

MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

10 NOVEMBER 2023

POSITION STATEMENTS: POSITION STATEMENTS ON HOUSING IN THE MALVERN HILLS AONB AND ITS SETTING & LANDSCAPE-LED DEVELOPMENT

Recommendation

1. The Committee is recommended to:

- a) **Note the public consultation undertaken by the Malvern Hills AONB Unit on the 'Housing in the Malvern Hills AONB and its Setting' Position Statement, and the 'Landscape-led' Position Statement, which took place between 8 June and 4 August 2023, along with subsequent changes made by Malvern Hills AONB Unit Staff following consultation feedback;**
- b) **Endorse the 'Housing in the Malvern Hills AONB and its Setting' Position Statement, along with its associated Appendices; and**
- c) **Endorse the 'Landscape-led Development' Position Statement, along with its associated Appendices.**

Background

2. Position Statements intend to establish the position of the Malvern Hills AONB Partnership on key issues affecting the area, helping guide the Partnership and relevant plan- and decision-making bodies to articulate how the AONB designation can be conserved and enhanced. They also seek to help to deliver the objectives and policies contained within the Malvern Hills AONB Management Plan, itself a statutory document and a material planning consideration in decision-making.
3. The position statements are stand-alone documents, framed in terms of recommendations, and providing some brief context explaining why the Partnership is taking this position. Both position statements provide further context, guidance and recommendations in relation to specific Management Plan policies and associated issues. They do not create new policies and sit alongside the already widely published Guidance by the Partnership.
4. Whilst the AONB Partnership has previously published one position statement, this being on Setting in 2019, it is recognised that the adoption of Position Statements has become increasingly commonplace across several nationally protected landscapes.
5. At the April 2023 meeting of the JAC, two draft Position Statements, these being on Housing and Landscape-led Development, were endorsed as a consultation draft to subsequent engagement with relevant stakeholders and interested parties. It was also

agreed by the Committee that if future amendments are required, as necessary, these can be made by Malvern Hills AONB Unit staff, in consultation with the Malvern Hills AONB Partnership Manager and that a formal review of the Position Statements would take place every five years.

Consultation

6. Since the previous meeting of this committee, a formal consultation led by the Malvern Hills AONB Unit took place between 8 June and 4 August 2023, totalling eight weeks. Both position statements (and their appendixes) were published on the Malvern Hills AONB website, as well as direct email notifications being sent to the following:
 - Elected members of Malvern Hills District Council, Herefordshire Council, Forest of Dean District Council, Worcestershire County Council and Gloucestershire County Council, within the Malvern Hills AONB;
 - The Town and Parish Council clerks within the Malvern Hills AONB;
 - Current members of the Malvern Hills AONB JAC of relevance, including the Malvern Hills Trust, HALC, WCALC, Country Land & Business Association, CPRE and NFU;
 - Various organisations and interested parties including the NAAONBs, Natural England, Historic England, Malvern Civic Society, Ledbury Civic Society, Three Counties Showground, local landscape consultants, local Wildlife Trust and Local Nature Partnerships; and
 - Local authority staff across the extent of the Malvern Hills AONB.
7. Eleven (11) different consultation responses were received from the following:
 - Town and/or Parish Councils – three (3)
 - Local Planning Authorities – four (4) (Forest of Dean District Council – Forward Plans, Herefordshire Council – Forward Plans and Built and Natural Environment Team, and Malvern Hills District Council – multiple teams)
 - Agencies – two (2) (Natural England and Worcestershire Local Access Forum)
 - Public Representations – two (2)
8. Consultation feedback was largely positive of the Position Statements, in principle. Some comments identified a lack of clarity, context and slight concern re. terminology/implications regarding one or two of the recommendations, as well as question marks about who the Position Statements are targeted towards. Changes have been made to reflect these views.
9. The Wye Valley AONB Unit undertook a similar consultation exercise earlier in the year on similar position statements. Comments received from stakeholders there have also been used to inform the revision and strengthening of the Position Statements. Tweaks to the formatting of both Position Statements have also taken place.
10. A detailed summary of consultation comments received and the AONB Unit's responses to them can be found at: <https://www.malvernhillsaonb.org.uk/draft-guidance-documents-for-jac/>

Housing in the Malvern Hills AONB and its Setting Position Statement

12. The over-arching principle of this position statement is in that housing development in the Malvern Hills AONB should be based on robust evidence of need arising from within the National Landscape. This is in line with Policy BDP3 of the AONB Management Plan 2019-2024. Currently, assessments of housing need and housing requirements are based on local authority boundaries, not on the AONB boundary.
13. The current reliance on local authority housing need figures solely means that there can be unnecessary pressure to accommodate residential development from the wider area within the AONB. This could be avoided if 'housing need' and 'housing requirements' are clearly differentiated. The position statement takes a more pragmatic (and less hypothetical) approach, which will hopefully make it easier for the local authorities to implement the recommendations.
14. This is demonstrated by the fact that the position statement now explicitly recognises the government's 'standard method' for calculating housing need as the starting point for identifying how many houses need to be planned for in a local authority area. The position statement goes on to clearly differentiate 'housing need' and 'housing requirements'.
15. In effect, the recommendations should now help to filter, or screen, the initial local authority housing need figure down to a more appropriate level of housing provision within the Malvern Hills AONB. This will particularly apply when accommodating unmet needs, affordable housing, local connection, rural housing need surveys, choice based letting systems and second homes. Location & Design are also considered, particularly recognising climate change and needing to promote sustainable development. Amendments have been made to one recommendation in the 'Location' section since the draft, omitting reference to 'high' and 'moderate-high' landscape sensitivity. This amendment should help to ensure that future development proposals do not attempt to downplay landscape and/or visual effects in relevant assessments.
16. The position statement intends to help local authorities, developers and other relevant stakeholders to fully address AONB-related issues when considering housing need in planning policy and development management.

Landscape-Led Development Position Statement

18. The over-arching principle of this position statement is that development within the Malvern Hills AONB and, where relevant, in its setting, should be 'landscape-led'. The Malvern Hills AONB Partnership recognises that there are a range of other considerations that must be weighted in the planning balance, including the climate and ecological emergencies, and meeting housing needs and economic growth.
19. However, ideally, there should not have to be a binary choice between conserving and enhancing the natural beauty of the Malvern Hills AONB and planning for and permitting new development. The aspiration should be to deliver new development in a way that is compatible with – and positively contributes to – the purpose of AONB designation.

20. The position statement intends to provide a more balanced stance. For example, it takes account of relevant national and international drivers, such as the Government's objective to build 300,000 homes each year and the 'climate emergency' and does not present itself as 'anti-development'. It is hoped that the position statement should be helpful in increasing understanding of the AONB's special qualities.
21. The position statement has a strong emphasis on the purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONB), including the factors that contribute to natural beauty. This is because it is the purpose of designation to which 'relevant authorities' have a statutory 'duty of regard'. The purpose of designation is also a key consideration when assessing if a proposal in the AONB constitutes 'major development'.
22. Consideration of landscape and visual effects is obviously a key consideration when taking a landscape-led approach. However, a landscape-led approach should also consider all the factors that contribute to the natural beauty of the Malvern Hills AONB. In principle, the landscape-led approach is applicable to all development in the Malvern Hills AONB and its setting, albeit to a degree that is proportionate to the nature, scale, setting and potential impact of the proposed development.
23. Recommendations are made in relation to strategic and neighbourhood planning, development management stages and in relation to Major, EIA development and conserving and enhancing natural beauty on-site. The position statement is intended to help local authorities, developers and other relevant stakeholders to fully address AONB-related issues and be landscape-led in planning policy and development management.
24. Again, amendments have also been made to the recommendations omitting references to 'high' and 'moderate-high' landscape sensitivity. This amendment should help to ensure that future development proposals do not attempt to downplay landscape and/or visual effects in relevant assessments. It also recognises that many Landscape and Visual Impact Assessments have their own methodology and that there is no 'one size fits all'.

On-going Review

25. An intended formal review date of five years is currently envisaged for both position statements although this may be shortened or lengthened, as appropriate, with formally reviewed position statements presented when the time comes.
26. These position statements along with the appendices will be beneficial as part of training sessions/presentations with elected members as well as Strategic, Neighbourhood Planning and Development Management Officers in local authorities.
27. The position statements will also be referred to by the AONB Unit as part of representations to development management and strategic planning consultations.

28. Once the position statements have been endorsed, they will be added to the Malvern Hills AONB Website and will likely be re-branded as one of the first new publications of the 'Malvern Hills National Landscapes' brand.

Specific Contact Points for this report

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