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By email only to: joan.desmond@westoxon.gov.uk

18 July 2023

Dear Joan,

APPLICATION NO: 23/00536/OUT

DESCRIPTION: Outline planning application for up to 90 residential dwellings, including up to 40% affordable housing, creation of new vehicular access off Banbury Road and provision of public open space with associated landscape planting with associated infrastructure, drainage measures, earthworks and all other associated works. All matters reserved except accessibility to the site, for vehicles in terms of the positioning and treatment of access to the site

LOCATION: Land South of Hit or Miss Farm, Banbury Road, Chipping Norton, Oxfordshire

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 Area of Outstanding Natural Beauty (AONB) Management Plan 2023-2025 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Types (LCT) 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 7 ([link](#)), including Section 7.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to the Housing Position Statement ([link](#)) and its appendices ([link](#)), Tranquillity ([link](#)), Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)) and Landscape-Led Development Position Statement ([link](#)) and its appendices ([link](#)).

After having reviewed the information submitted by the applicant, the Board wishes to make a **holding objection** to this application and request a further assessment of the potential visual impact of the scheme upon the setting of the National Landscape, namely through the provision of a photomontage of the proposed development from photoviewpoint 1 of the applicant's Landscape and Visual Appraisal (LVA). 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

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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

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".

We consider that provision of this additional information is appropriate as this proposal is for a major residential development directly opposite the boundary of a nationally-designated landscape and the site's context has recently changed compared to that shown in the LVA due to the removal of many of the Ash trees along the site frontage. This will allow the Board to come to a conclusion as to whether or not we agree with the applicant's assessment of the scale of effect and impact upon the landscape and scenic beauty of the National Landscape.

The Board's further comments can be found in Annex 1 below.

If you have any queries regarding this response, please do not hesitate to get in touch.

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

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ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 23/00536/OUT

The comments below are based on a review of the information submitted by the applicant, including the Landscape and Visual Appraisal ('LVA', EDP, 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 ('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.

Cotswolds AONB Management Plan

The Cotswolds AONB Management Plan 2023-2025, which is a material consideration in planning decision making, identifies the tranquillity of the area and its dark skies as two of its '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. 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 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

A Landscape and Visual Appraisal (dated February 2023) has been prepared by EDP in support of the application. Having reviewed the document, the Board considers that the structure of the document

and the methodological approach is appropriate and generally agrees with its assessments of the impacts of the scheme.

In landscape character terms, the character area closest to the site is identified as High Wold within the Board's Landscape Character Assessment and Landscape Strategy and Guidelines. Whilst the high wolds are identified within the Board's Management Plan as one of the 'special qualities' of the National Landscape, it is recognised that the particular area of High Wold opposite the site is not especially representative of the description of this character type within the special qualities section of the Management Plan (i.e. 'a large open, elevated, predominately arable landscape with commons, 'big' skies and long-distance views).

We agree with the observation at paragraph 4.55 of the LVA that, the general area within which the site is located contains 'woodland that limits visibility' and contains 'transitional uses and development typical of the urban fringe'. We agree with the LVA's assessment that High Wold landscape receptor has 'very high' sensitivity due to its designation as AONB, but development would result in a very low magnitude of change to the character of the High Wold and this would result in a moderate/minor adverse effect on the character of the AONB landscape within the immediate vicinity of the site at Year 1, potentially reducing further by Year 15 as landscaping is established and matures. We make further comments below regarding landscaping.

In visual terms, we agree with the LVA's assessment that the site is not particularly visible from viewpoints within the National Landscape apart from those in the immediate vicinity of the site along Banbury Road itself. There is also limited visibility of the National Landscape across the site from other viewpoints outside of the National Landscape (i.e. views towards the National Landscape).

However, we note that the baseline conditions of the site have changed since the LVA was produced. Notably, the photography of the site from PVP1 was taken in December 2022, before a number of the roadside trees were removed earlier this year.



Photoviewpoint EDP1 included within the LVA, December 2022

The current Google Streetview, dated March 2023 (below), shows the state of the road frontage following the removal of trees (understood to be works undertaken by the County Council due to Ash dieback) and illustrates that the site is now more visible from the National Landscape boundary on the northern side of Banbury Road than is shown in the LVA. This is acknowledged at paragraphs 6.7 and 7.45 of the LVA.



Google Streetview from Photoviewpoint EDP1, March 2023

Having visited the site in July 2023, it is clear that roadside vegetation has since re-established itself to some degree, however the screening effect of this lower-lying vegetation will be lessened during winter months. It is also acknowledged that the footway on the northern side of Banbury Road (which DEFRA's MAGIC Map shows to be located within the National Landscape) is unlikely to be heavily used by walkers and that the receptors most affected by change would be drivers of vehicles and their passengers, who would experience a more transient view of the development than walkers.

Notwithstanding the above given that the proposal is for a major residential development directly opposite the boundary of a nationally-designated landscape, we request that a photomontage of the proposed development is provided from PVP1. This should depict the development and its associated landscape in wintertime conditions at Years 1 and 15, ideally using baseline imagery where the roadside Ash trees have been removed. This will allow the Board to come to a conclusion as to whether or not we agree with the applicant's assessment of a moderate/minor adverse level of effect at Year 1, reducing to minor by Year 15.

Without prejudice, should the Council be minded to approve the application, we recommend that any reserved matters application should pay particularly careful attention to the replacement and enhancement of tree planting and hedgerow along the roadside boundary to create a long-term screen to the development and maintain the distinctive soft, tree lined approach to Chipping Norton.

Lighting

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. Local Plan Policy EH2 states that proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality whilst 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 Board notes that at this outline application stage, no information has been provided regarding external lighting. 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 close to built environment of Chipping Norton and its associated lighting, 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 and to ensure compliance with Local Plan Policies EH2 and EH8 and policy CE5 of the Cotswold AONB Management Plan.

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 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