



Isabel Daone
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By email only to: isabel.daone@bathnes.gov.uk

19 January 2023

Dear Isabel,

APPLICATION NO: 22/04720/FUL

DESCRIPTION: Construction of a floodlit, recyclable all-weather turf pitch and Multi-Use Games Area (MUGA), and additional lighting to the existing training strip

LOCATION: Eastern Sports Field Sports Training Village University of Bath Campus Claverton Down Bath

Thank you for consulting the Cotswolds National Landscape Board¹ on this proposed development, which would be located within the Cotswolds National Landscape².

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.³ 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 publications⁴:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#)), in particular Policies CE1 (Landscape), CE4 (Tranquillity) and CE5 (Dark Skies);
- Cotswolds AONB Landscape Character Assessment ([link](#)), particularly, in this instance, with regards to Landscape Character Type 9 (High Wold Dip Slope);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)), particularly, in this instance, with regards to LCT 9 ([link](#)), including Section 9.1 and 9.10;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

Having reviewed the application including the supporting reports and surveys, for the reasons outlined in Annex 1 below we wish to raise a **holding objection** and request further information to assist our assessment of any potential adverse impacts of the proposal on the Cotswolds National Landscape. 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

In particular, the Board would welcome further consideration of the following:

- Explicit consideration of Cotswolds AONB Management Plan Policy CE5 and advice contained within the Dark Skies and Artificial Light Position Statement within the LIA;
- Results of the assessment of the impact upon the AONB (receptor 001) to be discussed within the LIA;
- Expansion of the LVA to an LVIA as discussed below to accord with the requirements of Policy SB19 and in particular the provision of visual representations (photomontages or similar) of the proposal in winter-time conditions both in daylight and at dusk when the lighting is on;
- Response to our comments made in Annex 1 below in respect of landscape and visual impact;
- Further detail on the nature and extent of the proposed earthworks.

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 read 'S. Joyce', with a stylized flourish at the end.

Simon Joyce

Planning Officer

simon.joyce@cotswoldsaonb.org.uk | 07808 391227

ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/04720/FUL

We understand that the scheme will replace two unlit grass pitches with a full sized recyclable all-weather turf pitch and multi-use games area that will provide netball and basketball courts. The new facilities and the existing training strip will be floodlit by columns reaching up to 18.5m in height. A 6.1m high fence (4m solid fence with a 2m mesh fence above) will wrap around the new pitch to provide visual, lighting and acoustic screening. Some earthworks are also required to provide a level playing surface and landscaped buffers are to be provided between the new facilities and the retained woodland corridors in the immediate surrounds to provide ecological and landscape enhancements.

Following a pre-application enquiry received in September 2022 and further correspondence during October, Board officers provided the applicant with pre-application advice in the form of a letter dated 24 November 2022.

In that letter, the Board outlined its main concerns relating to this proposal, which still remain having reviewed the application, as being:

- The extension of floodlighting on the campus further into the National Landscape, into what is a currently unlit area. Sections 9.1 and 9.10 of the Cotswolds AONB Landscape Strategy and Guidelines referred to above specifically reference the *“Introduction and accumulation of lit areas and erosion of characteristically dark skies”* as a potential adverse landscape implication of proposals such as this.
- The visual impact of the proposed 6.1m high fence (4m of solid fencing and an additional 2m of mesh fencing) that would ‘wrap’ the new pitch along with the floodlights which would reach up to 18.5m in height and whether or not the fencing would be effective mitigation against the lighting and visual impact of the 18.5m high lighting columns.
- The earthworks required to provide a level playing surface.

Planning Policy Context and Board Policy and Guidance

The site is valued due to its location within the Cotswolds National Landscape. The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area (Section 82 of the Countryside and Rights of Way Act 2000) and development that harms the natural beauty of the area would conflict with the purpose of AONB designation. Further information regarding AONB designation, including the factors that contribute to the natural beauty of AONBs, is provided in Appendix 1 of the Cotswolds AONB Management Plan 2018-2023 and in Natural England’s guidance for assessing landscapes for designation as National Park or AONB⁵.

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. It also sets out how the scale and extent of development within AONBs should be limited.

Paragraph 177 of the NPPF continues by stating that when considering applications for development within National Parks, the Broads 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. Footnote 60 outlines how, for the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the

decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For avoidance of doubt, we agree with the applicant's view that this proposal as shown would not comprise 'major development' in terms of NPPF paragraph 177.

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.

Policy NE2 of Volume 1 of the BANES Local Plan 2011-2029 Core Strategy and Placemaking Plan (2017) states that development will be permitted where it a) conserves or enhances local landscape character, landscape features and local distinctiveness ... c) is demonstrated that the whole scheme, including hard landscape and planting proposals, will contribute positively to the local area including reference to relevant existing landscape assessments supplemented by any additional assessments and d) conserves or enhances important views particularly those to significant landmarks and features and take opportunities to create new local views and vistas. Development should seek to avoid or adequately mitigate any adverse impact on landscape and proposals with potential to impact on the landscape/ townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment. The policy also underlines that great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs), and with particular reference to their special qualities.

Policy NE2A concerns the landscape setting of settlements and states that: *"Any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted"*.

The revised Policy SB19 (University of Bath at Claverton Down) of the Council's Local Plan Partial Update makes specific reference to the provision of these new facilities. The Development Framework Plan section of Policy SB19 states that *"Light spill levels onto sensitive habitats should not exceed lux level thresholds as defined in current best practice. That will be achieved by new floodlighting (potentially with the replacement of existing flood lighting) being designed to comply with the relevant standards and, if necessary, the provision of additional screening"*. It continues to state that *"The 3G pitch is located in the AONB and the opportunity will be explored to use the required earthworks and additional planting to screen / filter views of the pitch and related infrastructure"*.

Part d of the General Development Principles section of the policy also sets out that *"In all circumstances where development would be visible to views from within the Cotswolds AONB (at Bushey Norwood, Bathampton Down, and Claverton Down, or from within the Limpley Stoke Valley at places such as Warleigh and Conkwell), it should respond to this context and its visual impact must be moderated with a suitable design response including suitable (immediate and longer term) mitigation measures, including any opportunities to enhance the AONB. Impacts on the AONB will need to be evidenced in an LVIA, the scope of which should be set out in consultation with the LPA, Natural England and the Cotswold Conservation Board"*. Part j (now i following the Main Modifications

consultation) states that *“In all circumstances lighting shall be designed to minimise the amount of dusk to dawn illumination on the campus and light spill from the campus to moderate the impact of development on the AONB, the significance of the World Heritage Site and protected species (bats).”*

Dark skies

The dark skies of the Cotswolds National Landscape are one of the area’s ‘special qualities’. As such, they are a key attribute on which the priorities for the area’s conservation, enhancement and management should be based. In recognition of this, Policy CE5 of the Cotswolds AONB Management Plan 2018-2023 specifies that development proposals should avoid, minimise, remove and reduce light pollution. This issue is also addressed in the Board’s Dark Skies and Artificial Light Position Statement and its appendices.

We acknowledge that the site is on the edge of the urban area of Bath and that this location is therefore affected, to some degree, by light pollution from Bath including from the University campus. However, we still consider that this application could potentially have a negative impact on dark sky quality within the National Landscape and it is disappointing that the Lighting Impact Assessment (‘LIA’, Designs for Lighting, August 2022) considers neither the Management Plan policy CE5 nor the Dark Skies and Artificial Light Position Statement.

We note that the Cotswolds AONB was considered as landscape receptor 001, of high sensitivity, within Table 2 of the LIA. However, we cannot see any results relating to, or discussion of the impact upon, this receptor within the report which is something the Board would wish to see discussed within the LIA as well as an assessment of the results of the modelling against the advice contained within Policy CE5 of the AONB Management Plan.

We also note the conclusion of the Lighting Impact Assessment that the proposal has been designed to comply with recommended obtrusive light limitations for AONBs (i.e., the ‘Environmental Zone E1’ classification), as set out in the ‘Guidance Notes for the Reduction of Obtrusive Light’ published by the Institution of Lighting Professionals which forms Appendix 2 of our Dark Skies and Artificial Light Position Statement. This is welcomed, but we would wish to see further results of the modelling and analysis of the proposal in respect of its impact upon the dark skies of the National Landscape.

East-facing floodlighting in this location, up to 18.5 m above ground level in the exposed setting of Claverton Down, could theoretically be seen from a distance of up to approximately 60km to the east (in the North Wessex Downs AONB), well beyond the eastern extent of the Cotswolds National Landscape (Appendix 1 provides further details). Therefore, in addition to the information contained within the technical reports, we would welcome visual representations of winter-time conditions both in daylight and at dusk when the lighting is on; this could equally be provided within a revised Landscape and Visual Appraisal.

Landscape and visual impact

As well as setting out the statutory and planning policy background both at a national and local level, the Landscape and Visual Impact Appraisal and Strategy (‘LVA’, Define, August 2022) considers the site’s character and its contribution to the wider National Landscape as well as the proposal’s impact upon landscape character and visual amenity.

The LVA is relatively succinct and does not provide a detailed Landscape and Visual Impact Assessment (LVIA), in line with the requirements of Policy SB19 (part d of the General Development Principles) and the Board’s pre-application advice. Furthermore the methodology section is limited

and the results of the visual assessment and criteria/definitions used in Section 4.0 also lack detail to enable a review of assessments in a consistent manner.

Following the analysis at section 3.0, the LVA concludes that in landscape character terms, the application site itself does not reflect the wider character and qualities of the National Landscape and that it makes a very limited contribution to its natural beauty. The assertion is repeatedly made throughout the application package, including several mentions in the Planning Statement and Design & Access Statement.

Nonetheless, the site remains within the Cotswolds National Landscape where there is a statutory duty to have regard to the purpose of conserving and enhancing its natural beauty and the site also benefits from the requirement within the National Planning Policy Framework and the BANES Local Plan that great weight should be given to conserving and enhancing its landscape and scenic beauty.

Section 4.0 considers the potential visual impact of the proposal. Ten viewpoints have been selected based on the results of ZTV modelling and these appear broadly representative, though a specific consideration of the locations mentioned in the text of Policy SB19 part d would be welcomed.

We also question some of the conclusions of the LVA. With regards to viewpoints 1-4, we would dispute that the sensitivity of receptors using the bridleway, which though located within the campus is also within the National Landscape, would necessarily be 'low'. We would also question whether the addition of 18.5m floodlights and a 6.1m high fenced sports pitch would result in a 'negligible/low magnitude' of effect in close-range views, for example viewpoints 2, 3 and 4 and for users of bridleway BC74/1. We have concerns that the proposal would have a significant adverse impact on users of this public right of way located within the National Landscape as they walked what would essentially become a corridor between the present tree belt and the 6m high fence and associated planting placed on top of the already-raised playing pitch surface.

Whilst the Design and Access Statement states that the lighting scheme "*will not significantly change night-time views within the AONB*" and it is accepted that the new floodlights would be experienced against the background of the current permitted lighting on the campus, we would still welcome visual representations (photomontages or similar) of the proposal in winter-time conditions both in daylight and at dusk when the lighting is on.

Other matters

Natural heritage (including biodiversity) is one of the factors that contribute to the natural beauty of the National Landscape. As such, this should be an important consideration when assessing impacts on the natural beauty of the CNL. We note the conclusions of the Ecological Impact Assessment (Ethos Environmental Planning, August 2022) that there would not be a significant effect on the Bath & Bradford on Avon Bats Special Area of Conservation or any other significant habitats or species, though we would seek confirmation from the Council's Ecologist that they are in agreement with its conclusions.

With regards to Biodiversity Net Gain, we would welcome an environmental management plan that clearly sets out how the proposed habitat creation (trees, etc) will be managed and monitored in the long term.

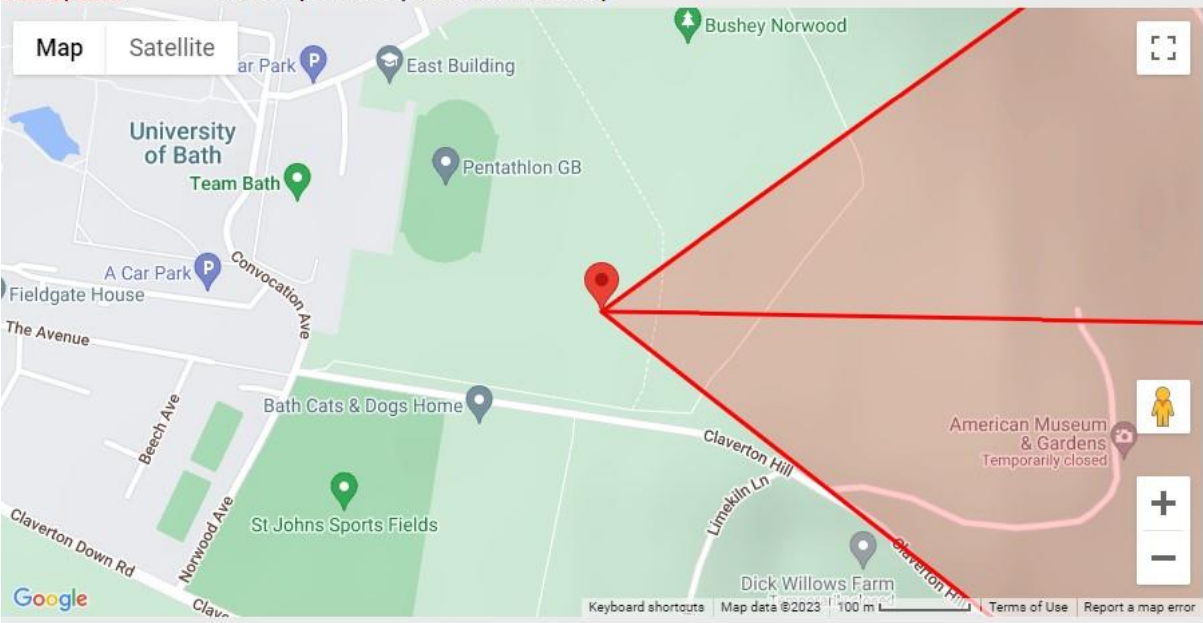
NOTES:

- 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) The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.
- 3) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 4) 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
- 5) Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England* ([link](#))

APPENDIX 1. DISTANCE FROM WHICH THE PROPOSED DEVELOPMENT COULD POTENTIALLY BE SEEN

The information presented below uses visual panorama software from the Ulrich Deuschle website (https://udeuschle.de/panoramas/makepanoramas_en.htm). This indicates that east-facing flood lighting, 18m above ground level in this location could, theoretically, be seen from up to approximately 60km away

First option: Set viewpoint and panorama in the map



Second option: Select viewpoint from a list

Name of the summit ☐ begins with ☒ contains (* as wildcard)

View direction ☐ N ☐ NE ☐ E ☐ SE ☐ S ☐ SW ☐ W ☐ NW ☐ 360°

Third option: Set viewpoint data directly

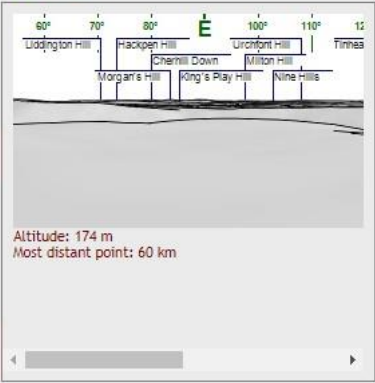
Latitude (°): 51.3765 Longitude (°): -2.31989 Altitude (m): auto Camera height (m): 18 ☐ Look for summit point automatically

Set panorama data directly

View direction (°): 91.1 Horizontal extension (°): 73.8 or Left edge (°): 54.2 Right edge (°): 128 Zoom factor: 1 Resolution (pix/deg): 20

Tilt (°): auto ☐ Optimize part by part (for e-mail only) Range of sight (km): 300 Elev. exaggeration: 1.2 Colored display: ☐

Preview:



Altitude: 174 m
Most distant point: 60 km