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By email only to: chris_griggs@bathnes.gov.uk

4 August 2022

Dear Chris,

APPLICATION NO: 22/02169/EOUT

DESCRIPTION: (i) Outline application for Phases 3 and 4 for up to 300 dwellings; landscaping; drainage; open space; footpaths and emergency access; all matters reserved, except access from Coombe Hay Lane via the approved Phase 1 spine road (details of internal roads and footpaths reserved); (ii) Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; and boundary treatment; to enable construction of the spine road, and (iii) Detailed application for landscaping; mitigation works; allotments; including access; on the field known as Derrymans.

LOCATION: Parcel 4234 Combe Hay Lane Combe Hay Bath

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape¹.

Having reviewed the application including the supporting reports and surveys and for the reasons outlined in Annex 1 below we **object** to this application. We also request that the applicant provides some additional information outlined at Annex 1 to further assist our assessment of any potential adverse impacts of the proposal on the natural beauty of the National Landscape.

The applicant has acknowledged that the proposed development constitutes 'major development' in the context of paragraph 177 of the National Planning Policy Framework ('NPPF'). In effect, based on the definition of major development contained in footnote 60 of the NPPF, the applicant has acknowledged that the development merits this status by virtue of its nature, scale and setting, and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

Paragraph 177 of the NPPF states that planning permission should be refused for major development in Areas of Outstanding Natural Beauty other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

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.

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

The Board acknowledges that the application site is allocated for a residential-led mixed use development of around 300 dwellings in the Bath and North East Somerset Core Strategy and Placemaking Plan and notes the first phase of the development for 171 dwellings was granted planning permission by the Council in 2019. We also acknowledge both the Inspector's conclusion in his report on the Core Strategy in 2014 whereby, at that time, he considered the exceptional circumstances existed to justify allocating the site and the Council's assessment when determining the phase 1 application in 2019, although in the knowledge that the application was for significantly fewer dwellings than the site is allocated for, that the case for exceptional circumstances did not, at that time, need revisiting.

However, the Board strongly believes that the case for exceptional circumstances needs to be revisited for this application for two main reasons.

Firstly, that national planning policy and guidance has since changed, adding further weight to the level of protection afforded to AONBs. Most notably, paragraph 176 (then paragraph 172) of the NPPF was amended in July 2018, four years after the Core Strategy allocation was made and now specifies that the scale and extent of development in AONBs should be limited. Then in July 2019, a month after the Council's Planning Committee resolved to grant planning permission on the phase 1 application, the Planning Practice Guidance was amended with paragraph 041 now stating that AONBs 'are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas'. In our view, and in the absence of any evidence provided to the contrary by the applicant, the construction of the 171 dwellings that have already been granted planning permission is likely to have more than addressed the housing need arising within this part of the AONB. Therefore further homes will likely be accommodating housing need arising outside of the AONB, principally from the urban area of Bath.

Secondly, the case for exceptional circumstances also needs to be revisited due to the fact that this application exceeds the Core Strategy allocation by almost 60% with the applicant stating that further applications are likely to see the overall number of homes proposed for the site to exceed 520. Whilst we acknowledge the figure of 300 dwellings is not a cap on development, we consider that in proposing and agreeing an allocation in the Core Strategy for around 300 dwellings, it is unlikely that either the Council or the Core Strategy Inspector would have been making their assessments on the basis of the subsequent planning applications proposing a total of 471 or even 520 dwellings. By including the field known as Derrymans within the application red line, the current proposal also extends beyond the boundary of the site allocation further into the AONB (and into the Green Belt) and further undermines the requirement for the scale and extent of development in the AONB to be limited.

Given this context and our consideration of the NPPF paragraph 177 tests for exceptional circumstances in the Annexes below, we consider that the exceptional circumstances do not exist to justify a further 300 homes on top of the 171 already permitted upon a site which was originally allocated for 'around 300 dwellings'. In our view, there is no need for this site, located within an AONB where national policy states that the scale and extent of development should be limited, to deliver anything above the total of 300 homes it is indicatively allocated for in the Core Strategy. There are other ways to meet the District's housing requirement and having reviewed the supporting information, we conclude that the application is likely to have significant (in EIA terms) detrimental

effects on the AONB environment, the protection of which attracts great weight. Moreover, as AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them, such detrimental effects would also not be in the public interest.

We also consider that for the reasons outlined in Annex 1 that at present, a number of the placemaking principles required by the policy allocating the site are not met, including placemaking principles 1, 2, 3 and 5. The submission of the additional information requested below will allow the Board to draw more definitive conclusions on the potential impacts of the scheme.

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 22/02169/EOUT

PREFACE

The Board considers that this application is highly significant, not least due to the number of dwellings being proposed and the significant increase this constitutes over and above the indicative number of dwellings the site is allocated for within the Bath & North East Somerset Core Strategy and Placemaking Plans. This is the largest single application for new residential development within the Cotswolds National Landscape that the Board can recall in recent years.

It is of also great concern to the Board that the proposal, unusually for a development in the Cotswolds National Landscape, would adversely affect the majority of a Landscape Character Area (LCA) identified within the Cotswolds AONB Landscape Character Assessment, namely LCA 9A - High Wold Dip-Slope (Sulis Manor Plateau). In our view, it is questionable as to whether the site would continue to merit its AONB status if developed as proposed as it would merely become an urban extension to Bath. As such, it may not be included within the AONB in any future boundary review. This would be a very significant change from the current baseline and as outlined below, would be contrary to the Board's policy and guidance.

The site is valued due to its location within the Cotswolds AONB and as such, any development should conserve and enhance its natural beauty and the special qualities for which the AONB was designated². Further information regarding AONB designation, including the factors that contribute to the natural beauty of AONBs, is provided in Appendix 1 of the Cotswolds AONB Management Plan 2018-2023³ and in Natural England's guidance for assessing landscapes for designation as National Park or AONB⁴.

PRINCIPLE OF DEVELOPMENT AND 'EXCEPTIONAL CIRCUMSTANCES' (NPPF PARAGRAPH 177)

As outlined above, the Bath and North East Somerset Core Strategy and Placemaking Plan Policy B3a currently allocates the site for 'around 300 dwellings'. Planning permission has already been granted for 171 dwellings on Phase 1 of the site in August 2019 (appn. ref. 17/02588/EFUL) and that development is currently under construction.

Policy B3a specifies that *'the figure of 300 dwellings is not a cap on development if all the placemaking principles can be met'*. However, this application, if permitted, when combined with the extant planning permission for 171 dwellings, raises the prospect of this development within the Cotswolds AONB totalling 471 dwellings, with we understand, the potential for further applications within the Phase 2 area of the site⁵. This would likely take the total number of dwellings to over 520.

² <https://www.legislation.gov.uk/ukpga/2000/37/section/82>

³ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* ([link](#)). Appendix 1.

⁴ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England* ([link](#)).

⁵ For example, the applicant's representations to the current Local Plan Partial Update examination state that a further application for 'up to 50 dwellings' could be forthcoming on the land at Sulis Manor

As it stands, granting this permission would see an increase of almost 60% more than the 300 dwellings proposed in Policy B3a, the quantum upon which the site was considered for allocation by both the Council and Core Strategy Inspector.

The Board acknowledges that the Council and the Core Strategy Inspector took the view that making such a major allocation on a site within the AONB, and removing it from the Green Belt, was justified because they considered that, at that time, exceptional circumstances existed. However, since the examination of the Core Strategy in 2014 and the adoption of the Placemaking Plan in 2017, there have been a number of significant changes to national and local planning policy and guidance, which add further weight to the level of protection afforded to AONBs and should be considerations in the determination of this application. These include:

- the NPPF (paragraph 176), which now specifies that the scale and extent of development in AONBs should be limited;
- the Planning Practice Guidance (Natural Environment, paragraph 041), which now states that the NPPF's *'policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas'*;
- the Cotswolds AONB Management Plan, which now specifies, in Policy CE12, that *'development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB'*;
- the Government has also since clarified that *"meeting housing need is never a reason to cause unacceptable harm to such places [protected landscapes]"*⁶;

Prior to this site being allocated in the Core Strategy (and prior to the 171 dwellings being granted planning permission), the AONB boundary in this location provided a clear demarcation between the urban area of Bath, outside the AONB, and the rural countryside within the AONB. The rural parishes of this section of the AONB, such as South Stoke, consist of very small settlements. Given the small size of these settlements, the market and affordable housing need in these parishes is also likely to be very small. In our view, and in the absence of any evidence provided to the contrary by the applicant, the construction of the 171 dwellings that have been granted planning permission is likely to have more than addressed the housing need arising within this part of the AONB.

Therefore, this application is clearly intended to accommodate the housing needs of the urban area of Bath, outside the AONB, rather than the housing needs of the parishes within the AONB or the wider AONB sub-area within Bath and North East Somerset.

As such, this application is at odds with: (i) the NPPG statement that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas; and (ii) the AONB

(<https://beta.bathnes.gov.uk/sites/default/files/Matter%203%20Written%20Statement%20-%20Framptons%20for%20the%20Hignett%20Family%20Trust.pdf>)

⁶ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system#proposed-changes-to-the-standard-method-for-assessing-local-housing-need>

Management Plan policy CE12 that development in the AONB should be based on needs arising within the AONB.

Therefore, the Board's view is that as an allocation of 300 dwellings on a single site in the Cotswolds AONB would now appear to potentially be inconsistent with the NPPF's requirement for the scale and extent of development in AONBs to be limited, approving this application which would see that allocation exceeded by almost 60% would clearly not be consistent with the requirements of NPPF paragraph 176 and the other guidance listed above.

Exceptional circumstances

The applicant has acknowledged that the proposed development constitutes 'major development' in the context of paragraph 177 of the NPPF. This application therefore requires an assessment of the three tests outlined at paragraph 177 and also above.

Based on the requirements of paragraph 177, the decision maker should not simply weigh all material considerations in a balance but should refuse planning permission unless they are satisfied that exceptional circumstances apply *and* that the development would be in the public interest.

The applicant's Planning Statement gives their assessment of these exceptional circumstances at paragraphs 4.40 to 4.44. They also state that the Committee Report for the Phase 1 development determined that the exceptional circumstances outlined by the Core Strategy Inspector remained valid and that a further assessment was not required for that application at that time.

However, the initial assessment of exceptional circumstances was made by the Inspector in June 2014, more than eight years ago. The Council's Planning Committee also gave their consideration some three years ago in determining an application in June 2019 which they would have been well aware was for significantly fewer dwellings than the site had already been allocated for. If an Inspector had concluded that exceptional circumstances existed to justify 300 dwellings on this site, then it is logical that they would also exist to justify 171.

However, the Board strongly believes that a reassessment of exceptional circumstances must be made for this application, both for the reason of the changes in policy and guidance outlined above, but also due to the fact that permitting this application would result in an overall quantum of development on the site far in excess of the quantum considered when the Core Strategy allocation was made eight years ago. We consider each test in turn:

The need for the development

We note, and the applicant acknowledges, that the Government's 2021 Housing Delivery Test results, published in January 2022, demonstrates that housing delivery across B&NES has exceeded the requirement for the period 2018-2021 by nearly double (184%). This places B&NES within the top 25% of local authorities in England on this measure of recent housing delivery.

However, the applicant advances a case through this application that a quantum of development significantly over and above the indicative amount the site is allocated for in the Core Strategy will help to address a potential future shortfall in housing in the District. The Board disagrees with this

assertion and considers that the need for the development, in particular the number of dwellings proposed above the indicative allocation, has not been proven.

The Council recently published up-to-date information on housing land supply for the Local Plan Partial Update ('LPPU') examination. The LPPU, and the additional sites allocated within it to ensure that housing delivery in the district continues to meet its housing requirement, has now been through examination and the Inspector's findings are awaited in the next short number of months. We understand that depending on the Inspector's findings, the LPPU may be adopted in early 2023.

The Council's Written Statement (EXAM 4) on Matter 3 of the LPPU examination, dated 6 June 2022 ([link](#)), states that the latest April 2022 based housing trajectory demonstrates how, once the LPPU sites are allocated and anticipated delivery included, the Council can show a deliverable supply of 4,246 against a five-year requirement of 3,791 new dwellings. The Council also states that it is carrying a surplus of 842 from the previous six years of over delivery which is factored into the five-year supply calculation. This amounts to a supply of 7.3 years which includes a 5% buffer, significantly above the 5 years required by national planning policy.

The Council's trajectory calculation includes the 171 dwellings granted permission on this site in 2019 and anticipates a further 50 dwellings being delivered by the end of the current 5-year period in 2026/27 on the remainder of the site. Indeed, Appendix D of the Council's Written Statement relating to Matter 3 of the LPPU examination ([link](#)) lists a capacity of 129 dwellings from future phases of the B3a Odd Down allocation (to give an overall total of 300), rather than the 300 proposed here which would give a total of 471.

Therefore, the Council's own evidence clearly demonstrates that there is not, on adoption of the LPPU, a need for this site, which lies within an AONB where national policy states that the scale and extent of development should be limited, to deliver anything above the total of 300 homes it is indicatively allocated for in the Core Strategy. This is particularly relevant in light of national policy and guidance listed above and those matters which have emerged since the Core Strategy's adoption.

However, even if a case was made that there is an unmet housing need in BANES which will remain once the LPPU is adopted, recent Section 78 appeal Inspectors have held that the circumstances of a housing shortfall, including challenges around providing for affordable housing are not unusual and would not amount to exceptional circumstances that would justify harm to the AONB⁷. The social and economic benefits identified by the appellant would apply to any similar form of development, irrespective of its location, and as such we do not consider that they amount to exceptional circumstances in this case.

We would also wish to highlight the High Court judgement for 'Mevagissey Parish Council v Cornwall Council' where Hickinbottom J found that *"Even if there were an exceptional need for affordable housing in an area, that would not necessarily equate to exceptional circumstances for a particular development, because there may be alternative sites that are more suitable because development there would result in less harm to the AONB landscape"*⁸.

⁷ Paragraph 90, appeal reference APP/M2270/W/21/3273022, Hawkhurst Golf Club, dated 2 February 2022.

⁸ R (Mevagissey Parish Council) v Cornwall Council [2013] EHCW 3684. Paragraph 51.

Scope for developing outside the designated area or meeting the need for it in some other way

Case law has stated that ‘no permission should be given for major development save to the extent the development ... met a need that could not be addressed elsewhere or in some other way’⁹.

As stated above, the applicant relies upon the assessment of the Core Strategy Inspector when agreeing the site allocation site for 300 dwellings some eight years ago that there were no acceptable alternative sites which could replace the contribution those 300 dwellings would make to meeting the District’s housing requirement. Again, we would point out that the Inspector drew this conclusion on the basis of an allocation of around 300 dwellings, not more than 470 or 520.

However, with the emerging LPPU allocating a total of 940 further homes, including 530 allocated at Bath, it is also clear that there are now legitimate alternatives supported by the Council to meet the District’s housing requirements in some other way.

Detrimental effects

These are considered in the section below, primarily against the placemaking principles contained within the site allocation policy B3a. However, we conclude that the applicant has not adequately considered the potential detrimental impacts of the proposal on the environment and landscape and also underplays their assessment of these potential impacts.

Public interest

When assessing whether the proposed development is in the public interest, it is important to note mind that AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation’s interest to safeguard them.¹⁰

It is also important to note the Government’s recent assertion that ‘meeting housing need is never a reason to cause unacceptable harm to [AONBs]’.¹¹ We consider that the harm caused by the proposed development would be unacceptable, in this regard and therefore that the development would not be in the public interest.

‘Tilted balance’ (NPPF paragraph 11d)

For avoidance of doubt, although the applicant makes no case regarding the ‘tilted balance’ at paragraph 11d of the NPPF as they consider the application meets the requirements of paragraph 11c (a position we would dispute for the reasons outlined within this response), were the Council to consider the application in terms of paragraph 11d, we take the view that the ‘tilted balance’ does not apply because paragraph 11d(i) applies in this instance. In other words, the application of policies in

⁹ R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807 ([link](#)). Paragraph 35.

¹⁰ Department for Environment, Food and Rural Affairs (2017) *Areas of Outstanding Natural Beauty: Landscape Protection and Enhancement. Support Scheme (England) 2017-2019*. This wording is also used in Appendix 1 of the Cotswolds AONB Management Plan 2018-2023.

¹¹ Ministry of Housing, Communities & Local Government (2021) Government response to the local housing need proposals in ‘Changes to the current planning system’.

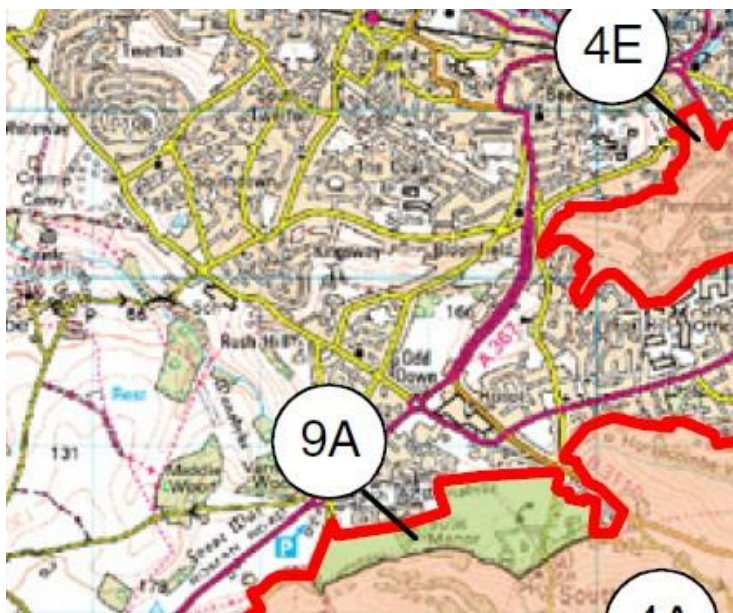
the NPPF that protect areas of particular importance (e.g. AONBs) provide a clear reason for refusing the development.

LANDSCAPE AND VISUAL IMPACTS (PLACEMAKING PRINCIPLE 5)

Landscape character effects

Policy CE10 of the Cotswolds AONB Management Plan also specifies that development proposals should be compatible with the Cotswolds AONB Landscape Character Assessment (LCA) and Landscape Strategy and Guidelines (LS&G).

As outlined in the preface section above, due to the size of the site, this development would likely adversely affect the landscape character of the majority of the High Wold Dip-Slope Sulis Manor Plateau LCA 9A shown below in an extract from the Board's Landscape Character Assessment map:



The allocation site covers the whole LCA 9A area apart from a small parcel to the southeast of the site boundary which is mainly occupied by the Sulis Down Business Village and residential development as well as a small parcel to the east of Southstoke Lane.

The Cotswolds AONB LCA describes the area's landscape character as *“Landcover is primarily improved pasture together with some arable, with fields being divided by a network of well-maintained hedgerows interspersed with hedgerow trees. Calcareous grasslands, more typical of the steep upper slopes of the neighbouring Broad Limestone Valley, are also present on the plateau and indicate limited improvement of some pastures. Woodland within the area is sparse, consisting of small deciduous blocks or linear plantations of young trees along the top of the valley slopes”*.

It then proceeds to mention how *“settlement is also very limited”* and describes how Bath's suburbs have a significant (adverse) influence on the landscape with built development, and in particular the

communications mast to the north of Sulis Manor having an urbanising influence on views northwards across the landscape.

Whilst we acknowledge the previous assessment of the Council and the Core Strategy Inspector that the site only exhibits some of the special qualities of the AONB, clearly development of this site would fundamentally change the character of this landscape and is completely at odds with the description of landscape character within the LCA.

We also note the comments of the Council's Landscape Officer, dated 17 July 2022, in response to this application and concur with his view that the applicant's Landscape and Visual Impact Assessment (LVIA, contained within the Environmental Statement (ES)) underestimates the potential adverse effects of the development on the character of the AONB. Paragraph 8.3.35 of the Environmental Statement deals with effects on the character of the AONB, which is described as being "*Cotswolds AONB (within the context of Bath)*" as consequently, the landscape sensitivity is essentially downgraded from high to medium/high.

We disagree with this assessment and suggest that the landscape sensitivity should be high, in recognition of the site's AONB status. Indeed, Table LC.1 of the LVIA's accompanying methodology shows that 'high' sensitivity landscapes those which are 'likely to be nationally designated'.

There are no detracting features present on the phase 3 and 4 site itself that represent harm to the site's overriding baseline landscape character, however its development would result in the loss of characteristic fields on the settlement edge and the expansion of the built form. The site is clearly at the settlement edge of Bath, but we would highlight the recent assessment of sites such as this made by an Inspector in a Section 78 appeal. This appeal concerned an edge of settlement site in Pewsey, Wiltshire within the North Wessex Downs AONB¹². At paragraph 17 of his decision letter, the Inspector states "*That said the whole of the AONB is subject to, and given the protection afforded by, the national designation. This includes areas on the fringe of settlements, such as the appeal site... it is the ... proximity to settlements that makes this type of site more vulnerable to development pressures. Significantly more so than the uplands and remote farmland where built development would be very rarely contemplated. Statute and national policy requires that I have regard to the purpose of conserving and enhancing the natural beauty of all of the AONB and great weight should be attached to that purpose*" (our emphasis).

Furthermore, at paragraph 8.5.35 of the LVIA, the magnitude of change is assessed to be '*low, relating to the limited scale of development, in the context of the urban area*'. We disagree with this assessment and agree with the Council's Landscape Officer's opinion that clearly, whilst the site area is small when compared to the size of the whole city of Bath, a residential development of up to 300 houses in this location and effectively part of a wider development approaching 500 homes is not of 'limited scale'. The applicant's Planning Statement directly contradicts this assessment, acknowledging that the proposals constitute 'major development in the AONB'. We would agree with the Landscape Officer that the magnitude of change in character for the part of the AONB within the southern environs of Bath would be at least 'medium' rather than 'low'.

¹² Ref: APP/Y3940/W/21/3283427, Land west of Wilcot Road, Pewsey, Wiltshire, 7 March 2022

This 'high' landscape sensitivity and 'medium' magnitude of change would result in the level of effect being at least 'moderate adverse' or 'moderate/substantial adverse' rather than 'slight/moderate adverse' as claimed in the ES. We also note that the Core Strategy Inspector concurred with the Council's site analysis in the WHS Setting and AONB Landscape and Visual Impact Assessment for Land Adjoining Odd Down prepared for the Core Strategy examination that development of the site would have a 'moderate adverse' impact upon the special qualities of the AONB.

An effect at the level of at least 'moderate adverse' would be considered significant in EIA terms and would need to be acknowledged as such in the Residual Effects Table (ES Appendix 12.03) and elsewhere. This significant adverse impact on landscape character would also need to be appropriately weighed in the planning balance, with the great weight to conserving and enhancing the landscape and scenic beauty of the AONB applied.

Visual effects

The ES acknowledges that there would be a number of adverse visual effects that would be significant in EIA terms. Adverse effects at the moderate/substantial level are identified in relation to local views from within the site, from the north, from the west, from the east/north-east and from the south (ES Table 8.04, pp184-186), including viewpoints within the AONB and from the PRow BA22/3.

The new Circuit of Bath footpath (which the Board has been involved in developing and promoting through the Bathscape project) runs along the site's southern and western boundaries (PRow BA/22/3). Given that it is now a promoted route within an AONB, visual receptors on the Circuit of Bath (i.e. walkers) should be classified as 'high' sensitivity rather than the 'medium/high'. This would result in a 'moderate adverse' level of effect rising to a 'substantial adverse' level of effect for some sections of the paths.

Again, such significant adverse visual impacts on would also need to be appropriately weighed in the planning balance, with the great weight to conserving and enhancing the landscape and scenic beauty of the AONB applied.

Bearing in mind the above, we do not consider that the requirement of placemaking principle 5 of Policy B3a to avoid or minimise detrimental impacts on the Cotswolds AONB has been met. By extension, we consider the application does not comply with Policy NE2 of the Placemaking Plan and policies CE1 and CE10 of the AONB Management Plan.

We would also concur with the Landscape Officer that in the interests of clarity and ease of communication of technical material in a way that is accessible to the public, the section of the ES dealing with visual effects should identify the particular viewpoints used to inform the judgements made (ES paragraphs 8.5.39 to 8.5.52 and Summary Table 8.04). We would then be happy to provide further comments.

We note that the Core Strategy Inspector, when assessing the site for an allocation of around 300 dwellings considered that impacts of the development on the AONB could be reduced by pulling built development back from the more sensitive parts of the site. In our view, reducing the quantum of development proposed by this application would further enable this.

TRANQUILLITY (PLACEMAKING PRINCIPLE 5 (and 7))

Tranquillity is a 'special quality' 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 in the context of this site, 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. Even where the tranquillity of the AONB is relatively low, the aspiration should be to conserve and enhance tranquillity.

In our view the potential impact on the tranquillity of the AONB has not been adequately assessed by the applicant. For example, 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. We also note traffic modelling carried out for phase 1 suggested that a total of 450 dwellings across all four parcels could cause a severe highway impact on the northbound approach to Odd Down Park & Ride roundabout, contrary to national planning policy.

The Board notes the consultation responses made by local Parish Councils including Wellow, Dunkerton & Tunley, Camerton, Englishcombe and South Stoke, all of whom express concerns regarding the impacts of increased traffic from the development, including an inadequate access to the site from Combe Hay Lane, the impact of additional vehicle movements associated with the site on the A367 Roman Road Odd Down Park & Ride roundabout and concerns over 'rat running' through the rural lanes and villages within the AONB on the southern side of Bath, for example to access the A36.

Section 4.9 of the Cotswolds AONB LS&G referred to above lists 'road upgrading and improvements, especially of minor country roads, as a result of development' as a 'local force for change' within this LCA. Section 4.10 deals with 'excessive traffic and/or speed on minor local roads and increase in size of vehicles using lanes'. Potential adverse implications of these include increased traffic movements on rural roads, pressure to improve roads by widening and straightening, loss of tranquillity and danger to walkers/riders and damage to verges and roadside boundaries.

The study area shown at Figure 6.01 of the ES shows that almost all of the minor roads within the AONB south of the site were not assessed within the ES; only a short stretch of Combe Hay Lane between Sulis Down and Sulis Manor Road was included. However, and perhaps unsurprisingly, the net impact of the development would be significant on this stretch, Table 6.01 showing a 70% increase in traffic volumes (rising to 81% when cumulative impacts are taken into consideration) and a 'moderate adverse' significance. Neither the transport nor landscape chapters consider the impact of increased traffic volumes on the tranquillity of the AONB.

Therefore, we consider that 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 through an addendum to the Environmental Statement.

LIGHTING/DARK SKIES (PLACEMAKING PRINCIPLE 5)

Placemaking principle 5 of Policy B3a requires the protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt and other ecological features retained or created within the site and in adjacent grazing lands. Light spill should be limited to no more than 1 lux (equivalent to a moonlit night).

In our view, the application does not adequately 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.

The 'dark skies' of the AONB are one of its 'special qualities'; in other words, it is a feature of the AONB that makes the area so outstanding that it is in the nation's interest to safeguard it. This consideration extends to, and indeed is arguably more important for, the AONB south of the site which, the applicant acknowledges, is unlit (Section 5, page 20 of the Lighting Impact Assessment, Illume Design, March 2022).

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. We are particularly concerned about the additional impact that the increased number of dwellings would have on the dark skies of the AONB (compared to the current baseline and even compared to the 300 dwellings allocated in the Core Strategy), including a relatively high level of sky glow.

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. In our view the applicant should demonstrate that the proposal complies with Guidance Note 01/21 on The Reduction of Obtrusive Light, published by the Institution of Lighting Professionals (ILP) (which forms Appendix 2 of our Position Statement on Dark Skies and Artificial Light referenced above) and other relevant guidance.

The AONB Management Plan policy CE5 and the Board’s Dark Skies and Artificial Lighting Position Statement are not considered within the applicant’s Lighting Impact Assessment. Indeed, the AONB designation of the site is only mentioned twice in the entire report. Whilst the LVIA considers dark skies matters, it does not adequately consider the AONB to the south and characterises the currently unlit site as more in keeping with the suburban development to the north.

The Lighting Impact Assessment proposes that lighting will be designed in accordance with the limiting criteria for an E3 Environmental Zone following discussions with the Council which agreed that the site will fall into this zone. Although we recognise that the site is close to the urban edge of Bath and its associated lighting, the ILP Guidance Note referred to above states where an area to be lit lies close to the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone (Note 1 on page 10). We also note the assessment of an Inspector in a recent section 78 appeal when considered AONB natural beauty issues that *“the fact that the appeal site is not within deep countryside... is not important”*¹³. In the context of dark skies, one element of natural beauty, the same lighting thresholds should apply.

We consider that an E3 classification is not appropriate within an AONB and setting such limits would not avoid or minimise light pollution from the site to the unlit AONB to the south, assessed to be Environmental Zone E1, with which it shares a boundary.

Therefore, we recommend that the relevant ‘environmental zone’ for which compliance should be assessed is Environmental Zone E1, which relates to AONBs.

COMPREHENSIVE MASTERPLAN (PLACEMAKING PRINCIPLE 2)

We note that the ‘comprehensive masterplan’ (dwg. ref. A-110 Rev. D) submitted by the applicant shows no development on the Phase 2 area of the site apart from the proposed spine road to serve Phases 3 and 4. It is annotated stating that ‘Phase 2 residential layout to be brought forward by Sulis Manor landowner’. In our view, this is not the ‘comprehensive’ masterplan required by Placemaking Principle 2. The remaining development parcels need to come forward as one coordinated application supported by technical reports and assessments which consider development across all phases and parcels rather than the continuing uncertainty regarding total development numbers on the site.

¹³ APP/Z3825/W/21/3266503 Land south of Newhouse Farm, Horsham, 30 July 2021, paragraph 40.

ALLOTMENT PROVISION (PLACEMAKING PRINCIPLE 3)

The Board shares the concerns of the Council's Landscape Officer regarding allotment provision and the field known as 'Derrymans', which lies outside of the allocation boundary and within the Green Belt and AONB, including the queries raised regarding inconsistencies between submitted plans, including the Comprehensive Masterplan and the Design & Access Statement.

Moreover, we have more fundamental concerns about the allotment provision at Derrymans as this part of the proposal extends beyond the site allocation into the AONB, further undermining the requirement of paragraph 176 of the NPPF for the scale and extent of development to be limited.

Placemaking principle 3 of policy B3a requires the 'provision of Green Infrastructure including ...allotments'. The policy relates to the land shown on the Key Diagram and Policies Map, which does not include Derrymans. In our view, if it had been anticipated, at the time that the Core Strategy and Placemaking Plan was developed, that the allotments would be located in Derrymans then that land would have been included within the site allocation boundary. Presumably, as it was not included, it was anticipated that the allotments would be provided for within the site allocation boundary. Given that this is not the case with the current proposal, it is arguable that the proposal is not in compliance with placemaking principle 3.

Notwithstanding this, paragraph 149 of the NPPF states that development providing allotments is not inappropriate development in the green belt, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Consideration relating to the impact of the proposed development, not only on the landscape and scenic beauty of the AONB, but also on the openness of the Green Belt is therefore required, particularly as the proposed allotment area comprises car parking, a 'hub / store' area, a picnic area and raised beds.

It is specified on drawing NPA 11192 XX ZZ DR L 3001 (Derrymans General Arrangement Plan) that details relating to this area will be secured by condition. However, the lack of detailed plans for the Derrymans proposals is concerning as part iii) of this application seeks full (detailed) planning permission for landscaping, mitigation works and allotments on Derrymans. As it is acknowledged in the LVIA that buildings associated with allotment provision will have an adverse visual impact on the AONB and Green Belt, detailed layouts are required along with detailed landscape proposals.

Therefore, we also would welcome further detailed plans and information on the allotment proposals and will then be able to comment further on the scale and nature of likely impacts on the openness of the Green Belt and impacts on the AONB from the allotment development at Derrymans, and as outlined by the Landscape Officer, any influence this may have on the location of allotments required for the Phases 3&4 development, its layout, parameters plans and potential reduction in the resultant number of dwellings.

CULTURAL HERITAGE/HISTORIC ENVIRONMENT (PLACEMAKING PRINCIPLES 5 & 6)

Cultural heritage is one of the factors that contributes to the natural beauty of the Cotswolds National Landscape and that the National Landscape's 'significant archaeological ... and historic associations' is one of the special qualities of the area. In relation to this application, these would include the

Wansdyke scheduled monument and Sulis Manor house and gardens. The Wansdyke is identified in the Cotswolds AONB LCA as being the 'principal feature of historic interest within the Character Area' (i.e. LCA 9A) as well as being 'a significant landscape feature', whilst the LCA as identifies Sulis Manor as being 'the most significant built element of the landscape' in LCA 9A and that 'it is notable for its fine 1930s gardens'.

As such we consider that the potential impacts of the development on these features are therefore an important consideration when considering the impacts of the development on the natural beauty of the CNL, in addition to being important considerations in their own right.

NATURAL HERITAGE/BIODIVERSITY (PLACEMAKING PRINCIPLE 5)

Natural heritage is another one of the factors that contributes to the natural beauty of the National Landscape and the National Landscape's flower-rich grasslands and (ancient) broadleaved woodland are two of the area's special qualities. As such the potential impacts of the development on natural heritage and biodiversity are an important consideration when considering the impacts of the development on the natural beauty of the Cotswolds National Landscape, in addition to being an important consideration in its own right.

The Cotswolds AONB LCA states that 'calcareous grasslands ... are present on the plateau' (i.e. LCA 9A) and although this habitat might have declined in LCA 9A since the time that the LCA was published, the explicit reference to it in the LCA makes it an important consideration, both in terms of potential impacts on any remnant habitat and in terms of Biodiversity Net Gain and habitat creation, particularly given the close proximity to calcareous grassland to the south of the site.

With this in mind, the site is identified as a 'grassland opportunity' area, with regards to nature recovery, in the Board's Natural Capital 'dashboard' ([link](#)). Whilst we welcome the proposed retention/creation of calcareous grassland at Derrymans (outside of the site allocation boundary), we note that this is a very small area, around 0.2ha and in our view, its impact would be negligible.

Paragraph 5.9 of the applicant's Biodiversity Net Gain Strategy states that in the absence of off-site post-interventions (including habitat retention, creation and enhancement) the outline development fails to achieve BNG with a score of -22.04%.

The Net Gain Strategy continues that "*potential options including off-site post-interventions mainly focussed on creation of lowland calcareous grassland within South Stoke valley would achieve a positive net gain of 11.39%. Options for off-site habitat creation will be explored further as the proposed development moves towards a full planning application and the required level of detail to inform the biodiversity metric emerges*". The applicant then proposes to achieve the required 10% net gain through a condition with an option to provide statutory credits.

This is a disappointing approach to biodiversity mitigation and habitat creation when it impacts a special quality of a nationally protected landscape, particularly when the application proposes such a significant increase in development over and above its indicative allocation and extends outside of its allocation boundaries. Given that the exceptional circumstances do not exist to justify an increase in development above the indicative allocation, a reduction in the quantum of Phase 3 and 4 development

to around 300 dwellings would allow more opportunity for on-site habitat restoration and Biodiversity Net Gain. We also recommend the creation of calcareous / species-rich grassland habitat on the field called 'Great Broad Close' (between the site and Wansdyke), with habitat connectivity to the existing calcareous grassland to the south of the site.

We therefore recommend that the applicant should consider expanding the creation of calcareous grassland habitats on-site to enable the delivery an on-site Biodiversity Net Gain of at least 10%, preferably 20% or more. This is supported by proposal 4 of the Government's Landscapes Review ([link](#) – page 52) which states that 'national landscapes should form the backbone of Nature Recovery Networks joining things up within and beyond their boundary'.

We also support Natural England's comments dated 18 July 2022 regarding potential impacts on biodiversity and the further information they require to determine impacts on designated sites.

RECOMMENDATIONS

Bearing in mind our comments above, we would request that the applicant provides the following additional information to allow a more thorough assessment of the potential impacts of the proposal on the Cotswolds National Landscape:

- Response to our comments on the LVIA including consideration of the significant adverse impacts on landscape character and visual impacts.
- An assessment of the % increase in traffic movements on the roads listed below in relation to the 10% threshold referred to above, for: (i) the proposed development in isolation and (ii) the cumulative increase in traffic movements resulting from all of the development on the allocated site to enable consideration of the potential impacts of increased traffic volumes using rural roads south of the site on the tranquillity of the AONB. This would include:
 - Combe Hay Lane south of the site;
 - West of Combe Hay to the A367 junction;
 - Between Combe Hay and Midford;
 - Old School Hill/Hodshill south to Combe Hay Lane;
 - Combe Hay to Wellow (Bath Hill); and
 - Wellow to the A36.
- Further consideration of the potential impacts of sky glow on the unlit AONB to the south of the site.
- Further detailed plans and information on the allotment proposals to enable an assessment of the scale and nature of likely impacts on the openness of the Green Belt and impacts on the AONB from the allotment development at Derrymans.
- Amended plans to reflect an increased provision of on-site calcareous grassland habitat.

We would then be happy to further comment on the potential adverse implications of the proposal and make further recommendations as to any mitigative measures.

ANNEX 2. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/02169/EOUT

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 Landscape¹⁴. 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 publications¹⁵:

- 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) 9 (High Wold Dip Slope) and 4 (Enclosed Limestone Valley);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, regards to LCT 9 ([link](#)), including Section 9.1 and LCT 4 ([link](#)) including Sections 4.1, 4.9 and 4.10;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Landscape-Led Development ([link](#)), Housing ([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)

The most relevant paragraphs of the NPPF in relation to AONB matters are paragraphs 176 and 177. Paragraph 176 outlines how great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and the scale and extent of development within these designated areas should be limited.

¹⁴ Section 85 of the Countryside and Rights of Way Act 2000. www.legislation.gov.uk/ukpga/2000/37/section/85

¹⁵ 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

Paragraph 177 outlines how when considering applications for development within AONBs, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. The following assessments should be undertaken when applications for major development are being considered:

- a) The need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 174, with regards to ‘valued landscapes’ and ‘the intrinsic character and beauty of the countryside’ is also relevant as well as paragraph 041 of the Planning Practice Guidance¹⁶.

Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Part c) of this paragraph states that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Adopted Development Plan

The Bath & North East Somerset Core Strategy was examined in 2014 and sets out the policy framework for the location and level of new housing and other development in the district. The Bath & North East Somerset Placemaking Plan was adopted in July 2017 and again allocates this site for residential development under the Policy B3a Land Adjoining Odd Down, setting out a number of placemaking principles, all of which must be fulfilled by subsequent planning applications.

The placemaking principles most relevant to the Board’s response and considered further below include:

- Placemaking principle 1: Residential led mixed use development (to include 40% affordable housing) of around 300 dwellings, in the plan period. The Site should be developed at an average density of 35-40dph. The figure of 300 dwellings is not a cap on development if all the placemaking principles can be met.
- Placemaking principle 2: Preparation of a comprehensive Masterplan, through public consultation, and to be agreed by the Council, reflecting best practice as embodied in ‘By Design’ (or successor guidance), ensuring that it is well integrated with neighbouring areas.
- Placemaking principle 3: Provision of Green infrastructure including multifunctional green space (formal, natural and allotments); well-integrated Sustainable Urban Drainage Systems and habitat, pedestrian and cycle connectivity within the Site and to the surrounding area.
- Placemaking principle 4: Include new Public Rights of Way and provide enhanced public access within the Site and connecting well to the surrounding area.

¹⁶ <https://www.gov.uk/guidance/natural-environment#landscape> Paragraph: 041 Reference ID: 8-041-20190721

- Placemaking principle 5: A Landscape and Ecological Mitigation Strategy and Management Plan is required, as part of the Masterplan, to ensure satisfactory mitigation and protection to include:
 - Protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt and other ecological features retained or created within the site and in adjacent grazing lands. Light spill should be limited to no more than 1 lux (equivalent to a moonlit night);
 - Retention and cultivation of planting features and off-site habitat including the retention of hedgerows and tree belts;
 - New woodland planting along the southern boundary of the plateau, particularly to the east of Sulis Manor (i) within the site and (ii) off-site within the plateau in order to strengthen bat foraging and flight links with Horsecombe Vale;
 - Retention and protection of existing trees and significant hedgerows by inclusion within public open space and enhance hedgerows by provision of additional planting;
 - Protect the tree belt on the southern edge of the site and enhance with additional planting to ensure visual screening of the site from views to the south;
 - Avoid or minimise detrimental impacts on (and provide enhancements to important landscape features and significant views):
 - the Cotswolds AONB;
 - South Stoke Conservation area and its setting;
 - The character of the Cam Brook valley and Sulis Manor Plateau;
 - The character of South Stoke and Combe Hay Lanes
 - Midford Road and the Cross Keys junction including maintaining open rural views over the plateau
 - The Wansdyke Scheduled Monument
 - Medium and long distance views such as Upper Twinhoe and Baggridge Hill.

Cotswolds AONB Management Plan

The Cotswolds AONB Management Plan 2018-2023, which is a material consideration in planning decision making identifies the special qualities of the AONB and provides a ‘portrait’ of the AONB before going on to set out a vision, desired outcomes, ambitions and policies for the management of the AONB. The current Management Plan was adopted by the Board in 2018, since the allocation of the site in the BANES Core Strategy and subsequent Placemaking Plan.

The Management Plan identifies the tranquillity of the area and its dark skies as being two of the ‘special qualities’ of the AONB. 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 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.

Policy CE12 states that *'development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB'*.