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By email only to: Joseph.Brooke@stratford-dc.gov.uk

1 December 2022

Dear Joe,

APPLICATION NO: 22/02935/FUL

DESCRIPTION: Construction of anaerobic digestion facility, comprising silage clamps, digester tanks, lagoons, administrative buildings, landscaping and access

LOCATION: Tubbs End, Tysoe Road, Kineton

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the setting of the Cotswolds National Landscape.¹

The Board supports the use of renewable energy sources to help mitigate the impacts of climate change and our dependency on fossil fuels, however it should be delivered in a way that is compatible with the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape. In this regard and after having reviewed the information submitted by the applicant, the Board **objects** to this application due to its likely significant adverse impacts on natural beauty, in particular on the views from and to the Cotswold escarpment and the tranquillity of the National Landscape. These are two of the National Landscape's 'special qualities', those being the features of the area that makes it so outstanding that it is in the nation's interest to safeguard them.

The Board considers that the proposed development has the potential to create significant adverse landscape and visual impacts on views from the Cotswold Escarpment including from sections of the Macmillan Way and Centenary Way promoted footpaths. It is our view that, by virtue of their prominent location and excessively large size, the proposed biodigester domes and associated structures are not sensitively located and designed so as to avoid or minimise their impact on the AONB, in conflict with Policies CS.11 and CS.5 of the Stratford-on-Avon Core Strategy 2011-2031 and paragraph 176 of the NPPF as well as the advice contained in Policy CE1 of the Cotswolds AONB Management Plan 2018-2023.

We also consider that the proposal could have a significant adverse impact upon the tranquillity of the National Landscape which, for the reasons outlined in Annexes 1 and 2, has not been adequately assessed by the application.

Furthermore, the Board is concerned at a number of omissions and factual inaccuracies within the application as a whole, particularly in relation to the National Landscape, which combine to result in an unsatisfactory assessment of the potential significant adverse impact on the National Landscape; further information relating to our objection can be found in the Annexes accompanying this response.

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 small dot at the end.

Simon Joyce

Planning Officer

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ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/02935/FUL

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), 2 (Escarpment) and 7 (High Wold);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, regards to LCT 19 ([link](#)), including Section 19.2 and 19.5, LCT 2 ([link](#)) and LCT 7 ([link](#));
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds National Landscape Climate Change Strategy ([link](#))
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Renewable Energy ([link](#)), 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](#), [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 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 the proposed development would, in the view of the Board, 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. Whilst the applicant’s Landscape and Visual Appraisal mentions paragraph 176, it omits to mention this important requirement of national policy which is critical in the assessment of this application.

Moreover, neither the AONB designation nor paragraph 176 are mentioned within the applicant’s Planning Statement when considering the planning merits of the scheme and the planning balance. The fact that this key paragraph of national planning policy relating to AONBs and the ‘great weight’

required to be given to their protection is omitted from this part of the applicant's submission leads the Board to consider that the applicant might seek to downplay the status of the AONB and, by extension, the proposal's likely significant adverse impacts upon it. 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 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 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 paragraphs 176 or 177 is not relevant).

Impact of 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.

This approach is supported by recent appeal decisions. In considering an appeal at Ashmead Drive, Gotherington (Tewkesbury District, appeal ref. APP/G1630/W/20/3256319) the Inspector states at paragraph 28 of her decision letter that *"Having regard to case law presented, along with the Planning Practice Guidance, in my view, although the proposal is outside the AONB, the effect on views out of the AONB, gained from within the AONB would result in paragraph 172 [now paragraph 176] being relevant"*. This approach was also taken in an appeal decision issued earlier this year where the

Inspector refused an employment proposal featuring buildings of around 12m in height located within the setting of the North Wessex Downs AONB (appeal ref. APP/U3935/W/21/3269667, Inlands Farm, Swindon, 24 January 2022, paragraph 21).

Adopted Development Plan

As far as adopted Development Plan policy relating to AONB issues is concerned, Policy CS.11 of the Stratford-on-Avon Core Strategy 2011-2031 requires that development proposals in the District involving land either within, or outside but affecting, the Cotswolds AONB should conserve and enhance the special landscape qualities and scenic beauty of the AONB and be consistent with the objectives set out in the Cotswolds AONB Management Plan. Policy CS.11 also highlights that those parts of the AONB that lie within the District are defined as ‘tranquil areas’ where the minimisation of noise, traffic congestion and light pollution is a priority.

Policy CS.5 also states that the landscape character and quality of the District will be maintained by ensuring that development takes place in a manner that minimises and mitigates its impact and, where possible, incorporates measures to enhance the landscape.

Tysoe Neighbourhood Plan

Tysoe’s Neighbourhood Plan was made in February 2022 and contains an adopted Built-Up Area Boundary (‘BUAB’). The proposed large-scale development falls well outside that BUAB, some 3km to the north of its northern boundary.

Natural Environment Policy 2 relates to tranquillity and dark skies and states that applications for new development should demonstrate how the dark skies environment will be protected through the submission of appropriate supporting documentation to demonstrate accordance with current professional guidance. Proposed lighting should be designed and sited to help reduce light pollution and contribute to dark skies. Proposals which would result in excessive light pollution will not be supported unless exceptional circumstances can be demonstrated that outweigh the harm of the development on the area’s tranquillity and dark skies.

Cotswolds AONB Management Plan, Climate Change Strategy and Position Statements

The Cotswolds AONB Management Plan 2018-2023, which is a material consideration in planning decision making, identifies the Cotswold escarpment and the high wolds, including views from and to the AONB, as being two of the AONB’s ‘special qualities’ along with the tranquillity of the area and its dark skies. 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.

Policy CE11 states that proposals for major development in the setting of the AONB must comply with national planning policy and guidance and should have regard to and be compatible with the guidance on major development provided in Appendix 9 of the Management Plan.

The Board's Climate Change Strategy, adopted in February 2022, highlights how there are opportunities within the Cotswolds to exploit sources of low carbon energy which are, in the right location, consistent with AONB designation and can help meet local demand. These include anaerobic digestion. However, it also recognises that *"Biomass and AD energy can, however, have adverse impacts in the form of increased vehicle movements, particularly in the relatively tranquil areas of the AONB and take a significant area of land out of agricultural production"* (page 43).

Our Renewable Energy Position Statement also highlights biofuel, biomass and anaerobic digestion as forms of renewable energy which may be proposed within the National Landscape or its setting and are therefore likely to have impacts on the National Landscape and its enjoyment. Paragraph 17 of the Position Statement therefore states that *"The Board considers that medium- to large-scale renewable energy developments will not generally be appropriate within the Cotswolds AONB or in locations beyond the AONB boundary where such development would affect its setting and character, as they would have significant potential to adversely affect the natural beauty of the AONB and to compromise the purpose of the AONB contrary to national planning policy"* (emphasis added).

Paragraph 18 then advises that account should be taken of the noise impacts of all technologies, and as part of the assessment of all proposals the impacts of associated traffic should also be subject to assessment (for example lorry movements associated with the delivery of biomass). Paragraph 28 is

clear that “Large new buildings and structures on greenfield sites within the AONB or its setting, or importing large quantities of material from outside the immediate area on a significant scale, will not be supported”. For the reasons outlined below, we consider that the proposal does not accord with this guidance and consequently we do not support it.

Landscape and Visual Impacts

The application is supported by a Landscape and Visual Appraisal (‘LVA’, SLR Consulting, August 2022). Having reviewed the LVA, we would wish to highlight a number of issues and omissions which we would ask the applicant to address to enable a comprehensive assessment of the potential landscape and visual impact of the scheme. These include:

- Appendix 02 is missing from the version posted online. Whilst photoviewpoints and wirelines have been included as a separate document, there is no map available (referred to as Figure 8 in the main body of the LVA) showing the exact location and orientation of these viewpoints which makes interpreting them difficult.
- Similarly, we could not locate the ZTV diagram (Figure 2) within the submission posted online referred to at paragraph 2.7.3 or any other maps or plans referred to within the main LVA document.
- Whilst the LVA considers three Landscape Character Types identified within the Cotswolds Landscape Character Assessment (LCT19 Unwooded Vale, LCT 7 High Wold and LCT 6 Ironstone Hills and Valleys), it does not consider the key LCT 2 Escarpment which lies in between the Unwooded Vale and High Wold LCTs (as shown in Figure 1 below in dark brown). This is where most of the publicly accessible viewpoints within the National Landscape from where the site is visible are located and views to and from the escarpment is one of the ‘special qualities’ of the National Landscape. In our view, this is a critical omission and the LVA should be updated accordingly.

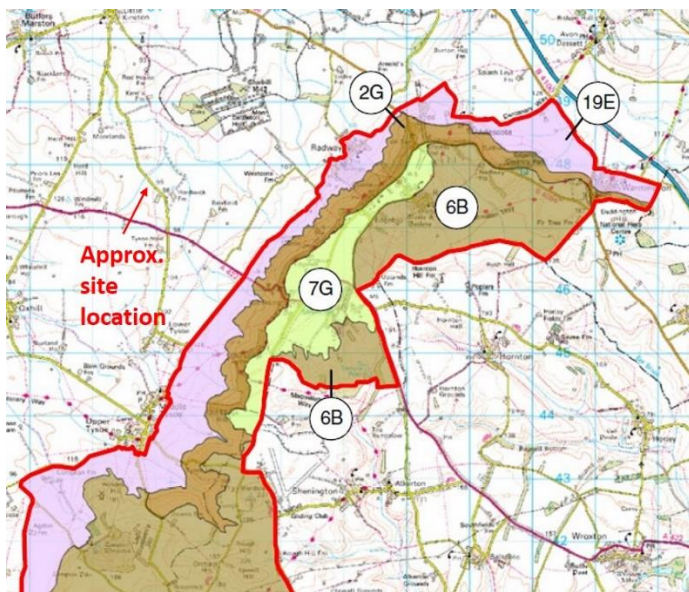


Figure 1: Extract from Cotswolds AONB Landscape Character Assessment with approximate site location shown

- The LVA considers nine potential viewpoints which are considered a representative sample of the likely visibility of the proposed development. Although the Council did not have resources to offer comment on the study area, representative viewpoints and visualisations, it is unfortunate that the applicant did not contact the Board, who would have provided additional input in this regard. This would have included a strong recommendation to include a viewpoint from the Centenary/Macmillan Way footpath on the Escarpment south of the A422 on Sun Rising Hill/Spring Hill around the point where the 'red horse' hill figure was once located. At this point there is a c.300m long section of open footpath which provides wide-ranging elevated views from the escarpment and from where the site is clearly visible. The Board would welcome consideration of this important viewpoint.
- Viewpoint 6 has no wireframe provided.

Landscape character impact

Given the location of the site is outside of, though within the setting of, the National Landscape, much of the consideration of the impact upon landscape character of the National Landscape within the LVA is couched in terms of the visual effects of the scheme. Therefore, the comments below relate primarily to the visual component of landscape character responding to the specific assessments made within this section of the applicant's LVA.

As stated above, the LVA does not consider the Escarpment LCT, particularly in this case Landscape Character Area 2G Edge Hill, which in our view is a key omission. The Cotswolds AONB Landscape Character Assessment referred to above refers to a *"distinct sense of elevation with dramatic panoramic views"* as one of the key characteristics of this LCT. The closest LCT to the site within the National Landscape is LCT 19 Unwooded Vale and Section 19 of the Cotswolds AONB Landscape Strategy and Guidelines describes this LCT as being sensitive to the type of change proposed by the application: *"Vale landscapes bordering upland areas with wide vantage points such as the Escarpment and Escarpment Outliers landscape types are particularly sensitive to the effects of large scale built development such as agricultural sheds and light industrial units as these are difficult to screen from elevated vantage points"*.

Given the location of the site and the uninterrupted views between it and the Unwooded Vale within the National Landscape, development of the site would undoubtedly impact the Unwooded Vale LCT and therefore consideration of the advice contained within the LS&G is appropriate. Section 19.2 of the LS&G in respect of the Unwooded Vale LCT identifies 'isolated development...that might compromise open agrarian character...and views across the vale or to the scarp' as a 'local force for change' with the LS&G recommending to 'avoid isolated development, that will intrude negatively into the landscape and cannot be successfully mitigated'.

Paragraph 5.3.1 of the applicant's LVA considers the impact of the proposal on the Unwooded Vale LCT during the construction phase. It states that there is a high potential for intervisibility between the proposed development and the LCT across nearly all the LCT within the 5km study radius, this being confirmed by the site visit which concluded that *"from the LCT and particularly higher ground...there would be intervisibility associated with the Proposed Development including low level structures"*. Given this assessment, it is surprising that only a 'slight to medium' magnitude of change is assessed, which when combined with the high landscape sensitivity results in a 'minor to moderate'

adverse effect. In our view, this should be at least a 'moderate' adverse effect. This assessment would also extend to the consideration of the Cotswolds AONB as a landscape receptor at paragraph 5.3.2.

Landscape impacts on LCT19 at Year 0 and 15 of operational phase of development are considered at paragraph 5.3.4 with a 'moderate adverse' effect assessed at Year 0, reducing to 'minor to moderate' at Year 15 due to the maturation of the proposed landscape scheme. We are not convinced this would be the case. No detailed landscape mitigation plan, landscape sections or photomontages have been submitted with dwg. no. TE-1A showing 'proposed native trees' of unspecified height and species dotted around the site boundary. Given the height of the five digester tanks (16.5m), welfare/office building (12m) and pasteurisation tanks (11m), it is considered that any new planting is unlikely to adequately screen the site in views from the National Landscape, particularly elevated ones. If the sole purpose is to hide the development, this would suggest that the development is inappropriate in the first place.

Paragraph 5.3.5 also concludes that the proposal will have a 'moderate adverse' effect on the landscape character of the National Landscape as a whole at both Years 0 and 15. It states that at Year 0, there would be relatively high intervisibility between the development and the Escarpment and that even the lower-level structures such as the chicken shed and separation building would be visible. The LVA states that *"there would be negative impacts on the AONB's aesthetic and perceptual qualities and more specifically its special qualities (particularly views, tranquillity and unspoilt places)"* (emphasis added). In short, the proposal has not been sensitively located and designed to avoid and minimise adverse impacts on the National Landscape, as explicitly required by paragraph 176 of the NPPF for development proposals in the setting of designated landscapes.

In conclusion on landscape character matters, we agree with the applicant's assessment that the development would harm the special qualities of the National Landscape and it would not accord with the recommendations of the Cotswolds LS&G and, by extension, conflicts with the recommendations of Policy CE1 of the Management Plan. The assessed moderate adverse effects on landscape character constitute significant adverse effects in EIA terms and as such the proposed development would clearly not conserve or enhance the landscape character of the National Landscape, as required by paragraph 176 of the NPPF and Policy CS.11 of the Core Strategy.

Visual Impact

A visit to the site and the surrounding area by the Board's Planning Officer on 8 November 2022 confirmed that the site is visible from multiple viewpoints on Public Rights of Way, access land and local roads within the Cotswolds National Landscape. These Public Rights of Way include the Macmillan Way and Centenary Way, these being promoted routes which run along the escarpment, where clear views over the site can be enjoyed. Whilst we acknowledge that the site comprises part of a wider panorama when viewed from the escarpment, we consider that the addition of the biodigesters and associated structures would be seen as incongruous, eye-catching features in these views.

Given the elevated vantage points on the Escarpment, in our view the proposed screening would not mitigate the visual impact of the development, in particular the five 16.5m high biodigester domes.

Their proposed location to the northwest of Hardwick Gorse would still leave them highly visible from the Escarpment as they are taller than the trees within that plantation, which already appears to be in poor condition. No detailed landscape mitigation plans have been provided, with dwg. no. TE-1A only showing 'proposed native trees' dotted around the site boundary. Given the height of the five digester tanks (16.5m), welfare/office building (12m) and pasteurisation tanks (11m), it is considered that any new planting is unlikely to adequately screen the site in elevated views, particularly those from the Escarpment.

Whilst, as outlined above, a key viewpoint from the escarpment has been omitted, the LVA considers the impact of the proposed development on receptors on footpaths at other locations within the National Landscape (viewpoints 6 and 7). However, the assessment of these viewpoints is largely combined with that of viewpoints outside of the National Landscape (viewpoints 8 and 9). We do not agree with this approach and consider that clearly differentiation of impacts is required, particularly given viewpoint 6 is from a promoted route within a designated landscape where receptors would be of high (or even very high) sensitivity. Therefore, we disagree with the blanket assessment of the four viewpoints as 'minor to minor/moderate adverse' at Year 0 reducing to 'negligible to minor adverse' at Year 15 and consider that the impact on views from the National Landscape would be at least 'moderate adverse', i.e. significant in EIA terms.

Views back towards the National Landscape would also be adversely affected. The Board supports the observations made by Ramblers Warwickshire Area in their consultation response, dated 21 November 2022, regarding the potential adverse impact on public footpath SS36c, from which clear views of the escarpment are possible. The experience of those walking this footpath would be adversely impacted by the close proximity of the large-scale industrial biodigester situated immediately adjacent to the footpath and paragraph 6.5 of the LVA concludes that during the construction phase and operational phase receptors would experience a 'moderate to moderate/major adverse' effect. In our view, those walking the footpath would experience a substantial magnitude of change, which combined with medium sensitivity would result in a potentially 'major adverse' effect.

Therefore, for the reasons outlined above, we consider that the proposal would cause significant adverse visual effects in EIA terms and as such the proposed development would clearly not conserve or enhance the scenic beauty of the National Landscape as required by paragraph 176 of the NPPF and Policy CS.11 of the Core Strategy.

Impact upon 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 and this is recognised by Core Strategy Policy CS.11. The present undeveloped nature of the site also 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 National Landscape 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 National Landscape 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 National Landscape.

Having reviewed the applicant's Transport Statement, there is no mention of issues relating to tranquillity and as such we do not consider that the potential impact of the development upon the tranquillity of the National Landscape has been adequately assessed. Furthermore, we question some of the assumptions made within the Transport Statement and consider that the proposal could well have an adverse impact on the tranquillity of the local area.

Our analysis in Annex 2 uses the applicant's estimates of HGV movements and flows stated within the Transport Statement. This analysis concludes that there would be, in a best-case scenario, between a 19% and 25% increase in HGV movements through the National Landscape for most of the year, peaking with a 65% increase during June and July. Given the likely route of outputs from the site is understood to be overwhelmingly eastbound on the A422, these increases could be significantly higher and would indicate that a significant adverse impact on the tranquillity of the National Landscape is likely, and would conflict with paragraph 176 of the NPPF, Policy CS.11 of the Core Strategy and not accord with Policy CE4 of the Management Plan.

The Board is aware that concerns over the levels of HGV traffic along the A422, which is not a designated lorry route, through the National Landscape between the site and Banbury has been an issue for raised by consultees including Oxfordshire County Council in response to other developments in the local area, notably at Alkerton Quarry (OCC planning ref. MW.0124/21). Given the proposed routing of HGVs from the site through the National Landscape along the A422 to Banbury through Wroxton and Drayton to deposit the biomethane produced by the digester into the gas grid, we are reassured to see that Oxfordshire County Council has been consulted on this application as well as Warwickshire County Council. We further note and support Oxfordshire County Council's objection regarding concerns over the accuracy of some of the figures contained within the applicant's Transport Statement.

We also note the concerns raised by Cllr Kettle in his response regarding what appears to be mathematical errors in the applicant's Transport Statement which have resulted in an underestimation of vehicle trips estimated to be generated by the development and also the comments of Butlers Marston PC who raise a number of further issues with the Transport Statement.

As well as the impact of the likely increase in HGV and tractor traffic on tranquillity, we are also concerned from a highway safety standpoint. The Transport Statement did not assess highway safety at Sun Rising Hill, a climb that is signposted at a 16% gradient with signs warning of risk of toppling when descending. We are also aware that two publicised rights of way, the Macmillan Way and the Centenary Way, cross the A422 at the top of the hill on a bend with poor visibility. We recommend that the extent of the surveyed area in the Transport Statement is extended to cover the A422 up Sun Rising Hill.

We would also recommend that both the Council and consultee Highways Authorities in Warwickshire and Oxfordshire ensure that the application and in particular its Transport Statement takes a sufficiently precautionary and robust approach when assessing the potential highways impacts of the development, including on the relative tranquillity of the National Landscape. The evidence provided must be sufficiently satisfactory to reach a fully informed conclusion about the severity of impacts on the local highway network and allow for the likely impacts of the proposal to be assessed. In this regard we would highlight a recent appeal decision relating to proposed developments within the setting of the National Landscape at Mitton (appeal refs. 3301732 and 3301742, dated 25 November 2022) which were refused as the Inspector was not satisfied that the submitted transport assessment had been undertaken using a sufficiently robust approach so that he could be confident that the developments would not result in a severe residual cumulative impact on the road network, or that the tranquillity of the AONB would not be unacceptably harmed.

Impact upon dark skies

Dark skies are another of the ‘special qualities’ of the AONB and 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.

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 Planning Practice Guidance (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

A Lighting Assessment (Strenger, September 2022) has been submitted in support of the application. At paragraph 2.4 it states that whilst ILP Environmental Zone E2 is the most appropriate classification for the purposes of the assessment, it considers that Zone E1 criteria are used in relation to sky glow due to the proximity of the site to the National Landscape. Whilst this is welcomed, we would question whether Zone E1 should be used for all types of light limits as the ILP Guidance Note which forms Appendix 2 of the Dark Skies and Artificial Light Position Statement states where an area to be lit lies close to the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone (Note 1 on page 10).

We would also request visual representations of winter-time conditions both in daylight and at dusk when the lighting is on; this could equally be provided within the LVA.

Other matters

We also note the responses of Cllr Kettle who raises a number of issues regarding the assumptions made by the applicant in respect of the area over which the digestate would be sourced, Kineton PC who raise a number of issues regarding the Transport Statement and Butlers Marston PC who raise issues with the Noise Assessment.

The Board is also concerned at the potential for land to be taken out of food production and be diverted to the production of the digestate material; this could potentially include land within the National Landscape.

Finally, the Board is aware of recent correspondence sent by a public relations agency working on behalf of the applicant to a local Councillor where it was stated by the agency that *“The council have spoken with the AONB and they are happy the development is not an issue”*. For avoidance of doubt, the Board objects to this application for the reasons outlined above in this response.

ANNEX 2. COTSWOLDS NATIONAL LANDSCAPE ANALYSIS OF ESTIMATED HGV MOVEMENTS ON THE A422 THROUGH THE NATIONAL LANDSCAPE

The A422 connects the site and the National Landscape and immediately climbs the Escarpment up the switchbacks at Sun Rising Hill, a climb that is signposted at 16% gradient with signs warning of risk of toppling when descending the hill. Table 3.1 of the Transport Statement (TS), AAWT Flows on the A422, gives the following figures for existing 24-hour traffic flows on the A422 outside the site:

Eastbound	All vehs 1,840	HGV 69
Westbound	All vehs 1,896	HGV 56
Total	All vehs 3,736	HGV 125

Our analysis of the data on pages 1, 17 and 43 of Appendix 02 gives the following:

Eastbound	All vehs 1,959	HGV 52
Westbound	All vehs 1,915	HGV 65
Total	All vehs 3,874	HGV 117

Paragraph 6.2.1 suggests that the site will generate 24 – 31 HGV / tractor & trailer loads (48 – 62 movements) per weekday for most of the year, with 81 loads (162 movements) per day for a 4 week period in June / July.

The distribution onto the road network is expected to vary day by day, with an expectation that more of the output will travel to the east, through the National Landscape. However, a 50:50 directional split is assumed here for simplicity and would be a 'best case scenario' as far as impact on the tranquillity of the National Landscape is concerned.

Based on this, there would be 24 – 31 additional HGV / tractor & trailer movements (total in both directions) per day on the A422 at Sun Rising Hill over most of the year and 81 per day for 4 weeks in June / July.

Assuming 125 existing HGV movement (total in both directions) based on Table 3.1, the increase in HGV movements at Sun Rising Hill would be:

$$\begin{aligned}24 / 125 \times 100 &= 19\% \\31 / 125 \times 100 &= 25\% \\81 / 125 \times 100 &= 65\% \text{ (June – July)}\end{aligned}$$

Therefore, we estimate that there would be between a 19% and 25% increase in HGV movements through the National Landscape for most of the year, peaking with a 65% increase during June and July.

As a worse-case scenario, if all input & output were to travel to and from the east, the impact would be

$$\begin{aligned}48 / 125 \times 100 &= 38\% \\62 / 125 \times 100 &= 50\% \\162 / 125 \times 100 &= 130\% \text{ (June – July)}\end{aligned}$$

In this worse-case scenario, there would be between a 38% and 50% increase in HGV movements through the National Landscape for most of the year, peaking with a 130% increase during June and July.

Road Safety

As described in paragraph 3.2 of the TS, the A422 is a single carriageway some 6.5m wide with white edge lines and kerbs to each side. It is subject to the national 60mph speed limit for a single carriageway. The recorded average speeds on the A422 outside the site are summarised in Table 3.2 of the TS:

Northbound 85%ile	62.9mph	Mean	55.1mph
Southbound 85%ile	63.3mph	Mean	55.4mph

Existing traffic speeds are reasonably high, but not excessive.

However, the proposal will introduce a number of slow moving and turning HGVs / tractors & trailers on to the A422, where no turning movements occur at present. The proposed access is in the form of a simple priority junction. Although there will be space within the site for two HGVs to pass, no right turn lane is proposed on the A422. This is unlikely to be an issue in junction capacity terms given the level of traffic flows, but it is not clear what consideration has been given to road safety, for example impatient drivers trying to pass slow moving tractors and trailers.

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