

Responses to Planning Consultations on Position Statements and Updated Guidance Documents, Including AONB Unit Response and Changes

The table below identifies the responses received to the Planning Consultations undertaken for both the position statements on Position Statement 2 – Housing in the Malvern Hills AONB and its Setting, and Position Statement 3 – Landscape-led Development and their appendices, as well as updated guidance on Lighting and Equine Development. A summary of the comments is provided, the AONB Unit response, and changes to the draft documents made, where relevant. All documents have had further work to correct grammar/spelling and re-formatting. As such, these have not been included in the response to consultee comments. Staff in the AONB Unit have made some minor omissions or adjustments to recommendations, following further engagement with one or two technical consultees, to improve the clarity of the documents. The AONB Unit thanks all who formally responded and engaged.

Consultee (redacted where member of public) and consultation responded to	Nature of comment	AONB Unit response	Change (if needed)
Position Statement 2 – Housing in the Malvern Hills AONB and its Setting	N/A	N/A	N/A
Parish Council Response 1	CONSULTEE support Ref 5.11.2 that new market housing should be used as a principal residence rather than as a second or holiday home and Ref 5.4.6 & 5.5.6 relating to affordable and social rented housing.	Comments noted.	No changes.
Agency Response 1	Unfortunately, at present we don't have the relevant landscape expertise within the West Midlands to offer a detailed consultation response at this time.	Noted.	No changes.

Parish Council Response 2	CONSULTEE wish to support the work being done on this.	Comments noted.	No changes.
Parish Council Response 3	An in-person meeting was held at the AONB Office between CONSULTEE, the Malvern Hills AONB Partnership Manager and the AONB Planning Officer on 15 th August 2023 to discuss the documents.	Discussions centred around the nature of the documents and intentions, particularly as the introduction of Position Statements by the AONB was uncommon. We agreed to make some general changes as to who the document is targeted at. The AONB Unit considers that a principal audience would be planners for their decision making in local plan reviews and also in their consideration of planning applications. This document, and our other Position Statements, also however have an essential role to play in providing guidance and context for developers in their consideration and design of sites, and for communities for the development of neighbourhood plans and their subsequent reviews.	General changes made to who the document is targeted at, largely Sections 2 and 3.
Member of Public Response 1	I refer to sections 1.4 and 2.2 in the relevant document: I am opposed to ANY further housing 'developments' in the AONB. The whole area has been made uglier by existing housing developments that only benefit the greed of 'developers' and the illegitimate aims of the national government. We already have too many traffic problems, environmental damage and strains on resources (health, education etc), without any further building. These developments do not create "vibrant communities" as you put it and they are forced in at the expense of the existing community.	Comments noted.	No changes.
Agency Response 2	Firstly, none of the consultation documents mention the Malvern Hills Trust, the new working name for the Malvern Hills Conservators, who look after the Access Land and	Comments noted.	Reference to Position Statement 2

<p>Commons on the Malvern Hills, Castlemorton Common and a small number of associated outlying Commons. The whole area managed by Malvern Hills Trust (MHT) falls within the proposed AONB and is governed by specific byelaws which apply to development (residential and commercial) and access. There are differences between AONB Partnership policies and those adopted by MHT, a point which needs to be clarified within all 4 consultation documents.</p> <p>There should be specific references in Position Statements 2 and 3 to Worcestershire’s Green Infrastructure Strategy (GIS). Although the proposed AONB will impose greater development restraint within its boundaries, once again the distinction should be made clear – specifically where there are policy differences between land within and outside the AONB.</p> <p>Position Statements 2 and 3 should include sections on countryside access and public rights of way, with appropriate references to policies which are aligned with Worcestershire’s Local Transport Plan (LTP) and the Rights of Way Improvement Programme (ROWIP), particularly within the Landscape Led Approach outlined in Position Statement 3. For example, CONSULTEE would like to see a presumption in favour of shared use for any new public rights of way within the AONB area. It would also be helpful to include references in the appendices to things like accessibility standards for path surfaces and gates, and minimum widths for new and diverted footpaths and Bridleways.</p> <p>It would also be a good idea to include references in both documents to policy regarding the use of Community</p>	<p>We note the request for a reference to the Malvern Hills Trust into all the documents. However, it needs to be said that the guidance that has been consulted on relates to development management and strategic planning recommendations. Whilst clearly important to acknowledge, the byelaws which govern the Malvern Hills Trust, particularly in terms of decision- and plan-making, fall outside the remit of planning and are not material planning considerations.</p> <p>We note the reference to incorporating the Worcestershire Green Infrastructure Strategy, however it would be difficult to start mentioning specific plans or other documents whether they be about GI or anything else. It would also be difficult to cross reference to all relevant documents or keep these references up to date.</p> <p>Position statements 2 and 3 do not intend to go into the realms of countryside access and PROWs. However, this comment does give potential for a future position statement on People, Movement and Access and we will give this due consideration.</p>	<p>regarding the use of Community Infrastructure Levy (CIL) derived from new developments for enhancing the natural environment within the AONB.</p>
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<p>Infrastructure Levy (CIL) derived from new developments for enhancing the natural environment within the AONB. There should be a presumption in favour of projects that will improve access to the countryside for both local people and visitors – for example, new parking areas that will keep roadsides clear, and improvements to footpaths and bridleways.</p> <p>A CONSULTEE member who lives and works in the AONB area is concerned that neither document mentions commercial developments (such as the Wyche Innovation Centre or small farmyard business developments). Although specific guidelines for equestrian businesses are set out in the Guidance on Horse Related Development, Position Statements 2 and 3 should clarify the AONB Partnership policy relating to commercial developments in general. CONSULTEE is particularly concerned about commercial developments and larger housing schemes that either require physical changes to footpaths and bridleways, affect access land boundaries and/or require diversions to public rights of way.</p> <p>Position Statement 2 : Housing Development in the Malvern Hills AONB and its Setting Section 2.2 – CONSULTEE supports Malvern Hills AONB Partnership’s position statements that local authorities, developers and other relevant stakeholders should have regard to – and positively contribute to - the purpose of AONB designation; ensure that the purpose of designation is not compromised by development, and that the natural beauty of the AONB is conserved and enhanced. A CONSULTEE member is concerned about the potential for additional development</p>	<p>The reference to policy regarding the use of Community Infrastructure Levy (CIL) derived from new developments for enhancing the natural environment within the AONB will be added but this should largely only apply to the Housing Position Statement.</p> <p>In respect of commercial development in general, again the intention of Position Statement 3, the landscape-led approach is applicable to all development in the MH AONB and its setting, albeit to a degree that is proportionate to the nature, scale, setting and potential impact of the proposed development. The cumulative impact of even small-scale change and development should also be considered. Position Statement 2 concerns housing only so reference to commercial developments would not be relevant here.</p> <p>In respect of the concern over development just outside the AONB boundary designation, we refer all interested parties to Position Statement 1 on Setting of the Malvern Hills AONB The AONB Partnership – Malvern Hills AONB. Policy BDP2 of the AONB Management Plan advocates that development in and in the setting of the AONB should be in accordance with guidance published by the AONB Partnership. Paragraph</p>	
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	<p>just outside the AONB boundary (e.g., at Welland) because of the pressures it will create on land use within the AONB. Strictly speaking this is outside the remit of the AONB Partnership, but adjacent development will generate additional use of PRow and Access Land within the AONB that may have unforeseen consequences (e.g. additional wear and tear on footpaths or conflict between landowners and path users).</p>	<p>176 of the NPPF (September 2023) also clarifies setting.</p> <p>We note that the consultee seeks clarification as to how the documents fit within – or is different from? – Worcestershire County Council’s Green Infrastructure Strategy. The primary purpose of the MH AONB Partnership’s position statements is to expand on relevant policies in the current MH AONB Management Plan. They provide further context, guidance and recommendations in relation to specific policies and associated issues. They are not intended to create new policies.</p>	
<p>Local Authority Response 1</p>	<p>Housing and generally</p> <p>Overall, although the CONSULTEE has only a small part of the AONB in its area, there are some points we would like to make in response to the draft papers. Generally, they are supported in emphasising the considerations that apply to development in AONBs. There are a few areas where the papers diverge from the current planning policy in Local Plans such as differing affordable housing thresholds. Here we would be happy to discuss your views as part of the new local Plan we are preparing but we have set out the current situation.</p> <p>We agree that additional housing pressures from unmet needs elsewhere should not seek locations in AONB.</p> <p>6.2.4- agreed as general principles though applicable to all areas (i.e., not just AONBs)</p> <p>6.3.7 It may be an advantage to add a comment Re: emerging design codes and guidance which should provide a</p>	<p>We note that the Position Statements intend to assist where the AONB Partnership stands on certain issues. The recommendations proposed helpfully seek to aid not stifle plan-making bodies in reviewing their local plans, which the recommendations of the Position Statements hopefully will be embedded within future reiterations as LPAs undertake their Local Plan review.</p> <p>6.3.7 of Position Statement 2 (Housing) – the comment on design codes/guidance is noted and will be added. A reference to this should</p>	<p>Position Statement 2 - 6.3.7 - add a comment on emerging design codes and guidance which should provide a basis for policies on design along the lines of the recommendations. A similar point to be made within Position Statement 3.</p>

	<p>basis for policies on design along the lines of the recommendations</p> <p>5.4.6 Recommendations: • Housing provision in the MH AONB should be focussed on – and prioritise – meeting affordable housing requirements: Approach is welcomed</p> <p>5.5.6 Recommendation: Whilst the aim of ensuring that affordable housing is secure in perpetuity is laudable and could be achieved on rural exceptions sites and community Led Housing schemes, further guidance and examples of securing affordable housing in perpetuity on general mixed residential developments would be welcome, given the governments ambition for increasing affordable homeownership</p> <p>5.6.5 Recommendation: CONSULTEE applies a local connection to the district in regards to the allocation of affordable housing to help house those in the greatest housing need. The only exception to this is in regards to rural exception sites in which case a local connection to the Parish is applied and which cascades out to neighbouring areas should no one with a relevant local connection apply. It is considered that this approach should be retained to help the local authority in its responsibility to help meet the needs of those in the greatest housing need and that any more specific local connection other than to the district should be applied just too rural exception sites. Given the content of Para 5.6.3 <i>The MH AONB Partnership supports the priority given to local connection in CBL schemes.</i> It is assumed that CONSULTEE applying a local connection to the district in</p>	<p>also be made, in hindsight, to the Landscape-led Position Statement also.</p> <p>In response to the comments made regarding recommendation 5.5.6, we refer the consultee to the Appendices where there are several case study examples of Local Plans implementing such policies. We have also now included a further case study as useful reference in the Appendix – Bridport Cohousing Microgrid, Hazlemead, Dorset (Dorset AONB - https://www.rtpi.org.uk/media/11920/tech-report-5-case-studies-and-thinkpieces.pdf)</p> <p>5.6.5 - We note the comments from the respondent seeking clarification about the CONSULTEE application of local connection in its CBL scheme.</p> <p>As noted in our Position Statement, all three CBL schemes used in the LPAs associated with the MH AONB have very similar requirements for affordable housing applicants to have some evidenced local connection to the district (or county in the case of CONSULTEE).</p> <p>All three CBL Schemes also make statements in their policies however that there may be</p>	<p>Position Statement 2 – add Appendix of Case Study example at Bridport Cohousing Microgrid, Hazlemead, Dorset (Dorset AONB - https://www.rtpi.org.uk/media/11920/tech-report-5-case-studies-and-thinkpieces.pdf)</p> <p>Position Statement 2 – 5.5.7 - re-worded to on-site affordable housing provision for housing developments of two to five units.</p>
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	<p>regard to the allocation of affordable housing is considered acceptable.</p> <p>5.7.7 Recommendations:</p> <ul style="list-style-type: none"> - Local Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure requirements. These policy requirements should be informed by a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. Whilst the aim of ensuring that 50% of housing provided on market housing developments is laudable the level of affordable housing sought from market housing developments will be based on the level of identified affordable housing calculated in the LHNA and supported assessment of viability demonstrating that the policy requirements including the level of affordable housing sought is viable. - The NPPF encourages local authorities to consider whether “a proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.” The CONSULTEE preference is for rural exception sites comprising wholly of affordable housing which addresses identified need. To try to facilitate this, applicants will need to demonstrate that they have made reasonable attempts to obtain grant to deliver a wholly affordable housing scheme before proposals for an element of market cross-subsidy will be considered. Proposals 	<p>additional, more local (usually to the parish/neighbouring parishes), connection criteria required for affordable housing in rural settlements and/or associated with some local lettings plans. It is to this element of local connection that we refer when we highlight that there can be inconsistency in how it is applied between the schemes.</p> <p>Ideally, MH AONB Partnership would encourage LPAs to consider introducing CBL scheme policies that would require applicants for affordable housing sited in settlements in/partly in the MH AONB to have local connection to the parish or other neighbouring parishes that are also within the AONB. Only if there are no applicants from these, should the homes be offered out (to those with local connection to the local authority area in the first instance, and then wider if needed). Also, ideally, this should apply to all housing available through the CBL Scheme that is in settlements in/partly in the MH AONB, not just those on rural exception sites.</p> <p>We confirm therefore that the local connection criteria applied by the CONSULTEE is considered acceptable to the expectations set out in our Housing Position Statement as currently drafted, especially with their further</p>	
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<p>containing an element of market housing (or other forms of home ownership) on viability grounds should be supported by an open book viability assessment. This will need to demonstrate that the proposed number of market dwellings is essential for the successful delivery of the development and is based on reasonable land values as an exception site.</p> <p>- on-site affordable housing provision for housing developments of five units or fewer CONSULTEE applies a threshold from which affordable housing in designated rural area including the AONB area as 5 dwellings or more dwellings or a site area of 0.16 hectares or more. The CONSULTEE are not seeking to introduce a lower threshold as suggested above. Unsure whether this policy would apply to just 1 property being built? As it just says fewer.</p> <p>5.8.5 Recommendations: At the plan-making stage LA will support their plan with a district wide Local Housing Needs Assessment (LHNA) which include identifying the affordable housing need. Due to small MH AONB that lies in the CONSULTEE previous LHNA's & SHMA have been unable to reliably calculate housing need down to the level of the individual settlement / parish.</p> <p>5.10.3 Recommendation: Happy with the proposals of using verified data from the choice-based lettings systems, which demonstrates a local connection, but not on the clear preference is shown for the settlement in question. Choice-based lettings systems is a housing allocations system and households in need of affordable housing with a local connection to an AONB will often indicate other areas to maximise their opportunity of obtaining an affordable rented property as there will be more affordable housing</p>	<p>parish/neighbouring parish local connection requirement for rural exception site homes. However we would welcome the opportunity for the LPA, and the other LPAs, to consider future opportunities to extend such further provisions in their CBL scheme policies to reflect the need for parish/neighbouring parish level connectivity for <u>all</u> homes offered through their CBL schemes that are in the MH AONB and to make this consistent between the CBL schemes affecting residents living across the MH AONB. We consider that the comments made were not inviting change to the text as proposed in the Position Statement and no change is therefore proposed.</p> <p>5.10.3 - we note the comments made by the respondent and their concern that households in need of affordable housing with a connection to the MH AONB will indicate other areas to maximise their opportunity of obtaining an affordable rented property. Paragraph 177 of the NPPF is clear that "When considering applications for development within National Parks, the Broads</p>	
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	<p>available in other areas compared to certain rural parishes within the AONB area which may have very little or no affordable housing at all; but if affordable housing should become available would apply for such housing.</p>	<p>and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:</p> <p><i>a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;</i></p> <p><i><u>b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and</u></i></p> <p><i>c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</i></p> <p>(Underline added for emphasis).</p> <p>It may be the case that, for some applicants, this may be the case and indeed they have an explicit preference or need to stay in, or move into, the MH AONB and it would be difficult for them to not do so. But, verified by some LPA responses to this consultation, it is also possible that some respondents actively want to move away from the MH AONB or, even if that is not the case, that the alternative settlement/s outside of the AONB that they have indicated in</p>	
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		<p>their application would not be any worse for them and they would find them acceptable to live in.</p> <p>If it is the case that homes can be provided in locations outside of the AONB that are considered reasonably acceptable to applicants on the register, and which is not detrimental to the sustainability of the communities in the MH AONB, then this would be more consistent with the intentions of the provisions in the NPPF.</p> <p>Therefore, in the context of the use of CBL scheme data to provide an important part of the evidence base for decision making for plan making and/or at development management stage/planning applications for potential housing developments, we believe the proposals in section 5.10 and Appendix 3 are appropriate and do not suggest any change would be required.</p> <p>It is acknowledged that some CBL schemes currently do not always capture this information, and/or the information is captured but it is not effectively extracted and analysed. We would urge all the LPAs associated with the MH AONB to therefore consider the principles we have put forward for the collection, extraction and analysis of data on the CBL schemes in order to review the CBL scheme databases and data extraction and reporting processes as we believe this will benefit</p>	
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		<p>planners in their decision making by providing effective, detailed evidence and will create more sustainable housing solutions in the longer term.</p> <p>5.8.5 - We note the comments made by the respondent on the difficulties in reliably calculating housing need down to the level of the individual settlement/parish using information from LHNAs and the SHMA. Indeed, this is why, in 5.8.3 we have suggested sources of housing need information that we consider provide robust evidence that is more appropriate for both plan making and also for decision making at development management (planning application) stages. We consider that the comments made were not inviting change to the text as proposed in the Position Statement and no change is therefore proposed.</p>	
<p>Local Authority Response 2</p>	<p>CONSULTEE welcome the opportunity to comment on the above draft position statement and provide the following comments for consideration.</p> <p>Generally, welcome the publication and content of the position statement on housing development in the Malvern Hills AONB and its setting but suggest the following changes (suggested deletions are crossed out, additions are underlined and queries/comments in red):</p> <p>5.1.4 AONBs face a challenge however, as the standard method figure is based on the local authority area as a whole</p>	<p>Comments welcomed and noted.</p> <p>5.1.4. - proposed deletion and re-wording accepted although there remains a need to</p>	<p>5.1.4 to delete and development plan consultation documents sometimes give the impression that the local authority area must</p>

<p>rather than on the AONB area and development plan consultation documents sometimes give the impression that the local authority area must accommodate the housing need figure identified through the standard method (i.e. that this figure is a 'target') but Efforts to accommodate this housing need figure potentially risk harming the outstanding natural beauty of the MH AONB.</p> <p>5.1.8 Recommendations:</p> <ul style="list-style-type: none"> • The housing need figure identified using the Government's standard method should not be presented as a 'target' for housing provision. The calculation is required to be undertaken and therefore it is difficult for this not to be seen as a target however this can be tempered by a clear explanation if the housing need cannot be met in full because of e.g., AONB. • The recommendations outlined in the Partnership's Landscape-led Development Position Statement should be an important consideration when assessing housing and economic land availability. • It should be recognised that the policies of the NPPF, relating to AONBs and other relevant designations, may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process. • Consideration should be given to whether the constraints relating to the AONB designation merit exceptional circumstances which may justify an alternative approach to the standard method for assessing housing need. <p>5.10.1 As outlined above, data from the three choice-based lettings systems (CBL) – Home Point, Housing for You and Homeseeker Plus - used by the three local authorities whose areas overlap with the MH AONB, form an important part of</p>	<p>specifically set out to separate housing need v housing requirements.</p> <p>5.1.8 - wording addition accepted in principle, because the issue still is raised in 5.1.4.</p> <p>5.10.1 - We note the comments made by the respondent on the limitations of the CBL scheme in use (in this case 'Housing for You').</p>	<p>accommodate the housing need figure identified through the standard method (i.e., that this figure is a 'target')</p> <p>5.1.8 - to add (in red): The housing need figure identified using the Government's standard method should not be presented as a 'target' for housing provision. This can be tempered by a clear explanation if the housing need cannot be met in full because of</p>
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	<p>the evidence base for potential housing developments. However, there are acknowledged limitations in these systems with regard to the data held, and this enables – albeit inadvertently – potential misinterpretation to present inflated affordable housing need figures. For example, Housing for You currently does not capture a homeseeker’s preference to remain or live in a particular parish. i.e., the registrant has noted simply that they live in the parish and wish to move. This is a limitation of the system, however, equally, we aren’t able to capture those who have a local connection by way of family members or employment, so this is likely to be an under representation. We also understand that it may also fail to identify applicants who may have already moved or who no longer have a housing need. I am not sure that this is correct – when we look at the reports for housing need, we will only look at ‘live’ cases so that would not capture any applicants who have been allocated homes or had their applications closed. CBL system data should therefore not be used explicitly as a measure of affordable housing need. It may be more appropriate to cross-reference this data first with other evidence of affordable housing need, such as housing needs survey data. We do not have an up-to-date housing needs survey for every parish, so we could only do this where one is available.</p>	<p>We acknowledge that being unable to capture those who have a local connection by way of family members or employment could lead to an underrepresentation, however there are a number of additional ways above the example we provide in which it also could lead to an overinflation, for example by not calculating net new housing need as a result of some applicants already being in social housing.</p> <p>Some of the concerns noted in this section may apply to one or more of the three CBL schemes and not to others. Although CONSULTEE note that they only look at “live” cases, this has been proven to not be the case with how data is extracted from at least one of the other CBL schemes, albeit by another district than that affecting the MH AONB.</p> <p>We do also accept that not every parish has an up-to-date housing needs survey. However, where one exists it should be used to verify evidence and, as more parishes develop neighbourhood plans, it is anticipated that there will be additional, appropriate, housing needs evidence available to use.</p> <p>The purpose of 5.10.1 - 5.10.3 was to provide LPAs with the principles that we believe should guide the extraction and analysis of data from</p>	<p>constraints e.g., AONB designation.</p>
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		<p>CBL scheme registers if it is to provide effective and appropriate evidence reports for use in decision making. We provide a flowchart in Appendix 3 that we hope is a helpful tool for LPAs to consider for this. Some CBL Schemes will already have databases that will support such analysis and report generation. Others may require some modification or extension to do so, but we hope LPAs will consider our suggestions constructive for helping to input to such processes.</p> <p>We consider that the comments made regarding 5.10.1 were not inviting change to the text as proposed in the Position Statement and no change is therefore proposed.</p>	
<p>Member of Public Response 2</p>	<p>1.9 - why inspired by Cotswolds AONB? What is it about these documents that make them the best model for AONBs? Word inspired should be changed or justified further.</p> <p>3.2 - Would be useful to explain where MH AONB Guidance sits?</p> <p>5.1.5 - add footnote with known/possible timescales at point in time when guidance published</p> <p>5.4.2 - aren't' less affordable and more expensive the same thing, unless being used as 'affordable' in planning context?</p>	<p>1.9 - It is recognised that the adoption of Position Statements has become increasingly commonplace across several Nationally Protected Landscapes, including the Cotswolds AONB, who have produced very similar documents to these position statements, which we feel are relevant to adapt and publish for the benefit of the Malvern Hills AONB Partnership. 1.9 'inspired' can be substituted.</p> <p>3.2 - this has been raised by several consultees and we will amend this section, so it is easier to interpret.</p>	<p>1.9 - the word 'inspired' has been replaced by alternative suitable phrasing</p> <p>3.2 - re-write paragraph and bullet points (revise into a table) so it makes it easier to understand</p>

	<p>6.2.1 - not at all sure about this approach – see comments on Position Statement 3.</p> <p>6.3.7 - add reference to ‘Guidance on Identifying & Grading Views’.</p>	<p>5.1.5 - still awaiting publication of an updated NPPF, will add footnote to state that this is still awaited.</p> <p>5.4.2 - being used as affordable in planning context.</p> <p>6.2.1 - discussed in person with consultee, suggested it be deleted to avoid any misinterpretation/downplay of effects by applications.</p> <p>6.3.7. - The Guidance on Identifying and Grading Views is already noted in 6.3.4 and the recommendation in 6.3.7 (now 6.3.8) refer to all MH AONB guidance and position statements and therefore this guidance would be included in such.</p>	<p>where the MH AONB sits within the planning framework.</p> <p>5.1.5 - add footnote on awaiting publication of an updated NPPF.</p> <p>Recommendation 1 on 6.2.1 omitted to avoid downplay of effects in planning applications.</p>
<p>Local Authority Response 3</p>	<p>This is an impressive suite of documents to support the MH AONB Management Plan. I’m sure that they will all be useful once adopted and people become familiar with them. Thanks for extending the deadline. The following comments are from me, no one else in the team had anything specific to add.</p> <p>Position Statement on Housing</p>	<p>Comments noted.</p>	<p>Housing Position Statement – to add to 6.3.7, reference to ‘protecting Grade 1 and 2</p>

	<ul style="list-style-type: none"> · It doesn't cover things like protecting grade 1&2 soils, barn conversions or individual houses on greenfield sites requiring outstanding design standards · I note that these things are covered by 6.3.7 which recommends referring to the other guidance. Also noting that this position statement seems mostly linked to policy, in terms of numbers, affordable housing allocations etc. <p>We're looking forward to seeing the 'Guidance on the Key Principles of good development'. I wonder if this (or somewhere else within the MH AONB guidance) would include a list of suitable native tree / shrub / hedgerow species that are appropriate to, or dominant within, the area (noting of course that site specific assessment and proposals are always best!).</p>	<p>Housing Position Statement, in respect of 6.3.7, the suggestions made can be added to the recommendation to 'improve' clarity.</p>	<p>agricultural land';</p> <ul style="list-style-type: none"> - where new residential development is proposed in 'open countryside locations' for instance, such barn conversions or individual housing on greenfield sites requiring outstanding design standards, there is a need to consider design, materials and location – as they affect the local distinctiveness, special qualities and visual impacts, as well as creating
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			<p>impacts on wildlife, undermining tranquillity, one of the characteristics underpinning AONB designation. Additional text was added to the preceding commentary for both recommendations for clarity and context.</p>
<p>Local Authority Response 4</p>	<p>General: The statement makes a number of recommendations which would benefit from supporting evidence and more detail of the issues that have led to the recommendations. Also, the statement should reflect that the LPAs collect evidence on housing requirements for their own local plan processes (e.g., in CONSULTEE through the Housing Area Market Needs Assessment (HMANA)) and apply this evidence to the emerging local plan policies.</p> <p>☐ General: Where there is clear justification for a recommendation it would be helpful to identify how the recommendations can be achieved, how it will be monitored etc.</p>	<p>Comments noted.</p> <p>Housing Position Statement – It is recognised that the adoption of Position Statements has become increasingly commonplace across several Nationally Protected Landscapes, including the Cotswolds AONB, who have produced very similar documents to these position statements, which we feel are relevant to adapt and publish for the benefit of the Malvern Hills AONB Partnership. Like the Cotswolds Position Statements, we have used relevant footnotes and appendixes to illustrate as supporting evidence and details of issues/guidance which has led to the</p>	<p>Paragraph 3.2 - as part of the overall re-formatting of this section, clarify the LPAs producing local plans and also reference to NDPs.</p> <p>5.3.1 last sentence – to add: ‘if this situation</p>

	<p>☒ In order to meet the accessibility guidelines, it is best to avoid overuse of footnotes and replace with hyperlinks where possible.</p> <p>☒ Para 1.7: It is noted that ‘Housing development within the MH AONB should be prioritised for local need arising within the AONB’.</p> <p>☒ Para 3.2: it may be helpful to state which are the local planning authorities producing local plans within the AoNB area and the timescales for these. It would also be helpful to refer to the role of NDPs.</p> <p>☒ Para 5.1.1: The current NPPF para 61 refers to ...‘exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals’. This would indicate that the basis for exceptional circumstances refers only to demographic and population studies which show that the housing numbers may not be justified. There is no reference to environmental circumstances or specific designations such as AONBs that might prevent numbers coming forward.</p>	<p>recommendations put forward. See 5.1.4 of the Housing Position Statement which was already clear that LPAs consultation documents have evidence on housing requirements.</p> <p>See section 2 of both Position Statements which states their intended purposes.</p> <p>The comment on accessibility guidelines is noted, although much of the guidance produced by the MH AONB is with footnotes; hyperlinks can often become ‘dead links’ very quickly.</p> <p>Paragraph 3.2 - see footnote 3. In earlier comments, we stated that we will adapt the Position Statements to reflect NDPs also.</p> <p>5.1.1 - This is the point being made between ‘housing need vs. Housing requirements’. Refer to Paragraph 015 of PPG of Housing and Economic Land Availability Assessment which allows potential environmental constraints to be recorded. Paragraph 61 is also worded in a way that means it should not only reflect demographic trends and market signals. We note the comments made but disagree with the interpretation of “exceptional circumstances” in Para 61 of the NPPF that is being made by the respondent.</p>	<p>arises, this could add’.</p> <p>5.3.6 - first bullet point has been rephrased: Where a local authority (which has an area that lies within the MH AONB) is required to accommodate unmet needs from neighbouring local authorities (including as part of a joint plan, such as the SWDP), this unmet need should not be factored into housing provision in the MH AONB at either the plan-making stage</p>
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		<p>The recent consultation on the NPPF (Dec 2022-Mar 2023)¹¹ included the following question and clarifying information:</p> <p><i>Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?</i></p> <p><i>9. Taking account of constraints and previous plans: we propose to make 3 changes relating to matters that may need to be considered when assessing whether a plan can meet all of the housing need which has been identified locally:</i></p> <ul style="list-style-type: none"> <i>- First, we intend to make clear that if housing need can be met only by building at densities which would be significantly out-of-character with the existing area (taking into account the principles in local design guides or codes), this may be an adverse impact which could outweigh the benefits of meeting need in full (as set out in paragraph 11(b)(ii) of the existing Framework). This change recognises the importance of being able to plan for growth in a way which recognises places' distinctive characters and delivers attractive environments which have local support; imperatives which are reflected in the Framework's chapter on achieving well-designed places.</i> <i>- Second, through a change to the Framework's chapter on protecting Green Belt land, we</i> 	<p>or development management stage*</p>
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		<p><i>propose to make clear that local planning authorities are not required to review and alter Green Belt boundaries if this would be the only way of meeting need in full (although authorities would still have the ability to review and alter Green Belt boundaries if they wish, if they can demonstrate that exceptional circumstances exist). This change would remove any ambiguity about whether authorities are expected to review the Green Belt, which is something which has caused confusion and often protracted debate during the preparation of some plans.</i></p> <p><i>Third, we are aware that in some cases authorities may feel that they are having to plan for more than they need to, having delivered more homes than were planned for during the preceding plan period. We therefore intend to make clear that authorities may also take past 'over-delivery' into account, such that if permissions that have been granted exceed the provision made in the existing plan, that surplus may be deducted from what needs to be provided in the new plan. This is separate to the proposals described earlier which would allow oversupply to be taken into consideration for the purposes of calculating a 5-year housing land supply.</i></p> <p>The references made in the clarifying information to the question, including particularly the reference to Para 11b of the</p>	
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	<p>☐ Para 5.1.2: This could usefully refer to the level of commitments that are taken into consideration in determining the housing requirement.</p> <p>☐ Para 5.1.4: This paragraph as currently worded does not reflect the role of the LPA in determining a strategy for distribution of development that would take into account AONB and other constraints and issues.</p> <p>☐ Para 5.1.5: It is noted that the intentions set out in the Ministerial Statement released in December 2022 have not yet come into action. A hyperlink to the statement should be provided within the Position Statement for ease of reference, although it should be noted that the Levelling Up & Regeneration Bill is still moving through parliament.</p>	<p>NPPF, clearly indicate that the Department for Levelling Up, Housing and Communities considers that local character and NPPF policies that protect areas or assets of importance (such as those for AONBs) may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs.</p> <p>We therefore consider that the text as proposed in the Position Statement at 5.1.1 is appropriate and does not require change.</p> <p>5.1.2 - see the PPG reference above, development progress is also recorded.</p> <p>5.1.4 - hence why the recommendations have been put forward. It is noted that CONSULTEE, as part of its Local Plan Review, consulted on a spatial strategy option which limited development to outside AONBs and Conservation Areas.</p> <p>5.1.5 - given the moving picture of the Levelling Up & Regeneration Bill, such a hyperlink could become 'inactive' quite quickly hence this is not agreed.</p> <p>5.1.6 - We note the comments made by the respondent and the statement that CONSULTEE has moved to the "standard method".</p>	
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	<p>¶ Para 5.1.6: Refers to meeting ‘objectively assessed need’ in the current plan making process. It is worth noting that CONSULTEE has moved over to the ‘Standard Method’ requirement now. The OAN was the basis for the Core Strategy overall housing target for 16,500 when it was adopted. It would be helpful to explain the status of each authority area i.e., which are using standard method or OAN.</p>	<p>The intention of the paragraphs in section 5.1 is to highlight the difference between housing need and housing requirement, which also considers an area’s constraints. The section is intended therefore not to be specific to the status of any authority area impacted by this Position Statement but to put forward the principle that local authorities are encouraged to consider alternative methods for assessing and calculating local housing need for settlements within (or partly within) the MH AONB to that used elsewhere in their authority area.</p> <p>Examples of problems arising otherwise include the following:</p> <p>AONBs do not normally include large urban areas. However, the housing need figure for local authority areas that overlap with AONBs takes into account the housing needs arising in large urban areas that lie outside of the AONBs. As a result, the local authority housing need figure [apportioned to a settlement within an AONB] will, in many cases, be considerably larger than if the housing need figure was just related to the AONB area and AONB needs. Another concern is that the standard method factors in the affordability of housing in the local authority area, resulting in a higher housing need figure in areas of low affordability. (This is often based on an unfounded assumption that building more houses within a local area will</p>	
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		<p>make housing more affordable generally.) However, AONBs are desirable areas to live, with high house prices to match. As a result, the standard method is likely to provide an inflated housing need figure for local authority areas that overlap with AONBs, despite the fact that the scale and extent of development is supposed to be limited in AONBs.</p> <p>In addition to the housing need figure identified through the standard method, LPAs are also supposed to have regard to unmet needs arising from neighbouring areas. This may result in a housing need figure that is higher than the objectively assessed needs. This in turn adds further pressure on AONBs. This is not compatible with the Government's planning practice guidance which states that protected landscapes '<i>are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.</i></p> <p>We therefore consider that the text as proposed in the Position Statement at 5.1.6 is appropriate and does not require change.</p> <p>5.1.8 - it would be advised that proposals set out in the Planning for the Future 'White Paper', where areas within an Area of Outstanding Natural Beauty (AONB) or a conservation area will be considered 'protected'. Settlements within and including the identified protected</p>	
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<p>☐ Para 5.3.1 Final sentence – recommend this could be changed along the lines of “If this situation arises, this could add The paragraph as written gives the impression that this situation will arise which isn’t necessarily the case. Rather than frequently using the word ‘overlaps’ it might would be better to say the area of the local authority that is designated/or is within the MH AONB.</p> <p>☐ Para 5.3.6 Bullet point 2: ‘Housing developments that would extend, into the MH AONB, the built environment of settlements adjacent to the AONB should not be allocated or permitted.’ If this point is suggesting no development should be allowed within or adjacent to the AONB then that is not possible. If that is not the intention, then it needs rewording as a standalone point.</p> <p>☐ Para: 5.5.6: The majority of affordable housing is made available in perpetuity in CONSULTEE. Sometimes there are exceptions to this, but these are justified and within the affordable housing legislation.</p> <p>☐ Para 5.6: Choice based lettings – some information about the issue and evidence here would be beneficial to support the section and the recommendation. (Although it is noted that there is a further section on this later in the document.)</p> <p>☐ Para 5.6.5: It is the discretion of the county/districts to go with their own local connection requirement.</p> <p>☐ Para 5.7.7: Affordable housing viability testing will inform us on whether 50% affordable housing is a viable option. Current rates in CONSULTEE are up to 40%. However,</p>	<p>recognises that housing development that would extend into the MH AONB, the built environment of settlement adjacent to the AONB should only be allocated/permitted in exceptional circumstances, as per paragraph 177 of the NPPF.</p> <p>5.5.6 - noted.</p> <p>5.6.5 - refer to content of 5.6.3 although we note that the Position Statements intend to assist where the AONB Partnership stands on certain issues. The recommendations proposed helpfully seek to aid not stifle plan-making bodies in reviewing their local plans, which the recommendations of the Position Statements hopefully will be embedded within future reiterations as LPAs undertake their Local Plan review.</p> <p>5.7.7 - noted.</p> <p>5.8.3/5.9.1 - noted although by not undertaking housing need surveys at a parish level and without this evidence-base, more weight is</p>	
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<p>CONSULTEE has submitted an application for some rural areas of the CONSULTEE to be designated as a rural area under section 167 of the Housing Act 1985. If successful, revised, lower, thresholds will be set for the designated areas, and this is likely to include the areas covered by AONBs.</p> <p>☐ Paras 5.8.3 /5.9.1: CONSULTEE now chooses to rely on a strategic housing needs assessment to establish housing need in seven different Housing Market Areas across the county. This replaces the previous parish-based housing need surveys. However, parish need surveys are required by the applicant to support a planning application for a rural exception site.</p> <p>☐ Recommendation 5.9.3 makes specific references to undertake Parish based housing need surveys, but the CONSULTEE Housing Market Area Assessment 2021 (HMANA) sets out the county's need. This will be updated every 5 years. Recommendation 5.9.3 would benefit from rewording and including reference to the need for parish surveys for exception sites.</p> <p>☐ 5.10.3 – agree with the recommendation that need to use different sources of information. CONSULTEE already works in this way.</p> <p>☐ 5.11.2 The HMANA 2021 looked at second homes and did not find an excessive amount across the county. The highest amounts were found in the Golden Valley away from the AONBs. Whilst the principle of the suggested approach is understood the position statement does not provide any</p>	<p>likely to be given to the county/district-wide housing requirement figure (or even the housing need figure) in development management stage and strategic planning decision making, which could potentially result in a larger number of houses being built meaning further unnecessary development within AONBs.</p> <p>5.9.3 - see point above. In respect of rural exception sites, refer to recommendation 5.7.7.</p> <p>5.11.2 - the point is being made that consideration should be given to setting new policies. Such evidence that CONSULTEE has undertaken would inform this.</p>	
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	evidence of current or predicted second home numbers in order to justify the recommendation.		
Position Statement 3 – Landscape-led Development	N/A	N/A	N/A
Agency Response 1	Unfortunately, at present we don't have the relevant landscape expertise within the West Midlands to offer a detailed consultation response at this time.	Noted.	No changes.
Parish Council Response 1	CONSULTEE wish to support the work being done on this.	Comments noted.	No changes.
Parish Council Response 2	An in-person meeting was held at the AONB Office between CONSULTEE , the Malvern Hills AONB Partnership Manager and the AONB Planning Officer on 15 th August 2023 to discuss the documents.	Discussions centred around the nature of the documents and intentions, particularly as the introduction of Position Statements by the AONB was uncommon. We agreed to make some general changes as to who the document is targeted at. Although the AONB considers that a principal audience would be planners for their decision making in local plan reviews and also in their consideration of planning applications. This document, and our other Position Statements, also however have an essential role to play in providing guidance and context for developers in their consideration and design of sites, and for communities for the development of neighbourhood plans and their subsequent reviews.	General changes made to who the document is targeted at, largely Sections 2 and 3.
Agency Response 2	Firstly, none of the consultation documents mention the Malvern Hills Trust, the new working name for the Malvern Hills Conservators, who look after the Access Land and Commons on the Malvern Hills, Castlemorton Common and	Comments noted. We note the request for a reference to the Malvern Hills Trust into all the documents.	None.

<p>a small number of associated outlying Commons. The whole area managed by Malvern Hills Trust (MHT) falls within the proposed AONB and is governed by specific byelaws which apply to development (residential and commercial) and access. There are differences between AONB Partnership policies and those adopted by MHT, a point which needs to be clarified within all 4 consultation documents.</p> <p>There should be specific references in Position Statements 2 and 3 to Worcestershire’s Green Infrastructure Strategy (GIS). Although the proposed AONB will impose greater development restraint within its boundaries, once again the distinction should be made clear – specifically where there are policy differences between land within and outside the AONB.</p> <p>Position Statements 2 and 3 should include sections on countryside access and public rights of way, with appropriate references to policies which are aligned with Worcestershire’s Local Transport Plan (LTP) and the Rights of Way Improvement Programme (ROWIP), particularly within the Landscape Led Approach outlined in Position Statement 3. For example, CONSULTEE would like to see a presumption in favour of shared use for any new public rights of way within the AONB area. It would also be helpful to include references in the appendices to things like accessibility standards for path surfaces and gates, and minimum widths for new and diverted footpaths and Bridleways.</p> <p>It would also be a good idea to include references in both documents to policy regarding the use of Community Infrastructure Levy (CIL) derived from new developments for</p>	<p>However, it needs to be said that the guidance that has been consulted on relates to development management and strategic planning recommendations. Whilst clearly important to acknowledge, the byelaws which govern the Malvern Hills Trust, particularly in terms of decision- and plan-making, fall outside the remit of planning and are not material planning considerations.</p> <p>We note the reference to incorporating the Worcestershire Green Infrastructure Strategy, however it would be difficult to start mentioning specific plans or other documents whether they be about GI or anything else. It would also be difficult to cross reference to all relevant documents or keep these references up to date.</p> <p>The intention of the position statements 2 and 3 do not intend to go into the realms of countryside access and PROWs. However, this comment does give potential for a future position statement on People, Movement and Access and we will give consideration to this.</p> <p>The reference to policy regarding the use of Community Infrastructure Levy (CIL) derived from new developments for enhancing the natural environment within the AONB will be added but this should largely only apply to the Housing Position Statement.</p>	
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	<p>enhancing the natural environment within the AONB. There should be a presumption in favour of projects that will improve access to the countryside for both local people and visitors – for example, new parking areas that will keep roadsides clear, and improvements to footpaths and bridleways.</p> <p>A CONSULTEE member who lives and works in the AONB area is concerned that neither document mentions commercial developments (such as the Wyche Innovation Centre or small farmyard business developments). Although specific guidelines for equestrian businesses are set out in the Guidance on Horse Related Development, Position Statements 2 and 3 should clarify the AONB Partnership policy relating to commercial developments in general. CONSULTEE is particularly concerned about commercial developments and larger housing schemes that either require physical changes to footpaths and bridleways, affect access land boundaries and/or require diversions to public rights of way.</p> <p>Position Statement 3: Landscape Led Development In addition to the general comments above about additions and amendments to Position Statements 2 and 3, CONSULTEE broadly supports the Landscape Led policy subject to clarification as to how it fits within – or is different from? – Worcestershire County Council’s Green Infrastructure Strategy and Active Travel objectives.</p>	<p>In respect of commercial development in general, again the intention of Position Statement 3, the landscape-led approach is applicable to all development in the MH AONB and its setting, albeit to a degree that is proportionate to the nature, scale, setting and potential impact of the proposed development. The cumulative impact of even small-scale change and development should also be considered.</p> <p>In respect of the concern over development just outside the AONB boundary designation, we refer all interested parties to Position Statement 1 on Setting of the Malvern Hills AONB The AONB Partnership – Malvern Hills AONB. Policy BDP2 of the AONB Management Plan advocates that development in and the setting of the AONB should be in accordance with guidance published by the AONB Partnership. Paragraph 176 of the NPPF (September 2023) also clarifies setting.</p> <p>We note that the consultee seeks clarification as to how the documents fit within – or is different from? – Worcestershire County Council’s Green Infrastructure Strategy. The primary purpose of the MH AONB Partnership’s position statements is to expand on relevant policies in the current MH AONB Management Plan. They provide further context, guidance and</p>	
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		recommendations in relation to specific policies and associated issues. They are not intended to create new policies.	
Local Authority Response 1	<p>Landscape – Some repetition e.g., with comments about meeting unmet housing needs in both housing and landscape papers. The paper is generally welcomed and supported.</p> <p>6.5 The issue of cumulative impacts of smaller development is recognised, not just in AONB. There is some scope for current design and landscape etc policies to be used to address this and it is an area that will be further considered in the next Local Plan. Permitted development, and other short cuts can bring detrimental impacts. Design guidance and policies as well as documents such as the AONB statement should assist, and these will include any design code and guidance material yet to be prepared which will support the next LP.</p> <p>Further landscape guidance would also assist and be welcome (7.1). The point about finite landscape capacity is accepted, though any single LP is unlikely to utilise all the capacity for additional development the issue is important in that continual erosion of landscape qualities can occur through incremental development. LVIA and other assessments are likely to accord AONB appropriate “value” but will be expected to make objective judgements for each case. The designation AONB and applicable national guidance will be the starting point for assessment of the suitability of development proposals.</p>	<p>We note the comment made.</p> <p>The Position Statements are intended to clarify where the AONB Partnership stands on certain issues. The recommendations proposed are intended to aid, not stifle, plan-making bodies in reviewing their local plans. Hopefully the recommendations in the Position Statements will be embedded within future reiterations as LPAs undertake their Local Plan review.</p>	None.

Local Authority Response 2	The landscape document has been reviewed by the relevant CONSULTEE there were no comments arising.	Comments noted.	No changes.
Member of Public Response 1	<p>2.2 - Add LSCAs, take out brackets add LVIAs and LVAs with footnote explaining difference.</p> <p>2.4 - why inspired by Cotswolds AONB? What is it about these documents that make them the best model for AONBs? Word inspired should be changed or justified further.</p> <p>3.2 - Would be useful to explain where MH AONB Guidance sits?</p> <p>6.1 - it may be better to explain what is meant by landscape-led and iterative approach, and then go onto explain it in relation to the MH AONB.</p> <p>7.1 - Capacity is NOT dealt with in NEs approach to landscape sensitivity assessment, there is currently no published guidance for that.</p>	<p>As per a grammar/re-formatting comment in sections 1.4 and 1.5, amendments shall be made to aid the reader.</p> <p>2.2 - suggestion agreed.</p> <p>2.4 - It is recognised that the adoption of Position Statements has become increasingly commonplace across several Nationally Protected Landscapes, including the Cotswolds AONB, who have produced very similar documents to these position statements, which we feel are relevant to adapt and publish for the benefit of the Malvern Hills AONB Partnership. 2.4 'inspired' can be substituted.</p> <p>3.2 - this has been raised by several consultees and we will amend this section, so it is easier to interpret.</p> <p>6.1 - comments noted and agreed that their addition would be beneficial.</p> <p>7.1 - The comments made are accepted and will be incorporated into the Position Statement. Cumulative impacts refer to all sites (creation of a separate bullet point in recommendation).</p>	<p>2.2 to amend 2.2 to add (LSCAs), add (LVIAs) and add 'Landscape and Visual Appraisal (LVAs) with additional footnote to explain these changes.</p> <p>2.4 - the word 'inspired' has been replaced by suitable alternative phrasing.</p> <p>3.2 - text and bullet points have been revised into a diagram and have been rewritten for clarity.</p>

	<p>Cumulative Impact - need to clarify this – do you mean the sites which are included in the LSCA, or other sites/similar developments/both? I’m not sure it is a good idea to adopt the same thresholds here, or even specify them – a lot depends on the scope of, and methods used for, and results of, the individual study. See comments on LSCAs below. Clarification needed. Footnote (20?) - see comments about thresholds above.</p> <p>7.1.2 - Grammar. Be consistent in use of impacts and effects (maybe at first use explain the difference in a footnote?). Sometimes you can’t know adverse impacts until you’ve carried out the assessment. Concern over using reference to ‘significant’ and ‘moderate-significant’ effects.</p> <p>Footnote (26?) - maybe also note here that ‘effects’ on the landscapes experiential qualities/people’s experiences of the landscape includes factors such as noise, odour, dust and other forms of pollution, and tranquillity, which includes</p>	<p>The content about thresholds was discussed and it was agreed that they should be deleted from the document and a footnote included that it is acknowledged that thresholds do depend on the scope and methods used for, and results of, the individual study.</p> <p>7.1.2 - We agreed with the comments made. As a result, the recommendations will be amended to take out reference to sensitivity as the nature of the document is to ensure that proposals in the MH AONB and its setting are ‘landscape-led’ throughout all stages of the planning application process.</p> <p>The comments made, suggesting additions to the footnote clarifying Natural Beauty, are noted. We agree that this may add value.</p> <p>7.3.2 - Agree with the comment made. We will re-word to make clear that the MH AONB as a whole is a ‘sensitive area’.</p> <p>Footnote 27 – comments noted, and amendments made for clarity.</p>	<p>6.1 - Information explaining what is meant by landscape-led and the iterative approach has been included. 7.1.1 and 7.1.2 and footnotes - amendments made as noted in the response. The footnote clarifying Natural Beauty has been amended.</p> <p>7.1 recommendations with reference to landscape sensitivity being high and/or moderate-high</p>
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	<p>factors such as sense of calm and safety. Might be useful to add a footnote with references to information, especially links to Landscape Institute 'TIN'.</p> <p>7.3.2 - At first, I thought this meant within the areas of the AONB which are categorised as sensitive but assume you mean that the AONB, as a whole, is officially categorised as a sensitive area.</p> <p>Footnote (27?) - GLVIA3 doesn't infer natural beauty, does it? Re: Enhancement – it's definitely worthwhile adding a note somewhere explaining that mitigating measures such as planting to screen views can't be double counted as landscape enhancements/benefits.</p>		<p>have been omitted.</p> <p>7.3.2 has been rephrased to re-word to: Given the MH AONB should be considered a 'sensitive area'.</p> <p>Footnote 27 – to amend to omit inferring natural beauty and expand that some mitigating measures cannot be double counted as enhancement.</p>
<p>Local Authority Response 3</p>	<p>This is an impressive suite of documents to support the MH AONB Management Plan. I'm sure that they will all be useful once adopted and people become familiar with them. Thanks for extending the deadline. The following comments are from me, no one else in the team had anything specific to add.</p> <p>Position Statement on Landscape Led Development</p>	<p>Comments noted.</p> <p>Landscape-led Development Position Statement – 1.4 - the comment suggesting the removal of 'However' is noted and agreed as it will avoid any double negative.</p> <p>1.5 can be listed to aid understanding.</p>	<p>Landscape-led Development Position Statement: At 1.4 - the word 'However' has been removed.</p>

	<ul style="list-style-type: none"> · Para 1.4 seems to be a double negative, starting with ‘However’ and stating ‘to not do so would undermine’... The 7th bullet point in this paragraph is very long. I think the para would work without these words and therefore be a more positive message. Could take out / move the example from the 7th bullet point (where it begins ‘For instance’). · Bullet point 5 of recommendation 7.1.2 sounds a little controversial – in relation to ‘significant’ or ‘moderate-significant’ effects being major development. This is particularly for LVA where the methodology is often not as robust and where planning officers may not agree that the findings of the landscape assessment determine the application to be major. · Recommendation 7.2 is very useful. · The wording provided in the case studies is also very useful in emphasising ‘landscape first’ Considerations. <p>We’re looking forward to seeing the ‘Guidance on the Key Principles of good development’. I wonder if this (or somewhere else within the MH AONB guidance) would include a list of suitable native tree / shrub / hedgerow species that are appropriate to, or dominant within, the area (noting of course that site specific assessment and proposals are always best!).</p>	<p>Bullet point 5 of recommendation 7.1.2 - We note the comment made and the caution. The position statement explains that, the NPPF is clear as to what is ‘major development’ and that this is a matter for the decision-maker. We acknowledge that LVAs can downplay effects but ultimately it is for the decision-maker to reach their view. A number of considerations that should be addressed in any such studies provided as part of a planning application are set out in the position statement. It is hoped that having such expectations for the evidence that should be provided will ultimately help decision-makers by encouraging more robust assessments to be done.</p>	<p>Paragraphs 1.4-1.6 have been reformatted for clarity.</p>
<p>Local Authority Response 4</p>	<p>General: The statement makes a number of recommendations which would benefit from supporting evidence and more detail of the issues that have led to the recommendations. Also, the statement should reflect that the LPAs collect evidence on housing requirements for their own local plan processes (e.g., in CONSULTEE through the Housing Area Market Needs Assessment (HMANA)) and apply this evidence to the emerging local plan policies.</p>	<p>Comments noted.</p> <p>See section 2 of Position Statements which states their intended purposes.</p> <p>The comment on accessibility guidelines is noted, although much of the guidance already produced by the MH AONB is with footnotes.</p>	<p>1.4 – added new bullet point of ‘Design codes which define and deliver design quality, in addition to</p>

	<p>☐ General: Where there is clear justification for a recommendation it would be helpful to identify how the recommendations can be achieved, how it will be monitored etc.</p> <p>☐ In order to meet the accessibility guidelines, it is best to avoid overuse of footnotes and replace with hyperlinks where possible.</p> <p>☐ General: It would be good to reference Design Codes within this if the AONB partnership intends to develop a code? I understand there is already several guides on building and design/lighting/use of colour. It is an important policy tool that can set out further criteria and guidance to ensure development is in keeping with the AONB. Suggest that you reference design codes in paragraph 1.4 and throughout the document. Landscape views are something that can be used within a code as well as landscaping schemes at a smaller scale.</p> <p>☐ General: The landscape led approach aligns with the CONSULTEE approach in the emerging local plan and CONSULTEE approach to design codes, which will be landscape led and use landscape character areas (from the 2023 CONSULTEE Landscape Character Assessment), to inform the overall character analysis of CONSULTEE as an evidence baseline to inform the overall character analysis, the countywide code and place-specific codes.</p> <p>☐ General: The document could have more emphasis on landscape role in impacting water quality (i.e. water runoff)</p> <p>☐ General: There is no mention of biodiversity net gain-landscape plays a part in achieving this (Requirements of 2021 Environment Act-at 10%) Pleased to see reference to nature recovery.</p>	<p>and we believe that hyperlinks can often become 'dead links' very quickly.</p> <p>General – the AONB Partnership is currently not considering a Design Code given the extent of Guidance it already has in the public domain and refers to Policy BDP2 of the MH AONB Management Plan 2019-2024. However, we will add reference to design codes at 1.4 as suggested and the re-formatting as others have suggested.</p> <p>General – the point of BNG is noted and we will add this as another undermine statutory purpose of designation.</p>	<p>design guides, planning briefs, heritage characterisation studies, standards and masterplans as set out in the NPPF and planning practice guidance’.</p> <p>‘the introduction of the 10% Biodiversity Net Gain requirement as proposed under the Environment Act 2021 for major development from January 2024, and smaller sites from April 2024.’</p>
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	<p>☐ Para 1.4 – bullet point 7 could be presented in a more reader friendly way as it is listing many sets of points. – it would be helpful to lay it out in a more indented bulleted way to assist the reader see quickly what points are.</p> <p>☐ Para 1.5. Suggest changing the term ‘household’ scale to ‘domestic’ scale as this encompasses all types of residential units.</p> <p>☐ Para 1.6 states that the scale and extent of development in AONBs should be limited. It would be good to get a clearer idea of what is considered to be limited and what is considered major development. It should be recognised that settlements in the AONB with significant services and facilities, including sustainable transport infrastructure, might be considered to be good locations for development in terms of meeting sustainability objectives and this can be preferable to providing smaller scale piecemeal development. This should be recognised in the position statement but can be caveated with stronger design/application criteria insisting on a design code/masterplan for the sites, produced in partnership with LA’s, developers and the community.</p> <p>☐ Para 3.2: Neighbourhood Development Plans need to be included alongside the Local authority development Plan – ditto re Housing Position Paper.</p> <p>☐ Para 7.0 : A landscape and visual sensitivity and capacity study (LSCA) and/or Landscape Visual Impact Assessment (as appropriate) should be undertaken for all relevant sites (or land cover parcels) in the MH AONB and its setting where the potential for development is being assessed as part of the development plan process. The recommendation goes on to seek quantum's of development that could be accommodated. The recommendation advises basing this on</p>	<p>1.5 - Agree with comment and will replace household with domestic.</p> <p>Para 1.6 - refer to NPPF Paragraph 177 as to what is ‘major development’.</p> <p>Paragraph 3.2 - Agreed. As per earlier comments, we will adapt the Position Statements to reflect NDPs also.</p> <p>The comment regarding the recommendation in 7.0 is noted. We intend the recommendation to be read by a number of stakeholders, including NDP plan-making bodies who may be considering allocation sites and how they wish to foresee a scheme which clearly meets the</p>	<p>1.5 - replace household with domestic.</p> <p>Paragraph 3.2 - as part of the overall re-formatting of this section, clarification has been provided regarding the planning framework.</p>
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	<p>the design, density and layout of sites, however, this is normally something that is carried out at the application stage and not at the plan making stage.</p> <p>☐ Paragraph 7.1.1 states that “In order to maintain some landscape capacity for future development, not all of the sites that are considered to have landscape capacity for development should be allocated in one iteration of the development plan.” This statement is quite generic and maybe this should be considered in a place-by-place / site by site approach.</p>	<p>AONB designation. We would use the Colwall NDP as a excellent example of how a landscaped approach informed policies in their NDP.</p> <p>Paragraph 7.1.1 - the recommendation is not considered to be generic. This partly comes back to the reason why both the Landscape-led Development and Housing Position Statements go hand-in-hand. By recognising the difference between housing need and housing requirements, a more appropriate level of housing delivery for the MH AONB can be planned for, meaning a body does not therefore need to rely on all sites which have capacity for development in a first iteration of a local plan/NDP. This, in turn, means that the capacity threshold has to be lower when a plan-making body reviews their local plan/NDP as there are other suitable sites in the first instance which were not utilised.</p>	
Lighting Guidance	N/A	N/A	N/A
Professional Body Response 1	<p>Page 3 Second bullet point. “Institution of Lighting Professionals Guidance... Colour temperature “less than or equal to 3000 Kelvin?”</p> <p>Section 4.8 states 3000k or less</p> <p>Section 1.12 maybe refer to the ILP Guidance note 9 “Domestic exterior lighting: getting it right</p>	<p>Comments noted, particularly references to the updated Guidance Notes which have been published by the Institute of Lighting Professionals since the conclusion of the consultation.</p>	<p>Lighting Guidance – Change to Page 3 – second bullet point, as per comment</p> <p>Change to Section 4.8, as per comment.</p>

	Just for info ILP GN08 is on the verge of being updated, final version is at the printers.		Change to Section 1.13, not 1.12 (as comment refers to), with addition of Guidance Notes. Changes throughout document to update Guidance Notes published by the ILP, including GN08/23, published August 2023.
Agency Response 1	Unfortunately, at present we don't have the relevant landscape expertise within the West Midlands to offer a detailed consultation response at this time.	Noted.	No changes.
Parish Council Response 1	The CONSULTEE wish to support the work being done on this.	Comments noted.	No changes.
Parish Council Response 2	CONSULTEE is pleased to see the development of this advice and to be asked to comment on this draft document. The electric alarm side is interesting and makes people think about directing their lights towards the ground as opposed	Comments noted.	No changes.

	<p>to upwards. It encourages people to draw their curtains at night to prevent light from leaking outside of their property. However, the gas lights in Malvern should be kept as are they are a tourist attraction (and also emit very little light pollution compared to modern lighting).</p> <p>The report talks about lumens. Not many people understand what that means so there needs to a concerted campaign to educate the public how to covert from wattages to lumens.</p> <p>The light pollution from Worcester and Ledbury is very bad and does affect the sky from the Hills but they are outside of the AONB. There is also light pollution from the former RSRE “south site”, but we anticipate that will go when the construction of the houses is completed.</p> <p>Finally, the flood lights for the sports clubs should stay as they are only for the time of training or play, and have the added benefit of encouraging children and young adults to use the facility thereby taking them off the streets.</p>	<p>The Malvern Victorian Gas Lamps is a case study to promote that unnecessary light pollution can be prevented where possible.</p> <p>We hope the guidance will help raise awareness and assist as many people as possible, including those both in and the setting of the AONB, to consider their current and future lighting.</p>	
Agency Response 2	<p>Firstly, none of the consultation documents mention the Malvern Hills Trust, the new working name for the Malvern Hills Conservators, who look after the Access Land and Commons on the Malvern Hills, Castlemorton Common and a small number of associated outlying Commons. The whole area managed by Malvern Hills Trust (MHT) falls within the proposed AONB and is governed by specific byelaws which apply to development (residential and commercial) and access. There are differences between AONB Partnership policies and those adopted by MHT, a point which needs to be clarified within all 4 consultation documents.</p>	<p>We note the request for a reference to the Malvern Hills Trust into all the documents. However, it needs to be said that the guidance that has been consulted on relates to development management and strategic planning recommendations. Whilst clearly important to acknowledge, the byelaws which govern the Malvern Hills Trust, particularly in terms of decision- and plan-making, fall outside the remit of planning and are not material planning considerations.</p>	None.

<p>Local Authority Response 1</p>	<p>Comments regarding lighting and impacts on biodiversity and landscape.</p> <p>Support for reference to wildlife and biodiversity mentioned throughout this document. However, there are several areas that need correction and could be strengthened.</p> <ol style="list-style-type: none"> 1. There is reference throughout to 2018 BCT / ILP best practice guidance document in relation to lighting and bats. There has been a considerable amount of new academic and industry research since its publication, and it has been reviewed. The publication of the new guidance <u>note GN 08/23</u> was predicted for July 2023, so it should be imminent. It is recommended that, if possible given timing constraints, all references within the AONB guidance document should be updated accordingly. 2. The AONB consultation document makes reference in several places that colour temperature should be less than 3000 kelvin. Current bat advice (2018) states colour temperature should be less than 2700K – but this may also be subject to revision once the new bat and lighting guidance document is published - see above. 3. Section 1.2, could/should impacts to wildlife also be mentioned here? 4. Section 2.11 This paragraph is a little confusing and inaccurate. <ul style="list-style-type: none"> - All bat species are protected by the Wildlife and Countryside Act and the Habitat Regulations. All bat species are listed as Worcestershire Biodiversity 	<p>Comments noted.</p> <p>As raised by the Institute of Lighting Professionals, new GN 08/23 has now been published and will be updated to that effect.</p> <p>On point 2, we have deferred to the comments raised by the Institute of Lighting Professionals.</p> <p>Section 1.2 - note and will add comments to impacts on wildlife.</p> <p>Section 2.11 - thank you for raising these points. The document was prepared by a lighting consultant and thus, discussion on wildlife/protected species may be somewhat</p>	<p>Change to Lighting Guidance – update reference to ensuring ILP GN 08/23 is added.</p> <p>Section 1.2 - add comments to impacts on wildlife.</p> <p>Section 2.11 - updated paragraphs/re-worded to reflect comments made.</p> <p>Section 3.2 - re-word to avoid ambiguity, including omitting sentence in relation to work by University of Exeter.</p>
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	<p>Action Plan species. Uncertain then why section 41 priority species have been singled out?</p> <ul style="list-style-type: none"> - Soprano pipistrelles are not light sensitive and will feed on insects under streetlamps. Having said that this may put them at greater risk of predation from owls, but that is not discussed here and would probably be too much detail. - There is a typo with Bechstein's bat. - Greater horseshoe bat can be included in the list of rare and light sensitive species which occur in the AONB. - The sentence '<i>The AONB also has Barn Owls, Dormouse and other invertebrates which rely on darkness to survive</i>' makes it sound like dormice and owls are invertebrates. <p>Suggested rewording:</p> <p>In addition to protected sites, the AONB also has several rarer and protected species that are particularly sensitive to artificial light including barn owl, hazel dormouse, and badger along with species of conservation significance such as glow worm. All bat species can be negatively impacted by artificial light to a greater or lesser degree, but unfortunately those species that are particularly light adverse include all of the UK's rarest bat species. Those that are present in the AONB include lesser horseshoe, greater horseshoe, barbastelle, and Bechstein's bat. The guidance note Bat Conservation Trust and ILP: Bats and artificial lighting in the UK (ILP GN08 18 soon to be updated to guidance note GN 08 23) should be used for these species.</p>	<p>lacking in places. Changes will be updated to that effect.</p>	<p>Re-write title of 2.10-2.12.</p>
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<p>5. Section 3.13 states that: <i>The Wildlife and Countryside Act 1981 is the principal mechanism for the protection of wildlife in Great Britain. Under the Act, it is illegal to disturb certain species, including bats, and artificial light can constitute an offence.</i></p> <p>Currently, this should also include the Conservation of Habitats and Species Regulations (2017) (as amended) http://www.legislation.gov.uk/ukxi/2017/1012/contents/made ... but again this may change.</p> <p>Suggested rewording: At the time of writing, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations (2017) (as amended) http://www.legislation.gov.uk/ukxi/2017/1012/contents/made are the principal mechanisms for the protection of wildlife and habitats in England and Wales. It is illegal to disturb certain species, including bats, and use of artificial light that disturbs bats or prevents them from accessing their foraging areas or roost sites could constitute an offence.</p> <p>6. Section 3.2 The last two sentences are unclear: <i>As recent evidence in Nature Ecology and Evolution (Nov 2020) has shown, artificial lighting pollution is impacting the hormone levels, breeding cycles, activity patterns and predator-prey interactions of a broad range of species. A study by University of Exeter which combined 126 previous papers to assess the impact, concluded that light pollution should be treated as another form of light pollution. Combined with the effect on humans, light impacts in many ways:</i></p>	<p>We note the comment made at 3.13, although given that this may change potentially soon after the guidance is published, we do not wish to ensure any such details become 'out-of-date' as soon as published.</p> <p>Comments on 3.2 are noted and document will be re-worded. The sentence omitting reference to work by University of Exeter will make the paragraph clearer.</p> <p>Note 2.10-2.12 comment and title is to be re-worded.</p> <p>We have worked to accommodate reference to lighting zones within the document. We note the comment which seeks to set out more localised guidance as to approaches to lighting. We feel this would be difficult to achieve at this time because the local data to justify it does not exist. It may be something we could consider in a future iteration of the guidance.,</p>	
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	<p>7. Sections 2.10-2.12 are titled “Malvern Hills AONB Biodiversity and Landscape”, however there is no mention or reference of landscape within those paragraphs.</p> <p>8. Suggest that the document sets out more localised guidance as to approaches to lighting in specific parts of the AONB. This could illustrate where the most sensitive landscape areas are, and describing levels of lighting that would/would not be acceptable within them.</p>		
<p>Parish Council Response 3</p>	<p>An excellent doc with good clear worked examples of good and bad lighting practice. The key points appear to be:</p> <ul style="list-style-type: none"> ○ Malvern has some good dark skies across its landscape and by taking simple steps on how we utilize our artificial lighting we can move towards dark sky (IDA) accreditation ○ Malvern is renowned for its scenic beauty, architecture and outstanding views and consequently tourism makes a significant contribution to the Malvern economy. However, there is a growing awareness that dark night skies and dark landscapes also attract visitors and this needs to be exploited. ○ The MHills AONB needs to reduce light pollution & actively seek to achieve an Upward Light Ratio of zero ○ In striving to retain, and ideally expand, our dark sky areas we will make Malvern a better place to live and visit, save energy (mitigating against the effects of climate change) and also minimize the detrimental impact of artificial light pollution on wildlife, people and our natural landscape 	<p>Comments noted and welcomed.</p> <p>We note the goals stated in the Executive Summary can be broadened to include the wider benefits associated with having dark skies and thus appeal to a wider audience.</p> <p>Policy BDP2 of the Malvern Hills AONB Management Plan, development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership. This is reiterated to development management officers in representations by the AONB Unit where possible, on planning applications.</p> <p>In addition, to update the purpose of this guidance and to how this links with our other guidance.</p>	<p>Executive Summary can be broadened to include the wider benefits associated with having dark skies and thus appeal to a wider audience. In achieving dark skies, we will also save energy (thereby mitigating against the effects of climate change) and minimize the</p>

<ul style="list-style-type: none">○ Whilst Guidance and Legislation can carry us towards these goals a change of behaviour in how we use artificial lighting is required; we need to establish a proactive dark sky 'mind-set' esp within the MHills AONB <p>Whilst clearly written, only on reading the entire document did the above 'storyline' become clear. The Executive Summary only mentions 'Dark Skies' but if the stated desired change in mind-set is to be achieved then the wider public need to be engaged and that means explaining that in achieving dark skies we will also save energy (thereby mitigating against the effects of climate change) and minimize the detrimental impact of light pollution on wildlife, people and our natural landscape. Perhaps the goals stated in the Executive Summary should be broadened to include the wider benefits associated with having dark skies and thus appeal to a wider audience.</p> <p>Recent local planning applications suggest an increasing number of people are interested in extending their homes and there is a trend towards using more glass, either in the form of roof lights in pitched roofs or atrium type structures installed on flat roof extensions. Although arguably greener during daylight hours, the problem with this trend is its capacity to undermine the Malvern dark skies initiative and, despite comments on the need to manage light pollution made at the planning stage by Parish Councils and the AONB, it is not clear that planners are conveying these comments in their Approval Notices. Given all the benefits associated with dark skies surely such mitigation measures should be</p>		<p>detrimental impact of light pollution on wildlife, people and our natural landscape.</p> <p>To add details to how this links with our other guidance in Executive Summary/Purpose of this Guidance.</p>
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	<p>statute and appear as Conditions of Approval or, if such comments are 'guidance only', then planners should include standard comments on proposed developments with above average / special fenestration to educate and encourage developers to adopt measures to minimize light pollution.</p> <p>The Guidance Executive Summary also discusses options for eliminating Internal Light Spillage, however the initial bullet point 'Using an appropriate visible light transmission for the glazing purpose' seems confusing. Presumably it is making reference to the use of glass windows (or indeed window films) that have been constructed or treated in some way to act as light filters to control the bi-directional passage of light (e.g. maximising visible light in and minimizing visible light out), akin to films developed to control solar thermal loading on buildings in hot climates or prevent heat (as longer near infra-red wavelengths) escaping through windows in colder climates. Such windows and films may have significant tints or strong reflections and these need to be taken into consideration in Conservation Areas.</p> <p>Other recent trends include the introduction of LED street lighting whereby failed old sodium luminaires are being replaced by focused / collimated LED sources and failed old concrete lampposts (complete with surface lichens) are being replaced by harsh industrial style bright metal galvanized posts. It is worth noting that, even on a given road junction, different types of LED sources are fitted, and this may explain why there are differences in the heights of the new metal lampposts; presumably to achieve the required</p>		
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	<p>light intensity or beam shape on the road surface. The new LEDs are not without their problems as the intense sources can entire drivers' field of view on Malvern's many steep road junctions. Interestingly in the 1990s such galvanized metal lampposts in Malvern had to be over painted in olive green, e.g., St Wulstan's Estate. The new galvanized lampposts and their LED sources appear to have been adopted without appraisal and the lack of standardization on height and luminaries seems odd in an AONB with extensive Conservation Areas.</p> <p>Page 43 para 6.43 points out that streetlights are an 'expectation' and should be challenged in rural areas. Given that streetlights were introduced before the advent of modern car lights (and efficient rechargeable personal torches) the need for streetlights should indeed be challenged, especially if there is no evidence that areas with or without street lighting (e.g. Upper Welland v Welland) have different crime rates. At least consideration should be given to reducing the hours that streetlights are used, perhaps through the use of onboard or remote timers rather than photocell light detectors.</p> <p>My understanding is that the Malvern Hills AONB is home to substantial and nationally important protected bat colonies and as such should be playing a leading role in the field of street light management and appropriate planning legislation.</p>		
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	<p>FOOTNOTE: On the front cover, consideration should be given to stating if the Guidance document has to be read in conjunction with any others docs, e.g., AONB Mgt Plan, Local Plan, NDPs etc.</p>		
<p>Member of Public Response 1</p>	<p>Executive Summary – Explain ‘Special Qualities’. Might it be a good idea to note in introduction that although not the subject of this guidance, lighting can also adversely affect wildlife (especially as parts of the AONB are SSSI) so usually needs to be controlled for that purpose anyway, and refer to relevant guidance/publications on that (subsequently noticed its included later, but good to refer here anyway, as for many people its as important as sky-glow!)</p> <p>1.14 - note that occasionally, it may also be necessary to carry out a separate technical assessments of the effects of lighting on landscape character and views/visual amenity, in which case, a qualified landscape architect with experience in the subject would be required, and they would need to work in close collaboration with the lighting designer/effects assessor (see GLVIA3 paragraph 6.12).</p> <p>6.38 - Also mention considering recessed windows and overhands where feasible.</p>	<p>Comments noted.</p> <p>Executive summary – comment on explaining Special Qualities noted and can addressed through footnote or hyperlink. We have addressed through the comments raised by CONSULTEE later in the document on lighting affecting wildlife and is addressed in 1.2.</p> <p>1.14 - comments noted and added to guidance.</p> <p>6.38 - comments noted and added to guidance.</p>	<p>Executive Summary – add footnote explaining Special Qualities.</p> <p>1.2 - add reference to adverse impacts on wildlife</p>

			<p>1.14 - to add 'It is noted that occasionally, it may be necessary to carry out a separate technical assessment of the effects of lighting on both landscape character and views/visual amenity, in which case, a qualified landscape architect with experience in the subject should be engaged to work in close collaboration with the lighting designer/effects assessor. This is in accordance with the 3rd</p>
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			<p>Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3) - see paragraph 6.12 of GLVIA3.'</p> <p>6.38 - to add 'Consideration may also wish to be given to recessed windows in designs, and overhangs, where feasible.'</p>
Local Authority Response 2	<p>This is an impressive suite of documents to support the MH AONB Management Plan. I'm sure that they will all be useful once adopted and people become familiar with them. Thanks for extending the deadline. The following comments are from me, no one else in the team had anything specific to add.</p> <p>Guidance on Lighting</p> <ul style="list-style-type: none"> · This is a very informative document. I haven't seen one like it before. The good and bad practice example drawings are really clear to understand. Throughout the document the reference links to standards and background documents and 	None.	None.

	<p>cross referencing give it very good weight. I hope CONSULTEE can take on standards like this across the county.</p> <p>We're looking forward to seeing the 'Guidance on the Key Principles of good development'. I wonder if this (or somewhere else within the MH AONB guidance) would include a list of suitable native tree / shrub / hedgerow species that are appropriate to, or dominant within, the area (noting of course that site specific assessment and proposals are always best!).</p>		
Guidance on Horse-Related Development	N/A	N/A	N/A
Agency Response 1	Unfortunately, at present we don't have the relevant landscape expertise within the West Midlands to offer a detailed consultation response at this time.	Noted.	No changes.
Parish Council Response 1	CONSULTEE wish to support the work being done on this.	Comments noted.	No changes.
Parish Council Response 2	<p>CONSULTEE is pleased to see the development of this advice and to be asked to comment on this draft document.</p> <p>Paragraph 4 Planning Controls - Local plans – this should be Development plans to ensure NDPs are included. Whilst this paragraph, sets out the 'status' of the advice in comparison to the development plans is only sufficient for people with planning experience. It is suggested it needs to be expanded to assist those with little or no knowledge of the planning system, by referring specifically to Local Plans and NDPs.</p>	Comments noted, particularly in reference to needing to expand the 'status' of advice to encourage all those parties involved in horse related development, especially as we note that planning applications are often made by applicants, who don't employ/engage an agent and thus, may not be aware of such guidance. We would draw attention to Section 1.3, which explains who the document is for, as the AONB Unit does for all of its Guidance documents, although we will expand the relevant section to widen public understanding/outreach.	Change to Paragraph 4 – Planning Controls, replace Local Plans with the 'development plan' and ensure this includes NDPs, where they are

	<p>6.2 Materials and design of buildings – Whilst CONSULTEE supports your design advice it should still encourage people to consult the relevant local development plans including Neighbourhood Development Plans.</p>		<p>made/adopted .</p> <p>To also expand on the ‘status of this guidance’ at 1.4 to include reference to guidance applying to all who are involved in equine related development and as a material planning consideration.</p> <p>Change to 6.2 - include reference to being read in accordance with the ‘development plan’.</p>
<p>Member of Public Response 1</p>	<p>We have sports horses, who require ridden exercise, plenty of field turnout, shelter, stables, rugs, an arena as due to them being highly strung not all of them hack out safely, they also need well drained ground and plenty of good grazing.</p>	<p>Comments noted.</p>	<p>Change to ‘Jumps’ section to include: jump wings</p>

	<p>1. Jumps - the removal of jumps after use is impractical, it is often ladies or children who ride, jumps are heavy and awkward to lift, most competition riders who wish to jump would jump their horse once or twice a week. To set up one jump it would require carrying 2 jumps stands at around 10 kilos each and 3 X ten-foot-long poles at a weight of 15 kilos each. A course of fences would need the above to be times by 12 allowing for spread fences and a double combination. It would take around an hour for 2 strong adults to set up these jumps and another hour if they were to be put away each time. Plastic jumps tend to be lighter but less environmentally friendly. I would suggest as a compromise that the jump wings should be brown or green and only the poles and fillers can be coloured as it is these that are the real training part that the horses actually jump over. Perhaps the poles and fillers could then be stored together in a pile in the field rather than littered around it. Having said that who is going to police if a child has put her jumps away each day? It seems an impractical piece of advice to me. A tricky one I think.</p> <p>6.3 Arenas. I agree that lighting of arenas should be avoided, the dark skies around the Southern end of the Hills are incredible and we often get visitors to our house commenting upon the stars here at Eight Oaks Castlemorton. Lighting to safely lead horses in at night should be kept to a minimum and turned off once horses are in. We use low level solar powered lights where we can for moving around the yard.</p>	<p>Jumps – the guidance relates to brightly coloured jumps, which if left can often be visually intrusive, particularly in open countryside locations. The compromise is welcomed, and we will make this amendment although we reinforce the point that through suitably worded planning conditions, it is in the remit and expediency of local planning authority enforcement teams to consider action.</p> <p>The Arena/Lighting comments also reflects the work the AONB Unit has undertaken as part of its reviewed Guidance on Lighting.</p>	<p>should be brown or green, in line with the Malvern Hills AONB Guidance on the Use and Selection of Colour in Development. The poles and fillers should be coloured also to be unobtrusive and should be stored overnight.</p> <p>Change to 'Arenas - Surface Materials' - to add: recycled chopped tyres is not encouraged, as they slowly degenerate releasing a dark dust into</p>
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	<p>You are correct that darker surfaces are not suitable for horses, particularly sports horses jumping at higher levels and dressage horses performing at elite level. Darker surfaces such as some sands and rubber ride too deep and damage horses' tendons and ligaments. You mention recycled carpet is bad for the environment but also so is recycled chopped tyres, they slowly degenerate releasing a dark dust into the surface and drainage of the arena. In the USA old car tyre rubber has proved to be carcinogenic.</p> <p>It should be noted that lighter silica sand surfaces while being often more expensive to install they are better for the environment, better for the horses, better for the people working upon it and they do blend in at certain times of the year, autumn when vegetation turns brown and particularly summer when hay, corn and barley etc have turned golden, with drier summers forecast this would be more so the case, your document assumes the green fields of spring is the guidance on colour. It should also be remembered that an arena surface is not a permanent feature, as once the arena is out of use and uncared for, grass and weeds very quickly take over, in a matter of months the arena would be green with vegetation.</p> <p>You mention the arena fence, colours and hedging but safety of riders here is paramount, I was reused a fence by CONSULTEE and within 6 months of the arena being installed a lady had fallen onto the thick boards required to hold the sand in, breaking her pelvis, and shortly after another fell onto the boards and hurt her back.</p>	<p>In respect of surfaces, comments are noted and will be added.</p> <p>In respect of hedges around the arenas, we recognise that the most common form of field enclosure used is post and rail fencing which should always reflect local designs and materials, but the impact of fencing can be considerably softened by planting a native hedge alongside. Once established this can provide extra foraging for horses and shade and</p>	<p>the surface and drainage of the arena. In the USA old car tyre rubber has proved to be carcinogenic. It should be noted that lighter silica sand surfaces while being often more expensive to install they are better for the environment, better for the horses, better for the people working upon it and they do blend in at certain times of the year, autumn when vegetation turns brown and particularly summer when hay, corn and</p>
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	<p>Hedges around the arena seem a good idea but the leaf debris in Autumn would fall onto the arena mixing with the sand and causing it to degrade, also in winter the hedge would shade the arena meaning slower defrosting of the sand on cold mornings. Also, the hedge would be extremely difficult to maintain from inside the arena unless cut by hand, taking large heavy machinery onto the surface to trim the inner side of the hedge would ruin the arena surface.</p> <p>6.4 Enclosure – Electric fencing can be moved and is only temporary, so it can be very useful in reducing poaching. I agree with the use of colour green for electric stakes. While green tape while looks better it’s a tricky one as white tape is often used as horses see it better than green tape. If a horse runs into the tape, it can cause a lot of damage to the animal, as the tape has a stand of thin metal wire running through the middle. It acts like cheese wire on skin and can cause life changing or death inflicting injuries. Post and rails or hedging is safer.</p> <p>Hedges and tree planting should be encouraged to be grown around paddocks. The BHS guidance on this is that hedges and trees provide numerous benefits to equestrian grazed ground. Providing shelter from wind & rain and shade means they reduce the need for field shelters, also improving drainage and improve soil structure. Horses also snack on the hedging giving good variation of diet, ours love to snack on the hawthorn, willow etc, but the lower hedge does need protecting from bark chewing, we use horse netting which is more expensive than the standard sheep netting.</p>	<p>shelter.</p> <p>The enclosure and sub-division of paddocks is of particular concern because they tend to be much smaller than the size and shape of traditional fields of the AONB, eroding the local landscape pattern. The hard grazing in these smaller ‘starvation’ paddocks can also change the appearance of the grass sward in each area, further leading to landscape character loss. It is appreciated that in many parts of the AONB, field sizes are traditionally small but have been enlarged over time for intensive farming, so subdivision can in some instances be a good thing, however it must respect the historic field patterns and boundary lines.</p>	<p>barley etc have turned golden, with drier summers forecast this would be more so the case, your document assumes the green fields of spring is the guidance on colour. It should also be remembered that an arena surface is not a permanent feature, as once the arena is out of use and uncared for, grass and weeds very quickly take over, in a matter of months the arena would be green with vegetation.</p>
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	<p>I'm not sure if I misunderstood but does it say the AONB don't want small paddocks as it alters the AONB? It is only in the last 50/70 years the fields in the AONB have become large, traditional the AONB would have been all small fields. We have an old tithe map of our farm in the AONB (see photo attached) from 1870 and we have been busy over the last 8 years reinstalling all the little paddocks and planting them round with hedges. We have noticed the field have been less wet in winter since we have done this, resulting in less poaching.</p>		<p>To add to 'Enclosure': Hedges and tree planting should be encouraged to be grown around paddocks. The BHS guidance on this is that hedges and trees provide numerous benefits to equestrian grazed ground. Providing shelter from wind & rain and shade means they reduce the need for field shelters, also improving drainage and improve soil structure. Horses also snack on the hedging giving</p>
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			<p>good variation of diet, ours love to snack on the hawthorn, willow etc, but the lower hedge does need protecting from bark chewing, we use horse netting which is more expensive than the standard sheep netting.</p>
<p>Agency Response 2</p>	<p>Firstly, none of the consultation documents mention the Malvern Hills Trust, the new working name for the Malvern Hills Conservators, who look after the Access Land and Commons on the Malvern Hills, Castlemorton Common and a small number of associated outlying Commons. The whole area managed by Malvern Hills Trust (MHT) falls within the proposed AONB and is governed by specific byelaws which apply to development (residential and commercial) and access. There are differences between AONB Partnership policies and those adopted by MHT, a point which needs to be clarified within all 4 consultation documents.</p>	<p>We note the request for a reference to the Malvern Hills Trust into all the documents. However, it needs to be said that the guidance that has been consulted on relates to development management and strategic planning recommendations. Whilst clearly important to acknowledge, the byelaws which govern the Malvern Hills Trust, particularly in terms of decision- and plan-making, fall outside the remit of planning and are not material planning considerations.</p>	<p>None</p>

	<p>A CONSULTEE member who lives and works in the AONB area is concerned that neither document mentions commercial developments (such as the Wyche Innovation Centre or small farmyard business developments). Although specific guidelines for equestrian businesses are set out in the Guidance on Horse Related Development, Position Statements 2 and 3 should clarify the AONB Partnership policy relating to commercial developments in general. CONSULTEE is particularly concerned about commercial developments and larger housing schemes that either require physical changes to footpaths and bridleways, affect access land boundaries and/or require diversions to public rights of way.</p> <p>Guidance on Horse Related Development CONSULTEE has some concerns about one of the issues identified at the beginning of Section 2 – namely that horse related development often leads to “the subdividing of agricultural land into smaller scale paddocks”. This invariably means more stiles and gates on any footpaths and bridleways which cross them, which is a problem for all path users (including horse riders and people with disabilities). A regular complaint made to the British Horse Society and the County Council is about the danger of riding on unfenced bridleways through fields occupied by grazing horses. Grazing horses often behave aggressively towards ridden ones - particularly around gates and pinch points - and the presence of horses in a field crossed by a footpath or bridleway can be a deterrent for pedestrians and horse riders alike.</p>	<p>In respect of the horse related development comments, permanent sub-division of larger fields should be kept to an absolute minimum. The scale of the landscape is one of the most important elements of landscape character and should not be compromised. Further stiles and gates would not normally be apparent as its existing large fields that are sub-divided through fencing and tape etc.</p>	
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<p>Local Authority Response 1</p>	<p>CONSULTEE welcome the opportunity to comment on the above position statement. Generally, the guidance and advice are supported and reflects the emerging policy in the 2022 Regulation 19 SWDPR, Policy SWDPR50 Equestrian Development. It is the intention of the CONSULTEE to submit the SWDPR for examination over the summer of 2023. It would be helpful to include a reference to this position statement in the Reasoned Justification or as a footnote to the policy and this can be proposed through the SWDPR examination.</p> <p>More specific comment is that the position statement would benefit from more illustrative material, images/photos showing best practice or poor examples. Further, it would be helpful to perhaps show plans of possible layout of stabling and/or manège areas.</p> <p>Suggest consideration be given to discussion about impacts of grazing on valuable grassland habitats, perhaps in the 'siting' section? Horse grazing of species rich grasslands and meadows can be beneficial, but the balance can be easily tipped, and significant harm can be caused by too high stocking density and overgrazing etc.</p> <p>Manèges, arenas etc often have bright artificial lighting. Should impacts of lighting on landscape and wildlife also be considered in this document and/or at least cross-referenced to the lighting document.</p>	<p>Comments noted.</p> <p>The AONB Unit will intend to raise the reference to the position statement in the Reasoned Justification or a footnote to policy SWDPR50 at examination of the SWDPR. However, we recognise that this guidance document is a very draft version currently and the final completed guidance will have more illustrations and examples of good/poor practice.</p> <p>It would be difficult to provide a standard layout of an ideal stable/manège, particularly as their acceptability can only vary between landscape character type and even site-to-site.</p> <p>Comments on impacts of grazing on valuable grassland habitats is welcomed and will be incorporated, as well as cross-referencing to our guidance on lighting.</p>	<p>Consideration be given to discussion about impacts of grazing on valuable grassland habitats, perhaps in the 'siting' section? Horse grazing of species rich grasslands and meadows can be beneficial, but the balance can be easily tipped, and significant harm can be caused by too high stocking density and overgrazing etc.</p> <p>In relation to manèges and arenas, seek to make cross-reference to revised</p>
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			Lighting Guidance.
Parish Council Response 3	<p>Whilst most people would know to refer to the AONB Management Plan 2019 -2024, it is not clear from that document that there are now <i>two</i> supplements relating to horses and equine development, i.e.:</p> <ul style="list-style-type: none"> -A Guide to Keeping Horses in the Landscape (Dec 2010) -Guidance on Horse Related Development, AONB (Aug 2023) <p>Perhaps some sort of ‘signposting’ is required to ensure that interested parties are made aware of all three relevant documents.</p> <p>Having now read all three documents, what has become apparent is that there is much overlap between the two ‘supplements. The existing ‘A Guide to Keeping Horses in the Landscape (Dec 2010?)’ appears to be an established, sound, comprehensive document so why not merely produce an updated edition to take into account any desired change in emphasis, or new planning guidance or new topics generally, such as the importance of protecting dark skies etc. Having to refer to three documents is counter-productive, being onerous (and off-putting) for the reader, especially when there appears to be considerable duplication. A one-stop-shop reference document covering development and management should be considered.</p> <p>My comments on reading the Guidance on Horse-related Development are as follows:</p>	<p>Comments noted. The intention of this new Guidance on Horse Related Development is to help break-down the suite of documents we currently provide on Equine, as we feel the current Guide to Keeping Horses in the Landscape, could reasonably be broken into three smaller documents, which this new guidance intends to be the first of these, particularly this document which has been done to assist applicants in relation to seeking planning permission for associated works. The comments later in the document, reinforce the purpose of this new guidance further and whilst it may seem that some of the points are trivial, they should be raised.</p>	<p>To tidy up the ‘status’ of the Guidance explaining how this fits in with the AONB Guidance provided, who this document is guided at and what further guidance we have on Equine/Horse related development.</p>

	<p>With so many horse-riding establishments in the AONB, it is important to make sure they have as little adverse effect on the environment as possible. However, in practice this is difficult to achieve as the keeping of horses is an ever-changing situation. Factors such as the number of horses, horse welfare / herd personality issues, weather etc all fluctuate and require action, such as changing the quantity and size of the paddocks etc, continuous heat or rain may mean horses to be kept inside stables and so no grazing.</p> <p>As such Section 5 bullet points are overly prescriptive about what are, in fact, day-to-day minutiae. The document discusses when planning permission might be needed and goes into some detail about the amount of grazing, reasons for horse turnout, rugging of horses, where owners ride etc. Many of these factors change day-by-day with the weather and slowly with the seasons, e.g., most horses are stabled at night in winter, most owners use electric fencing in summer to limit the amount of grazing as part of good animal husbandry. Most horses wear rugs in winter and maybe flysheets in summer. Virtually all horses are given extra feed in winter etc. These matters are trivial and possibly could be omitted. Surely the important planning matters are where planning permission is clearly needed, e.g.: new stables, hard standing around stables, large ménages with a lot of groundwork involved such as digging out the ground, drainage, and resurfacing, and change of land use.</p> <p>Owners should be reminded they have a duty of care to reduce their light pollution, maintain the fields and stable</p>		
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	<p>areas so as not to degrade the landscape, and to ensure local water courses are not polluted by manure heaps. Yard owners are often tenants and reluctant to invest in resolving problems such as high footfall around gateways which poaches the land and looks unsightly.</p> <p>All riding establishments/livery yards need extra lighting in winter in the stables, feed stores, tack rooms and ménages. Ménages are not usually needed after about 7pm (depending on circumstances) so light pollution should not be a problem after that time. The light from post mounted LED luminaries can be collimated but needs to provide uniform illumination of the training ground, fortunately training surfaces tend to be (textured) sand or recycled rubber chipping and as such produce a negligible reflected (diffuse) light.</p> <p>Although the use of white tape for electric fencing can be unsightly, as mentioned, it is often necessary for horses' welfare to divide a large field into smaller paddocks, especially in spring and summer. The use of alternative darker coloured tape should be better universally promoted. The use of small paddocks is often essential for horses as they can quickly become obese and lame with laminitis if allowed access to too much fresh grass.</p>		
<p>Member of Public Response 2</p>	<p>1.1 - I appreciate this guidance is for a specific audience, but think it's really important to explain the statutory duty stuff up front, so people are immediately aware that in AONBs, there is a requirement to at least aim to protect AND enhance.</p>	<p>Comments noted.</p> <p>1.1 - we appreciate that this is very much a draft document and as such will add the statutory</p>	<p>1.1 - add the statutory duties to introduction, and reference</p>

	<p>1.3 - explain Special Qualities/why important and where the information about them is available?</p> <p>6.2 - Note in the MH AONB, we experimented on stables/sheds and found that broadly, a 50/50 mix of black and a warm red-brown such as rosewood worked really well, but MUST point out that choice of colour must be made in relation to the context in which development will be viewed. Add wavy-edged.</p> <p>6.4 - But that isn't always the case: in many parts of the AONB, field sizes are traditionally small but have been enlarged over time for intensive farming, so subdivision can be a good thing, so long as it respects the historic field patterns and boundary lines.</p>	<p>duties to the introduction, including Special Qualities of the AONB, as raised in Section 1.3</p> <p>6.2 and 6.4 - the points are noted and can be added in.</p>	<p>to Special Qualities under Section 1.3.</p> <p>6.2 - to add that work in the Malvern Hills AONB has been trailed on stables/sheds and found that broadly, a 50/50 mix of black and a warm red-brown such as rosewood can also work really well, but the choice of colour must be made in relation to the context in which development will be viewed. The Malvern Hills AONB Guidance on the Selection and Use of</p>
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			<p>Colour in Development can assist in this regard.</p> <p>Add to 6.4 - it is acknowledged that this is not always the case and that in some parts of the AONB, field sizes were traditionally small but have been enlarged over time for intensive farming. It is important to ensure that any subdivision respects historic field patterns and boundary lines.</p>
Local Authority Response 2	<p>This is an impressive suite of documents to support the MH AONB Management Plan. I'm sure that they will all be useful once adopted and people become familiar with them. Thanks for extending the deadline. The following comments are from me, no one else in the team had anything specific to add.</p>	None.	None.

	<p>Guidance on horse related development</p> <ul style="list-style-type: none">· 6.1 The second para seems to be a smaller font and the second picture on 'poor example of siting' didn't show up. Much of this information overlaps with other guidance, however some specifics on colour and materials at 6.2 are welcome. <p>We're looking forward to seeing the 'Guidance on the Key Principles of good development'. I wonder if this (or somewhere else within the MH AONB guidance) would include a list of suitable native tree / shrub / hedgerow species that are appropriate to, or dominant within, the area (noting of course that site specific assessment and proposals are always best!).</p>		
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