



Isabel Daone  
Planning Services  
Bath & North East Somerset Council  
Lewis House  
Manvers Street  
Bath  
BA1 1JG

By email only to: [isabel.daone@bathnes.gov.uk](mailto:isabel.daone@bathnes.gov.uk)

22 March 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 Board<sup>1</sup> ('the Board') on the revised proposals for this proposed development, which would be located within the Cotswolds National Landscape<sup>2</sup>.

In the Board's previous response to this application dated 19 January 2023 we raised a holding objection and requested that the applicant submit further information to assist our assessment of any potential adverse impacts of the proposal on the natural beauty of the Cotswolds National Landscape.

We understand that the applicant has amended the scheme and provided further information to justify the proposal in response to many of the issues raised by the Board and other consultees. We provide our assessment of the amended proposal in Annex 1 below which should be read in conjunction with our previous response.

In conclusion, for the reasons outlined in Annex 1 we do not consider that the proposal as amended would conserve and enhance the landscape and scenic beauty of the National Landscape and, as such, would not be consistent with policies SB19 and NE2 of the BANES Local Plan 2011-2029, paragraph 176 of the NPPF and policy CE1 of the Cotswolds AONB Management Plan 2023-2025.

Therefore, we continue to raise a **holding objection** to this application and recommend that the applicant either revises their proposal, in particular to reduce the scale and visual impact of the solid timber fencing and the floodlights or withdraws the application.

**Cotswolds Conservation Board**

The Old Prison, Fosse Way, Northleach  
Gloucestershire GL54 3JH  
01451 862000  
[info@cotswoldsaonb.org.uk](mailto:info@cotswoldsaonb.org.uk)

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](http://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**

[simon.joyce@cotswoldsaonb.org.uk](mailto:simon.joyce@cotswoldsaonb.org.uk) | 07808 391227

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

In the Board's previous response to this application dated 19 January 2023 we raised a holding objection and requested further information to assist our assessment of any potential adverse impacts of the proposal on the Cotswolds National Landscape. In particular we requested further consideration of the following:

- Explicit consideration of Cotswolds AONB Management Plan Policy CE5 and advice contained within the Board's Dark Skies and Artificial Light Position Statement within the Lighting Impact Assessment (LIA);
- Results of the assessment of the impact upon the National Landscape (receptor 001) to be discussed within the LIA;
- Expansion of the Landscape and Visual Appraisal (LVA) to a Landscape and Visual Impact Assessment (LVIA) 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 further comments in respect of landscape and visual impact;
- Further detail on the nature and extent of the proposed earthworks.

### **Dark Skies**

The applicant has provided a Lighting Technical Note (Designs for Lighting, March 2023) in response to comments made by the Board, National Trust, Bath Preservation Trust and Claverton Parish Council.

In our previous consultation response, we noted 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. We also requested visual representations of winter-time conditions both in daylight and at dusk when the lighting is on.

The Lighting Technical Note discusses the merits of the proposal and its potential impact upon the National Landscape when considered against Policy CE5 of the Cotswolds National Landscape Management Plan. It concludes that the proposal would not result in an increase of light spill surrounding the application site. The Board broadly accepts the conclusions of the LIA and the Technical Note, including the night time AVR, in respects of the potential impacts of the development upon dark skies.

However, as discussed below, the applicant admits that the amount of light spill resulting from the proposal, in particular light reflected from the playing surface, is limited by the fencing surrounding the MUGA. The solid timber fencing has been designed as a mitigation measure to be constructed at a height whereby light spill is reduced to within the limits agreed in consultation with Natural England with respect to impacts upon the Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

In our view this fence, in combination with the 18m high lighting columns, would be highly obtrusive in landscape and visual terms, particularly in close-range views from bridleway BC74/1, not least due to its excessive height, particularly bearing in mind the already raised ground level of the MUGA compared to the bridleway. However, a reduction in the height of the fencing to reduce its visual impact would likely increase the amount of reflective light spill, potentially to a level above the agreed threshold in respect of impacts upon the SAC and could potentially increase light trespass into the

National Landscape. Given the proposal's impact upon the dark skies and biodiversity of the National Landscape appears to be dependent in part upon mitigation which is unacceptable in landscape and visual terms, we recommend that the proposal is revised so that it is acceptable in terms of both its dark skies *and* landscape and visual impacts.

We note the proposed hours of use for the floodlights would be limited to 6.45am to 10.15pm on weekdays and 7.45am to 7.15pm on weekends. These times match the weekday limits imposed upon the recently permitted floodlighting scheme on the campus (BANES ref. 21/01862/FUL), but are more stringent at the weekends. Without prejudice, should the Council be minded to approve this application, we would support these time limits in the interests of protecting the natural beauty of the Cotswolds National Landscape and protecting ecology in accordance with policies NE.2 and NE.11 of the Bath and North East Somerset Local Plan.

### **Landscape and Visual Impact**

Following the submission of holding objections from the Council's Landscape Officer and other consultees including the Board, the applicant has provided day time AVR photomontages for a number of selected viewpoint locations and a further Landscape and Visual Technical Note (Define, March 2023). This document also outlines the applicant's explanation as to why an LVA was submitted rather than an LVIA and provides a more detailed methodology section which was previously missing from the LVA.

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, *inter alia*, 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 CE1 of the Cotswolds AONB Management Plan 2023-2025 ([link](#)), which is a material consideration in determining planning applications, states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, 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. There should be a presumption against the loss of key characteristics identified in the landscape character assessment. Sections 9.1 and 9.10 of the Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) 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 Landscape Strategy and Guidelines recommend the conservation of the open character of the area and that measures should be adopted to minimise and where possible reduce light pollution.

Notwithstanding the applicant's comments regarding AOD heights of the proposed floodlights (though it is noted that Section C of the Landscape Section dwg. DE\_019 H\_L\_702 rev. C shows the new columns to be higher than those existing columns immediately adjacent, contradicting their assertion that "*the columns at their highest point (in terms of their 'AOD')* will be at a lower height

*than the existing and approved columns”), 18.3m is not, in the Board’s view, ‘low level’ as recommended by the Council’s Landscape Officer in his consultation response.*

We also agree with the view expressed by the Council’s Landscape Officer in his holding objection dated 3 February 2023 that the fencing as proposed, even at the reduced height of 4m for the solid timber fence, would be highly obtrusive in landscape and visual terms, in particular at close-range views from within the National Landscape, especially as it will take up to ten years for the fence to be covered by planting. We have concerns that the overall proposal would have a significant adverse effect on users of this public right of way located within the National Landscape as they walk what would essentially become a corridor between the present tree belt and the fences and associated planting placed atop an already-elevated playing pitch surface.

As the applicant has confirmed in their updated information that a 4m solid timber fence *“is required to limit lighting spill from the east-facing lights to the required standards from an ecological perspective”*, we also agree with the Landscape Officer’s observation that *“given the adverse impact that 4m high barrier fencing would cause does this not suggest that the lighting design needs to be reviewed and amended?”*.

As far as conclusions on the landscape and visual impacts from the selected photoviewpoints are concerned, it is disappointing that neither original LVA nor the Landscape and Visual Technical Note provides a summary table showing the applicant’s assessment for each viewpoint, as routinely is the case in many LVA and LVIAs. This makes it harder for consultees and members of the public to review the full assessment of potential impacts of the proposal across all viewpoints and particularly to come to a view regarding the cumulative impact of the scheme across multiple viewpoints.

We would also like to comment further on the issue of assessing what is a ‘significant’ impact in planning terms. Matrix 5 of the Landscape and Visual Technical Note states that *“Overall effects of Moderate-Major and Major are judged as being Significant in the context of material considerations so they can be considered in the planning process. However, this will be considered on a case-by-case basis within the assessment, and justification for the conclusions reached will be provided”*. Whilst it is noted that this is a matter for professional judgement, we disagree and consider that an assessment of ‘moderate’ significance of effect should be considered as likely to be significant in planning terms<sup>5</sup>.

Bearing the above in mind, we agree with the Landscape Officer’s view that the LVA (and by extension the Landscape and Visual Technical Note) underestimates the magnitude of change and level of adverse effect on close-range views. We continue to question whether the addition of 18.3m floodlights and a 4.1m high fence around a sports pitch would result in a ‘negligible/low magnitude’ of effect in close-range views, for example at viewpoints 2, 3 and 4 and for users of bridleway BC74/1. We consider that the AVRs produced for viewpoints 2 and 3 support this view and whilst the applicant’s observation that the proposal would be experienced as ‘kinetic’ rather than be represented by a judgment upon a single static photograph is noted, it is clear that the proposal would lead to a significant change in the experience of those using this bridleway for a distance in excess of 350m.

We would dispute that the sensitivity of receptors using the bridleway, which although located within the university campus is also within a National Landscape, would necessarily be ‘low’. Whilst users of public rights of way within a nationally designated landscape are routinely assessed as having ‘high’ sensitivity to change within LVAs and LVIAs, we would consider that users of this bridleway might be of ‘medium’ sensitivity. This is partly based upon ‘medium’ value, which is along with susceptibility a component of sensitivity, being defined within Matrix 2 of the Landscape and Visual Technical Note as *“...Such views might be located within a designated area identified in planning documentation or local guides/plans or be subject to policies that indicate their value”*.

As far as magnitude of effect is concerned, we also consider that the applicant underestimates the impact of the proposal. For example, in respect of viewpoint 3, we disagree with the applicant that the change illustrated across the three images below (current, completion year 0, completion year 15) can be assessed as a 'negligible/low' magnitude of effect, resulting in an overall 'negligible/no effect' significance of effect by year 15. Such an assessment would also be made for viewpoint 2. We also do not agree with the assertion expressed by the applicant in their covering letter that the year 15 AVR shown below illustrates that the *"landscape scheme will conceal both the fencing and proposed lighting columns even in the winter months"*.

University of Bath

7.1 Viewpoint 3 - Existing Baseline View

Viewing Distance of 300m. This is the distance from eye to object to gain a true representation of the image.



Current view

University of Bath

7.2 Viewpoint 3 - Proposed view

Viewing Distance of 300m. This is the distance from eye to object to gain a true representation of the image.



Year 0 on completion

University of Bath

7.3 Viewpoint 3 - Proposed view with year 15 mature planting

Viewing Distance of 300m. This is the distance from eye to object to gain a true representation of the image.



Year 15

Rather, we would suggest that given the 'medium' sensitivity of receptors walking this bridleway and what we would assess, at least at year 0, as a 'high' magnitude of change, a 'moderate-major' significance of effect would result from the development. Notwithstanding the applicant's caveat at



paragraph A4 of their Technical Note that *“matrices and tables are not used to determine judgements in respect of sensitivity, magnitude of effect or significance, they are provided to assist in the communication of these matters”* we still consider that the development would give rise to significant adverse visual effects and the proposed immediate mitigation measures are not suitable as required by Part d of the General Principles of Policy SB19 of the Council’s Local Plan Partial Update.

Even at year 15 we would consider the magnitude of change to be at least ‘medium’, resulting in a ‘moderate’ significance of effect. As discussed above, we consider that this would also be a significant adverse impact in planning terms and it would be combined with a ‘moderate’ significance of effect from viewpoints 2 and 4.

We also note the concerns raised by members of the public regarding these photomontages and specifically whether they accurately show a 60-degree view as recommended within the Landscape Institute’s Technical Guidance Note 06/19.

In conclusion, bearing in mind all of the above, we consider that the proposal as currently submitted would not conserve and enhance the landscape and scenic beauty of the National Landscape and, as such, would not be consistent with policies SB19 and NE2, paragraph 176 of the NPPF and policy CE1 of the Cotswolds AONB Management Plan.

### **Other matters**

In relation to our remaining request from our previous consultation response, the landscape sections have been updated (albeit the fence is still labelled as being 6m high throughout) and illustrate how the earthworks mentioned in the application are limited to those required to create a level playing surface.

In our previous response we highlighted that natural heritage (including biodiversity) is one of the factors that contribute to the natural beauty of the National Landscape. We note that to date no consultation response appears has been received from the Council’s Ecologist and we would welcome their assessment of the information contained within the applicant’s Ecological Impact Assessment (Ethos Environmental Planning, August 2022) including the conclusion 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.

## NOTES:

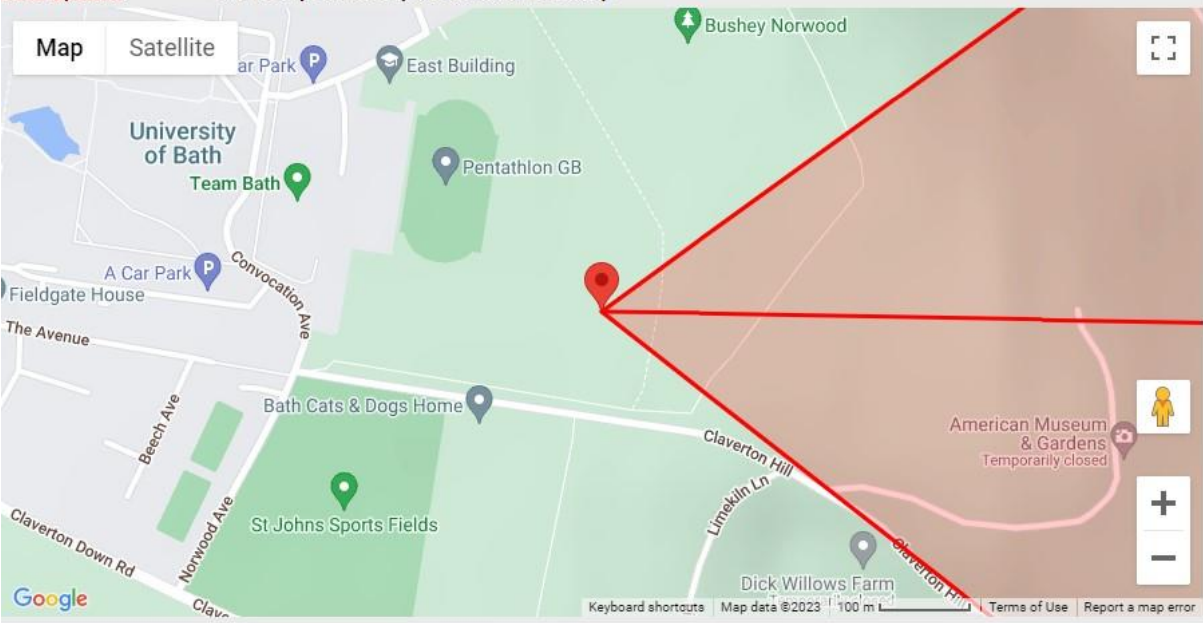
- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of 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](http://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 2023-2025  
[www.cotswoldsaonb.org.uk/management-plan](http://www.cotswoldsaonb.org.uk/management-plan)
  - b. Cotswolds AONB Landscape Character Assessment  
[www.cotswoldsaonb.org.uk/lca](http://www.cotswoldsaonb.org.uk/lca)
  - c. Cotswolds AONB Landscape Strategy and Guidelines  
[www.cotswoldsaonb.org.uk/lsg](http://www.cotswoldsaonb.org.uk/lsg)
  - d. Cotswolds AONB Local Distinctiveness and Landscape Change  
[www.cotswoldsaonb.org.uk/ldlc](http://www.cotswoldsaonb.org.uk/ldlc)
  - e. Cotswolds Conservation Board Position Statements  
[www.cotswoldsaonb.org.uk/ps1](http://www.cotswoldsaonb.org.uk/ps1)  
[www.cotswoldsaonb.org.uk/ps2](http://www.cotswoldsaonb.org.uk/ps2)
- 5) An example can be found in the methodology for the Environmental Statement for the A417 Missing Link DCO application ([link](#)) at paragraph 4.5.17: *"In terms of the EIA Regulations, 'significant' effects are generally those where the significance of the effect is 'moderate' or greater"*.



## 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](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

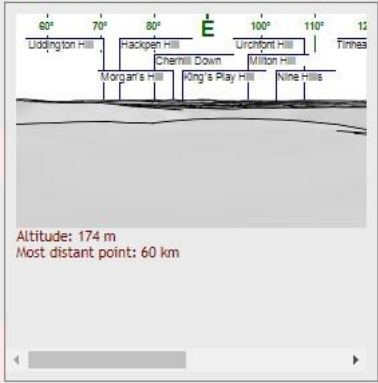
**Set panorama data directly**

View direction (°):  91.1 Horizontal extension (°):  73.8 Tilt (°):  auto ☐ Optimize part by part (for e-mail only)

Left edge (°):  54.2 Right edge (°):  128 Zoom factor:  1 Resolution (pix/deg):  20

Range of sight (km):  300 Elev. exaggeration:  1.2 Colored display: ☐

**Preview:**



Altitude: 174 m  
Most distant point: 60 km