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By email only to: [anthony.foster@tewkesbury.gov.uk](mailto:anthony.foster@tewkesbury.gov.uk)

19 July 2022

Dear Anthony,

**APPLICATION NO:** 22/00624/OUT

**DESCRIPTION:** Outline application for the demolition of 16 St Margarets Drive and the erection of up to 55 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margarets Drive.

**LOCATION:** Land East of St Margarets Drive, Alderton

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.

The Board recognizes the importance of meeting local housing requirements. However, this should be delivered in a way that is compatible with the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the AONB.

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 impacts of the proposal on the landscape and scenic beauty, 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. Further detail is provided in the Annex below.

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**

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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 don't hesitate to contact me if you wish to discuss this response further.

Yours sincerely,

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

Simon Joyce

**Planning Officer**

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## ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/00624/FUL

The comments below are based on a review of the information submitted by the applicant, including the Landscape and Visual Appraisal (LVA, EDP, May 2022) and observations from a site visit made by the Board's Planning Officer in July 2022.

### 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.<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 Types (LCT) 19 (Unwooded Vale) and 1 (Escarpment Outliers);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, regards to LCT 19 ([link](#)) including Section 19.1 and LCT 1 ([link](#)) including Section 1.1;
- 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 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 duty<sup>2</sup> 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.

#### *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.

The Tewkesbury Borough Plan 2011-2031 was adopted on 8 June 2022. This plan reinstates a defined settlement boundary at Alderton, outside of which unallocated residential development of this scale is not supported. This site lies outside of the village's settlement boundary. Policy LAN1 also states that where a proposal would result in harm to the Special Landscape Area having regard to the criteria contained within the policy, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the Special Landscape Area will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.

At the local level, the Alderton Neighbourhood Development Plan Policy LC2 requires applications such as this to show how design and siting have taken into consideration any adverse impacts on areas of landscape and visual sensitivity, in particular ensuring that special attention is paid to preserving significant views in or out of the settlement, or including mitigation measures that ensure such views are maintained as fully as possible. External lighting should be minimised to avoid light pollution. Street lighting is not supported in any area of the Parish.

### *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 Impact**

As outlined above, NPPF paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs and that development within the setting of AONBs should be sensitively located and designed to avoid and minimise adverse impacts on the designated areas. The case law referred to above has clarified that this includes giving great weight to the impact of development outside an AONB on views out from within the AONB. This clarification has been reiterated in the recent planning appeal decision relating to the proposed development of up to 50 dwellings at Land off Ashmead Drive, Gotherington<sup>4</sup>.

The Government's planning practice guidance on Natural Environment (paragraph 042) recognises that development in the setting of an AONB can potentially do significant harm to the landscape and scenic beauty of the AONB, especially where long views from the AONB are identified as important.

The Cotswolds AONB covers Alderton Hill and Dumbleton Hill and extends right down to the northern edge of the settlement of Alderton. To the south of Alderton, Langley Hill, Dixton Hill and Oxenton Hill are also part of the National Landscape and the land between these outliers, known as the Teddington and Greet Vale, is designated as a Special Landscape Area (SLA) in the Tewkesbury Borough Plan.

A key issue is the impact of the proposed development on the visual connectivity between areas within the AONB, when viewed both to and from the AONB. The relatively undeveloped nature of the land between Langley, Dixton and Oxenton Hills to the south and Alderton Hill to the north helps to maintain this geological and visual link. We acknowledge that the proposed development could potentially have a small beneficial effect on views from Alderton towards the Cotswolds National Landscape, primarily as a result of the creation of new publically-accessible open space, however we are concerned that this would potentially be outweighed the intrusion of this development into this visual connectivity, with the potential to adversely affect views from, and in particular, to the AONB.

As such, it is unfortunate that there is no plan available on the planning register either separate to or part of the LVA which clearly showing the location of the photoviewpoints selected within the LVA.

We note that the 'Winchcombe Way', a figure of eight recreational PRow walking route described in the Inspector's decision letter when dismissing the previous appeal on the site as being "of more than local interest", runs along the eastern boundary of the site in the adjoining field. Walkers of the Winchcombe Way would therefore directly pass the site when walking between Langley Hill (within the National Landscape) and Dumbleton Hill (also within the National Landscape). Photoviewpoints 2 and 3, located at the northern end of the adjacent field, clearly show the site in the foreground of Dixton Hill and Oxenton Hill. Although the newly-built development at Fletcher Close is also visible, development of the application site would bring built form significantly closer to users of this promoted route and potentially would substantially block southbound views of the AONB, in a similar fashion to that noted by the Inspector in dismissing the previous appeal.

Although users of this right of way are considered within the LVA at paragraphs 7.21 to 7.24, this analysis is principally of those walking north, where views of the AONB are likely to be less adversely affected than those walking south. Indeed photoviewpoints 2 and 3 show the view south, which is at odds with the text, which nonetheless considers that proposals would have a major-moderate adverse level of effect.

A further consideration is the cumulative impact of development on the southern edge of Alderton on views to the National Landscape, both from the B4077 and public rights of way. The newly constructed development on Fletcher Close and the consented site further south on Willow Bank Road form prominent urbanising features in the foreground of views of the National Landscape, particularly when looking towards Dumbleton and Alderton Hills from the B4077. Whilst it is recognised that such views are likely to be experienced by motorists and cyclists and are transient, they can nonetheless be experienced along for some distance when travelling along the B4077, particularly when heading west.

## The relationship between the site and the Cotswolds National Landscape (Landscape Character and Setting)

The Government's planning practice guidance on Natural Environment (paragraph 042) recognises that development in the setting of an AONB can potentially do significant harm to the landscape and scenic beauty of the AONB (to which great weight must be attached), especially where the landscape character of land within and adjoining the designated area is complementary.

The site forms part of a Special Landscape Area (SLA). The newly-adopted Tewkesbury Borough Plan states at paragraph 8.3 that SLAs 'are defined where the topography is a continuation of the adjacent AONB and / or where the vegetation and associated features are characteristic of the AONB'. SLAs 'play a role in protected the foreground setting of the adjacent Cotswolds AONB' and are considered by the LPA to be a valued landscape having regard to paragraph 174 of the NPPF.

The fields that the proposed development would occupy also play an important role in separating the built development of Alderton from the Cotswolds National Landscape. As such, the site also plays a role in protecting the setting of the National Landscape. This is one of the reasons why site forms part of Special Landscape Area designation.

We consider that the landscape character of the site is complementary to – and a continuation of – the landscape character of the Cotswolds National Landscape, particularly Landscape Character Type 19 (Unwooded Vale). We note that neither the applicant's LVA nor Planning Statement mention the requirement at paragraph 176 of the NPPF that development within the setting of AONBs "*should be sensitively located and designed to avoid and minimise adverse impacts on the designated areas*". Indeed, the LVA appears to downplay the site's status within the setting of the AONB, opining that 'Alderton (and therefore the site) is considered to sit on the edge of the designation's setting, within the AONB fringe' (LVA, paragraph 7.15).

We do not recognise the term 'AONB fringe' and note the consideration of Inspector Jarratt in dismissing the previous application for 60 units in 2015, on what is largely the same site as this application, at paragraph 18 where he states "*I do not consider that Alderton acts as a buffer between the appeal site and the AONB but is part of a contiguous landscape. The appeal site and its setting consist of features characteristic of both the SLA and the AONB landscape. Although the AONB is higher ground with the SLA as a lower vale, the appeal site is seen as forming part of the gentle slope that falls from the AONB. The development of the appeal site would impact on the setting of the AONB through a loss of openness and pasture use*" (emphasis added).

We would also wish to reiterate the view of the Inspector at paragraph 24 of his decision letter that the site makes an 'important contribution to the foreground setting of the AONB' and that proposal would have a detrimental impact on this setting. On this basis, we consider that the proposed development would conflict with the SLA's value in having features that are a continuation of – and / or characteristic of - the Cotswolds National Landscape.

## 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 information 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.

## 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 consideration of 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.



## **Other matters**

We acknowledge that recent appeal decisions have concluded that Tewkesbury Borough Council is unable to demonstrate a five-year supply of deliverable housing sites and the applicant makes a case on this basis that the 'tilted balance' at paragraph 11d of the NPPF is invoked. However, we are conscious that the Council has since adopted the Tewkesbury Borough Plan which makes significant allocations for residential development and also that a number of major residential schemes have either been allowed at appeal or consented by the Council in recent months.

It may therefore be the case that when it next formally updates its land supply position, the Council may be able to demonstrate a five-year supply of deliverable housing sites and the application of its Development Plan policies would point towards a refusal of this application on this basis.

## **Recommendation**

In conclusion, we would request that the applicant provide the following further information to allow us to fully assess the potential impacts of the proposal on the setting of the AONB and 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:

- A plan clearly showing the location of representative photoviewpoints;
- Consideration of the potential impact of the scheme on views of the AONB in all directions from the photoviewpoint locations, ideally supplemented by photomontages/wireframes of the proposed development;
- An assessment of 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; and
- A consideration of the potential dark skies impacts in relation to the AONB.

## 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)
- 4) Planning appeal APP/G1630/W/20/3256319 (relating to planning application 19/01071/OUT). Paragraph 28 is particularly relevant in this regard.