

26.4.2016

16/0010/CWMAJW Proposed improvement works including importing suitable processed fill material and excavation of irrigation pond. | Cotswold Hills Golf Club Ullenwood Manor Road Ullenwood Cheltenham Gloucestershire GL53 9QT

The Cotswolds Conservation Board wish to raise an **objection**.

The proposed site is within the Cotswolds AONB and there is a legal duty under Section 85 of the CRow Act 2000 for the Council to ensure the conservation and enhancement of the AONB. It is noted that on the basis that the County Council are considering this application (rather than the District Council) the application is being treated primarily as a waste disposal operation. The proposal at this scale we consider to be "major development" under Paragraph 116 of the NPPF, the starting point of which is that applications should be refused except in exceptional circumstances. Attached is an appeal example where the tests of Paragraph 116 of the NPPF were tested in relation to a proposed minerals operation in an AONB. Therefore, amongst material considerations, national policy gives the conservation of landscape and scenic beauty in an AONB a particular enhanced status. It requires an application for planning permission for a major development within an AONB to be refused, unless (i) there are exceptional circumstances ("exceptional" in this context connoting rarity); and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest. As well as any detrimental effect of the development on the landscape, this national policy requires the planning decision-maker to assess, and take into consideration, the need for the development and the scope for meeting the assessed need in some other way. The Board does not consider this application to fulfil these requirements and the development is accordingly contrary to the NPPF (Paragraphs 115 and 116). In addition by reason of Footnote 9 in relation to Paragraph 14 of the NPPF the automatic presumption in favour of sustainable development does not automatically apply due to the restrictions placed through the AONB designation and related policies within the NPPF. The third dimension of sustainable development is also an "environmental role" which is reliant on protecting and enhancing our natural environment. The proposed development of the importation of 150,000 cubic metres of inert waste, the related activity and noise in relation to the works on site and required 17,650 lorry movements, visible changes to the landscape through the temporary access track and works on site, will cause significant harm to the character and special qualities of this nationally protected landscape that cannot be adequately mitigated against or suitably justified in terms of national or local policy.