



Chloe Buckingham
Bath and North East Somerset Council
Lewis House
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By email only to: Chloe_Buckingham@BATHNES.GOV.UK

28 July 2021

Dear Chloe

APPLICATION NO: 21/03217/AGRN

DESCRIPTION: Erection of agricultural building on the site to secure store tools and machinery and to process produce for vegetable boxes. Erection of two poly tunnels.

LOCATION: Parcel 5663, Broadmoor Lane, Upper Weston, Bath

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape.¹

In reaching its decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)), particularly, in this instance, with regards to Landscape Character Type (LCT) 2 (Escarpment), in which the development would be located, and LCT 7 (High Wold), which the development could potentially be seen from;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)), particularly, in this instance, with regards to LCT 2 ([link](#)), including Section 2.10, and LCT 7 ([link](#)), including Section 7.14;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)).

As outlined below, we do not consider that key issues have been adequately addressed. As such, we recommend that prior approval should not be granted.

The site of the proposed development is in a very sensitive location on the Cotswold escarpment, in close proximity to the Cotswold Way National Trail. The site also lies within the setting of the City of Bath World Heritage Site, including the 'Green Hillides Forming Prominent Features of the Landscape Setting' ([link](#)). As such, potential impacts on the setting of the WHS are also an important consideration, both in their own right and in terms of the contribution that this cultural heritage makes to the natural beauty of the National Landscape.

For the previous, related planning application (21/02207/AGRN), the case officer highlighted that there was no clear assessment of potential impacts on the Cotswolds National Landscape or the WHS. We consider that this is still the case.

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

For a 'prior approval' application, such as this, the key consideration is the siting, design and external appearance of the buildings, including the polytunnels. Based on the points outlined above, we consider that the acceptability of the siting, design and appearance can only be determined if there is a more comprehensive assessment of landscape and visual impacts. We therefore recommend that the applicant should be required to undertake a Landscape and Visual Appraisal (LVA), having regard to the bullet points above. Key viewpoints that should be considered in this LVA include Prospect Stile, Kelston Round Hill, other sections of the Cotswold Way National Trail and Cotswold Way Circular Walk 12 ([link](#)) from which the site is visible and the footpaths rising up the escarpment from Broadmoor Lane.

The applicant's supporting information indicates that earthworks would be undertaken on the east side of the proposed building. If this involves using on-site material, this could adversely affect the landscape character of the site. If it involves importing material, this would not be covered by permitted development rights.

Before the previous planning application (21/02207/AGRN) was withdrawn, the case officer made it clear that there was insufficient evidence for that proposal to be considered under Class A of Part 6, Schedule 2 of the General Permitted Development Order (England) 2015. It is not clear if sufficient evidence has been provided this time round.

Consideration should also be given to whether the proposed development comes under Schedule 2 of the Environmental Impact Assessment Regulations (EIA) ([link](#)), specifically '1(a): Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes'. Under the EIA (Agriculture) Regulations ([link](#)), applications for such EIA screening decisions should be submitted to Natural England.

In this regard, it will be important to establish whether the site has been cultivated in the last 15 years by physical means, such as ploughing or an activity that breaks the soil surface, or chemical means, such as adding fertilisers or soil improvers.

It is also important to note that 'semi-natural' includes 'protected landscapes' (i.e. Areas of Outstanding Natural Beauty) and 'land that has not been intensively farmed'. The proposed development would be increasing the productivity of the land (the main aim of the Land Family Partnership being to increase food production). As such, it potentially constitutes 'intensive agricultural purposes'.

The applicant's supporting information indicates that it is proposed to plant three hectares of native woodland and two hectares of mixed fruit orchard within the blue lined area site, totalling 11,000 trees. This could potentially provide benefits for wildlife. However, it would also change – and could potentially adversely affect - the landscape character of this locality. Furthermore, it is important to note that woodland planting on this scale could potentially require an EIA ([link](#)), for which the Forestry Commission would be the relevant authority.

If a formal EIA is required for any of the reasons outlined above, this would justify a more formal and comprehensive Landscape and Visual Impact Assessment (LVIA).

We acknowledge that these EIA processes are potentially separate from the planning decision. However, if prior approval is granted, it should be made clear that development should not proceed unless it can be demonstrated that the proposal complies with the relevant EIA regulations and, if relevant, has secured permission from Natural England and / or the Forestry Commission.

Yours sincerely,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

John Mills
Planning & Landscape Lead
john.mills@cotswoldsaonb.org.uk | 07808 391227

NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 3) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2