



Frank Whitley
Development Services
Tewkesbury Borough Council
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

By email only to: frank.whitley@teWKesbury.gov.uk

2 August 2023

Dear Frank,

APPLICATION NO: 23/00499/FUL

DESCRIPTION: Solar farm and energy storage together with all associated works, equipment and necessary infrastructure. Generating capacity 49.99mw.

LOCATION: Home Farm Near Strensham, Parcel 0006, Brockridge Common, Ripple, Tewkesbury, Gloucestershire

Thank you for consulting the Cotswolds National Landscape Board¹ ('the Board') 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 National Landscape Management Plan 2023-2025 ([link](#)); in particular Policies CE1 (Landscape), CE4 (Tranquillity), CE5 (Dark Skies) and CE11 (Major Development);
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Types (LCT) 1 (Escarpment Outliers) and 18 (Settled Unwooded Vale) from which the site is visible;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 1 ([link](#)), including Section 1.4 and LCT 18 ([link](#)), including Section 18.4;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds National Landscape Climate Change Strategy ([link](#)); and
- Cotswolds National Landscape Board Position Statements ([link](#)) particularly, in this instance, with regards to the Renewable Energy Position Statement ([link](#)), Development in the Setting of the AONB ([link](#)) and Tranquillity Position Statement ([link](#)), in particular sections 4.4 and 5.2.

The National Planning Policy Framework outlines at paragraph 176 how, as well as the 'great weight' to be given to the conservation and enhancement of the landscape and scenic beauty of Areas of Outstanding Natural Beauty, development within the setting of AONBs *"should be sensitively located and designed to avoid and minimise adverse impacts on the designated areas"*. Having reviewed the applicant's submission, we wish to raise a **holding objection** to this application for the reasons outlined in Annex 1 below and request that the applicant provides further assessment of the potential

Cotswolds Conservation Board

Cotswold Business Centre
2 A P Ellis Road, Upper Rissington
Cheltenham, Gloucestershire GL54 2QB
07841 663607
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

Chairman:
Brendan McCarthy

Vice Chair:
Rebecca Charley

impact of the development on views from within the National Landscape, including a photoviewpoint and photomontages from Bredon Hill.

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 MRTPI

Planning Officer

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

ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 23/00499/FUL

The comments below are based on a review of the information submitted by the applicant, including the Landscape and Visual Impact Assessment ('LVIA', Pegasus, May 2023) and a visit to the site and surrounding area by the Board's Planning Officer in July 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 ('NPPF') provide the highest status of protection for the landscape and scenic beauty of AONBs, including the Cotswolds National Landscape. Paragraph 174 states that planning decisions should both contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

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

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

The Board's Position Statement on Development in the Setting of the AONB referred to above outlines how the surroundings of the Cotswolds National Landscape are also important to its landscape character and quality. Development proposals that affect both views into and out of the AONB need to be carefully assessed to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.

The National Planning Policy Guidance ('NPPG', 2014) also confirms in relation to the Section 85 duty³ that "*The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*"

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

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

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

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).

Cotswolds National Landscape Management Plan, Climate Change Strategy and Position Statements

The Cotswolds National Landscape Management Plan 2023-2025 is a material consideration in planning decision making. 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. There should be a presumption against the loss of key characteristics identified in the landscape character assessment. Proposals 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 2023-2025, gives 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 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. The Board's latest Renewable Energy Position Statement, adopted in June 2023, identifies how renewable energy will play an important role in mitigating the impacts of climate change and achieving Net Zero in the Cotswolds National Landscape and its setting but how generating energy from low carbon sources should be in a manner consistent with the purpose of National Landscape designation. Paragraph 3.4.4.9 states that it would not be appropriate for the Board to be supportive, in principle, of scales of solar energy that are likely to result in adverse changes to the landscape and visual baseline as this would not be consistent with the statutory purpose of AONB designation or with the Board's statutory purposes.

Landscape and Visual Impacts

The site, along with two further solar farms in the local area, is clearly visible from Bredon Hill, the lower slopes of which lie within Landscape Character Type 18 (Settled Unwooded Vale) of the Cotswolds AONB Landscape Character Assessment, whilst its upper slopes lie within Landscape Character Type 1 (Escarpment Outliers).

Both sections 18.4 and 1.4 of the Cotswolds AONB Landscape Strategy and Guidelines ('LS&G', linked above) identify 'solar farms [on or in the setting of the outliers]' as a local force for change. The LS&G proceeds to identify a number of potential (adverse) landscape implications of solar farm development and provide a number of landscape strategies and guidelines to help reduce the impact of these implications.

We note the comments provided by Malvern Hills AONB in their response dated 14 July 2023 that the proposed development would consist of solar photovoltaic panels placed on a single axis tracker mounting structure with the solar panels moving gradually throughout the day, tracking the sun as it moves from east to west on a 60° tilt in each direction. The LVIA has not considered what effects will be encountered as the solar photovoltaic panels rotate from east to west throughout the day.

Whilst the CNL designation is considered within the LVIA, this is principally in terms of effects on landscape character, identifying that the National Landscape and its setting has a high sensitivity to change. In considering the potential effect on the landscape character of the CNL, the LVIA repeatedly refers to the land around Bredon Hill as 'part of the north-western extent of the Cotswolds AONB'. Whilst this may be true in a geographical sense, this area is as much part of the CNL designation as any other part of the National Landscape and it should not diminish the great weight to be given to the protection of its natural beauty.

Although Bredon Hill is described within the LVIA (paragraph 6.6) as a *"distinctive hill that provides a backdrop to the landscape surrounding the site. There is intervisibility between the site and Bredon Hill, from the northern and southern extents of the main proposed solar farm site. Viewpoints 5C and 8B adjacent to the south-eastern and southern boundaries of the site show Bredon Hill partly visible"*, no photoviewpoints within the National Landscape have been provided or assessed to verify the applicant's claim that the development would be *"seen in no greater than a small part of the elevated, far-reaching panoramic view"*. We recommend that as a minimum, assessment (including photomontages) should be provided from a representative viewpoint on Bredon Hill (for example, looking west of the Banbury Stone tower at its summit). Once this has been provided, we would be

happy to provide further comment on the conclusions of the LVIA, however at this stage we wish to make two further comments on the document.

Paragraph 6.119 claims that at year 15 onwards, the maturation of the proposed boundary tree planting would provide increased filtering and screening of the solar farm, reducing its influence on distant views from Bredon Hill. The landscaping (as shown on the Landscaping Strategy dwg. no. P19-1025_16 rev. D) mainly comprises reinforcing the existing hedgerow boundaries with new tree planting. In our view (and with no evidence to the contrary provided through photomontages) this is likely to make a minimal contribution in screening the solar farm from elevated views on Bredon Hill.

We also do not agree with the assessment within the LVIA in terms of cumulative effects on views from Bredon Hill of the proposed development and the other consented solar farms at Glebe Farm and Croome Airfield; *“The cumulative impact on views from the Cotswolds AONB, in particular Bredon Hill would be no greater than the impact anticipated as a result of each solar farm in isolation”*. Given that these sites are visible within the same view of the Vale of Evesham from Bredon Hill, it seems counterintuitive that the cumulative effect of three large solar farms would be no greater than for each solar farm in isolation.

We also note and support Malvern Hills AONB’s comments that the ‘Solar Photovoltaic Glint and Glare study’ appears to be somewhat limited in the extent of the study (1km) as the Cotswolds National Landscape has not been considered. Glint is identified as a potential adverse landscape implication at Section 1.4 of the LS&G with the LS&G containing advice to ensure a glint/glare assessment is undertaken to determine the heliographic impact on receptors. We would welcome further assessment of this matter.

Lighting and Dark Skies

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

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

The applicant has also provided no lighting strategy other than in the Planning Statement that only the 66k station will be externally lit. Without prejudice, if the local authority is minded to grant planning permission, we recommend that planning conditions should be imposed to require submission of a detailed lighting scheme and ensure compliance with the requirements of with Guidance Note 01/21 on The Reduction of Obtrusive Light, published by the Institution of Lighting Professionals (ILP) (which forms Appendix 2 of the Board’s Position Statement on Dark Skies and Artificial Light, referenced above). We would recommend that the relevant ‘environmental zone’ for which compliance should be assessed is Environmental Zone E1 which relates to AONBs to mitigate

any adverse impact and ensure that all lighting meets the standards to preserve the dark skies and landscape character of the Cotswolds National Landscape. Although we recognise that the site is within the setting of the National Landscape, the Guidance Note 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 recommend that all conditions should be closely monitored to ensure compliance, in the interests of the conservation and enhancement of the landscape and scenic beauty of the Cotswolds National Landscape.

NOTES:

- 1) 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.
- 2) 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.
- 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 2023-2025
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