



Recommended revisions to the SWC’s Main Modifications for Policy SWDPR28 (Feb 2025)

Plan Ref	SWCs modifications (Reg 19 text with Major Modifications in red underline)	CNL Board & MHNL Team preferred policy wording (recommended amendments in green underline)	CNLG & MHNL Team reasoned justification
28 A.	Development proposals within <u>both the Cotswold and Malvern Hills</u> the <del>NLs</del> and <del>AONB</del> will be required to demonstrate that they conserve and enhance the natural beauty <sup>(98)</sup> of the <del>NL and AONB</del> , including their special qualities, landscape and scenic quality, natural heritage, cultural heritage, and relative tranquillity <sup>(99)</sup> .	Development proposals within the <del>NL and AONB</del> <u>National Landscapes and their settings</u> will be required to demonstrate that they conserve and enhance the natural beauty of the <del>NL and AONB</del> <u>National Landscapes</u> , including their special qualities, landscape and scenic quality, natural heritage, cultural heritage, and relative tranquillity.	To cover both the designated area and the setting in same policy wording is in alignment with <a href="#">S85 CRow Act</a> : <i>“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty...”</i> Also demonstrated in <a href="#">case law</a> (e.g. para. 22) which has indicated great weight that should be given to conserving <i>and</i> enhancing landscape and scenic beauty as relevant in the context of development in the setting of NLs.
28 B.	Major development proposals within the <del>NLs and AONB</del> will not be supported <u>other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.</u>	Major development within the <u>National Landscapes</u> will not be supported.	NPPF (para 48) states that <i>“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”</i> . So, the exceptional circumstances situation would be material considerations in the tilted balance On that basis, it is not essential to have exceptional circumstances explicitly mentioned in the policy, and a binary statement provides better clarity.

28 C.	Proposals should have regard to and be consistent with the relevant guidance published <u>and latest Management Plans</u> produced by the Cotswolds Conservation Board and Malvern Hills AONB <u>National Landscape</u> Partnership, including any Housing Position Statements.	<u>Development proposals in the National Landscapes and their settings</u> should have regard to and be consistent with the <u>National Landscape Management Plans and other</u> relevant guidance published by the Cotswolds <u>National Landscape</u> Board and Malvern Hills <u>National Landscape</u> Partnership, including their <del>Housing</del> Position Statements	Management Plans are mentioned first as the main vehicle and principal statutory document under which guidance and position statements sit. Removed reference just to Housing position statements as other documents and statements will also be relevant.
		<del>National Landscape and AONB Setting</del>	Remove subheading as all policy wording can include setting as per the justification for 28 A amendments.
		<u>28 D. Development proposals in the National Landscapes and their settings will be required to avoid, mitigate and, as a last resort, compensate for any residual adverse effects on the natural beauty of these areas.</u>	As explained in our hearing statement for Matter 16, we acknowledge that there may be circumstances in which development is permitted even though it would be harmful to a National Landscape (for example, where it is considered that other factors outweigh this harm). When this is the case, it would be appropriate to consider what measures should be taken to compensate for this harm, over and above the avoidance and mitigation of harm. The Plymouth and South West Devon Joint Local Plan requires development proposals located within, or within the setting of, a protected landscape to 'avoid, mitigate and, as a last resort, compensate for any residual adverse effects'. <sup>1</sup> We recommend that an equivalent requirement should be inserted into SWDPR 28.
28 D.	<del>Development proposals in the setting of a NL and AONB which could have a detrimental impact on the NL and AONB and on people's enjoyment of them will have to submit an assessment of</del>	<del>28 D.</del> <u>28 E.</u> Development proposals <del>within the setting of a National Landscape</del> <u>in the National Landscapes and their settings</u> will need to demonstrate that	Remove latter part of statement as already covered in 28C by also referring to the setting.

<sup>1</sup> West Devon Borough Council, South Hams District Council and Plymouth City Council (2019) Plymouth & South West Devon Joint Local Plan 2014-2034 ([link](#)). Policy DEV25 (Nationally protected landscapes)

<p>landscape and visual effects (100) (including cumulative effects where relevant) and demonstrate, including through siting and design, that any such effects could be rendered acceptable. Development in the setting of the NL and AONB should be in accordance with good practice guidance produced by the Cotswolds Conservation Board and the Malvern Hills AONB Partnership</p> <p><u>Development proposals within the setting of a National Landscape will need to demonstrate that they have been sensitively sited and designed to avoid or minimise adverse impacts, considering cumulative effects. Accordingly, a landscape and visual impact assessment will be required, and regard should be had of any strategies, policies and good practice guidance produced by the Cotswolds Conservation board and Malvern Hills National Landscape partnership.</u></p>	<p>they have been sensitively sited and designed to avoid or minimise adverse impacts, considering cumulative effects. Accordingly, a landscape and visual impact assessment <u>an assessment of landscape and visual effects</u> will be required, including cumulative effects where relevant and regard should be had of any strategies, policies and good practice guidance produced by the Cotswolds Conservation board and Malvern Hills National Landscape partnership.</p>	
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**Final recommended wording:**

**SWDPR 28 : The Cotswolds and Malvern Hills National Landscapes (NL)**

- A. Development proposals within the National Landscapes and their settings will be required to demonstrate that they conserve and enhance the natural beauty of the National Landscapes, including their special qualities, landscape and scenic quality, natural heritage, cultural heritage, and relative tranquillity.
- B. Major development proposals within the National Landscape will not be supported.
- C. Development proposals in the National Landscapes and their settings should have regard to and be consistent with the National Landscape Management Plans and other relevant guidance published by the Cotswolds National Landscape Board and Malvern Hills National Landscape Partnership, including their Position Statements.
- D. Development proposals in the National Landscapes and their settings will be required to avoid, mitigate and, as a last resort, compensate for any residual adverse effects on the natural beauty of these areas.
- E. Development proposals in the National Landscapes and their settings will need to demonstrate that they have been sensitively sited and designed to avoid or minimise adverse impacts, considering cumulative effects. Accordingly, an assessment of landscape and visual effects will be required, including cumulative effects where relevant.