



**Cotswolds
National
Landscape**

Lucie Turner
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

By email only to: lucie.turner@wiltshire.gov.uk ;

5 March 2026

Dear Lucie,

REFERENCE NO: PL/2026/00168

DESCRIPTION: Change of use of Hazelbury Manor (Grade I listed), Dower House (Grade I listed) and The Granary (Grade II listed) from mixed used, residential (C3) and agricultural, to hotel use (C1) with ancillary parking

LOCATION: Hazelbury Manor, Bradford Road, Hawthorn, Corsham, SN13 8HX

The above planning application, which is for a development that would be located within the Cotswolds National Landscape ('CNL')¹, has been brought to the attention of the Cotswolds National Landscape Board ('the Board')²..

In reaching its planning decision, the local planning authority (LPA) has a duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.³ This duty should be explicitly addressed within the decision including an explanation of how the LPA considers the duty has been discharged. Further information on this new duty is provided in Appendix 1 below and the Board recommends that, in fulfilling this 'duty to seek to further the purpose', 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 National Landscape Management Plan 2025-2030 ([link](#)) in particular Policies CE1 (Landscape), CE5 (Tranquillity), CE6 (Dark Skies), CE7 (Historic Environment) and CE13 (Development and Infrastructure);
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Types (LCT) 11 Dip Slope Lowland;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 11 ([link](#)) including Section 11.16;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds National Landscape Board Position Statements ([link](#)) particularly, in this instance, with regards to the Landscape-led Development Position Statement ([link](#)) and its appendices ([link](#)), Tranquillity Position Statement ([link](#)) and the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

Having reviewed this application and for the reasons expanded upon within Annex 1 below, we wish to raise a **holding objection** to this application. In particular, the application contains inadequate assessment of landscape and visual and dark skies matters to enable the Board to make a fully informed consultation response.

Cotswolds Conservation Board

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:
Brendan McCarthy

Vice Chair:
Rebecca Charley

The Board considers that insufficient information has been submitted to demonstrate that the proposal would conserve and enhance the landscape and scenic beauty of the CNL and consequently the application does not accord with Wiltshire Core Strategy Policy 51 as well as with Policies CE1, CE7 and CE13 of the CNL Management Plan and paragraph 189 of the NPPF.

Furthermore, the proposal has not clearly evidenced 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. Accordingly, the Board considers that if the LPA were minded to grant planning permission for the proposal as submitted, it may not have fulfilled the statutory duty to seek to further the purpose of CNL designation.

As explained in the Annex accompanying this response, this holding objection requests further information and clarification to be submitted by the applicant regarding landscape and visual and dark skies matters to enable the Board to fully assess any potential adverse impacts upon the landscape and scenic beauty of the National Landscape. The Board will be happy to provide a further assessment on likely effects once this information has been submitted by the applicant, also noting that other consultees including the Gardens Trust and the Society for Protection of Ancient Buildings have also requested further assessment.

We recommend that the Council should not determine this application until after the further information that we have requested has been provided and the Board and other consultees have provided comments on that further information.

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 PL/2026/00168

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.

Adopted Development Plan

Wiltshire Core Strategy Policy 51 requires development to protect, conserve and where possible enhance landscape character and for proposals for development within or affecting National Landscapes to demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plan.

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 CE7 states proposals that have the potential to impact on the historic environment and cultural heritage of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of these heritage assets and their setting. This

should include respecting the historical elements of landscape character including features such as; buildings, sites, layout and context, including the relationship between the existing feature or settlement and the landscape. Heritage and Cultural Heritage Impact Assessments should be used to prevent or minimise harm when considering any change to a heritage asset and to influence decisions regarding the management of the historic environment and cultural heritage assets.

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.

Landscape and Visual Impact

As outlined above, NPPF paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.

Section 11.16 of the Cotswolds AONB Landscape Strategy and Guidelines (LS&G) referenced above highlights how changes in land use and management in historic parks and gardens can give rise to potential adverse landscape implications including:

- Weakening of the integrity of designed landscapes, parks and gardens
- Loss of or damage to elements of designed landscapes, parks and gardens.
- Insertion of inappropriate new elements that diminish rather than enhance historic design characteristics
- Intrusion on setting of designed landscapes – especially designed vistas and other important views of or out from the area

Whilst the need to maintain a viable use for Hazelbury Manor and its associated grounds is acknowledged and in principle, supported, in reviewing the application, we note that the consideration of the CNL designation and landscape impact in the supporting Planning Statement is limited to a few short paragraphs and does not appear to have been based upon any detailed assessment of the scheme's impacts on landscape character or visual qualities or how the scheme satisfies the requirements of the local and national statute, policy and guidance outlined above. Whilst the Planning Statement mentions the CNL Management Plan and the requirements of Core Policy 51, it provides no assessment of the proposal against the relevant Management Plan policies.

No attempt has been made within the application to describe the local landscape character, assess the baseline landscape and visual contribution of the current site to the protected landscape of the CNL. This includes the degree of visibility from local roads or the numerous public rights of way (for example BOX54, BOX48, BOX 51, BOX 44, BOX 43, BOX 94, BOX 55 and BOX59) from which views of the Manor and

grounds can potentially be had. No attempt has been made to assess the sensitivity of local landscape and visual receptors, the magnitude of change that would occur and the degree of harm or enhancement which may arise from the proposal, how it would impact the landscape character, visual qualities and special qualities of the CNL and how it would seek to further the purpose of CNL designation.

Therefore, we request that a Landscape and Visual Impact Assessment ('LVIA') or Landscape and Visual Appraisal ('LVA') is prepared by a suitably experienced professional and based on the methodologies and guidance outlined in GLVIA3.

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 information has been submitted in respect of lighting, and we would welcome clarification as to whether and what lighting is proposed given the dark skies are one of the CNL's 'special qualities'.

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.

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 of the following guidance:

- 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.

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 2023¹ (LURA) introduced a statutory duty on relevant authorities² to seek to further the statutory purposes of protected landscapes³ (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.*⁴

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 Defra⁵ and the National Landscapes Association⁶. In addition, Natural England has provided advice on the 'seek to further' duty in relation to a nationally significant infrastructure project⁷ and the Campaign for National Parks has obtained a legal opinion on the duty⁸. Other useful reference points include the Government's explanatory note on the Lords' amendments to the Levelling Up and Regeneration Bill⁹ and the Government's LURA press release¹⁰.

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'.¹¹ If 'have regard to' was the same as 'seek to further', then there would be no need for the amendment.¹² The duty

¹ [Section 245 of the Levelling Up and Regeneration Act 2023](#).

² 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.

³ 'Protected landscapes' means national parks, the Broads and National Landscapes.

⁴ [Section 85 of the Countryside and Rights of Way Act 2000](#).

⁵ Defra (2024) [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes](#).

⁶ 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](#).

⁷ 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.

⁸ Landmark Chambers (2024) [Re: section 245 of the Levelling Up and Regeneration Act 2023](#). Instructed by the Campaign for National Parks.

⁹ UK Parliament (2023) [Levelling Up and Regeneration Bill – Explanatory Notes on Lords Amendments](#). Updated version, 12 October 2023. Page 35.

¹⁰ <https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up>

¹¹ National Landscapes Association (2024), Landmark Chambers (2024) (paragraphs 6, 16d and 21), Government Explanatory Notes (2023).

¹² 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.¹³

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).¹⁴ 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*'.¹⁵ In this context, natural beauty should be considered in its holistic sense and 'conserve and enhance' should be treated as a singular purpose.^{16,17}

Active / pro-active duty

The 'seek to further' duty is an active duty, not a passive one.¹⁸ This means that the duty should be pro-actively considered when exercising or performing any functions to which the duty applies.¹⁹ 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.²⁰

Relevant authorities would be well-advised not treat the new duty as 'business as usual'.²¹ '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.²²

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.²³

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.²⁴

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.²⁵ Consideration should be given to the appropriateness of compensation measures.²⁶

The setting of National Landscapes

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.²⁷

¹³ Landmark Chambers (2024). Paragraph 6.

¹⁴ Defra (2024), NLA (2024), Landmark Chambers (2024) (paragraph 17g).

¹⁵ <https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up>

¹⁶ National Landscapes Association (2024).

¹⁷ Please refer to Appendix 2 for further information on natural beauty.

¹⁸ Defra (2024), National Landscapes Association (2024), Natural England (2023), Landmark Chambers (2024) (paragraphs 2a, 16d, 17b, 19ii, 21).

¹⁹ Landmark Chambers (2024). Paragraph 17b.

²⁰ Landmark Chambers (2024). Paragraph 17c.

²¹ Landmark Chambers (2024). Paragraph 21.

²² Landmark Chambers (2024). Paragraph 17c.

²³ Defra (2024), National Landscapes Association (2024), Natural England (2023).

²⁴ Defra (2024).

²⁵ Natural England (2023).

²⁶ Defra (2024).

²⁷ Defra (2024).

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.²⁸ Relevant authorities should make efforts to understand the Management Plan and relate their functions to it.²⁹

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.³⁰

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.³¹

Protected Landscapes Targets and Outcomes Framework

Relevant authorities should refer to the Protected Landscapes Targets and Outcome Framework.³²

Dialogue with the National Landscapes team

Dialogue with the National Landscape team can assist the relevant authority³³ (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.³⁴

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.³⁵

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

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

²⁸ Defra (2024).

²⁹ Defra (2024).

³⁰ National Landscapes Association (2024).

³¹ Defra (2024).

³² Defra (2024).

³³ Defra (2024).

³⁴ National Landscapes Association (2024).

³⁵ Landmark Chambers (2024). Paragraph 17g.

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.³⁶

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.³⁷

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.³⁸

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.³⁹

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.^{40,41}

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.⁴²

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.⁴³

³⁶ Landmark Chambers (2024). Paragraph 17h.

³⁷ Defra (2024), National Landscapes Association (2024), Natural England (2023), Landmark Chambers (2024).

³⁸ Natural England (2023).

³⁹ Defra (2024).

⁴⁰ Landmark Chambers (2024). Paragraph 16e.

⁴¹ 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.

⁴² Landmark Chambers (2024). Paragraph 20.

⁴³ 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>