

PLANNING AND LICENSING COMMITTEE
8 July 2026
ADDITIONAL PAGES (*Published 6 July 2026*)

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE LOCAL
GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS		
Agenda No:	Ref No:	Content:
8	25/02687/FUL <i>(Land parcel East of Willersey Business Park Willersey)</i>	Additional Comments received from Willersey Parish Council – please see attached <ul style="list-style-type: none"> • Formal Representation on Foul Drainage Condition • Formal Representation on S106 Leisure Contribution
9	26/00613/OUT <i>(Land to the East of Nostle Road Northleach)</i>	Comment received from the Cotswolds Conservation Board – please see attached dated 29 June 2026
10	25/02443/FUL <i>(Land to the West of Fossey Farm Moreton-In-Marsh)</i>	Additional Comments received from a third party (summarised): <ul style="list-style-type: none"> • Concerns regarding the absence of affordable housing provision, the low density of the proposed development, and the conclusions of the submitted viability assessment. • Contend that the scheme fails to provide the policy-compliant 40% affordable housing contribution and, at approximately 15 dwellings per hectare, does not make

Cont/.....

ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS

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		<p>efficient use of the site. Concerns are also raised regarding the assumptions underpinning the viability assessment, particularly in relation to benchmark land value and density.</p> <ul style="list-style-type: none">• Whilst the provision of bungalows is acknowledged as a positive aspect of the proposal, it is considered that this benefit is reduced by the absence of affordable housing and any mechanism to prioritise occupation by older people or those with disabilities.• Request that, if the viability assessment is accepted, a review mechanism be secured through a Section 106 agreement to capture any future improvement in viability towards affordable housing provision. Also request consideration of measures to prioritise the marketing of a proportion of the bungalows to older persons and people with disabilities. <p>Response from Gloucestershire County Council Highways received:</p> <ul style="list-style-type: none">• Gloucestershire County Council, as Highway Authority, raises no objection to the application, subject to conditions.• The Highway Authority accepts the findings of the submitted Transport Statement and considers that the proposed 10 dwellings would generate approximately six vehicle trips during peak hours. Given that the existing access already serves the Aldi store and nursing home, this additional traffic is not considered to result in an unacceptable impact on highway safety or congestion. <p style="text-align: right;">Cont/.....</p>

ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS

Agenda No:	Ref No:	Content:
		<ul style="list-style-type: none"><li data-bbox="603 450 1476 703">• The Authority considers the access arrangements acceptable, including the narrower section beyond the adopted highway, and notes that the site is reasonably accessible by sustainable modes of transport, with nearby bus stops and pedestrian connections to the existing footway network. <li data-bbox="603 757 1476 1048">• Overall, the Highway Authority concludes that the development would not have an unacceptable impact on highway safety or result in a severe impact on the road network and therefore has no objection, subject to conditions relating to parking and cycle provision, estate road construction, access arrangements, construction traffic management, and wheel washing facilities.

Formal Representation on Foul Drainage Condition

- Willersey Parish Council notes the officer's recommended Conditions 21 and 22 relating to water supply and foul drainage.
- The Council welcomes the inclusion of Condition 21 as a **pre-occupation** restriction ensuring that water network upgrades are completed, or a phasing plan agreed, before any dwelling is occupied.
- However, the Council is concerned that Condition 22, as currently drafted, is a **pre-commencement** condition dealing only with the design and technical approval of foul drainage infrastructure. While this is important, it does not prevent the occupation of dwellings before Severn Trent Water's required off-site foul drainage improvement works have been completed.

Given the known constraints within the local foul drainage network, and the need for off-site reinforcement to accommodate the development, the Parish Council considers it necessary and reasonable for a separate **pre-occupation condition** to be applied, mirroring the approach taken in Condition 21 for water supply.

This would be compatible with ST's own submission requesting a condition that:

'The scheme shall be implemented in accordance with the approved details before the development is first brought into use.'

Suggested Additional Condition – Foul Drainage (Pre-occupation)

No dwelling hereby permitted shall be occupied until the off-site foul drainage improvement works identified by Severn Trent Water as necessary to accommodate the development have been completed and are operational. Written confirmation of completion shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate foul drainage capacity is available to serve the development and to prevent the risk of sewer surcharge, in accordance with the National Planning Policy Framework and Policy EN14 of the Cotswold District Local Plan.

Formal Representation on S106 Leisure Contribution

This application makes no provision for recreation for over 8 years.

The open space is largely an attenuation pond and wildflower meadow which cannot be used for recreation and the LEAP is for kindergarten.

We request that the proposed £8,000 leisure/recreation contribution be reassessed prior to completion of the Section 106 agreement to facilitate a MUGA.

The Terrafy proposal represents a 13% increase in the number of dwellings in Willersey This is a material scale of growth that significantly increases recreational demand across all age groups.

Cotswold District Council's own Open Space, Sport & Recreation evidence base (2016) requires development to meet needs across all age groups.

INF4 requires development to provide adequate and appropriate open space, sport and recreation provision to meet the needs it generates, either onsite or through the S106.

- **The proposed LEAP serves only ages 2–8 e.g. a 6ft high slide. it does not meet the multi-age recreational requirements set out in CDC's own standards**
- **Neither can the open space be used for games as it is largely made up of a fenced off attenuation pond with the rest being wildflower meadow.**

The PC has identified a directly related project: the installation of a Multi-Use Games Area (MUGA) at the Recreation Ground. This would provide year-round, multi-sport capacity for the increased population arising from development and would mitigate the additional pressure on the village's only formal recreation space. A sizeable contribution towards a MUGA is therefore the appropriate and policy-aligned means of mitigating the recreational impact of this development.

The current £8,000 contribution is significantly below typical local benchmarks of £1200 per dwelling and is not proportionate to the cost of delivering a MUGA.

Indicative cost of a village-scale MUGA is £175,000 for a 30mx18m court, i.e. £150,000 plus £15,000 for lighting & £10,000 for access.

- The PC will receive no CIL from this development due to the statutory cap being reached by the Folly View scheme.
- The proposed £8,000 contribution therefore represents less than 5% of the cost of a basic MUGA and is not proportionate to the development's impact.
- Therefore, S106 is the only mechanism available to mitigate the recreational impact of this development, and in accordance with CIL Regulations, the contribution should be fairly and reasonably related in scale and kind.

We note that the Committee may lawfully approve the application subject to the completion of a Section 106 agreement and respectfully request that the following amendment be adopted as part of the resolution to permit the application:

That the leisure contribution be reassessed and recalculated to reflect the development's impact on Willersey Recreation Ground and the identified need for a Multi-Use Games Area (MUGA), and that the Section 106 Heads of Terms be amended accordingly prior to completion of the agreement.



**Cotswolds
National
Landscape**

Martin Perks
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By email only to: planning@cotswold.gov.uk

29 June 2026

Dear Martin,

REFERENCE NO: 26/00613/OUT

DESCRIPTION: Outline application for 50 dwellings, plus associated infrastructure and landscaping. All matters reserved except access

LOCATION: Land To The East Of Nostle Road, Nostle Road, Northleach, Gloucestershire

The Cotswolds National Landscape Board ('the Board') requests that the Council considers the additional assessment contained in this response in tandem with that provided by the Board dated 31 March 2026. Whilst our previous response comprised a 'standard' response due to the short period between the Board becoming aware of this application and the end of the consultation period, we wish to make some further comments to assist the Council in the determination of this application.

In their response dated 15 June 2026 to comments submitted by Northleach Town Council, the Applicant stated that *"it is also notable that the Cotswolds National Landscape Board has raised no objection to the proposals"*. To clarify, the Board did not provide a 'no objection' consultation response; the Board's previous response merely highlighted our relevant Management Plan policies and other guidance for the Council to consider in determining the application and provided no further assessment.

For the reasons expanded upon in Annex 1 below, the Board wishes to raise a **holding objection** to this application.

The Board considers that the proposal comprises major development within the CNL for the purposes of NPPF paragraph 190 and therefore permission should be refused other than in exceptional circumstances and where it can be demonstrated that the proposal is in the public interest. At this stage we consider that the major development 'tests' outlined at paragraph 190 have not yet been passed to demonstrate that exceptional circumstances exist and that the development would be in the public interest.

We also consider that the proposal as submitted would not conserve and enhance the landscape and scenic beauty of the CNL and consequently the application does not accord with Cotswold Local Plan Policy EN5 and paragraph 189 of the NPPF as well as with Policies CE1, CE13 and CE15 of the CNL Management Plan. We consider that these conflicts represent a strong reason for refusal in NPPF paragraph 11d)i) terms.

Furthermore, the proposal has not demonstrated how it seeks to further the purpose of the CNL's designation, that being the conservation and enhancement of its natural beauty as required by s.85 of the Countryside and Rights of Way Act.

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

In Annex 1 we outline that whilst we consider that the site is suitable in principle for development, the scale and extent of the proposal should be reduced in order to achieve the aims outlined within the Council's SHELAA Site Assessment's proposed site design brief and would welcome the opportunity to comment on a revised scheme were one to be submitted.

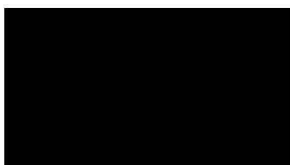
DEFRA guidance for relevant authorities (referred to in Appendix 1 below) states that as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes. This goes beyond mitigation and like for like measures and replacement. The proposed measures to further the statutory purpose of a National Landscape should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured.

The 'seek to further' duty does not preclude decisions that are 'net harmful' to the natural beauty of a National Landscape. However, positive evidence is required to demonstrate that the relevant authority has, in all the circumstances, sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose.

Without prejudice, if the LPA is minded to permit this application, it should provide proportionate, reasoned, and documented evidence to demonstrate how it sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose. If it is not practicable or feasible to take measures to further this purpose, the LPA should provide evidence to show why it is not practicable or feasible.

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

Yours sincerely,



Simon Joyce MRTPI
Planning Officer
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ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 26/00613/OUT

Planning Policy and Guidance

National Planning Policy Framework (December 2024)

Paragraphs 187 and 189 of the National Planning Policy Framework ('NPPF') provide the highest status of protection for the landscape and scenic beauty of National Landscapes. Paragraph 187 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 189 then outlines the 'great weight' to be given to the conservation and enhancement of the landscape and scenic beauty of National Landscapes. It also sets out how the scale and extent of development within National Landscapes should be limited whilst development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 190, discussed in more detail below, states that planning permission should be refused for major development in National Landscapes other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

Adopted Development Plan

Cotswold District Local Plan Policy EN5 concerns the Cotswold Area of Outstanding Natural Beauty (AONB, now termed Cotswolds National Landscape) and states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight. Major development within the CNL is only permitted where national policy exceptions are met.

Cotswolds National Landscape Management Plan

The Cotswolds National Landscape Management Plan 2025-2030 is a material consideration in planning decision making. Policy CE1 states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, should be delivered in a way that is compatible with and seek to further the conservation and enhancement of the landscape character of the location, as described by the Cotswolds National Landscape Board's Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment. Proposals that have the potential to impact on, or create change in, the landscape of the CNL, should seek to further the conservation and enhancement of the scenic quality of the location and its setting, views, including those into and out of the National Landscape and visual amenity.

The Board's Tranquillity Position Statement referenced above recommends that proposals that have the potential to impact on the tranquillity of the National Landscape accord with Policy CE5 of the Cotswolds National Landscape Management Plan 2025-2030, gives great weight to conserving and enhancing the tranquillity of the National Landscape and assess potential impacts on tranquillity, particularly with regards to noise, vehicle movements and landscape and visual impacts. Policy CE5 states that proposals that have the potential to impact on the tranquillity of the CNL should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this tranquillity, by seeking to avoid and where avoiding is not possible, minimise noise and other aural and visual disturbance.

Policy CE6 states that proposals that have the potential to impact on the dark skies of the CNL should be delivered in a way that is compatible with and seek to further the conservation and enhancement of these

dark skies, by seeking to avoid and where avoiding is not possible, minimise lighting. Proposals that have the potential to impact on the dark skies or dark landscapes of the CNL should have regard to and be compatible with the Board's Dark Skies & Artificial Light Position Statement, the Cotswolds National Landscape Technical Lighting Design Guidance (soon to be added to our website) and best practice standards and guidance, in particular, that published by the Institution of Lighting Professionals.

Policy CE13 states that development and infrastructure proposals in the Cotswolds National Landscape and in its setting should be delivered in a way that is compatible with and seeks to further the conservation and enhancement of the natural beauty of the CNL including its special qualities. In doing so, they should have regard to – and be compatible with the CNL Management Plan and guidance produced by the CNL Board, including the: (i) CNL – Landscape Strategy and Guidelines (ii) CNL – Landscape Character Assessment (iii) Cotswolds Nature Recovery Plan (iv) CNL - Local Distinctiveness and Landscape Change (v) CNL Board Position Statements (vi) CNL Pathway to Net-Zero; and (vii) CNL Climate Change Strategy.

Development and infrastructure proposals in the CNL and its setting should comply with relevant national planning policy and guidance, particularly with regards to those paragraphs of the National Planning Policy Framework (NPPF) that relate to national landscapes.

A landscape-led approach should be applied to the planning, design and implementation of development and infrastructure proposals in the CNL and its setting, proportionate to the type and scale of development being proposed, whereby proposals: a) Address the natural beauty of the CNL as primary consideration at all stages of the development process, from initial conception through to implementation; b) Address all of the factors that contribute to the natural beauty of the area; c) Address access to natural beauty including the character of the public rights of way network and its role within wider green infrastructure; d) Reflect and enhance the character of the local area; e) Avoid adverse effects where possible and, if adverse effects can't be avoided, minimise them; f) Seek opportunities to enhance the natural beauty of the CNL; and g) and Deliver more beneficial effects than adverse effects for the natural beauty of the CNL.

Policy CE15 of the Management Plan outlines how development in the Cotswolds National Landscape should be based on robust evidence of local need arising from within the National Landscape and underlines national policy that the scale and extent of development in the CNL should be limited. Within the CNL, windfall housing proposals on undeveloped land adjoining, or outside of, built up area boundaries (or equivalent) should only be supported where there is robust evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement.

Major development within the CNL

As discussed above, paragraph 190 of the NPPF states that '*permission should be refused for major development [in national landscapes] other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest*'. Footnote 67 of the NPPF states that '*whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*'.

For development that is deemed to constitute major development in the context of paragraph 190 of the NPPF, paragraph 190 requires that such applications / proposals should include an assessment of:

- 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.

As outlined below we also consider that the development could have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the CNL. Therefore, the Board considers that, on balance, the proposal comprises major development for the purposes of NPPF paragraph 190.

Therefore, an assessment of this specific proposal against the requirements of NPPF paragraph 190 is required to assess whether the exceptional circumstances exist for such major development within the CNL.

Major development test A – assessing the need for the development

The Council's most recent Housing Land Supply Report (June 2025) which demonstrates a 1.8-year housing land supply, a shortfall of 3,493 dwellings across Cotswold District. It also outlines affordable housing need and affordability pressures, again across the district as a whole.

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 AONB¹. However, given the context where the housing need figure for Cotswold District has significantly increased because of changes made to the Government's standard method for calculating housing need, the continuing allocation of the site in the Council's Local Plan and the current lack of 5-year housing land supply we would not wish to object on the basis of a lack of need for the development.

Major development test B – assessing the cost of, and scope for, developing outside the designated area or meeting the need 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'².

As discussed above the Council currently faces a shortfall of 3,493 dwellings that must be deliverable within the next five years to achieve a five-year housing land supply in accordance with the NPPF. Sites identified by the Council in its most recent SHELAA in settlements outside of the CNL would not reach that figure alone and that it is development of allocated sites within the CNL will need to be brought forward to help meet the district's acute housing needs.

As such we would also not wish to object on this matter.

Major development test C – assessing any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

We now turn to consider whether the proposal would give rise to any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated, principally landscape and visual impacts and impacts on dark skies.

Landscape and Visual Impact

This site (N14B) is already allocated in the adopted Local Plan. However, the adopted allocation is for 17 dwellings. Therefore, consideration will need to be given to the appropriateness of this density of housing on a sensitive edge-of-settlement site forming the approach to the town from the east.

The 'Study of land surrounding key settlements in Cotswold District' rates the landscape sensitivity of this allocation as 'medium to high/medium'. This rating is re-iterated in the Northleach Site Assessment Strategic Housing and Economic Land Availability Assessment (SHELAA, 2021). This is slightly below the threshold at which the Board considers inappropriate (i.e. it is not high or high-medium sensitivity).

¹ Paragraph 90, appeal reference APP/M2270/W/21/3273022, Hawkhurst Golf Club, dated 2 February 2022.

² R (Advarese) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807 ([link](#)). Paragraph 35.

These studies set out various mitigation measures that would make the allocation acceptable in landscape terms with the SHELAA site assessment supportive in principle of a development of 35 dwellings and public open space.

This site is described as occupying *"a prominent location on rising ground at the eastern edge of Northleach. It is predominantly an arable field. The site also contains a belt of trees and other native plants along the northern boundary. The boundaries have dry stone walls to the south and west and a low stone wall to the east. There is late 20th Century housing adjacent to the western boundary and a recently completed 40 dwelling development to the south, which is located on the opposite side of East End. East End is the main approach road to the settlement from the A40 from the east and provides clear views into the site along its southern boundary. There are open pasture fields to north and east"*.

In discussing landscape sensitivity it is observed that *"The parcel is susceptible to housing development by reason of its sloping character which exposes it to views from the east, its location in open countryside and by its association with the wider farmed landscape. Its location within the Cotswolds AONB is indicative of its landscape value. However, within the wider landscape the parcel is well screened except from the east and south-east, where it is seen against a backdrop of existing housing when approaching the settlement from the east. Housing development here would only be acceptable if it was carried out to a very high standard to create a more pleasing indented and varied edge to the settlement on this side. The treed boundary to the north should be retained and enhanced within any scheme. Development should not venture east beyond the settlement edge created to the south by the recently completed development. The east of the parcel could be utilised for community benefit and the enhancement of Green Infrastructure provision"* (our emphasis).

Whilst it is acknowledged that this application is made in outline form with matters relating to layout, scale and landscaping to be determined at a future reserved matters stage should outline planning permission be granted, the Indicative Masterplan and Indicative Landscape Masterplan are likely to be included in the list of approved plans with which a future reserved matters application will likely have to substantially accord.

Accordingly, the Board considers that the guidance provided within the Council's SHELAA assessment and site design brief has not been adhered to within this proposal.

The Council's proposed site design brief outlines that any scheme should:

1. *improve the eastern gateway into Northleach through sensitive design and the development must respect and reflect the local character with a very high design standard.* A development built in adherence to the indicative layout and landscaping plans would not improve the eastern gateway to Northleach; it features development up to the site boundary in the northeastern corner (the highest part of the site) where the side and rear elevations of dwellings would appear prominent on the approach to the town. In particular, the northeastern corner features residential boundaries abutting open countryside with no additional landscaping to screen or soften views of the development.
2. *create a soft edge to the settlement that improves the transition between the built-up area and the surrounding countryside;* As alluded to above, the increased number of homes proposed has necessitated built form to be located close to the sensitive northern and eastern boundaries along with little in the way of boundary planting or other soft landscaping. This would result in a harder urban edge than envisaged by the design brief.
3. *not extend the line of houses beyond the line of built form of the recently completed 40 dwelling development to the south;* this advice has clearly not been adhered to in this proposal with built form extending significantly beyond the line of the development to the south and would result in urban encroachment further into the countryside in a prominent location.
4. *include a large area of public open space on the part of the site which does not accommodate housing development, which should contribute towards the delivery of the Green Infrastructure ring around the town; include a footpath; SuDs; substantial areas of tree planting and other features to enhance biodiversity;* whilst areas of open space are proposed along the northern boundary and in the southeastern corner (necessitated by drainage requirements), we consider that this does not comprise the 'substantial areas' of tree planting envisaged by the design brief, particularly given the likely landscape and visual impact of the proposal.

5. *retain and enhance the woodland belt along the northern boundary;* The woodland belt has been retained and some sporadic further planting proposed, however the northeast corner of the development would be developed in a manner the Board considers unacceptable. If the aim of this criterion is to reduce the visual impact of the development and create a softer transition from countryside to urban form, the northern and eastern boundaries require further planting and development to be pulled back significantly.
6. *create a treed boundary along the eastern and southern boundaries to break up the development form, as well as trees throughout the development.* See comments above.

We also have concerns over what appears to be an agricultural access retained on the eastern boundary. In the first instance we would question the desirability of agricultural vehicles travelling through a residential estate and secondly, given the width of the access, it could clearly serve a potential future development to the east.

We consider that the LVIA underestimates the effects of the proposal, both in terms of effects on landscape character and visual receptors. Given our observations above regarding the potentially harmful impacts of the proposal, we do not agree with the LVIA's conclusion that there would be a direct, neutral effect of a negligible level of significance upon the National Landscape on completion, with a minor beneficial effect at year 15 compared to its current condition and contribution to local CNL landscape character. We also disagree that effects on views from the east would be moderate direct adverse during construction and on completion, reducing to negligible neutral after year 15 compared to the view currently experienced, particularly considering the proposed treatment of the northern and eastern boundaries. We consider that there would be a direct significant adverse effect on both landscape character and views experienced by receptors to the east on the approach to Northleach. This would not accord with Sections 9.1 and 10.1 of the Cotswolds AONB Landscape Strategy and Guidelines, particularly "*Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements on visible hillsides*".

Whilst the Board considers that the site is suitable in principle for development, the scale and extent of the proposal should be reduced in order to achieve the aims outlined within the Council's SHELAA Site Assessment's proposed site design brief and would welcome the opportunity to comment on a revised scheme were one to be submitted.

Lighting and Dark Skies

Light pollution occurs in the form of light trespass where light shines where not needed, sky glow where light appears over towns and cities or brightly lit locations within rural areas 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.

No detailed information has been submitted in respect of lighting with the applicant stating that it will be considered at reserved matters stage, should outline planning permission be granted. It is stated within the Design & Access Statement that it is intended that no street lighting will be provided, which is supported.

Paragraph 198c 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 National Landscapes 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 CE6 of the National Landscape Management Plan states that proposals that have the potential to impact on the dark skies of the CNL should be delivered in a way that is compatible with and seek to further the conservation and enhancement of these dark skies, by seeking to avoid and where avoiding is not possible, minimise lighting.

Street lighting and other external lighting should be kept to a minimum and we recommend that a detailed lighting scheme should be submitted which demonstrates compliance with the requirements of with Guidance Note 01/21 on The Reduction of Obtrusive Light, published by the Institution of Lighting Professionals (ILP) (which forms Appendix 2 of the Board's Position Statement on Dark Skies and Artificial Light, referenced above).

We would recommend that the relevant 'environmental zone' for which compliance should be assessed is Environmental Zone E1 which relates to National Landscapes to mitigate any adverse impact and ensure that all lighting meets the standards to preserve the dark skies and landscape character of the Cotswolds National Landscape.

We would also recommend that the lighting strategy should comply with relevant aspects:

- Guidance Note 01/21 on The Reduction of Obtrusive Light, published by the Institution of Lighting Professionals (ILP) (which forms Appendix 2 of the Board's Position Statement on Dark Skies and Artificial Light, referenced above);
- Towards a Dark Sky Standard, published by the UK Dark Skies Partnership ([link](#));
- Dark Skies Technical Advice Note (May 2021), published by South Downs National Park Authority ([link](#));
- Dark Skies Technical Advice Note Appendix - Glazing (May 2021), published by South Downs National Park Authority ([link](#));
- Lighting Design Guide (July 2023), published by Dedham Vale National Landscape and Coast & Heaths National Landscape ([link](#))

The Board has also recently adopted further Technical Lighting Design Guidance which will be provided to the LPA once published on our website.

Without prejudice, if the local authority is minded to grant planning permission, planning conditions should be imposed which seek to mitigate any adverse impact and ensure that all lighting meets the standards outlined above and will be limited to low-level, down-facing lights to preserve the landscape character and natural beauty of the Cotswolds National Landscape.

For the reasons outlined above relating to landscape and visual impact, we consider that test c) has not yet been passed.

Public interest

When assessing whether the proposed development is in the public interest, it is important to note that National Landscapes are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. It is also important to note that the Government has stated that 'meeting housing need is never a reason to cause unacceptable harm to [National Landscapes]' (Ministry of Housing, Communities & Local Government (2021) Government response to the local housing need proposals in 'Changes to the current planning system).

We consider that the harm identified above caused by the proposed development as currently submitted would be unacceptable in this regard and would not be in the public interest.

Conclusion

The Board considers that the proposal comprises major development within the CNL for the purposes of NPPF paragraph 190 and therefore permission should be refused other than in exceptional circumstances and where it can be demonstrated that the proposal is in the public interest. At this stage we consider that the major development 'tests' outlined at paragraph 190 have not been passed to demonstrate that exceptional circumstances exist and that the development would be in the public interest.

We consider that the proposal as submitted would not conserve and enhance the landscape and scenic beauty of the CNL and consequently the application does not accord with Cotswold Local Plan Policy EN5 and paragraph 189 of the NPPF as well as with Policies CE1, CE13 and CE15 of the CNL Management Plan.

We consider that this represents a strong reason for refusal in NPPF paragraph 11d)i) terms and that the 'tilted balance' should not be engaged.

Furthermore, the proposal has not demonstrated how it seeks to further the purpose of the CNL's designation, that being the conservation and enhancement of its natural beauty as required by s.85 of the CRoW Act.

DEFRA guidance for relevant authorities (referred to in Appendix 1 below) states that as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes. This goes beyond mitigation and like for like measures and replacement. The proposed measures to further the statutory purpose of a National Landscape should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured.

The 'seek to further' duty does not preclude decisions that are 'net harmful' to the natural beauty of a National Landscape. However, positive evidence is required to demonstrate that the relevant authority has, in all the circumstances, sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose.

Without prejudice, if the LPA is minded to permit this application, it should provide proportionate, reasoned, and documented evidence to demonstrate how it sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose. If it is not practicable or feasible to take measures to further this purpose, the LPA should provide evidence to show why it is not practicable or feasible.

APPENDIX 1: THE STATUTORY DUTY ON RELEVANT AUTHORITIES TO SEEK TO FURTHER THE STATUTORY PURPOSE OF THE COTSWOLDS NATIONAL LANDSCAPE, SECTION 245 OF THE LEVELLING UP AND REGENERATION ACT 2023

Section 245 of the Levelling Up and Regeneration Act 2023³ (LURA) introduced a statutory duty on relevant authorities⁴ to seek to further the statutory purposes of protected landscapes⁵ (the ‘seek to further’ duty). With regards to National Landscapes, this requirement has been incorporated into Section 85 of the Countryside and Rights of Way (CROW) Act 2000, which now states:

- *In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*⁶

This replaces the previous version of Section 85 of the CROW Act, which required relevant authorities to have regard to the statutory purpose of national landscape designations (the ‘duty of regard’).

Section 245 of the LURA and Section 85 of the CROW Act also state that ‘*the Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty*’. These regulations are likely to be enacted during the lifetime of this iteration of the CNL Management Plan. However, the application of the duty is not dependent on these regulations.

The ‘seek to further’ duty is in force now, as it has been since 26 December 2023, and must be complied with.

Guidance and advice

Guidance on the ‘seek to further’ duty has been published by Defra⁷ and the National Landscapes Association⁸. In addition, Natural England has provided advice on the ‘seek to further’ duty in relation to a nationally significant infrastructure project⁹ and the Campaign for National Parks has obtained a legal opinion on the duty¹⁰. Other useful reference points include the Government’s explanatory note on the Lords’ amendments to the Levelling Up and Regeneration Bill¹¹ and the Government’s LURA press release¹².

This appendix pulls together key aspects of this guidance and advice, as outlined below (with references being provided for the relevant guidance / advice), in order to provide a coherent narrative.

Strengthened duty

The ‘seek to further’ duty is a strengthened duty compared to the previous ‘duty of regard’.¹³ If ‘have regard to’ was the same as ‘seek to further’, then there would be no need for the amendment.¹⁴ The duty

³ [Section 245 of the Levelling Up and Regeneration Act 2023](#).

⁴ As specified in [Section 85 of the Countryside and Rights of Way Act 2000](#), ‘relevant authority’, in this context, includes any Minister of the Crown, public body, statutory undertaker or person holding public office.

⁵ ‘Protected landscapes’ means national parks, the Broads and National Landscapes.

⁶ [Section 85 of the Countryside and Rights of Way Act 2000](#).

⁷ Defra (2024) [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes](#).

⁸ National Landscapes Association (2024) [Applying the CROW Act section 85 duty to ‘seek to further the purposes’ in National Landscapes - guidance for local planning authorities](#).

⁹ Natural England (2023) [Letter from Natural England to the Planning Inspectorate regarding the application by National Highways for an order granting development consent for the Lower Thames Crossing](#). Annex 2.

¹⁰ Landmark Chambers (2024) [Re: section 245 of the Levelling Up and Regeneration Act 2023](#). Instructed by the Campaign for National Parks.

¹¹ UK Parliament (2023) [Levelling Up and Regeneration Bill – Explanatory Notes on Lords Amendments](#). Updated version, 12 October 2023. Page 35.

¹² <https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up>

¹³ National Landscapes Association (2024), Landmark Chambers (2024) (paragraphs 6, 16d and 21), Government Explanatory Notes (2023).

¹⁴ Landmark Chambers (2024). Paragraph 16d.

is therefore clearly intended to impose new and more onerous requirements with respect to the statutory purposes than existed before.¹⁵

Outcome focussed

The 'seek to further' duty is intended to facilitate better outcomes for National Landscapes, which are in line with their statutory purpose (i.e. to conserve and enhance their natural beauty).¹⁶ As stated in the Government's LURA press release, the duty '*will enhance our national network of beautiful, nature-rich protected landscapes that can be enjoyed right across the country*'.¹⁷ In this context, natural beauty should be considered in its holistic sense and 'conserve and enhance' should be treated as a singular purpose.^{18,19}

Active / pro-active duty

The 'seek to further' duty is an active duty, not a passive one.²⁰ This means that the duty should be pro-actively considered when exercising or performing any functions to which the duty applies.²¹ For example, a relevant authority must factor in the duty before the adoption of a proposed policy and not merely as a 'rearguard action' following a concluded decision.²²

Relevant authorities would be well-advised not treat the new duty as 'business as usual'.²³ 'Seek' and 'further' both imply demonstrable action in the form of assistance and promotion of the statutory purpose of conserving and enhancing natural beauty of National Landscapes. It is not enough that a decision simply does not conflict with that purpose: it must seek to further it.²⁴

Reasonable and proportionate

A relevant authority should take all reasonable and proportionate steps to explore how the statutory purpose of conserving and enhancing the natural beauty of National Landscapes can be furthered.²⁵

Going beyond avoidance and mitigation of harm

As far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to conserving and enhancing of the natural beauty of National Landscapes.²⁶

This goes beyond mitigation and like for like measures and replacement. The proposed measures to further the statutory purpose of a National Landscape should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured.²⁷ Consideration should be given to the appropriateness of compensation measures.²⁸

The setting of National Landscapes

¹⁵ Landmark Chambers (2024). Paragraph 6.

¹⁶ Defra (2024), NLA (2024), Landmark Chambers (2024) (paragraph 17g).

¹⁷ <https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up>

¹⁸ National Landscapes Association (2024).

¹⁹ Please refer to Appendix 2 for further information on natural beauty.

²⁰ Defra (2024), National Landscapes Association (2024), Natural England (2023), Landmark Chambers (2024) (paragraphs 2a, 16d, 17b, 19ii, 21).

²¹ Landmark Chambers (2024). Paragraph 17b.

²² Landmark Chambers (2024). Paragraph 17c.

²³ Landmark Chambers (2024). Paragraph 21.

²⁴ Landmark Chambers (2024). Paragraph 17c.

²⁵ Defra (2024), National Landscapes Association (2024), Natural England (2023).

²⁶ Defra (2024).

²⁷ Natural England (2023).

²⁸ Defra (2024).

As well as being applied within National Landscapes, the 'seek to further duty' also applies to functions undertaken outside of the designation boundary which affects land within a National Landscape.²⁹

Management Plans

When seeking to further the purpose of conserving and enhancing natural beauty, relevant authorities should consider the information contained in a National Landscape's Management Plan.³⁰ Relevant authorities should make efforts to understand the Management Plan and relate their functions to it.³¹

Conserving and enhancing the natural beauty of the specific National Landscape will normally mean, as a minimum:

- conserving and enhancing the character components or special qualities identified in the Management Plan;
- supporting the Management Plan Objectives, Policies and/or Principles (as applicable) as set out for each of these; and
- following any Management Plan actions set out for each.³²

Consideration should also be given to whether the measures being taken by the relevant authority align with and help to deliver the targets in the Management Plan.³³

Protected Landscapes Targets and Outcomes Framework

Relevant authorities should refer to the Protected Landscapes Targets and Outcome Framework.³⁴

Dialogue with the National Landscapes team

Dialogue with the National Landscape team can assist the relevant authority³⁵ (i.e. in this instance, dialogue with the Cotswolds National Landscape Board).

Scenarios where there would be a neutral effect on the purpose of conserving and enhancing natural beauty

If the measures taken by a relevant authority, in relation to the 'seek to further' duty, would have a neutral effect on the purpose of conserving and enhancing natural beauty, consideration should be given to what modifications would help to further this purpose.³⁶

Scenarios where a relevant authority concludes that their decision / action would not seek to further the purpose of conserving and enhancing natural beauty

If, having considered the implications of a decision, a relevant authority reaches the view that the decision does not 'seek to further' the purpose of conserving and enhancing natural beauty, it would be hard to argue that the decision would, in fact, be open to the relevant authority. This is because it would appear to be in breach of the duty. In those circumstances, the decision would need to either be withdrawn or modified such that the relevant authority could confidently say that it did seek to further the relevant purpose.³⁷

Scenarios where the natural beauty of a National Landscape would not be conserved and enhanced

²⁹ Defra (2024).

³⁰ Defra (2024).

³¹ Defra (2024).

³² National Landscapes Association (2024).

³³ Defra (2024).

³⁴ Defra (2024).

³⁵ Defra (2024).

³⁶ National Landscapes Association (2024).

³⁷ Landmark Chambers (2024). Paragraph 17g.

The 'seek to further' duty does not preclude decisions that are 'net harmful' to the natural beauty of a National Landscape. If that were so, the duty would be to 'further the purpose' rather than to 'seek to further the purpose'. However, positive evidence is required to demonstrate that the relevant authority has, in all the circumstances, sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose.³⁸

Evidence

A relevant authority should be able to demonstrate with proportionate, reasoned, and documented evidence that they have complied with the 'seek to further' duty. This evidence should include the measures that have been taken, or to which consideration has been given, to further the statutory purpose of conserving and enhancing the natural beauty of National Landscapes.³⁹ If it is not practicable or feasible to take measures to further this purpose, the relevant authority should provide evidence to show why it is not practicable or feasible.⁴⁰

Monitoring and Compliance

A relevant authority may consider it appropriate to instigate a formal compliance monitoring and reporting system to ensure adherence to the duty.⁴¹

Potential errors in law

A failure to consider the 'seek to further' duty, or a failure to understand its pro-active and mandatory nature, would be an error of law.^{42,43}

If a relevant authority makes a decision that engages the duty and it cannot demonstrate that it has done all it reasonably can to further the statutory purpose of conserving and enhancing natural beauty as part of the decision, that decision will be open to legal challenge.⁴⁴

If a relevant authority applies the principles that are set out in this appendix conscientiously, it will be less open to a judicial review challenge on the basis of an alleged breach of the new duties.⁴⁵

³⁸ Landmark Chambers (2024). Paragraph 17h.

³⁹ Defra (2024), National Landscapes Association (2024), Natural England (2023), Landmark Chambers (2024).

⁴⁰ Natural England (2023).

⁴¹ Defra (2024).

⁴² Landmark Chambers (2024). Paragraph 16e.

⁴³ An example of this 'error in law' is [a case relating to works undertaken by Greater Anglia at Manningtree train station, in Dedham Vale National Landscape, in Essex](#). In this case, the Secretary of State for Housing, Communities and Local Government accepted that their failure to apply the 'seek to further' duty, when making an Environmental Impact Assessment screening decision, constituted an error in law and that the outcome might have been different if the duty been applied.

⁴⁴ Landmark Chambers (2024). Paragraph 20.

⁴⁵ Landmark Chambers (2024). Paragraph 18.

NOTES:

1. The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.
2. 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.
3. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023.
<https://www.legislation.gov.uk/ukpga/2023/55/enacted>