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By email only to: [Scott\\_Britnell@BATHNES.GOV.UK](mailto:Scott_Britnell@BATHNES.GOV.UK)

22 March 2022

Dear Scott,

**APPLICATION NO:** 22/00452/AGRA

**DESCRIPTION:** Erection of agricultural building on the site to secure store tools and machinery, and to process produce for vegetable boxes. Erection of two poly tunnels.

**LOCATION:** Parcel 5663, Broadmoor Lane, Upper Weston, Bath

The above planning application, which is for a development that would be located within the Cotswolds National Landscape<sup>1</sup>, has been brought to the attention of the Cotswolds Conservation Board.

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.<sup>2</sup> 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 publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 2 Escarpment in which the development would be located, and LCT 7 (High Wold), which the development could potentially be seen from;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 2 ([link](#)), including Section 2.10 and LCT 7 ([link](#)), including Section 7.14;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#)); and
- Cotswolds Conservation Board Position Statements ([link](#)).

As outlined below in Annex 1, we do not consider that key issues have been adequately addressed. As such, **we recommend that prior approval should not be granted**, at least pending the provision of further information. Please do not hesitate to contact me if you wish to discuss this response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Joyce'.

Simon Joyce  
Planning Officer  
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#### Cotswolds Conservation Board

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

[cotswoldsaonb.org.uk](http://cotswoldsaonb.org.uk)

Chairman:  
**Brendan McCarthy**  
Vice Chair:  
**Rebecca Charley**

## ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/00452/AGRA

The site of the proposed development is in a very sensitive location on the Cotswold escarpment, in close proximity to the Cotswold Way National Trail. The site also lies within the setting of the City of Bath World Heritage Site (WHS), including the 'Green Hillside Forming Prominent Features of the Landscape Setting' ([link](#)). As such, potential impacts on the setting of the WHS are also an important consideration, both in their own right and in terms of the contribution that this cultural heritage makes to the natural beauty of the National Landscape.

### *Landscape and Visual Impacts*

For a 'prior approval' application such as this made under Schedule 2 Part 6 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, the key consideration is the siting, design and external appearance of the building and the polytunnels. In responding to previous applications for prior approval for this development both the Board and the Council's Landscape Officer requested a Landscape and Visual Appraisal be provided to allow an adequate assessment of whether the scheme is acceptable in terms of its siting within what is a highly sensitive local landscape.

The LVA submitted by the applicant (Greenhalgh Landscape Architecture document ref. 201-G101, August 2021) for this application appears to be unchanged from that submitted for the previous application. Therefore, we would reiterate the comments of the Council's Landscape Officer in respect of this LVA, dated 15 September 2021, in particular:

- Of the 15 potential viewpoints considered, only 3 have been presented in detail, namely viewpoints 1b, 2b and 7, although the LVA acknowledges that there will be direct views available from Leighton Road (viewpoint 8) and from multiple points along the Cotswold Way public footpath on elevated ground to the south and southwest. Users of public rights of way are sensitive visual receptors, and users of named long distance routes running through designated landscapes such as the Cotswolds National Landscape are of even higher sensitivity. The effect of the proposals on views from the Cotswold Way has not been adequately assessed.
- In the presentation of impact on views 1b, 2b and 7, the LVA gives no indication as to the degree of maturity of the mitigation planting intended to be illustrated, but as depicted the planting appears to be at or near mature size, presumably with 20+ years growth. It is accepted good practice to state whether mitigation planting is being considered and/or illustrated at Year 1, Year 10, Year 20, etc. If the effects illustrated will take a long time to materialise, it is reasonable for planning decisions to take into account likely effects over the short and medium term as well as the ultimate long-term position.
- It is difficult to reconcile the statement in the LVA (page 21) that in views from the south and west, 'proposed planting would assist in integrating the proposed structures into the setting' when the only planting proposed is to the north, east and southeast of the structures.
- The LVA gives insufficient consideration to the effects of the proposed development on landscape character. We support the Landscape Officer's previous comment that what is missing is a systematic identification of landscape receptors, their sensitivity and susceptibility to change, and consideration of how each would be affected.

- The consideration of effects on visual amenity (views) similarly needs to be more systematic and comprehensive, and include an assessment of effects on all relevant public rights of way including the Cotswold Way.

In addition to these comments, we would also request that a revised LVA specifically considers the Cotswolds AONB Landscape Strategy and Guidelines referred to above which are a material consideration in determining the application, mindful that agricultural intensification is specifically listed at Sections 2.10 and 7.14 as a local force for change which may result in potential adverse landscape implications. This is of particular importance as the Cotswold escarpment and high wolds (the two Landscape Character Types which may be impacted by this proposal) are two of the 'special qualities' of the Cotswolds National Landscape identified in the Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023.

#### *Request for further information*

In line with the consultation response of Council's Landscape Officer to the current application (dated 27 February 2022), we would also ask for further information and clarification on some of the plans submitted by the applicant.

Firstly, we are unclear as to whether or not the proposed bund and landscape planting shown on the plans are included within this application for prior approval. They are not included in the description of development and not included within the application red line boundary.

The applicant's supporting information indicates that earthworks would be undertaken to the north of the proposed building to construct a 1.2m high bund to provide mitigative screening of the building and polytunnels. If the construction of the bund involves using on-site material, this could adversely affect the landscape character of the site. We would also question whether the bund is 'reasonably necessary' for the purposes of agriculture within the unit and therefore whether permitted development rights apply in this regard. If the construction of the bund involves importing material to the site, this would not appear to be covered by Schedule 2 Part 6 Class A permitted development rights (ref. Schedule 2 Part 6 Class A, paragraph A.2 (1) (c)).

Similarly, if the proposed nuttery, food forest and native shelter belt are included, EIA may potentially be required, as discussed below. If they are not included and the application to be considered is solely for the buildings, we could not take the proposed landscaping into account and therefore on the basis of the photomontages provided in the LVA which show the proposal without planting, would raise an objection on the basis that due to its prominent siting within a highly sensitive landscape, the proposal would not conserve or enhance the landscape and scenic beauty of the National Landscape.

Secondly, whilst the photomontages contained within the LVA are of some use, we would ask for some site sections to be provided to illustrate how the building and polytunnel will sit on the sloping site and also how they will relate to the proposed bund and planting, at year 1 of the development. This would further aid an assessment of whether the scheme is acceptable in terms of its siting within the sensitive local landscape.

### *Environmental Impact Assessment (EIA)*

As outlined above, the Council should give consideration to whether or not the proposed development comes under Schedule 2 of the Environmental Impact Assessment Regulations (EIA) ([link](#)), specifically '1(a): Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes'.

In this regard, it will be important to establish whether the site has been cultivated in the last 15 years by physical means, such as ploughing or an activity that breaks the soil surface, or chemical means, such as adding fertilisers or soil improvers.

It is also important to note that 'semi-natural' includes 'protected landscapes' (i.e. Areas of Outstanding Natural Beauty) and 'land that has not been intensively farmed'. The proposed development would be increasing the productivity of the land (the main aim of the Land Family Partnership being to increase food production). As such, it potentially constitutes 'intensive agricultural purposes'.

If it is considered that the application falls under Schedule 2i A Under the EIA (Agriculture) Regulations, applications for such EIA screening decisions should also be submitted to Natural England.

The applicant's supporting information provided for previous applications indicates that it is proposed to plant three hectares of native woodland and two hectares of mixed fruit orchard within the blue lined area site, totalling 11,000 trees. This could potentially provide benefits for wildlife. However, it would also change – and could potentially adversely affect - the landscape character of this locality. Furthermore, it is important to note that woodland planting on this scale could potentially require a separate EIA, for which the Forestry Commission would be the relevant authority.

If a formal EIA is required for any of the reasons outlined above, this would justify a more formal and comprehensive Landscape and Visual Impact Assessment (LVIA).

We acknowledge that these EIA processes relating to Natural England and the Forestry Commission are separate from the planning decision. However, and without prejudice, if prior approval were to be granted, it should be made clear that development should not proceed unless it can be demonstrated that the proposal complies with the relevant EIA regulations and, if relevant, has secured permission from Natural England and / or the Forestry Commission.

### *Other Matters*

Finally, we recommend that the Council should also satisfy itself that the design and external appearance of the building is 'reasonably necessary' for the purposes of agriculture and is of the 'minimum size to meet a functional need' stated in the applicant's Covering Letter.

## 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) 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)
- 3) 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](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)