken into account, and with a sense of context not in isolation.

AS08 – Design

CPRE strongly supports this policy. The guidance given in paras 4.5.6 and the last sentence of 4.5.7 is particularly crucial.

Para 4.5.9 appears to be policy rather than supporting text, in that it actively directs the way in which development will be delivered, rather than providing a list of factors for consideration, as other sections of supporting text do (e.g. para 4.4.4). It should therefore be included as an integral part of Policy AS08 and the end of the existing draft policy, as follows:

- Replace “the following factors are important” with “development should”
- Begin each bullet point with the imperative rather than the gerund, e.g. “retain” instead of “retaining”

This policy should also encourage the use of recycled and secondary materials in construction and ensure that new development incorporates recycling opportunities, as recommended in the Sustainability Appraisal 5.2.16

AS09 - Economic Development and Community Facilities

CPRE supports this policy and its objective of meeting the social and economic needs of the communities within the restrictions applied by national policy and legislation for the purpose of designation as an AONB. The guidance at para 4.6.3 is particularly useful.

AS10 – Infrastructure for New Development

CPRE supports this policy, especially the emphasis on active travel and sustainable transport networks.

AS11 - Camping, Caravan and Visitor Accommodation

CPRE welcomes the recognition in this policy of the need to balance the benefits of tourism with the impacts of that tourism on the primary purpose of the AONB. We appreciate that this follows the current restrictive policy position. We recognise the adverse impacts that this type of development has caused in the past on landscape, visual

amenity, tranquillity and certain infrastructures, particularly highways, especially when delivered in a manner at odds with the AONB designation. We welcome the attempt to ensure that the mistakes of the past are not repeated by maintaining the approach already established by the two Local Planning Authorities.

Bullet point (II) on low impact accommodation however seems perhaps over-restrictive with the requirement that proposals must “show no adverse impact on the capacity of road, sewerage or other infrastructure”. Any use of these infrastructures could be considered an adverse impact in as much as it reduces the available capacity. “*no significant adverse impact*” may be a fairer wording.

AS12 – Water quality, sewerage and sustainable drainage

CPRE supports this policy.

AS13 – Energy and Communications

CPRE strongly supports this policy in its attempt to strike an appropriate balance between the need to protect the character of the landscape and the need to decarbonise our energy supplies and extend effective broadband coverage. It offers opportunities for low carbon energy supply and reduced energy demand through increased energy efficiency in the context of giving priority to protecting the landscapes and special qualities of the AONB.

We absolutely support the restriction of renewables deployment to the small scale, but believe that it is also important to enable community renewables projects of greater than domestic scale to go ahead if - and only if - they rigorously comply with the rest of the policies in the DPD and they have the support of the community. An example from near the AONB might be the district heating and hydro power schemes at Halton Mill near Lancaster (see <https://haltonmill.org.uk/eco-credentials/>). It is important that such schemes are not precluded or discouraged by a requirement that renewable development should “*usually serv[e] only a single dwelling, business or community building*” - provided any such schemes comply in full with the requirements of the rest of this DPD.

We strongly support the policy with regards to overhead cables.

The penultimate paragraph requires new development to provide “*sufficient*” onsite broadband infrastructure. Without some indication of what counts as “*sufficient*”, this leaves the policy open to interpretation. Reference to current standards or expectations for contemporary urban development may be appropriate in order to avoid rural communities being left behind with effectively sub-standard infrastructure.

AS14 – Advertising and Signage

CPRE strongly supports this policy. Inappropriate advertising and signage can be highly detrimental to local distinctiveness, sense of place and landscape and settlement character, while traditional signage and sensitive treatment of signage and advertising can positively contribute to their conservation and enhancement.

Site assessment and allocated sites mini-briefs

In the context of the primary purpose of the AONB enshrined in legislation, and the highest status of protection given to its landscape and scenic beauty through national policy, the site assessment process used in this case has been entirely appropriate, i.e. a rigorous multi-stage approach, beginning with exclusion criteria and followed by successive stages of landscape, biodiversity, and viability assessment, with sites being removed from consideration at each stage. It is fitting that sites screened out during the first three stages were not considered to be reasonable alternatives to the Plan and therefore did not require sustainability assessment. To consider sites that had significant, non-mitigatable adverse impacts on the landscape as ‘reasonable’ would be to undermine the primary

purpose of, and national policy relating to, AONBs. The approach taken successfully enacts national policy by prioritising the conservation of the landscape while positively enabling settlements to take opportunities to meet their economic and social development needs. It is an effective implementation of the landscape capacity-led approach; indeed, it is hard to see how alternative approaches could be consistent with the level of protection that national policy is supposed to offer to AONB landscapes.

The extent to which this assessment process has thoroughly engaged with the material realities of the sites and the views of the local communities, as opposed to being the kind of tick-box exercise that assessment can sometimes be limited to, is indicated in particular by the exclusion of two sites, S50 and S56. These sites were not ruled out mechanistically by any single element of the assessment process, but when considering the multi-stage site assessment alongside the Habitats Regulations Assessment, Sustainability Appraisal, and public and stakeholder consultation responses, it was concluded that they would in the round have unacceptable impacts on the AONB and its residents (cf Sustainability Appraisal 5.3.6). This implies a careful and meticulous approach which should be commended

The mini-briefs and site maps are helpful. The maps in particular are user-friendly and indicate at a glance to communities, developers and decision-takers alike some of the main site parameters and requirements. The mini-briefs, while in principle an excellent idea, are in practice at times somewhat generic and could be improved with more site-specific detail, to give greater certainty to communities and decision-takers about what will be acceptable, without unnecessarily constraining the freedom of developers to propose creative solutions within the parameters set out.