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23 March 2021

Dear Rachel,

APPLICATION NO: 20/04673/FUL

DESCRIPTION: Provision of a new secure roadside truck stop facility, including associated HGV and car parking, drivers' facilities building, vehicular access, service yard and landscaping

LOCATION: Land at Gloucester Road, Stratton, Gloucestershire

Thank you for consulting the Cotswolds Conservation Board ('the Board') on planning application 20/04673/FUL, for which the proposed development would be located in the Cotswolds National Landscape (the new name for the Cotswolds Area of Outstanding Natural Beauty (AONB)).

The Board recognizes the importance of the haulage industry and the provision of facilities for truck drivers at suitable locations. We also acknowledge that the AONB designation doesn't provide a fundamental barrier to development. However, development proposals within the Cotswolds National Landscape should be compatible with – and positively contribute to – the statutory purpose of designation, which is to conserve and enhance the natural beauty of the area.

In this instance, as outlined below, we do not consider that the proposed development would be compatible with this statutory purpose. Indeed, we consider that it would have a significant adverse impact. For this reason we object to the proposed development and recommend that planning permission should be refused.

Landscape Character

The proposed development would be located on relatively isolated site in a rural setting over 1km from the nearest settlements. The site currently reflects the landscape character of the area. We consider that the development of a truck stop that would accommodate 75 trucks on a 3.6ha site, in this location, would have a significant adverse impact on landscape character. We acknowledge that the proposed mitigation would help to reduce the visual impact of the development. However, we consider that this mitigation, in itself, would also not be compatible with the landscape character of the area. Whilst we acknowledge the proximity of the A417, we do not consider that this significantly influences the character of the site.

Tranquillity

The proposed development would increase HGV movements on Gloucester Road from the current baseline of zero to approximately 620 two-way movements in a 24 hour period, with up to approximately 42 two-way movements in peak hours. In contrast to the background 'hum' of traffic

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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

on the A417, these HGV movements would have a much more significant aural impact, including: HGVs revving up, accelerating and / or idling; hydraulic brakes being applied and released; and reversing alarms. We consider that these HGV movements and associated noise (and visual disturbance from headlights) would result in a significant adverse impact on the tranquillity of the Cotswolds National Landscape. This impact would be 24 hours a day, seven days a week.

Visual Impact

We consider that visual impacts are likely to be less significant than impacts on landscape character. However, we do have a number of concerns, as outlined below.

The applicant's Landscape and Visual Impact Assessment (LVIA) fails to adequately address the visual impacts that are likely to occur before the proposed planting becomes well established. It also fails to consider the visual impacts in winter conditions and does not provide any visualisation of what the proposed development would actually look like from the selected viewpoints.

With regards to impacts on views from Gloucester Road, we consider that the proposed development (and, in particular, its use) would be highly intrusive in the short term. Whilst this impact would reduce over time, because of the proposed tree and hedgerow planting, we consider that there may still be some residual adverse visual impacts in the longer term.

We acknowledge that the visual impacts associated with views from public rights of way are likely to be less significant. However, again, we consider that there may still be some residual adverse visual impacts for some of these viewpoints in the longer term, particularly in winter conditions.

Dark skies

The applicant asserts that light pollution will be minimized as a result of the proposed tree, hedgerow and ornamental planting and through the provision of 'low-level' lighting. However, we are concerned that the supporting information provides very little information on the proposed lighting or its potential impacts. Also, although the applicant emphasizes low-level lighting, their supporting information indicates that there will be rows of tall 'lamp-posts' which will be approximately twice the height of the HGV cabs. As such, we consider that there is a high likelihood that the proposed development would introduce a significant 'lit element' into what would otherwise be a relatively dark, night-time landscape. We consider that this lighting could potentially be seen over a considerable distance, particularly in the short term and in winter conditions.

Major Development

We consider that the proposed development constitutes major development, in the context of paragraph 172 of the NPPF. We do not consider that the applicant has demonstrated exceptional need for the development. Nor have they addressed the scope for developing outside the Cotswolds National Landscape or meeting the need in some other way. Whilst we recognise that the development would provide some benefits, we do not consider that these benefits outweigh the great weight that should be given to the significant adverse impacts that we have identified. As such, we consider that it will be necessary to refuse planning permission.

Tilted Balance

We consider that, even if there is a 'policy gap' with regards to truck stops, the 'tilted balance' in favour of granting planning permission should not apply. This is because the significant adverse impacts on the Cotswolds National Landscape that we have identified provide a clear reason for refusal, in line with paragraph 11di of the National Planning Policy Framework (NPPF).

Policy Context

Based on the points outlined above we consider that the proposed development would not comply with national planning policy or with the policies of the Cotswold District Local Plan. Nor would it be consistent with the policies of the Cotswolds AONB Management Plan 2018-2023.

Further information required

Without prejudice, if Cotswold District Council is minded to give this proposal further consideration, we recommend that the applicant should be required to provide a more comprehensive Landscape and Visual Impact Assessment (LVIA). This should including an assessment of impacts in the short term and in wintertime conditions. Photomontages of the proposed development, as viewed from key viewpoints, would be helpful in relation to these recommendations. The applicant should also be required to provide more comprehensive details of the proposed lighting and assess whether the proposal would comply with guidelines on obtrusive light limitations.

Further information on these points is provided in Appendix 1, below.

If you have any queries regarding these comments, please do get in touch.

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
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**APPENDIX 1. COTSWOLDS CONSERVATION BOARD COMMENTS ON PLANNING APPLICATION
20/03326/OUT**

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IMPACTS ON LANDSCAPE CHARACTER

Landscape Character

The Cotswolds AONB Landscape Character Assessment identifies 19 different landscape character types (LCTs) within the Cotswolds National Landscape.¹ Each LCT is further divided into a number of landscape character areas (LCAs). The proposed development would be located within LCT 9 (High Wold Dip Slope) and, more specifically LCA 9D (High Wold Dip Slope – Cotswolds High Wold Dip Slope).

The site (and the surrounding area) is characteristic of the large scale open fields, with little tree cover, that are a key feature of this LCT (albeit that the site appears to be pasture rather than arable). As such, it contributes to what the Landscape Character Assessment describes as *'a large scale landscape that is simple and smooth in texture'*.²

The nearest settlements (Stretton and Daglingworth) are over 1km away. As such, the site is in an isolated position, away from built development (other than the nearby farm).

These points are acknowledged in the applicant's Landscape and Visual Impact Assessment (LVIA), which states that the site:

- *'reflects some of the LCT and LCA characteristics of 9 and 9D'*;³
- *'lies within an immediate context which is agricultural land'*⁴; and
- *'lies within an isolated location in the Cotswolds AONB'*.⁵

We acknowledge that the A417 comes within approximately 200m of the site (rather than the 150m asserted in the applicant's LVIA).⁶ We also acknowledge the proximity of the A417 junction approximately 320m north west of the site and the fact that this junction is well lit. However, this junction is in a cutting. As such, the lighting of the junction is unlikely to significantly influence the development site. Contrary to the assertions in the LVIA, this section of the A417, itself, does not appear to have any lighting.⁷

However, we strongly disagree with the assertion, in the appellant's Planning Statement, that the site is *'sandwiched'* between – and *'immediately surrounded by'* – the A417 and Gloucester Road.⁸ That assertion would suggest that the A417 is directly adjacent to the site, which is clearly not the case. We also strongly disagree with the applicant's assertions that:

¹ Cotswolds Conservation Board (2016) *Cotswolds AONB Landscape Strategy and Guidelines* ([link](#)).

² Cotswolds Conservation Board (2016) *Cotswolds AONB Landscape Strategy and Guidelines*. LCT 9 High Wold Dip Slope – Landscape Character ([link](#)).

³ LVIA, paragraph 3.10.

⁴ LVIA, paragraph 3.14.

⁵ LVIA, Landscape Character Conclusion, page 9.

⁶ The 200m distance was measured on the 1:25,000 Ordnance Survey map on the Defra Magic website.

⁷ Based on a review of this section of the A417 on Google Earth.

⁸ Planning Statement. Paragraphs 2.1 and 2.2.

- *'the site reads in the context of surrounding highway infrastructure'*⁹ – the site has a strong rural character and people passing it on Gloucester Road, for example, experience it in this context;
- Gloucester Road constitutes *'urban form'*¹⁰ – it is a relatively quiet, minor, rural road;
- the site is *'on the edge of the settlement'* of Stratton¹¹ (para 2.2), either contextually or otherwise – the edge of Stratton (which is a fairly small settlement) is over 1km away.

We acknowledge that the applicant is proposing a number of measures to mitigate impacts on landscape character. This primarily consists of planting multiple layers of vegetation on all site boundaries (apart from the northern boundary, which is adjacent to Smallbeech Copse) and tree and ornamental planting within the internal area of the site.

The key features of LCT 9 include *'a strong framework of hedges and woodland'*.¹² However, the existing woodland in this locality primarily consists of isolated, linear copses on the edge of fields. Larger areas of woodland are limited to steep valley slopes and formal parkland. There are no fields in this locality that are completely surrounded by thick copses on the full length of all four sides of the field. In addition, none of the fields in the locality have linear 'copse' type planting – or intermittent planting - within the internal area of the fields. The amount of tree planting that is being proposed would also not be characteristic of the sparse woodland cover in this area, particularly in the context of the relatively flat (or gently sloping) fields that occupy these more elevated, 'plateau' locations between the river valleys.

The applicant's LVIA states that the *'rectilinear field pattern that is evident in the local context and a recurring feature of the AONB will be retained and strengthened'*.¹³ However, whilst the remaining area of field might be rectilinear (i.e. contained by straight lines) the intrusion of the proposed development will result in an incongruous, uncharacteristic and relatively small L-shaped field around the site, rather than the large, rectangular field shape that is characteristic of the area.

Based on the points outlined above, we consider that the proposed planting would not be compatible with the landscape character of the area.

Overall, contrary to the applicant's assertions¹⁴, we consider that proposal:

- does *not* fit in well within the receiving landscape;
- is *not* in accordance with the landscape context;
- would *not* be in keeping with the local character;
- would *not* enhance or enrich the landscape character or rural character;
- would *not* provide landscape benefits.

⁹ Planning Statement. Paragraph 2.1.

¹⁰ Planning Statement. Paragraph 2.2

¹¹ Planning Statement. Paragraph 2.2.

¹² Cotswolds Conservation Board (2016) *Cotswolds AONB Landscape Strategy and Guidelines*. LCT 9 High Wold Dip Slope – Key Features ([link](#)).

¹³ LVIA, paragraph 4.8.

¹⁴ See the applicant's LVIA, paragraphs 4.8, 6.3 and 6.6 and Plan 7 for context.

In fact, we consider that the development of a large, paved parking area for HGVs (with associated infrastructure), in what is currently an isolated, rural location would have a fundamental and significant adverse impact on landscape character. The proposed mitigation would, itself, also have an adverse impact on landscape character.

We acknowledge that the currently proposed scheme is smaller scale than the proposal that was discussed with Cotswold District Council at the pre-application stage. However, we consider that this is, to a large degree, irrelevant. Each proposal / planning application should be considered on its own merits. Just because the current proposal is smaller scale – and potentially less harmful – than the pre-application proposal, does not mean that it would have a net-beneficial effect.

Tranquillity

The tranquillity of the Cotswolds National Landscape is one of the area's 'special qualities'. As, such, although it is an integral component of landscape character it also merits being addressed in its own right. Adverse impacts on the tranquillity of the National Landscape (for example, as a result of noise pollution and other aural and visual disturbance) should be given great weight.

A key consideration, with regards to tranquillity, is potential increases in traffic movements. The applicant's Planning Statement asserts that *'the site is not a destination in its own right and will therefore not generate new trips other than those that would naturally occur in any event'*.¹⁵ Whilst this might be true with regards to traffic movements on the A417, it is definitely not true for traffic movements on Gloucester Road, as outlined below.

We acknowledge that the HGV movements would be along a relatively short section of Gloucester Road (approximately 500m). However, Gloucester Road is in a relatively exposed position, at the top of the valley slopes that slope down towards Daglingworth, to the south west, and Stratton, to the south east. In this exposed position, the noise associated with HGV movements on Gloucester Road would easily be heard, particularly in Daglingworth.

In addition, Gloucester Road is currently a relatively quiet, minor, rural road. Any significant increase in vehicle movements (particularly HGV movements) could adversely affect the amenity of local users such as cyclists and walkers.

At present, the traffic related noise in the area would primarily relate to vehicle movements on the A417. This would primarily be a background 'hum' of vehicles moving at steady, fast speed along the A417. In contrast, the HGV movements from the A417 junction, on Gloucester Road, into and out of the site and in the site itself would involve a wide variety of intermittent and intrusive noise, including engines revving or idling, HGVs accelerating and decelerating, hydraulic brakes being applied and released, cab doors opening and shutting and audible reversing alarms.

For the reasons outlined above, we consider that the HGV movements along Gloucester Road and their impact on tranquillity are a very important consideration that have not be addressed by the applicant.

¹⁵ Planning Statement. Paragraph 6.34.

At present there is a seven tonne speed limit on Gloucester Road. As such, there are presumably no HGV movements on Gloucester Road at present. In contrast, the applicant's Transport Assessment identifies that the application site would expect to see 496 two-way vehicle trips during the 07:00 – 19:00 12 hour period (i.e. an average of 41 vehicle movements per hour).¹⁶ The vast majority of these would presumably be HGV movements.

However, this is a 24 hour truck stop so there would be additional HGV movements between 19:00 and 07:00. If the number of vehicle movements at night time is, say, 25% of the day time movements, the site would expect to see 124 vehicle movements during the 19:00 – 07:00 12 hour period. Over 24 hours, the total number of vehicle movements would, therefore, be approximately 620. Again, the vast majority of these would presumably be HGVs.

So, overall, HGV movements on Gloucester Road would increase from a baseline of zero to approximately 620 in a 24 hour period and would average approximately 41 HGV movements per hour between the hours of 07:00 and 19:00. This would continue for 24 hours per day, every day.

The Board's Tranquillity Position Statement identifies that, as a 'rule of thumb', an EIA should potentially be considered where HGV movements on local roads would increase by 10% or more.¹⁷ Based on the information outlined above, the increase in HGV movements is clearly significantly above this threshold.

On this basis we consider that the HGV movements from the A417 junction, on Gloucester Road, into and out of the site and within the site itself, would have a significant adverse impact on the tranquillity of the Cotswolds National Landscape in this locality.

It is worth noting that the applicant's Noise Assessment is based on just 16 vehicles per hour arriving and departing per hour.¹⁸ This is well below the figures provided in the Transport Assessment. As such, it is quite likely that the Noise Assessment significantly underestimates noise levels.

It is also worth noting that cars using the site that approach the site from the Stratton direction on Gloucester Road would be restricted from turning right into the site. They would have to drive up to the roundabout and drive back along Gloucester Road in the opposite direction. This would further increase vehicle movements on Gloucester Road.

VISUAL IMPACTS

Overarching comments

The applicant's assessment of visual impacts all relate to a scenario in which the proposed tree, hedgerow and ornamental planting is fully established. It fails to address visual impacts during

¹⁶ Transport Assessment. Table 6.2.

¹⁷ Cotswolds Conservation Board (2019) *Tranquillity Position Statement* ([link](#)). Paragraph 4.5. The guidance in paragraph 4.5 is itself, based on the 'Guidelines for the Assessment of Road Traffic', published by the Institute of Environmental Management (now the Institute of Environmental Management and Assessment). It takes into account the fact that the Cotswolds National Landscape is a 'sensitive area', in Environmental Impact Assessment terms.

¹⁸ Noise Assessment. Section 6.

construction and upon completion, which are also important considerations given that the vegetation could potentially take 15+ years to become well established.

The applicant's assessment is also based on summertime conditions when the vegetation is in full leaf. It fails to address visual impacts during the six months of the year when most of the vegetation will be bare.

In addition, the narrative relating to the photographs simply describes the extent to which the site (i.e. the existing field) can currently be seen from the various viewpoints. The narrative does not take account of the incongruous and intrusive visual impact that may result from the site being in full use and occupied by up to 75 HGVs, each of which would be approximately 4.2 metres tall and of various colours.

For key viewpoints, it would be useful to have photomontages of the proposed development, as seen from these viewpoints. Ideally, these photomontages should show the site in full use:

- in both summer and winter conditions; and
- in the short term (i.e. when construction has just been completed) and in the longer term (i.e. when the vegetation is well established).

Daytime visual impacts

Visual receptors on Gloucester Road

Within the immediate vicinity of the proposed development, the main visual impacts would relate to receptors on the adjacent Gloucester Road.

We acknowledge that the views of the site – and across the site – from Gloucester Road are intermittent. However, where the views do open up on the north east side of Gloucester Road, this provides views across the High Wold Dip Slope landscape of the site, highlighting the '*open character*'¹⁹ of this LCT. The proposed mitigation would block these views and therefore have an adverse impact in this regard.

We acknowledge that the current visual receptors on this road will primarily be car users. However, it should be acknowledged that this is a relatively quiet, minor, rural road within an AONB. As such, the 'susceptibility to change' and 'sensitivity' would be higher than for users on, say, the A417. We consider that the 'sensitivity' of these visual receptors would be 'moderate'.

In the short term, we consider that the proposed development (and, particularly, its use) is likely to be highly intrusive, with a high magnitude of change.

We acknowledge that visual impact of the development would reduce as the proposed tree and hedgerow planting matures. However, given the quantity, size and variety of colour of the HGVs that would use the site, we are not convinced that the magnitude of change would reduce to negligible.

¹⁹ Cotswolds Conservation Board (2016) *Cotswolds AONB Landscape Strategy & Guidelines*. Landscape Character Type 9 (High Wold Dip Slope) ([link](#) – Page 94).

It is also worth noting that the entrance to the site would be quite heavily engineered, with a proposed 'refuge island' (to restrict right-turning movements into the site) and 'trief kerbs' (to restrict left-turning movements out of the site). This would increase the visual impact of the entrance. Accompanying this, there would need to be additional road signage, which would further add to the visual impact, including visual clutter.

Visual receptors on public rights of way

We acknowledge that the site is some distance from public rights of way (PROW). For example, the nearest PROW are approximately:

- 840m to the south west, near Daglingworth (e.g. Daglingworth Footpath 12);
- 870m to the north east, near Perrott's Brook (e.g. Baggendon Footpath 11);
- 960m to the north west, near Daglingworth Quarry (e.g. Daglingworth Bridleway 3);
- 1.2km to the east, near Baunton (e.g. Baunton Footpath 2)

The 'sensitivity' of receptors on these PROW would be higher than for receptors on Gloucester Road. However, given the distance involved, the magnitude of change would be less.

Despite this distance, the lorries using the site could still potentially appear as an incongruous intrusion into these views, particularly in the short term. In some instances, the long term magnitude of change could still potentially be more than negligible.

Visual receptors at Cirencester Golf Club

The applicant's supporting information pays little regard to visual receptors using Cirencester Golf Club. For example, the LVIA does not include the golf course as one of the viewpoints.

The vegetation on the north eastern boundary of the site appears to be relatively limited at present. As such, the magnitude of change, resulting from the proposed development, for visual receptors on the golf course is likely to be significant in the short term. Whilst the magnitude of change / visual impact would reduce over time, the proposed mitigation measures would also have the adverse effect of limiting open views across the site.

Conclusion

We do not consider that the applicant has adequately addressed the visual impacts of the proposed development.

In the short term, the proposed development could have a significant adverse visual impact for visual receptors on Gloucester Road, reducing to moderate / minor in the longer term. Although the magnitude of change in views from the PROW, further afield, are likely to be less significant, the lorries using the site could still potentially appear as an incongruous intrusion into these views, particularly in the short term.

We acknowledge that the proposed mitigation would help to reduce the visual impacts of the proposed development in the long term. However, these mitigation measures could potentially have

their own adverse visual impacts, for example, by blocking current open views across the site and to the landscape beyond.

For these reasons we do not accept the applicant's assertions that few visual receptors would be negatively affected or that the visual effects are localised, small in number and only noticeable at locations close to the site boundary.²⁰

If Cotswold District Council is minded to give the proposal further consideration, we recommend that the applicant should be required to provide a much more comprehensive assessment of potential visual impacts. This should include consideration of both the short term and long term as well as summertime and wintertime conditions. Photomontages would be useful in this regard.

Night time visual impacts / light pollution / dark skies

The dark skies of the Cotswolds National Landscape are one of the area's 'special qualities'. They are also an integral component of tranquillity and landscape character. As such, adverse impacts on the dark skies of the National Landscape should be given great weight. In this context, it is important to note that this issue doesn't just relate to light pollution, per se. It also relates to the introduction of lit elements into what would otherwise be a relatively dark, night-time landscape, when viewed from a distance.

The applicant asserts that light pollution would be reduced / minimised as a result of the proposed tree, hedgerow and ornamental planting and by incorporating 'low-level lighting'. However, as outlined above, the supporting information only considers a scenario in which the vegetation is well established. It does not address the scenario of the first 15+ years before this vegetation has become well established.

The applicant's supporting information does not provide much detail on the proposed lighting or an assessment of the potential light pollution. For example, there are no details about the quantity or location of the proposed lighting.

Although the applicant's information emphasises the use of 'low-level lighting' the images in the applicant's Landscape Strategy also show rows of tall 'lamp-post' type lighting, which appears to be approximately twice the height of the HGV cabs. This lighting would be particularly noticeable as lit elements in a dark, night-time landscape, particularly before the vegetation has become well established.

There is no assessment of light pollution. For example, there is no indication of whether the development would comply with the Guidance Notes for the Reduction of Obtrusive Light, published by the Institution of Lighting Professionals.²¹ Given that it is a 24hr facility it is highly unlikely that it would achieve the 'post-curfew' limitations specified in Table 2 of these guidance notes.

The 'night-time' photographs in the LVIA serve no useful purpose as they just reflect the currently unlit status of the site. For such photographs to be of any use, they need to include photomontages

²⁰ LVIA. Conclusions on Views / Visibility.

²¹ In particular, compliance with the obtrusive light limitations for environmental zone E1, as shown in Table 2 of this guidance.

of the development as it would be seen from the viewpoints at night time (in both summer and winter conditions and in both the short term and long term).

We acknowledge that there is lighting at the A417 junction approximately 300m to the north-west. However, this lighting is in a cutting and, as such, is unlikely to be a significant source of light pollution, in the context of the proposed development.

The issue of lighting is particularly significant given that this would be a 24 hour operation and given the relatively exposed location of the proposed development.

The LVIA states that *'the GIS Zone of Theoretical Visibility indicates that the site will be visible as far north as North Cerney, as far south as Cirencester Town and Park. To the east, the ZTV suggests that the site is visible from Ampney Crucis and to the west suggests that it is visible from Duntisbourne Rouse.'*²² We acknowledge that the existing, intervening vegetation reduces this visibility to a significant degree. We also acknowledge that the proposed mitigation (e.g. tree planting and hedge laying) would further reduce this visibility (over a period of time). However, this reduction in visibility might not apply to the same degree with regards to night-time lighting.

Using these settlements as the reference points, the visual impact (in terms of introduction of lit elements into a dark, night-time landscape) could potentially extend across an area covering approximately 3,500ha.²³

Locations that could be affected – roads:

- Gloucester Road (adjacent to – and north west and south east of - the site).²⁴
- Dower's Lane, north of Daglingworth, @570m away (open views looking east / south east towards the site) – for example, near Viewpoint 4 in the LVIA.
- Baunton Lane, north of Stratton, @ 1.4km away (open views looking north east towards the site).
- Overlay Road and Longhill Road, west of Daglingworth, @ 1.5km away (open views looking east / north east towards the site).
- The Whiteway, east of Stratton, @ 2km away (intermittent views looking west / north west towards the site) – for example, near Viewpoint 8 in the LVIA.

Locations that could be affected – settlements:

- Daglingworth (approximately 1km).
- Stratton (approximately 1.2km).
- Baunton (approximately 1.7km).
- North Cerney (approximately 3km).

²² LVIA, paragraph 3.26.

²³ Calculated by measuring this area on the Defra Magic website.

²⁴ Additional considerations for Gloucester Road would include the visual impact of HGV headlights, including as the HGVs travel up and down Gloucester Road and swing round into and out of the site.

- Duntisbourne Rouse (approximately 1.9km).

Conclusion

If Cotswold District Council is minded to give the proposal further consideration, we recommend that the applicant should be required to provide a much more comprehensive assessment of potential light pollution, including the introduction of lit elements into a dark, night-time landscape. This should include consideration of both the short term and long term as well as summertime and wintertime conditions. Photomontages would be useful in this regard.

It would also be useful to know if new lighting will be required on Gloucester Road, between the A417 junction and the site entrance. If it is, this, in itself, could potentially have a significant adverse impact.

MAJOR DEVELOPMENT – DOES THE PROPOSED DEVELOPMENT CONSTITUTE MAJOR DEVELOPMENT?

Introduction

The applicant asserts that the development will not constitute ‘major development’, in the context of paragraph 172 of the NPPF. However, we strongly disagree with this conclusion.

As stated in footnote 55 of the NPPF, for the purposes of paragraph 172 and 172, 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’.²⁵

The Board’s opinions on each of these factors – and on whether the development constitutes major development overall – are outlined below.

Nature

The proposed development would involve the creation of a large truck stop, catering for 75 HGVs and 15 other vehicles as well as a driver’s facility building and service yard.

Car parks (and, by extension, truck stop facilities) are classed as ‘urban development projects’ under Schedule 2 of the Environmental Impact Assessment Regulations.²⁶

The applicant’s Transport Assessment identifies that the application site would expect to see 496 two-way vehicle trips during the 07:00 – 19:00 12 hour period. The vast majority of these would presumably be HGV movements. However, this is a 24 hour truck stop. If the number of vehicle movements at night time is, say, 25% of the day time movements (which is the assumption in the applicant’s Noise Assessment), the site would expect to see 124 vehicle movements during the 19:00 – 07:00 12 hour period. Over 24 hours, the total number of vehicle movements would, therefore, be approximately 620. Presumably, the vast majority of these vehicle movements would be HGVs.

²⁵ NPPF ([link](#)). Footnote 55.

²⁶ <https://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>. 10b (Infrastructure projects – urban development projects). Cotswold District Council’s EIA screening opinion ([link](#)) confirms that the development falls under Schedule 2.

Gloucester Road currently has a 7 tonne weight limit. As such, at present, there are presumably no HGV movements on Gloucester Road in a 24 hour period. The baseline for the number of HGVs, in a 24 hour period, on the 500m stretch of Gloucester Road between the A417 and the site entrance would therefore increase from approximately 0 to approximately 620. For context, the Board's Tranquillity Position Statement identifies that, as a 'rule of thumb', an EIA should potentially be considered where HGV movements on local roads would increase by 10% or more.²⁷

The HGV movements on Gloucester Road, into and out of the site and in the site would involve a wide variety of intermittent and intrusive noise, including engines revving or idling, hydraulic brakes being applied and released, cab doors opening and shutting and audible reversing alarms. In comparison, the noise associated with the A417 is primarily the background 'hum' of vehicles moving at a steady, fast speed.

The proposal would introduce lighting / lit elements into a landscape that is dark at night time.

Taking these points into account, we consider the proposal to be major development in terms of its 'nature'.

Scale

The proposed development would cover 3.6ha. For context, a housing development of this size would probably accommodate over 100 dwellings.²⁸

This area is 3.6 times larger than the major development threshold of 1ha that is used in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or 'DMP Order', for short).²⁹ It is also 3.6 times larger than the threshold for 'urban development projects' (including car parks) of 1ha in Schedule 2 of the EIA regulations.³⁰

We consider the proposal to be major development in terms of its 'scale'.

Setting

The proposed development would be located in open countryside in the Cotswolds National Landscape on a greenfield site, over 1km from the nearest settlements.

²⁷ Cotswolds Conservation Board (2019) *Tranquillity Position Statement* ([link](#)). Paragraph 4.5.

²⁸ 3.6ha at a density of 30 dwellings per hectare (for example) = 108 dwellings.

²⁹ <https://www.legislation.gov.uk/ukxi/2015/595/article/2/made>. We acknowledge that the DMP Order definition of major development is not the same as the definition in footnote 55 of the NPPF. However, legal opinion provided to the South Downs National Park Authority ([link](#) – paragraph 28) has clarified that the whether a proposal is major development for the purpose of the DMP Order is a relevant consideration, albeit that it will not determine the matter.

³⁰ <https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>. As with the DMP Order definition of major development, the same legal opinion clarified that whether a development falls within Schedule 2 of the EIA regulations is a relevant matter, albeit that it will not determine the matter. It is worth noting that the 1ha threshold does not actually apply in the Cotswolds National Landscape because it is a 'sensitive area'. As such, an EIA screening opinion would have to be undertaken for urban development projects smaller than 1ha as well.

The site is located in Landscape Character Type (LCT) 9 (High Wold Dip Slope) and reflects some of the key features / characteristics of this LCT.

The Cotswolds AONB Landscape Strategy & Guidelines for LCT 9 identifies that this LCT is ‘*particularly sensitive to large scale developments*’³¹ (which, as outlined above, we consider this proposal to be).

We acknowledge that the site is within approximately 300m of the A417, including a junction of the A417. We also acknowledge that there is some lighting at the A417 junction. However, the lighting at this junction is within a cutting as is most of the A417 in this locality). As such, we do not consider that this lighting would significantly influence the site.

Gloucester Road, which is adjacent to the proposed truck stop and which the HGVs would travel down - is a relatively quiet, minor, rural road.

The site is not allocated for commercial use (or any other development).

We consider the proposal to be major development in terms of its ‘setting’ (particularly taking into account the adverse impacts that we have identified on this setting).

Potential to have a significant adverse impact

We have already addressed the significance of the adverse impacts earlier in this response. We clearly consider it to be major development in this regard.

It is worth noting that the consideration of the potential to have a serious adverse impact ‘*does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient.*’³²

Conclusion

As indicated above, we consider the proposal to be major development in terms of the individual factors that contribute to this judgement. As such, we also consider it to be major development overall.

MAJOR DEVELOPMENT – DOES THE PROPOSED DEVELOPMENT DEMONSTRATE EXCEPTIONAL CIRCUMSTANCES AND THAT THE DEVELOPMENT WOULD BE IN THE PUBLIC INTEREST?

Introduction

Paragraph 172 of the NPPF specifies that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the

³¹ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-9-high-wold-dip-slope-2016.pdf>. Landscape Sensitivity.

³² James Maurici QC (2014) In the matter of the National Planning Policy Framework (NPPF) and in the matter of the South Downs National Park Authority – Opinion ([link](#)). Paragraph 26.

development is in the public interest. The NPPF specifies three major development ‘tests’ for such developments. These tests relate to:

- (i) the need for the development;
- (ii) alternative options; and
- (iii) detrimental effects.

It is worth noting that:

- the local planning authority should not simply weigh all material considerations in a balance, but should refuse an application for major development unless they are satisfied that: (i) there are exceptional circumstances; 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.³³
- ‘exceptional need’ does not necessarily equate to ‘exceptional circumstances’.³⁴

Need

The following text, in italics, is an extract from CPRE’s consultation response. We agree with CPRE’s observations on this issue.

The applicant’s Planning Statement ‘claims the ministerial statements by The Rt Hon Mike Penning in June 2011 and Baroness Sugg on 21st May 2018 provide a national policy imperative for approval. Neither statement does this nor is specific to the A417 or the Cotswold area. They both encourage the provision of truckstop facilities but only where there is demonstrated need. In Mike Penning’s statement this encouragement is to locate at existing service facilities. Baroness Sugg’s statement is further qualified by requiring Highways England to write to local authorities to highlight shortages in specific areas (identified in their survey). There is no evidence that HE have so advised the Cotswold District Council.

The applicant claims that there is an overwhelming need which outweighs any adverse impacts on the AONB. That has not been demonstrated. The simple logistics are that there are truck stops at Swindon, Gloucester south on the M5 and at Teddington near Tewkesbury north on the M5. It is 34 miles from Swindon to the Gloucester truck stop and 42 miles to Teddington. The time taken for an HGV is about 40 and 50 minutes respectively and these journeys will be even easier when the improvements to the A417 at the Air Balloon have been completed in 2025. This is a good and convenient spread of choice for the truck drivers. This is confirmed in paragraph 2.33 of the Transport Assessment which states “... it is considered that the proposed site is within reasonable distance of other existing truck stops.” There is also little problem of HGV drivers falling foul of the EC directive on rest times.

³³ R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin) ([link](#)), paragraph 51: ‘The planning committee are required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that...’

³⁴ R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin) ([link](#)), paragraph 52: ‘Even if there were an exceptional need ... 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’.

The evidence of need that the applicant brings forward is the observation of parking in laybys along the A417 between Swindon and the Air Balloon. There does not appear to have been any attempt to survey the parked vehicle drivers as to why they have made this overnighting choice nor to count how many there are. What is surprising is the number of vehicles who chose to park at the northern end of the A417 when it would be at most 15 minutes to either of the truck stops off the M5. One explanation might be they simply wish to avoid the cost of a truck stop. This overnight parking cannot be taken as reliable evidence of need in terms of national considerations for this truck stop.

Also at no time during the very extensive period of preparation, consultation and examination in public of the CDC Local Plan did anyone raise the lack a policy for truck stops. That implies that the haulage industry was satisfied with the provision in the area and that no need was identified.

It is also worth noting that the nearby Burford Road Junction service station provides some HGV parking spaces. As such, there is an opportunity for HGV drivers to at least stop here briefly for refreshments and to use the facilities.

Alternative Options

The applicant's Planning Statement focusses heavily on the alleged need for a truck stop in the 12 miles of unserviced carriageway between the Air Balloon roundabout and Cirencester town. They imply that, because the need is specific to this 12 mile section, there are no alternative locations that can be considered.

This is a very narrow assessment of alternative options, particularly with regards to assessing the scope for developing outside the Cotswolds National Landscape. We do not consider that this meets the requirements of the NPPF in this regard.

Detrimental effects

As outlined earlier in this consultation response, we consider that the proposed development would have a significant adverse impact on the landscape, particularly with regards to the purpose of AONB designation, including the area's landscape and scenic beauty.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING OPINION

The pre-application advice provided to the applicant by Cotswold District Council stated that:

- due to the size of the site, landscape impact, and transport implications, the proposed development would be considered to be major development;
- having regard to the likely impact of a major development such as the current proposals in landscape and visual terms, as a result of their size, will have a significant adverse impact on the Cotswolds AONB.

We acknowledge that the applicant has amended the proposed development since receiving this pre-application advice in order to address these concerns. However, as outlined in this consultation response, we consider that the District Council's pre-application advice still holds true.

As such, we are very surprised (and disappointed) that the District Council's EIA Screening Opinion concluded that the proposed development '*will have no significant environmental effects having regard to its nature, size and location and therefore will not require the submission of an*' EIA.

The requirement to provide an EIA would have helped to ensure that there was a much more comprehensive assessment of landscape and visual impacts, including impacts on tranquillity and dark skies.

POLICY CONTEXT

NPPF

The proposed development would not comply with the requirements of the NPPF because:

- the proposed development:
 - would have a significant adverse impact on the landscape and scenic beauty of the Cotswolds National Landscape;
 - would constitute major development and does not satisfy the relevant exceptions / tests set out in the NPPF.
- the adverse impacts of the proposed development provide a clear reason or refusal;
- the scale and extent of the proposed development is excessive in the context of the Cotswolds National Landscape.

Cotswold District Local Plan³⁵

The proposed development would not comply with the following policies for the reasons outlined below:

- **Policy EN1 (Built, Natural and Historic Environment):** It does not protect, conserve or enhance existing natural environment assets (i.e. the AONB, which is an asset of national significance, including its tranquillity and dark skies).
- **Policy EN4 (The Wider Natural and Historic Environment):** It would have a significant detrimental impact on the natural landscape (including the tranquillity of the countryside) and would not enhance the landscape or historic landscape character or visual quality.
- **Policy EN5 (Cotswolds AONB):**
 - It would not conserve or enhance the natural beauty of the AONB landscape, its character or its special qualities.
 - It is major development and does not satisfy the exceptions / tests set out in national policy and guidance.

³⁵ Cotswold District Council (2018) *Cotswold District Local Plan 2011-2031* ([link](#)).

Cotswolds AONB Management Plan 2018-2023³⁶

The proposed development would not be consistent with the following policies for the reasons outlined below:

- **Policy CE1 (Landscape):** It would not:
 - be compatible with or reinforce the landscape character of the location;
 - conserve and enhance views.
- **Policy CE4 (Tranquillity):** It would not (i) avoid or (ii) minimise noise pollution and other aural and visual disturbance.
- **Policy CE5 (Dark Skies):** It would not (i) avoid or (ii) minimise night pollution.
- **Policy CE10 (Development and Transport – Principles):** It would not:
 - help to conserve or enhance the natural beauty of the Cotswolds National Landscape;
 - help to deliver the Cotswolds AONB Management Plan or be compatible with guidance produced by the Cotswolds Conservation Board.

PRESUMPTION IN FAVOUR OF GRANTING PLANNING PERMISSION (TILTED BALANCE)

The applicant's Planning Statement asserts that (para 4.24):

- *...the Cotswold District Local Plan contains no specific policies on meeting the need for new roadside truck/lorry stop facilities. Therefore, the Local Plan is 'Silent' in the context of paragraph 11 and the presumption in favour of sustainable development therefore must apply in this case.*³⁷

We strongly disagree with this assertion.

Even if paragraph 11d of the NPPF does apply (which is debateable), we consider that the proposed development constitutes major development. Paragraph 172 of the NPPF sets a presumption against granting planning permission for major development in AONBs. As outlined above, we do not consider that the applicant has demonstrated that exceptional circumstances apply or that the development would be in the public interest. As such, there is a clear reason for refusal, in line with paragraph 11di of the NPPF, and the presumption in favour of granting planning permission (i.e. the 'tilted balance') does not apply.

Relevant case law has clarified that development proposals don't have to be classed as major development in order for paragraph 11di to apply. In particular, the case law clarifies that:

- *The first part of paragraph 172 of the NPPF qualifies as a policy to be applied under limb (i) of paragraph 11(d) of the NPPF; it is also capable of sustaining a freestanding reason for refusal in general development control in AONBs.*³⁸

³⁶ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan* ([link](#)).

³⁷ Planning Statement, paragraph 4.24.

³⁸ *Monkhill Ltd v Secretary of State for Housing Communities and Local Government* 2019 EWHC 1993 (Admin) (24 July 2019) ([link](#)). In this case law, it was already common ground that paragraph 11di applied to the second part of paragraph 172 (i.e. the provisions relating to major development).

With this in mind, we consider that, even if the local planning authority does not consider the proposed development to be major development, the adverse impacts that the proposal would have on the landscape and scenic beauty of the Cotswolds National Landscape would be sufficient to provide a clear reason for refusal.

As such, even if the proposal is not deemed to constitute major development, the tilted balance should still not apply.

If it is deemed that all relevant development plan policies are in place and up-to-date, then the development would be required to accord with these up-to-date development plan policies (i.e. with the policies of the Cotswold District Local Plan), in line with paragraph 11c of the NPPF. As outlined above, we do not consider that the proposed development accords with the relevant Local Plan policies. As such, the tilted balance should not apply in this scenario either.