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By email only to: [Andrew.Moody@cotswold.gov.uk](mailto:Andrew.Moody@cotswold.gov.uk)

10 May 2022

Dear Andrew,

**APPLICATION NO:** 21/04342/FUL

**DESCRIPTION:** Extension to yard used for the storage of horticultural products.

**LOCATION:** Melcourt Industries Limited, Boldridge Brake, Crudwell Lane, Long Newnton, Tetbury, Gloucestershire, GL8 8RT

The above planning application, which is for a development that would be located within the setting of 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<sup>3</sup>:

- 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) 11 Dip-Slope Lowland to which the site lies in close proximity;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 11 ([link](#)) including Sections 11.2 and 11.13;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Tranquillity Position Statement ([link](#)), Development within the Setting of the AONB ([link](#)) and Dark Skies and Artificial Light ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

Having considered the applicant's submission, for the reasons outlined within Annex 1 below the Board has concerns in respect of the potential adverse impact this application may have upon the tranquillity and landscape and scenic beauty of the National Landscape. For this reason, we consider that the application conflicts with Policy EN5 of the Cotswold Local Plan 2011-2031 and paragraph 176 of the National Planning Policy Framework as well as not according with Policies CE1, CE4 and CE10 of the Cotswolds AONB Management Plan 2018-2023. Therefore, we **object** to this application.

#### 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**

Please do not hesitate to contact me if you would like to discuss this response.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Joyce', written in a cursive style.

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 21/04342/FUL**

Although the site itself does not lie within the Cotswolds National Landscape, it does lie within its setting with the AONB boundary located around 200m to the north and 500m to the west at its closest point. Moreover, the route that traffic currently takes, and will continue to take, to travel to and from the site runs through 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. It is noted that neither paragraph 174 nor 176 of the NPPF are considered within the Planning Statement supporting this application.

Policy EN5 of the Cotswold Local Plan 2011-2031 states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

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. The National Planning Policy Guidance (NPPG 2014) also confirms in relation to the Section 85 duty 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."*

The Cotswolds AONB Management Plan 2018-2023, which is a material consideration in planning decision making, identifies the tranquillity of the area and its dark skies as being two of the 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 of the AONB Management Plan 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.

### **Potential impacts upon tranquillity**

As noted above, tranquillity is one of the 'special qualities' of the Cotswolds National Landscape. In other words, it is one of the features of the Cotswolds that makes the area so outstanding that it is in the nation's interest to safeguard it. The Cotswolds National Landscape has relatively high levels of tranquillity, especially when compared with the surrounding urban areas.

The Board's Tranquillity Position Statement referenced above recommends that proposals that have the potential to impact on the tranquillity of the AONB should 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 vehicle movements and landscape and visual impacts, which are considered in turn below.

#### *Traffic movements and highways impacts*

We note the findings of the Technical Note Long Newton Traffic Study (December 2021) undertaken by Ridge & Partners on behalf of Long Newton Parish Council ('the Ridge report'). ATC counts along Crudwell Lane recorded levels around 60 OGV2 movements per day on a 5-day average, with OGV2 traffic comprising 11% of the total traffic, in excess of both national and local averages (Section 3.3 of the Ridge report). Given the routing requirements locally, we agree with Ridge & Partners that it can be assumed that almost all OGV1 and OGV2 movements along Crudwell Lane are associated with the application site. We also note that the applicant's baseline traffic surveys were undertaken during a period of COVID lockdown restrictions and as such may not be representative of normal traffic conditions.

Long Newton Parish Council has also brought to our attention their latest traffic observations, which also indicate that the number of HGVs travelling to and from the site may be in excess of that quoted within the application.

Notwithstanding the clear highway safety concerns of this level of HGV movements on a single-track unclassified rural road, Section 4.5 of the Board's Tranquillity Position Statement 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 AONB and should relate to both traffic flows and HGV movements. 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 AONB.

Given the alleged limitations of the applicant's baseline traffic surveys outlined above and discussed in more depth in Section 6 of the Ridge report, we cannot assess with absolute certainty the increase in traffic flows along Crudwell Lane which are likely to result from this proposal. However, Section 4 of the applicant's Transport Statement estimates the additional HGV movements as 6 articulated lorries or 12 movements a day. This alone would be a figure in excess of the 10% 'rule of thumb' referred to above. The Ridge report disputes this estimate and suggests that the additional HGV movements may be significantly higher. Gloucestershire County Council's initial consultation response (dated 20 January 2022) states that site traffic from the proposal would result in up to a 20% increase in traffic along Crudwell Lane, again in excess of the 10% 'rule of thumb'.

Therefore, in our view there is a reasonable likelihood that, given the additional level of HGV movements and inappropriate nature of Crudwell Lane, the proposal is likely to have a further adverse impact on the tranquillity of the Cotswolds AONB.

### *Landscape and Visual Impact*

We are also concerned about the potential impact of traffic movements on the landscape and visual character of the area. Policy CE10 of the Cotswolds AONB Management Plan states that 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 Cotswolds AONB Landscape Strategy and Guidelines.

Section 11.13 of the Cotswolds AONB Landscape Strategy and Guidelines for LCT 11 (referenced above), through which HGV traffic is routed, references excessive traffic and/or speed on minor local roads and lanes and increases in size of vehicles using lanes as a ‘local force for change’ which can result in adverse landscape implications and have a negative impact on tranquillity and danger for to walkers/riders as well as damaging verges and roadside margins. Section 11.2 also highlights the damage to road verges, roadside hedges and walls and the creation of informal passing places as a potential adverse landscape implication of isolated development in the countryside.

As outlined in the Ridge report, Crudwell Lane is a single-track road subject to the national speed limit, linking to the A429 (The Street) to the east and Church Lane to the west. There are no footways or street lighting present in the vicinity of the Melcourt Industries site. The road width varies from 5.3m to 3m at its narrowest point, with no designated passing places. For two cars to pass each other a minimum road width of 4.1m is required, and for an HGV and a car to safely pass would require a minimum of 4.8m, therefore at certain points along Crudwell Lane vehicles need to pull into the verge or into farm entrances to allow other vehicles to pass. This issue is amplified for larger vehicles / HGVs given the road widths. Two HGVs meeting each other would not be able to pass on Crudwell Lane unless pulling onto the verge as a 5.5m-6m minimum width is required and both the applicant and objectors cite overrunning of verges as having taken place along Crudwell Lane.

Though her comments on the application only concern the proposals affecting the site itself, we note the comments of the Council’s Landscape Officer that the area of woodland to be removed to accommodate the yard’s extension would be compensated for by the creation of new woodland and support the removal of the bunds which the applicant had originally proposed.

### **Lighting**

Dark skies are another of the ‘special qualities’ of the AONB and Policy CE5 of the Cotswolds AONB Management Plan 2018-2023 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. Section 11.2 of the Cotswolds AONB Landscape Strategy and Guidelines for LCT 11 highlights the ‘introduction of ‘lit’ elements to characteristically dark landscapes’ as a potential (adverse) implication for isolated development such as this.

No details regarding lighting have been submitted by the applicant, though it is noted that the Planning Statement states that specified working hours would be 07.30 to 18.00 Monday to Friday which in winter may necessitate some external lighting in the early morning, late afternoon and evening. Any lighting would introduce a ‘lit element’ into what would otherwise be a relatively dark night-time landscape within the setting of the AONB.

Accordingly, and without prejudice, should the LPA be minded to approve this application, we recommend that details, particularly on any external lighting, are required to be submitted and agreed by the LPA to demonstrate adherence to Development Plan policy, this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark

Skies). The applicant is encouraged to refer to the Board's guidance in relation to artificial light and dark skies contained in our Position Statement referred to above.

## 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)