



Helen Cooper
Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
GL5 4UB

By email only to: helen.cooper@stroud.gov.uk

7 February 2023

Dear Helen,

APPLICATION NO: S.22/2673/OUT

DESCRIPTION: Hybrid planning application for outline planning permission for an extension to existing warehouse unit (class B8) and erection of an ancillary office building (all matters reserved) and full planning permission for provision of landscaping, parking, drainage & vehicular access to A419

LOCATION: Brunsdons Yard, Ryeford Road South, Ryeford, Stonehouse

Thank you for consulting the Cotswolds National Landscape Board¹ on this proposed development, which would be located within the setting of 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](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, with regards to Landscape Character Types (LCT) 18 Settled Unwooded Vale and 2 Escarpment;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 18 ([link](#)) including Section 18.1 and LCT 2 ([link](#)) including Section 2.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)), particularly, in this instance, with regards to the Tranquillity Position Statement ([link](#)), Development in the Setting of the AONB ([link](#)), Landscape-Led Development ([link](#)), and the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

For the reasons outlined in Annex 1 below, the Board wishes to raise a **holding objection** as we consider that insufficient information has been submitted to demonstrate that the proposal will conserve and enhance the natural beauty of the Cotswolds National Landscape, contrary to paragraph 176 of the NPPF, Delivery Policy ES7 of the Stroud District Local Plan 2015 and policies CE1, CE4, CE5 and CE10 of the AONB Management Plan.

The views from the Cotswold escarpment and the relative tranquillity of the National Landscape are two of its 'special qualities' as outlined within the Cotswolds AONB Management Plan and we consider that the application has not fully demonstrated that these 'special qualities' would be

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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

conserved and enhanced by this proposal. Accordingly, we request the submission of further information to allow the Board to make a further assessment of the proposal. In particular, the Board requests that the applicant provides further information relating to the following:

- A photomontage and single frame view of the development from Viewpoint 1 shown in the LVIA;
- A response to the Board's assessment that the applicant's LVIA potentially underestimates the landscape and visual impacts on the National Landscape of this development located within its setting and our recommendations for amendments to the scheme to mitigate its impact; and
- A consideration of the cumulative highways impacts in relation to the tranquillity of the National Landscape. This would include the proposed development and other major proposals that have been recently consented in Stroud and Stonehouse, are the subject of applications currently awaiting determination or are sites allocated within Development Plan Documents.

Please do not 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 S.22/2653/OUT

The comments below are based on a review of the information submitted by the applicant, including the Landscape and Visual Impact Assessment (LVIA, Viridian Landscape Planning, November 2022) and supplemented by observations from a site visit made by the Board's Planning Officer in February 2023.

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 could, in the view of the Board, potentially have a significant adverse impact on its landscape and visual character and quality.

Furthermore, the statement 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. These objectives are reflected in Delivery Policy ES7 of the Stroud District Local Plan 2015.

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 last 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 landscape issues is concerned, Delivery Policy ES7 states that priority will be given to the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage.

Delivery Policy ES7 also states that in all locations development proposals should conserve or enhance the special features and diversity of the different landscape character types found within the District and priority will be given to the protection of the quality and diversity of the landscape character. The supporting text of Delivery Policy ES7 states that proposals for development within or affecting the AONB will be expected to have regard to the Cotswold Conservation Board Management Plan, which is a material consideration in the determination of this application.

Cotswolds AONB Management Plan

The Cotswolds AONB Management Plan 2018-2023, identifies the Cotswold escarpment, including views from and to the AONB and the relative tranquillity of the National Landscape, as being two of its AONB's '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

Whilst the application is supported by a LVIA dated November 2022, it is regrettable that the photographs showing views from the LVIA's photoviewpoints were taken in summer (July 2022) when vegetation was in full leaf, contrary to accepted best practice. Also, only panoramic views are shown from most photoviewpoints with no single frame views provided which would have been helpful.

Notwithstanding this, having visited the site and surrounding area including a number of the viewpoints identified within the LVIA, we agree that the site is well screened in views from Public Rights of Way south of the River Frome and in wider views from the south, including those available from elevated points on the escarpment around Selsley Common. As a result, the site has little relationship with the land within the National Landscape south of the site. The proposal also has the potential to improve the character and appearance of the current yard and buildings within the present Key Employment site designation area which in turn would lead to a slight improvement in views from the Cotswold Way as it passes the current site entrance on Ryeford Road.

However, based on both our site visit and the photographs contained within the LVIA, the site is clearly visible from within the National Landscape on the northern side of the Frome Valley, in particular from footpath MST30 on Doverow Hill. The view from midway along this stretch of footpath is included as photoviewpoint 1 of the LVIA and when walking this footpath, the application site is clearly visible for a stretch of approximately 400m. The current yard buildings, HGV parking and Automold building are noticeable features marking the boundary between industrial development in the valley bottom and the wider open countryside on the lower slopes of the southern side of the valley.

We acknowledge that due to the site's location within a wider panorama, development would not appear incongruous due to the current use of the western part of the site, where buildings and HGVs are easily discernable from this viewpoint, and the proximity of surrounding industrial and residential development. However, the green triangle of currently undeveloped land is also noticeable as an element in this view. It was observed that this footpath on Doverow Hill is well-used and meets the Cotswold Way National Trail at its eastern end. As such we agree with the LVIA's assessment that receptors walking the footpath would be of 'high' sensitivity due to the 'high' value of the view from (and of) the protected landscape and 'high' susceptibility of receptors to change.

The LVIA then assesses that the proposal would have a 'slight' adverse magnitude of impact upon this view during construction and on completion, reducing to 'negligible' adverse impact at year 15 as new planting matures, mostly screening the car park area.

A 'negligible' adverse magnitude of impact is defined within Table 1.8 of the LVIA Methodology chapter as *"The proposals will cause a barely perceptible change or contrast to the view, which would not affect the composition or the appreciation of the view"*. No detailed landscaping plans have been provided but the Illustrative Site Plan shows only nominal planting. In our view this would not provide any screening of the car parking area from this elevated viewpoint. Therefore, we consider that the magnitude of impact at Year 15 is likely to remain as 'slight', defined as *"The proposals will cause a perceptible change or contrast to the view, but which would not materially affect the composition or the appreciation of the view"*.

Using the matrix provided at Table 1.9 of the LVIA Methodology this would result in an impact upon this view of 'moderate significance' during construction, at Year 1 and Year 15 as opposed to 'minor significance'. It is also noted that the stated 'minor' significance shown for construction and Year 1 does not align with the Table 1.9 matrix when considering a combination of a 'high' sensitivity receptor and a 'slight' magnitude of effect.

A 'moderate' adverse impact could potentially be a significant adverse impact as stated as paragraph 1.11.4 of the LVIA Methodology and also in EIA terms. Therefore, as outlined above, we consider that the development proposal may not be compatible with the advice contained at paragraph 174 of the NPPF that development should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status.

As such, our current position is that the redevelopment of the existing employment site is unlikely to result in a significant adverse impact in views from the National Landscape but development on the most visually prominent southern and eastern parts of the site which are currently undeveloped should be restricted. The southern car parking area should be relocated elsewhere within the site and the size and scale of the plant storage area should be reduced, in line with the Council's pre-application advice. We also note that this would accord with the recommendation of Historic England in its response dated 24 January 2023 and address its concern over safeguarding the setting of the Grade I listed Stanley Mill building and reducing the scheme's impact upon the Stanley Mill Conservation Area.

Additional landscaping could also be introduced to the northern boundary and within the site to further reduce the impact of the development in views from Doverow Hill. This would positively respond to the advice contained within the Stroud Landscape Sensitivity Study (as highlighted at paragraph 2.7.23 of the LVIA) and at paragraph 176 of the NPPF that development within the setting of the National Landscape should be sensitively designed to minimise adverse impacts. Provision of a photomontage of the development (including HGVs and cars parked) from this viewpoint would aid our further assessment of the potential impact of the proposal.

Without prejudice, if the Council is minded to grant planning permission, we would welcome consideration of our comments above and the imposition of conditions requiring a detailed landscaping scheme and management plan along with the use of appropriately recessive materials to ensure that the landscape and visual impact of the scheme is mitigated as far as possible.

Tranquillity

Tranquillity is one of the ‘special qualities’ of the Cotswolds AONB; in other words, it is one of the features of the AONB that makes the area so outstanding that it is in the nation’s interest to safeguard it. Tranquillity is also one of the ‘natural beauty’ criteria that are taken into consideration by Natural England when designating AONBs. It is, therefore, an important consideration when local authorities undertake their statutory duty to have regard to the statutory purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONB). As such, tranquillity is a relevant consideration in relation to Delivery Policy ES7 of the Stroud Local Plan.

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. Cumulative impacts on tranquillity should also be taken into consideration in such assessments and with regard to the impact of the proposed development combined with other existing or proposed developments. Proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance and measures should be taken to enhance the tranquillity of the Cotswold AONB by (i) removing and (ii) reducing existing sources of noise pollution and other aural and visual disturbance

Section 4.5 of the Board’s Tranquillity Position Statement referenced above 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 National Landscape and should relate to both traffic flows. 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 Assessment (Rappor, August 2022), there is no consideration of the potential impacts on tranquillity of the increased HGV movements. As such we do not consider that the potential impact of the development upon the National Landscape has been adequately assessed or addressed and would request further consideration of this matter from the applicant.

Lighting and dark skies

The applicant has provided no details relating to external lighting that would be associated with the proposed development, both on the buildings themselves and on/around the car parking area and communal areas. Lighting is briefly discussed within the LVIA, stating that *“use of directional downlighting to minimise surplus light spill and careful location and alignment of light sources to minimise night-time visual effects”* would be considered at reserved matters stage.

In line with Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan, lighting should be avoided if possible. If it cannot be avoided, it should be minimised. Although we recognise the site's proximity to built development including the lit A419 which comprise current sources of light pollution in the local landscape, additional lighting would introduce a further 'lit element' into the night-time landscape.

Paragraph 185c of the National Planning Policy Framework 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.

Accordingly, further information, particularly on any external lighting would be required to demonstrate adherence to this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark Skies) as well as the ILP Guidance Note for Reduction of Obtrusive Light (updated in 2021) and the CfDS Good Lighting Guide which form Appendices B and C of the Board's Dark Skies & Artificial Light Position Statement (linked above). We recommend that Environmental 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).

Without prejudice, should the Council be minded to grant planning permission, we would request that appropriate pre-commencement planning conditions which enable to above matters to be addressed are imposed in the interests of the conservation and enhancement of the landscape and scenic beauty of the National Landscape.

RECOMMENDATION

In particular, the Board would request that the applicant provides further information relating to the following:

- A photomontage and single frame view of the development from Viewpoint 1 shown in the LVIA;
- A response to the Board's assessment that the applicant's LVIA potentially underestimates the landscape and visual impacts on the National Landscape of this development located within its setting and our recommendations for amendments to the scheme to mitigate its impact; and
- A consideration of the cumulative highways impacts in relation to the tranquillity of the National Landscape. This would include the proposed development and other major proposals that have been recently consented in Stroud and Stonehouse, are the subject of applications currently awaiting determination or are sites allocated within Development Plan Documents.

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