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By email only to: anthony.foster@teiwkesbury.gov.uk

20 July 2022

Dear Anthony,

APPLICATION NO: 22/00686/FUL

DESCRIPTION: Construction of 25 dwellings

LOCATION: Land North of Leckhampton Lane, Shurdington

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located in the setting of the Cotswolds National Landscape¹ and we welcomed the opportunity to comment on the applicant's pre-application enquiry in April 2022.

The Board recognises and supports the importance of meeting local housing requirements, as long as this is 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.

As such, we acknowledge that this site is allocated in the Tewkesbury Borough Plan 2011-2031 and its allocation was supported by an assessment of its potential impact on the National Landscape (Assessment of Site Allocation Impacts on the Cotswold AONB (Toby Jones Associates, May 2019, 'the Toby Jones report')) which concluded that its development would be consistent with the policies set out in the Cotswolds AONB Management Plan, subject to the suggested mitigation being included within a subsequent planning application.

Having reviewed the applicant's submission and for the reasons outlined in Annex 1 below, we are satisfied that the proposed scheme and its mitigative measures are likely to be sufficient to avoid any adverse impacts on the natural beauty of the National Landscape as required by statute, national and local planning policy. Therefore, **we have no objection** to this application.

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", written over a light blue horizontal line.

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

Chairman:
Brendan McCarthy

Vice Chair:
Rebecca Charley

ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/00686/FUL

Planning Policy Background

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 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 Types (LCTs) 18 Settled Unwooded Vale, 2 Escarpment and 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 18 ([link](#)), including Sections 18.1, LCT 2 ([link](#)) including Section 2.1 and 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 Housing Position Statement ([link](#)), Development in the Setting of the AONB ([link](#)), Tranquillity ([link](#)), Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2 now updated in 2021](#), [link 3](#)) and Landscape-Led Development ([link](#)).

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 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 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. Policy RES1 identifies the sites that are allocated for residential development. The proposal site is allocation SHU2, land north of Leckhampton Lane, Shurdington and identified as a 1.2-hectare site with an indicative capacity of 20 dwellings. The policy also confirms that there is a site-specific policy, policy SHU2. This policy requires a number of matters to be addressed through a planning application, including that the development should incorporate the suggested mitigation within the Tewkesbury Borough Plan – Assessment of Site Allocation Impacts on the Cotswold AONB (Toby Jones Associates, May 2019, 'the Toby Jones report').

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 discussed above, the site-specific Tewkesbury Borough Plan policy SHU2 requires proposals to incorporate the suggested mitigation within the Toby Jones report, including minimising light pollution, which we comment on separately below.

In terms of landscape and visual impact, we note that the applicant's Landscape and Visual Appraisal (LandArb Solutions, May 2022) includes an assessment of the proposal's potential impact on views from the National Landscape from the Devil's Chimney/Leckhampton Hill (photoviewpoints 9 and 10), Shurdington Hill (photoviewpoint 14), Crickley Hill (photoviewpoints 12 and 13) and public rights of way on the Cotswold Escarpment (photoviewpoint 8). This is in line with the viewpoints used within the Toby Jones report and is broadly in line with our suggestions included within our pre-application response. The LVA photoviewpoints illustrate either that the site is not visible from a number of these key viewpoints or does not form a prominent feature in those where it is visible.

We broadly agree with the conclusions of the LVA. The site is contained on three sides by existing development and is well screened by surrounding trees, the majority of which would be retained and

supplementary planting provided. We agree that development of the site, which is relatively modest in size, is unlikely to create a perception of development extending into the open countryside and that its development will not significantly affect views to or from the high ground of the Cotswold Escarpment. As such, development of the site is unlikely to have a significant adverse impact on the landscape character of, or on views to or from, the AONB.

Tranquillity

Tranquillity is another 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 Board's Tranquillity Position Statement referenced above and within the applicant's submission 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. Cumulative impacts on tranquillity should also be taken into consideration in such assessments and with regard to the impact of the proposed development combined with other existing or proposed developments.

In our pre-application response, we recommended that an assessment should be undertaken of the potential percentage increase in traffic movements on roads within – and on the boundary of – the Cotswolds National Landscape resulting from the proposed development, in line with Section 4.5 of the Tranquillity Position Statement. This 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. On this basis, it can be argued that an increase in traffic flows 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.

The site access is taken from Leckhampton Lane, which when travelling eastbound from the site, forms the AONB boundary. Sections 5.2 and 5.3 of the applicant's Transport Statement outline how the development is forecast to generate 1 trip eastbound in both the AM and PM peaks, equating to less than 0.4% increase in traffic eastbound. Although the Transport Statement does not assess cumulative impacts, it is clear that the majority of traffic generated from the development will use Leckhampton Lane west of the site to access the A46 and is unlikely to travel eastbound along the AONB boundary or use the minor roads further into the AONB. In our view, the development is unlikely to have a significant adverse impact on the tranquillity of the AONB.

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 Toby Jones report referred to above recommended that the potential impact of the proposal with regards to light emissions should be considered through this planning application. As such, we welcome the submission of the applicant's Lighting Assessment and note the conclusion that the proposed development will be compliant with the 'sky-glow' criterion for ILP Environmental Zone E1 as set out in the Institute of Lighting Professionals (ILP) Guidance Note 01/21: The Reduction of Obtrusive Light, 2021, which forms an annex to the Board's Dark Skies and Artificial Light Position Statement.

We recommend that pre-occupation and ongoing compliance with the lighting criteria should be secured by means of a suitably worded planning condition referencing the above general mitigation measures and implementation of the embedded mitigation measures. This would be in the interest of preserving the dark skies of the National Landscape and to ensure compliance with relevant local plan policies 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) 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