



Paul Instone
Development Services
Tewkesbury Borough Council
Gloucester Road
Tewkesbury
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By email only to: paul.instone@tewkesbury.gov.uk

7 November 2022

Dear Paul,

APPLICATION NO: 22/00998/FUL

DESCRIPTION: Full planning application for the erection of 56 dwellings with associated infrastructure and amenities along with demolition of an existing dwelling on land to the west of Willow Bank Road, Alderton.

LOCATION: Land Behind 52 To 74 Willow Bank Road, Alderton

The above planning application, which is for a development that would be located within the setting of the Cotswolds National Landscape¹, has been brought to the attention of the Cotswolds Conservation Board.

The Board recognizes the importance of meeting local housing requirements. However, this should be delivered in a way that is compatible with the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the AONB.

Having reviewed the application including the supporting reports and surveys, for the reasons outlined in Annex 1 below we would like to raise a **holding objection** and request further information to assist our assessment of any potential adverse impacts of the proposal on the landscape and scenic beauty, tranquillity and dark skies of the Cotswolds National Landscape. These are all 'special qualities' of the Cotswolds National Landscape, those being the features of the AONB that makes the area so outstanding that it is in the nation's interest to safeguard it. Further detail is provided in the Annex below.

The submission of the further information requested below will allow the Board to draw a more definitive conclusion on the potential impacts of the scheme and whether, in our view, the application complies with the requirements of national and local planning policy and guidance.

Cotswolds Conservation Board

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:

Brendan McCarthy

Vice Chair:

Rebecca Charley

Please don't hesitate to contact me if you wish to discuss this response further.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Joyce', with a stylized flourish at the end.

Simon Joyce

Planning Officer

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ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/00998/FUL

The comments below are based on a review of the information submitted by the applicant, including the Landscape and Visual Appraisal (LVA, SLR, September 2022).

Planning Policy Considerations

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this ‘duty of regard’, the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications³:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Types (LCT) 19 (Unwooded Vale) and 1 (Escarpment Outliers);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, regards to LCT 19 ([link](#)) including Section 19.1 and LCT 1 ([link](#)) including Section 1.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Development in the Setting of the AONB ([link](#)), Landscape-Led Development ([link](#)), Tranquillity ([link](#)) and Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2 now updated in 2021](#), [link 3](#)).

National Planning Policy Framework (July 2021) and development within the setting of the Cotswolds National Landscape

Paragraphs 174 and 176 of the National Planning Policy Framework (‘NPPF’) provide the highest status of protection for the landscape and scenic beauty of AONBs, including the Cotswolds National Landscape. Paragraph 174 states that planning decisions should both contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

Paragraph 176 then outlines the ‘great weight’ to be given to the conservation and enhancement of the landscape and scenic beauty of AONBs. This ‘great weight’ is relevant in this instance as the site forms part of the AONB’s setting and a development of the scale proposed in this location could have a significant adverse impact on its landscape and visual character and quality.

Furthermore, the requirement that development within the setting of AONBs “*should be sensitively located and designed to avoid and minimise adverse impacts on the designated areas*” was also added into paragraph 176 with the publication of the current NPPF in July 2021. Therefore, any adverse effects on the AONB need to be assessed properly and fully taken into account when determining this application, with the appropriate weighting applied in the decision.

The Board’s Position Statement on Development in the Setting of the AONB referred to above outlines how the surroundings of the Cotswolds National Landscape are also important to its landscape character and quality. Development proposals that affect both views into and out of the

AONB need to be carefully assessed to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.

The National Planning Policy Guidance ('NPPG', 2014) also confirms in relation to the Section 85 duty² that *"The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas."*

A High Court decision (*Stroud District Council v Secretary of State for Communities and Local Government (Gladman Development Ltd)* February 2015) helps to confirm the application of what is now paragraph 176 of the NPPF as far as 'great weight' is concerned. Mr Justice Ouseley stated in this case that paragraph 115 (now paragraph 176) of the NPPF *"certainly covers the impact on the scenic beauty of the land actually within the AONB. It seems to me that it would be unduly restrictive to say that it could not cover the impact of land viewed in conjunction with the AONB from the AONB. But to go so far as to say that it must also cover land from which the AONB can be seen and great weight must be given to the conservation of beauty in the AONB by reference to that impact reads too much into paragraph 115."*

The above decision helps to clarify that there are differing ways of assessing impacts on the setting of the AONB which require the application of different policies and guidance: (i) harm directly to land in the designated AONB itself from views out of the AONB and between parts of the AONB towards new development in its setting (where paragraph 176 of the NPPF is relevant) and: (ii) as a separate material consideration, harm to land outside the designated AONB, for example views of new development in the context or backdrop of the AONB (where paragraph 176 is not relevant).

Any impact upon views back towards the AONB, from outside the AONB, may be a separate material consideration and subject to separate policy and guidance, for example paragraph 174 of the NPPF also states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

Adopted Development Plan

As far as adopted Development Plan policy relating to landscape issues is concerned, Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy identifies that development proposals are required to consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect, and have regard to local landscape distinctiveness. Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB) identifies that proposals within the setting of the Cotswolds AONB are required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

The Tewkesbury Borough Plan 2011-2031 was adopted on 8 June 2022. This plan reinstates a defined settlement boundary at Alderton, outside of which unallocated residential development of this scale is not supported. This site lies outside of the village's settlement boundary. Policy LAN1 also states that where a proposal would result in harm to the Special Landscape Area having regard to the criteria contained within the policy, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the Special Landscape Area will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.

At the local level, the Alderton Neighbourhood Development Plan Policy LC2 requires applications such as this to show how design and siting have taken into consideration any adverse impacts on

areas of landscape and visual sensitivity, in particular ensuring that special attention is paid to preserving significant views in or out of the settlement, or including mitigation measures that ensure such views are maintained as fully as possible. External lighting should be minimised to avoid light pollution. Street lighting is not supported in any area of the Parish.

Cotswolds AONB Management Plan

The Cotswolds AONB Management Plan 2018-2023, which is a material consideration in planning decision making, identifies the tranquillity of the area and its dark skies as two of its 'special qualities'. The special qualities of the AONB are those aspects of the area's natural beauty which make the area distinctive and which are valuable, especially at a national level. They are also the key attributes on which the priorities for the AONB's conservation, enhancement and management should be based.

Policy CE1 states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines. They should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.

The Board's Tranquillity Position Statement referenced above recommends that proposals that have the potential to impact on the tranquillity of the AONB accord with Policy CE4 of the Cotswolds AONB Management Plan 2018-2023, give great weight to conserving and enhancing the tranquillity of the AONB and assess potential impacts on tranquillity, particularly with regards to noise, vehicle movements and landscape and visual impacts.

Policy CE5 states that proposals that are likely to impact on the dark skies of the AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution. Policy CE10 states that development and transport in the Cotswolds AONB and in the setting of the AONB should have regard to – and help to deliver – the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding and enjoyment of the AONB's special qualities. They should also contribute to the economic and social well-being of AONB communities. Proposals relating to development and transport in the Cotswolds AONB and in the setting of the AONB should comply with national planning policy and guidance. They should also have regard to – and help to deliver – the Cotswolds AONB Management Plan and be compatible with guidance produced by the Cotswolds Conservation Board, including the: (i) Cotswolds AONB Landscape Strategy and Guidelines; (ii) Cotswolds AONB Landscape Character Assessment; (iii) Cotswolds AONB Local Distinctiveness and Landscape Change; and (iv) Cotswolds Conservation Board Position Statements.

Landscape and Visual Impact

As outlined above, NPPF paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs and that development within the setting of AONBs should be sensitively located and designed to avoid and minimise adverse impacts on the designated areas. The case law referred to above has clarified that this includes giving great weight to the impact of development outside an AONB on views out from within the AONB. This clarification has been reiterated in the recent planning appeal decision relating to the proposed development of up to 50 dwellings at Land off Ashmead Drive, Gotherington⁴.

The Government's planning practice guidance on Natural Environment (paragraph 042) recognises that development in the setting of an AONB can potentially do significant harm to the landscape and scenic beauty of the AONB, especially where long views from the AONB are identified as important.

The Cotswolds National Landscape covers Alderton Hill and Dumbleton Hill and extends right down to its boundary on the northern edge of Alderton. To the south of Alderton, Langley Hill, Dixton Hill and Oxenton Hill are also part of the National Landscape and the land between these outliers, known as the Teddington and Greet Vale, is designated as a Special Landscape Area (SLA) in the Tewkesbury Borough Plan.

The Government's planning practice guidance on Natural Environment (paragraph 042) recognises that development in the setting of an AONB can potentially do significant harm to the landscape and scenic beauty of the AONB (to which great weight must be attached), especially where the landscape character of land within and adjoining the designated area is complementary.

The site forms part of a Special Landscape Area (SLA). The newly-adopted Tewkesbury Borough Plan states at paragraph 8.3 that SLAs 'are defined where the topography is a continuation of the adjacent AONB and / or where the vegetation and associated features are characteristic of the AONB'. SLAs 'play a role in protected the foreground setting of the adjacent Cotswolds AONB' and are considered by the LPA to be a valued landscape having regard to paragraph 174 of the NPPF.

A key issue in respect of this application is the impact of the proposed development on the visual connectivity between areas within the AONB, when viewed both to and from the AONB. The relatively undeveloped nature of the land between Langley, Dixton and Oxenton Hills to the south and Alderton Hill to the north helps to maintain this geological and visual link. Other landscape and visual sensitivities include the perception of settlement shape and form from elevated vantage points, the influence of developments in views from public rights of way (including the promoted Winchcombe Way and Wychavon Way routes) and the perception of separation between Alderton and the B4077.

We acknowledge that the previous dismissed appeal relating to the application for residential development of this site (appn. ref. 14/00747/OUT) did not turn on the potential impact of the scheme on the setting of the AONB and that the potential impact on the setting of the AONB was not a reason for refusal.

The site is adjacent to residential properties to the east and the village allotments to the north with a robust and mature hedgerow and tree boundary to the west and south, filtering views of the site from the B4077 and roads and public rights of way to the south and west. This results in a more enclosed feel to the site than the visually more prominent sites to the east of Willow Bank Road which have either recently been constructed or are the subject of a current planning application. It is unlikely to significantly impact any key views of Alderton or the AONB as identified within the Alderton Neighbourhood Plan.

The proposed scheme retains the boundary screening with informal public open space and attenuation pond on the southern side, resulting in development being pulled away from the boundary. Whilst development of the site would extend the village edge southwestwards, it would not constitute a prominent incursion into the open countryside. The photoviewpoints included in the LVA illustrate how the existing robust field boundary would aid in filtering views into and out of the scheme and reduce the visual impact of the scheme in the foreground of the AONB when viewed from the south. The form, location and position of vegetation along the boundary and within the site, along with an appropriately recessive palette of roof materials which could be secured via an appropriate planning condition, is likely to ensure that the development will not appear to be prominent in elevated views from the AONB to the north and south.

We note that the LVA's assessment at section 5.8 of the significance of landscape effect relating to the AONB is less than significant due to the site being influenced by the settlement edge with areas of

open space and new planting to reinforce the existing vegetation helping to mitigate potential effects on landscape character. The LVA at paragraph 6.5.2 also concludes that no significant effects on potential views from the Cotswolds AONB were assessed during construction or operation. Views were largely glimpsed towards the Site and the site barely discernible against the wider landscape and within the context of existing development. Having reviewed the LVA and also based on a recent visit to Alderton by the Board's Planning Officer, we would broadly agree with these conclusions.

Without prejudice, if the Council is minded to grant planning permission, we would welcome conditions securing a landscaping scheme and management plan along with appropriately recessive roof materials to ensure that the landscape and visual impact of the scheme is mitigated as far as possible.

Tranquillity

Tranquillity is another of the 'special qualities' of the Cotswolds National Landscape, being one of the features of the Cotswolds that makes the area so outstanding that it is in the nation's interest to safeguard it. The Cotswolds National Landscape has relatively high levels of tranquillity, especially when compared with the surrounding urban areas, though we acknowledge that both the relative tranquillity and dark skies of the AONB are affected by the noise and artificial lighting of the neighbouring built environment. However, the present undeveloped nature of the site helps to prevent the further erosion of these special qualities, which may occur if planning permission were granted and, in our view, the potential impact on the tranquillity of the AONB has not been adequately assessed by the applicant.

Section 4.5 of the Board's Tranquillity Position Statement outlines how The Institute of Environmental Assessment's 'Guidelines for the Environmental Assessment of Road Traffic' recommends using two 'rules of thumb' for identifying the scale at which increases in traffic movements should be considered in an Environmental Impact Assessment (EIA):

- Rule 1: Where traffic flows will increase by more than 30% (or the number of heavy goods vehicles (HGVs) will increase by more than 30%).
- Rule 2: Any other sensitive areas where traffic flows have increased by 10% or more.

AONBs are specifically identified as 'sensitive areas' in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, Rule 2 should be applied in the Cotswolds AONB and should relate to both traffic flows and HGV movements. On this basis, it can be argued that an increase in traffic flows or HGV movements of more than 10% from a development proposal or in combination with other proposals is likely to be significant and have an adverse impact on the tranquillity of the Cotswolds AONB.

However, the information submitted in support of the application fails to consider or quantify the potential impact of traffic generated by the development on the AONB and its tranquillity or the cumulative impact of this and the other developments consented or awaiting determination nearby. We would request that this is addressed by the applicant.

Lighting

Light pollution occurs in the form of light trespass where light shines where not needed, sky glow where light appears over towns and cities and glare, which is the uncomfortable reaction when a light source is viewed within a dark atmosphere. These all contribute to the erosion of 'dark skies' and the ability to view the stars at night.

Paragraph 185c of the NPPF states that planning decisions should ensure that new development is appropriate for its location and in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 001 of the PPG on Light Pollution (Paragraph: 001 Reference ID: 31-001-20191101) states that *“intrinsically dark landscapes’ are those entirely, or largely, uninterrupted by artificial light. National parks ... can serve as good examples”*. As AONBs have the same level of protection with regards to landscape and scenic beauty as national parks within the NPPF and PPG and dark skies are one of the special qualities of the Cotswolds National Landscape, we consider it reasonable to treat the National Landscape as an ‘intrinsically dark landscape’ in NPPF and PPG terms. Policy CE5 of the AONB Management Plan states that proposals that are likely to impact on the dark skies of the AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.

The application does not appear to consider potential dark skies impacts in relation to the AONB and the applicant is requested to provide further consideration of this issue. The applicant is encouraged to refer to the Board’s guidance in relation to artificial light and dark skies contained in our Position Statement referred to above.

Other matters

The Board is aware that the village of Alderton has grown significantly in recent years with developments for 28 dwellings to the south of Fletcher Close and 24 dwellings to the east of Willow Bank Road granted at appeal. The Board has also raised a holding objection to the application (ref. 22/00624/OUT) for 55 dwellings east of St. Margaret’s Drive which is currently awaiting determination.

This application, combined with these recent permissions and applications raises the prospect of more than 160 additional dwellings being built in the village which would constitute a 50% increase over the 308 households recorded in Alderton Parish in the 2011 Census. Whilst we recognise that new residents may help to sustain local services such as the shop and school, we remained concerned regarding the cumulative impact of development on the village and its infrastructure, particularly when the cumulative impact of a smaller quantum of development was one of the reasons the appeal Inspector dismissed the previous application for residential development on this site. We would request that in determining this application, the Council satisfies itself that the potential expansion of the village is proportionate and sustainable.

Recommendation

In conclusion, we would request that the applicant provides the following further information to allow us to fully assess the potential impacts of the proposal on the setting of the AONB and to draw a more definitive conclusion on the potential impacts of the scheme and whether, in our view, the application complies with the requirements of national and local planning policy and guidance:

- An assessment of the potential impact of traffic generated by the development on the AONB and its tranquillity or the cumulative impact of this and the other developments consented or allocated nearby; and
- A consideration of the potential dark skies impacts in relation to the AONB.

NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 3) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1 www.cotswoldsaonb.org.uk/ps2
- 4) Planning appeal APP/G1630/W/20/3256319 (relating to planning application 19/01071/OUT). Paragraph 28 is particularly relevant in this regard.