

Adam Smith
Gloucester City Council
PO Box 3252
Gloucester
GL1 9FW



By email only to: adam.smith@gloucester.gov.uk

11 July 2022

Dear Adam,

APPLICATION NO: 22/00519/FUL

DESCRIPTION: Residential development of 190 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Winnycroft Lane; public open space and landscaping; drainage attenuation, acoustic barrier and other associated works

LOCATION: Snow Capel, Matson, Gloucester

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the setting of the Cotswolds National Landscape.¹

Having reviewed the application including the supporting reports and surveys, for the reasons outlined in Annex 1 below we would like to raise a **holding objection** and request further information to assist our assessment of any potential adverse landscape and visual impacts of the proposal, especially on the views to and from the Cotswold escarpment as well as any potential impacts on tranquillity and dark skies of the Cotswolds National Landscape. These are all 'special qualities' of the Cotswolds National Landscape, those being the features of the AONB that makes the area so outstanding that it is in the nation's interest to safeguard it.

Furthermore, the Board wishes to raise some concerns relating to the applicant's LVIA which can be found in the Annex accompanying this response, though in summary, we consider that the LVIA underplays the potential impact of the proposed development on the landscape and scenic beauty of the Cotswolds National Landscape and do not agree with its conclusion at paragraph 8.5.3 that there would be 'no impact upon the AONB'. The submission of the further information requested below will allow the Board to draw a more definitive conclusion on the potential impacts of the scheme and whether, in our view, the application complies with the requirements of national and local planning policy and guidance.

Cotswolds Conservation Board

The Old Prison, Fosse Way, Northleach
Gloucestershire GL54 3JH
01451 862000
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

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 small dot at the end.

Simon Joyce

Planning Officer

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

ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/00519/FUL

Planning Policy Considerations

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.² 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 publications³:

- 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 Types (LCT) 18 (Settled Unwooded Vale), 2 (Escarpment) and 8 (High Wold Valley);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, regards to LCT 18 ([link](#)), including Section 18.1, LCT 2 ([link](#)) including Section 2.1 and LCT 8 ([link](#)) including Section 8.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Development in the Setting of the AONB ([link](#)), Landscape-Led Development ([link](#)), Tranquillity ([link](#)) and Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2 now updated in 2021](#), [link 3](#)).

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 could, in the view of the Board, potentially 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 duty² 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 paragraphs 176 or 177 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.

Adopted Development Plan

As far as adopted Development Plan policy relating to landscape issues is concerned, Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy identifies that development proposals are required to consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect, and have regard to local landscape distinctiveness. Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB) identifies that proposals within the setting of the Cotswolds AONB are required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

Cotswolds AONB Management Plan

The Cotswolds AONB Management Plan 2018-2023, which is a material consideration in planning decision making, identifies the Cotswold escarpment, including views from and to the AONB, as being two of the AONB's 'special qualities' along with the tranquillity of the area and its dark skies. 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. They 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 2018-2023, give 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 IMPACTS

A key issue is the impact of the proposed development on the visual connectivity between the Cotswold escarpment and High Wold and Robinswood Hill, when viewed both to and from the AONB. Although Robinswood Hill is not within the AONB, it is one of a number of escarpment outliers and provides expansive views back towards the escarpment. The relatively undeveloped nature of the land between the escarpment and Robinswood Hill helps to maintain this geological and visual link between the AONB and the outlying hills.

Our concern is that the proposed development would intrude into this visual connectivity, with the potential to adversely affect views, particularly towards the escarpment, such views being one of the

special qualities of the AONB. This intrusion could potentially be more significant than for the existing and allocated built development to the north of the site. The Board's Planning Officer visited the site and surrounding area in July 2022, including visiting a number of the photoviewpoints selected within the applicant's LVIA to help in our assessment.

Potential impact on landscape character

The Cotswold AONB Landscape Character Assessment covers the area immediately east of the M5 which defines the site's eastern boundary. It classifies the character of the area as Settled Unwooded Vale Landscape Character Type, the same character type classification as the site within the wider Gloucester Landscape Character Assessment. Therefore, it is reasonable to apply the Board's Landscape Strategy and Guidelines ('LS&G', linked above) in this instance. These state that *"the rural areas that provide a setting to the Cotswolds escarpment areas are highly sensitive to development... of particular sensitivity are those areas of the agricultural landscape that provide a landscape setting to urban areas"*. Whilst it is accepted that the screening effects of landform, occasional woodlands, hedgerows and shelterbelts provide an opportunity for development, *"care must be taken to ensure that a cumulative effect of such development does not occur, or have an adverse effect on the more rural character of the area"*.

The LS&G identifies a number of potential adverse implications on landscape character of new residential development and strategies and guidelines to mitigate against such implications and these have been identified by the applicant at paragraphs 5.4.3 and 5.4.4 of the LVIA.

As outlined above, we wish to make some observations regarding the applicant's LVIA (James Blake Associates, June 2021), both in terms of the methodology applied and conclusions drawn as we consider they could combine to underplay the potential impact of the proposal on the AONB.

In its assessment of landscape effects at Section 5.9, the LVIA considers that the magnitude of landscape change on the setting of the AONB would be 'negligible' both during construction and at completion. Such magnitude of change, when combined with the assessed 'high' landscape value, susceptibility and sensitivity is shown in Table 2 of the LVIA as resulting in a 'negligible' scale of effect on landscape character. However, the LVIA's Table C3, which shows how landscape sensitivity and magnitude of change combine to give an assessment of scale of effect, shows that such 'high' sensitivity and 'negligible' magnitude of change should result in a 'minor' scale of effect rather than 'negligible'.

Notwithstanding this, Table C1 of the LVIA defines a 'negligible' magnitude of landscape change as *"the development would introduce barely discernible elements or physical change to the landscape. Key characteristics of the landscape and its integrity are unaffected."* We would disagree with this assessment, which is based on the fact that the site is not discernable *from* the AONB (see the commentary within Table 2). This not only conflates landscape character with visual effects but also does not consider that the site is also visible in views *towards* the AONB from a number of viewpoints within and around the site, as discussed below.

As such, based on the criteria listed in Table C1, we would suggest that 'low' would be more appropriate for a development of almost 200 homes in this particular location, both during

construction and at completion. Such an assessment, combined with the 'high' value and susceptibility of the setting of the AONB and its 'high' sensitivity to change would result in a 'moderate' (adverse) scale of effect in terms of landscape effects for the setting of the AONB. This moderate adverse effect on landscape character would potentially be significant in EIA terms.

Potential visual impact

The LVIA identifies 18 representative photoviewpoints, seven of which, numbered 11 to 18, are located within the AONB. It is regrettable that the LVIA's photoviewpoints appear to be taken in summer, when vegetation is in leaf, contrary to accepted best practice. As a result, the three viewpoints within the AONB that are in proximity to the site (nos. 11, 12 and 17) show the site is obscured by vegetation, though this is potentially aided by the fact that the trees are in full leaf. Given the LVIA is dated June 2021 and now more than a year old, there would have been an opportunity to update the photoviewpoints over the winter when vegetation was not in leaf and this would have better illustrated a 'worst case scenario'.

It is also disappointing that no wireframes or CGIs are included within the LVIA to aid the assessment of the scheme's potential impact. As this application is a detailed scheme, submitted on behalf of housebuilders with housetypes and landscaping schemes provided, we consider that it would be reasonable to also provide more than photoviewpoints and we expand upon this point in our recommendations below.

We also note that the location of the site is not even indicated in some of the photoviewpoints, for example in photoviewpoint 18 which is the key view from Painswick Beacon, one of the major viewpoints on the Cotswold escarpment and the junction of the Cotswolds Way National Trail and Wysis Way, let alone its extent shown.

Notwithstanding the above and aided by our Planning Officer's site visit, we acknowledge that the site is likely to either be (at least partially) screened by vegetation or hidden by intervening landform when viewed from public locations within the AONB, including from on the Escarpment and High Wold.

As far as assessing the potential impact on views *towards* the AONB is concerned, viewpoints 6, 1 and 9 in the LVIA are probably the best representative views of the AONB from Robinswood Hill and close to the site respectively.

Whilst the approximate extent of the site is shown in viewpoint 6, there are no vertical arrows to identify it, though it is noted within the accompanying text that the site is the yellow field in the middle distance. The accompanying description of the view makes no reference to the expansive views of the AONB which can be achieved in this location.

In this view, the urbanised southern edge of Gloucester and even the new and allocated development at Winneycroft are, and would be, obscured by the topography. Therefore, the proposed development may appear as an isolated and incongruous urban addition in the foreground of the AONB, a point not considered by the LVIA's analysis. Notwithstanding the omission of a consideration of the development of this site within the setting of the AONB in views to the escarpment which is a

‘special quality’ of the CNL, the LVIA still concludes that there would be a ‘major’ adverse impact on this view during construction and at completion, reducing to ‘moderate’ adverse by year 15. Such an impact is significant in EIA terms and as outlined above, may not be compatible with the requirements of paragraph 174 of the NPPF that development should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status.

Although not considered by the LVIA, the issue of impacts on views towards the escarpment on the setting of the AONB would also apply to views achieved at viewpoint 9 across Sneedhams Green Common Land. Again, the development is considered as having a ‘major’ adverse visual impact in this location, which comprises a view of the site in the foreground of the AONB escarpment.

TRANQUILLITY

Tranquillity is another of the ‘special qualities’ of the Cotswolds National Landscape, being 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, though we acknowledge that both the relative tranquillity and dark skies of the AONB are affected by the noise and artificial lighting of the neighbouring built environment. However, the present undeveloped nature of the site helps to prevent the further erosion of these special qualities, which may occur if planning permission were granted and in our view the potential impact on the tranquillity of the AONB has not been adequately assessed by the applicant.

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.

However, the Environmental Statement submitted in support of the application fails to consider or quantify the potential impact of traffic generated by the development on the AONB and its tranquillity or the cumulative impact of this and the other developments consented or allocated nearby. We would request that this is addressed by the applicant in an addendum to the Environmental Statement.

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. 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 application does not appear to consider potential dark skies impacts in relation to the AONB and the applicant is requested to provide further assessment of their proposal to allow the Board to consider this issue. 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.

RECOMMENDATION

In particular, the Board would request that the applicant provides further information relating to the following:

- Photomontages of the development from Viewpoints 1, 6 and 9 outlined in the LVIA;
- A response to the Board's assessment that the applicant's LVIA downplays the potential adverse landscape and visual impacts on the Cotswolds AONB of this development located within its setting;
- An assessment of the cumulative highways impacts in relation to the tranquillity of the AONB. This would include the proposed development and other proposals that have been recently consented, are the subject of applications currently awaiting determination or are sites allocated within Development Plan Documents;
- An assessment of the likely impact of the development on the dark skies of the neighbouring AONB.

The Board will be able to provide a definitive opinion on likely effects once this information has been submitted by the applicant.

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
- 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
 - 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