

LAND NORTH-EAST OF JUNCTION 10 M42, DORDON

**Response to LVIA Review prepared by LUC on
behalf of North Warwickshire Borough Council**
Prepared for: Hodgetts Estates

SLR Ref: 403.11077.00001
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1.0 Introduction

This technical note was originally prepared by SLR Consulting Ltd (SLR) in response to comments provided by LUC as a review of additional information on behalf of North Warwickshire Borough Council¹. The note should be read in conjunction with Chapter 10 and associated Figures and Appendices of the Environmental Statement.

Since *Appendix A: Review of Additional Information* was issued in August 2022, two further documents prepared by LUC have been issued. Namely, *Chapter 3: Consideration of Strategic Gap* issued in October 2022 and *LVIA Review* dated July 2022 and issued in November 2022.

At the time of the most recently issued LUC report in November 2022, the case officer advised “*I also attach the latest review of information from LUC which is comprehensive and includes the review of additional information provided by your landscape consultants this is dated the end of July 2022.*” As such, all references in this report are to the LUC report *LVIA Review* dated July 2022 as issued in November 2022.

A note prepared by SLR was provided historically in response to the LUC document *Chapter 2: Review of the Applicant’s LVIA* issued in May 2022. That note is appended to this report and matters pertaining to chapter 2 of *LVIA Review* are therefore set out therein.

2.0 Response to Chapter 3: Consideration of the Strategic Gap

We are pleased to see that the response accepts the use of the Eastleigh Criteria as a method of testing the functionality of the Strategic Gap. These principles were also accepted by the Inspector at the North Warwickshire EiP and have been applied at numerous inquiries.

However, we are concerned that the criteria have been misapplied here and the fundamental question of could the remaining gap still provide a sense of leaving one place, travelling through countryside and then arriving somewhere else, and thus preserve the separate identities of the settlements, has not been asked.

Policy LP4 of the Local Plan (adopted 2021) states:

“Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon”

It goes on to state that it is necessary to assess whether this would occur to determine whether the proposal would *significantly* affect this sense of separation. The test is therefore whether there would be a *significant* effect, not whether there would be any effect.

The response provides comments against each of the Eastleigh Criteria. We note the following:

- Distance: the distances stated accord with the ES;
- Topography: the response takes account of the site itself but ignores the immediate surrounding context;
- Landscape Character / Type: again, the response takes account only of land within the red and blue-line boundary but ignores the immediate context of the site, describing arable fields with occasional tree

¹ Appendix A: Review of Additional Information, issued by NWBC in August 2022.

belts and hedgerows but ignoring the influence of adjoining large-scale commercial development, settlement and road infrastructure which strongly influences the character of the site.

- Vegetation: We agree that there is limited vegetation on site, namely, hedgerow boundaries to the north, west and south, but within the adjoining landscape there are established hedgerow boundaries with corner woodland copses which are not noted;
- Existing Uses: the response states that the existing use of the site is as arable land which is correct, but fails to consider uses surrounding the site such as settlement and large-scale commercial development;
- Nature of Urban Edges: Surprisingly, the response notes settlement and main roads at the edges of the site but gives no consideration to existing large-scale commercial development at the southern and western edges of the site;
- Inter and Intra visibility: the response considers these separately and contends that the proposed development would reduce intervisibility by screening views across the gap and would similarly reduce intra-visibility. This is incorrect and we note that in the conclusions to this section the response contradicts this statement and instead states that *“intra and intervisibility would increase”*. In reality, inter and intra-visibility of the settlement edges would increase in the short-term but would then reduce as proposed mitigation planting starts to establish. However, even in the short-term there would remain a clear sense of the settlement edges being separated by open countryside.
- The Sense of Leaving a Place and Arriving Somewhere Else: The response assesses that the proposed development would diminish the sense of leaving a place by *“changing the land use and character of the Strategic Gap”* and *“extending built development across the Strategic Gap between Birchmoor and the commercial development to the south and Tamworth and Polesworth”*. This overlooks the fact that a substantial area of open land would remain ensuring that when walking along the PRoW network the experience of walkers would include leaving the built up edge of the settlement, walking through open, rural, fields, with the proposed development distinct from the rural landscape, within the context, and forming part of, the existing area of employment uses and infrastructure to the south and west. Proposed off-site planting would enhance the scenic quality and rural character of remaining fields within the gap. Similarly, for walkers and vehicular users travelling along the A5 views towards an open, arable landscape would remain.

Figure 3.1 of the response includes mapping showing the extents of the red and blue line and the immediate context of the site. Annotation on this figure seeks to illustrate the comments made in response to the Eastleigh criteria described above. However, we note that the single view identified on this figure is not within a publicly accessible location and therefore is not suitable for this assessment.

Chapter 3 of the response concludes that there would be *“adverse effects”* on the Strategic Gap, but the test is whether development proposals would *“significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon”* and whether the remaining gap would still be functional i.e. provide a sense of leaving one place, travelling through countryside and then arriving somewhere else, and thus preserve the separate identities of the settlements.

The response references a couple of applications and decisions but both appear to pre-date the new Local Plan and therefore the policy framework has now changed.

3.0 Response to Appendix A: Review of Additional Information

Appendix A of the LVIA Review entitled *Review of Additional Information* is set out under the following headings:

- Study Area;

- Baseline Photography;
- Provision of visualisations showing the Proposed Development;
- Clarifications as to the methodology of the CLVIA;
- Information on how off-site mitigation will be secured;
- Greater detail on the likely landscape and visual effects;
- Why viewpoints within the LVIA were selected;
- Zone of Theoretical Visibility (ZTV);
- Design Guide; and
- Design and Access Statement.

We have structured our response below under the same headings.

Study area

Paragraphs A.5 and A.6 of Appendix A state that:

"It is maintained that the actual study area is not specifically defined or marked on these maps (i.e. stated quantitatively or in the form of a buffer line around the site). If the entire area visible on the map forms the study area, this should be explained somewhere. Without this information, it is therefore hard to know it's extent.

As such, the initial comments still stand that the LVIA nor the Applicant response set out a description of the study area".

An explanation was provided on the extents of the study area in our previous response issued in May 2022 (appended hereto), which stated at page 3 under the subheading 'Study Area':

"Drawings LAJ-1 to LAJ-3 illustrate the wider area considered within the assessment and provide a broader context for the character assessment. Drawing LAJ-4 illustrates a reduced study area within which the Zone of Theoretical Visibility (ZTV) indicates that potential visual effects would be contained. We note that the Review states in Paragraph 2.23 that a "study area of 2-3km radius would be appropriate", based on the ZTV, which aligns with the area illustrated on Drawing LAJ-4."

In addition to this, we refer to paragraph 10.4.23 of the ES which provides clarity on the area assessed for landscape character:

"The overall character receptor would be the localised area of LCA 5 Tamworth Fringe Uplands described within the North Warwickshire Landscape Character Assessment (August 2010). The localised area includes land to the south up to the disused railway; land to the up to the settlement edge of Dordon / Polesworth; land to the north up to the B5000 and land to the west up to the edge of the character area and Tamworth".

Baseline Photography

Paragraph A.7 requests amendments to labels on the Viewpoint sheets to provide greater transparency of the horizontal angle of view. Updated viewpoint photography has been provided (see figures LAJ-5 to LAJ-48).

Provision of visualisations showing the Proposed Development

Paragraph A.10 notes:

“These visualisations are very useful in helping to understand the effects of the proposed development, however it is suggested that visualisations could be provided at more than three of the viewpoints.”

Further clarification on which locations were considered appropriate was requested through the Planning Officer and we received the following response (email from Planning Officer dated 28/09/2022):

“Visualisations were provided from viewpoints 1, 4 and 5. In addition to these viewpoints, It is suggested visuals from some more viewpoints from different directions may help further understand the effects of the proposed development. It is suggested that visuals are provided from viewpoints 8, 10 and/or 11, and 13. Due to existing screening from the west, it is not anticipated that visuals would be required from viewpoints 14-16 at this time”.

Additional wireline visualisations have been provided from Viewpoints 8 and 9, both of which are located on the conjunction of the PRow network with Watling Street (A5), which provide useful information on the potential visibility of the proposed development with Dordon and help to guide the assessment of potential effects on the gap.

No illustration has been provided from Viewpoint 10 and/or 11; they are at close range to the proposed development and provide limited information on potential effects.

No visualisation has been provided from Viewpoint 13 because it is not considered a particularly informative view with the motorway and motorway junction in the foreground and the recent St Modwen development in the background (see figures LAJ-53 to LAJ-56).

Clarifications as to the methodology of the CLVIA

Paragraph A.14 states:

“In relation to site allocation E2, we accept that the site allocation has been found to be justified and effective through Examination in Public of the Local Plan and that the principle of development on that site has been agreed. However, that does not necessarily mean the site will be developed and it would still need to go through the planning process. As such, until a development has been constructed on the site, there is still a higher level of uncertainty attached to this site allocation and this should be reflected in the CLVIA”.

Site allocation E2 has been found to be justified (appropriate) and effective (deliverable) through Local Plan EiP, it is therefore reasonable to assume it will come forward at some point. It is considered best practice to take account of allocations within the baseline of an assessment, taking account of the changing landscape. Importantly, Site Allocation E2 was assessed both as part of the baseline (reducing susceptibility) and was separately considered within the cumulative assessment. Should Site Allocation E2 not ultimately come forward then the level of cumulative effects would be reduced.

Paragraph A.16 states:

“It is noted that Appendix A provides an update to the cumulative assessment, separating out the landscape and visual effects. This has helped better define the cumulative effects associated with the proposed development. Whilst it is noted that, existing industrial buildings are present to west and south of the proposed development, it is LUC’s opinion that the cumulative effects of the proposed development, particularly when considered with the development immediately south of the site, have been underestimated”.

We do not agree with this conclusion (that the cumulative effects of the proposed development have been underestimated) and it is concerning that no evidence has been provided to justify the position. In a note, which is seeking further information about cumulative effects, it seems that a conclusion has already been reached, which would be premature. We would, of course, welcome any thoughts or questions on this point.

Information on how off-site mitigation will be secured

As noted, off-site mitigation would be secured via s.106 Agreement and obligations would remain if the land is sold or transferred in the future.

Greater detail on the likely landscape and visual effects

Paragraph A.17 states:

“It is noted that judgements of landscape and visual effects were written by and reviewed by Chartered Landscape Architects. Whilst we do not dispute the methodology leading to identification of effects, we consider that more information could be provided to justify the ‘value’, ‘susceptibility’, ‘size and scale of change’, ‘geographical extent’ and how they feed through to determining the overall magnitude of change and sensitivity”.

Commentary on these elements was set out in tabular format in Appendices 10.3 and 10.4 of the ES.

Paragraph A.18 states:

“The Applicant has clarified that ‘at construction’ should be corrected to ‘after construction’. The applicant did not consider it necessary to include during construction effects as the assessment of the period immediately after construction is completed provides the worst-case scenario in terms of scale, limited growth of proposed vegetation, and will show the form it will maintain permanently. Whilst it is acknowledged that construction effects are shorter in duration, effects may be different during construction due to elements like cranes (likely to be taller than the proposed building) and lighting etc.”.

Potential construction effects were assessed in Section 10.5 of the ES, for example paragraph 10.5.13 considers the scale of landscape change to the sense of stillness due to the introduction of construction machinery and prior to the establishment of earth mounds which would start to screen activity. Also paragraphs 10.5.26 to 10.5.29, which consider the likely construction effects on visual receptors. Construction effects have, therefore, been considered separately albeit the application is Outline and so there is no detailed understanding of construction requirements.

With specific regard to cranes, Hodgetts Estates confirms that these would be mobile truck-mounted telescopic boom cranes as opposed to static tower cranes. As such, they would be lowered and parked up when not in use limiting any potential temporary negative effects.

Why viewpoints within the LVIA were selected

Paragraph A.21 states:

“In response to our initial review, the Applicant has provided some reasoning for viewpoints 1, 3, 4, 7, 8, 10, 12, 15 and 21. Ideally, reasoning should be provided for all viewpoints. Tabular formats are useful for displaying this reasoning, along with viewpoint information like distance to the site, and view direction etc.”

In our first response the following information was provided:

“For example, Viewpoints 1, 3, 4, 7, 8, 10 and 21 represent the varied experience of walkers and riders on the footpath and bridleway network between the Site and existing settlement to the north and east where views of the proposed development would be clearest. Viewpoint 12 represents the experience of walkers on the footpath network between the Site and existing settlement to the south and Viewpoint 15 represents the experience of walkers, cyclists and riders from existing settlement to the west. To ignore the experience of visual receptors of the same type to the south and west and to only focus on those to the north and east, just because there is limited to no visibility to the south and west, would not fully represent the experience of this type of visual receptor.”

We set out our reasoning for the remaining viewpoint locations below. Details of specific receptors, the value attached to the view and the susceptibility of receptors and their corresponding sensitivity are set out in full in Table 10-18 of Appendix 10.4 of the ES.

- Viewpoint 2: Experience of pedestrians and cyclists from Birchmoor Road to the north.

- Viewpoint 5: Experience of walkers and users of area of Kitworth Avenue Recreation Ground on elevated ground to the east.
- Viewpoint 6: Experience of walkers and users of area of Kitworth Avenue Recreation Ground on elevated ground to the east.
- Viewpoint 9: Experience of walkers, pedestrians and vehicle users along Watling Street (A5) and its conjunction with PRoW AE52 to the south.
- Viewpoint 11: Experience of walkers, pedestrians and vehicle users along Watling Street (A5) and its conjunction with PRoW AE55 to the south.
- Viewpoint 13: Experience of pedestrians and vehicle users at Junction 10 of the M42 Motorway.
- Viewpoint 14: Experience of pedestrians and vehicle users at Tamworth Motorway Services Junction 10.
- Viewpoint 16: Experience of pedestrians and vehicle users on the M42 motorway bridge (Green Lane) at Birchmoor.
- Viewpoint 17: Experience of residents, pedestrians and vehicle users along Birch Grove to the north.
- Viewpoint 18: Experience of residents, pedestrians and vehicle users along Cockspur Street and Green Lane to the north.
- Viewpoint 19: Experience of residents, pedestrians and vehicle users at Birchwood Avenue to the east.
- Viewpoint 20: Experience of residents, pedestrians and vehicle users at Barn Close to the east.
- Viewpoint 21: Experience of residents, pedestrians and vehicle users from PRoW AE48 at the edge of Browns Lane to the east.

Zone of Theoretical Visibility (ZTV)

Paragraphs A.22 and A.23 comment on the ZTV which accompanies the ES, stating:

“The Applicant sets out that the ZTV methodology followed (which includes built form and vegetation) has been tested at appeal. The ZTV provided includes modelling of maturing proposed mitigation planting, and the applicant has set out the proposed heights used for modelling. As the proposed vegetation forms part of the proposed development plans, it is not considered that this should be modelled into the ZTV as a screening element, but rather as part of the proposals. The visibility of this proposed planting will change views from the wider landscape, and this should be reflected through the ZTV, rather than including it as if it was part of the baseline.”

“That is not to say the ZTV with the proposed planting modelled in is not useful in portraying theoretical visibility of the built form of the development. However, it is suggested that another ZTV is also provided which includes the proposed planting as part of the development and shows the theoretical visibility of development as a whole (including the planting)”.

The published character assessment indicates that the “introduction of small to medium sized blocks of woodland planting”² in this area is desirable and it is therefore, considered suitable mitigation. In this context, it is not appropriate to include the mitigation planting within the massing for the ZTV. A new ZTV has been prepared to provide clarity on the development. The new ZTV assesses the proposed massing of built form with the proposed earth bunds but with no mitigation planting included (See figure LAJ-51).

² 3rd bullet, p42, Landscape character and area profiles for North Warwickshire - Final Report, North Warwickshire Borough Council (August 2010)

Furthermore, the applicant has welcomed the use of a condition(s) to control the layout, nature and species of any possible hard and soft landscape mitigation measures, which could be applied to ensure the proposed mitigation planting / vegetation would have a positive effect on the surrounding landscape.

Design Guide

Paragraph A.29 states:

“The Design Guide outlines out that existing peripheral vegetation to the west of the site will be retained, enhanced and strengthened to provide a robust landscape buffer. Likewise, it is set out that veteran and mature trees and historic hedgerows around the periphery of the Site and in the offsite landscape mitigation areas would be retained and protected. Retaining and enhancing the existing landscape buffer and features are welcomed proposals, so long as the planting is in character with the landscape, in terms of its nature (form) and species (native, local provenance, as noted below).”

We welcome this response and confirm (as set out in the Design and Access Statement and the Design Guide) all proposed planting of trees and hedgerows would be native and locally appropriate. This would be detailed in Reserved Matters. Furthermore, a condition can be applied if it is deemed necessary to control the nature and species proposed.

Paragraph A.30 states:

“The Design Guide sets out that historic field boundaries would be reinstated through the Strategic Gap (off-site), with mixed, native hedgerow and tree planting to reinforce the rural character of the landscape. This proposal is welcomed and would help strengthen and restore the rural character of this landscape.”

We welcome this response, which acknowledges some of the positive effects of the proposals on the landscape.

Paragraph A.31 states:

“The Design Guide highlights that landscape planting will include trees, shrubs, herbaceous plants and wildflower mixes. Approximately 10,000 trees would be planted on- and off-site, as part of landscape mitigation measures. It sets out that these trees would be “adolescent or semi-mature” to assist with earlier integration and mitigation of the development with the surroundings. These trees, along with other shrubs, plants and wildflowers would comprise native species typical of the region and locally distinctive to the environs of Dordon. The use of native species is welcomed and encouraged, in line with best practice guidance and advice from the Woodland Trust.”

We welcome these comments. As a point of clarification, the commitments in the Design Guide refer to planting "a mix of juvenile and adolescent trees" (pages 30, 41 and 101) and elsewhere, it is stated that "landscape mitigation planting will incorporate adolescent and semi-mature trees (i.e., advanced structural planting) to provide immediate visual screening effects, as well as enhanced biodiversity support and carbon capture". That is not to state that all 10,000 trees planted would be "adolescent or semi-mature". Details of the planting design would be a Reserved Matter and can be conditioned if deemed necessary.

Paragraph A.33 :

“The earth mounds would be of a large scale which are not sympathetic to the shape of the surrounding, gently undulating rural landscape.”

We refer to the email from WSP on behalf of Hodgetts Estates to the Planning Officer dated 09/09/2022, which noted:

“It should be noted as this is an outline planning application, the size, shape and location of any hard and soft landscaping is not being applied for in detail at this time. It is therefore premature for LUC to pass comment on the size, scale, shape and location of the proposed landscape mitigation measures, such as the proposed naturalistic earth mounds. The fact they have done so suggests LUC is not fully understanding of the composition of the planning application. Furthermore, conditions can be applied, if necessary, to control the size, scale, shape

and location of any hard and soft landscape mitigation measures and indeed the location and scale of built form in order to address any residual concerns. Any subsequent comments should be provided in these terms therefore.”

The scale and design of the naturalistic earth mounds has not been set out in detail at this point and the information provided is purely indicative as a worst case scenario for robustness. The design can be amended at Reserved Matters to incorporate slope gradients and heights/scale that are more sympathetic to the surrounding landscape should this be required. Within the landscape surrounding the site there has been a considerable amount of change within the landscape, for example bunds and cuttings to either side of the M42, the large spoil heap associated with Birch Coppice Colliery to the south, earth mounds associated with other commercial developments in close proximity. Figure LAJ-53 lists and provides photos of these examples of existing earth mounding within close proximity of the site.

Paragraph A.35 confirms that SuDs are welcomed.

Paragraph A.36 states:

“The Design Guide sets out that new developments should seek to respond to the surrounding context by using similar configurations. Whilst this is the case for nearby employment buildings to the south and west of the main roads bounding the site (Watling Street and M42, respectively), the immediate context of the surroundings to the north of Watling Road comprises rural open land. Therefore, the buildings of the proposed development do not respond to the immediate landscape context”.

This is incorrect, the landscape, as evidenced in several published documents and landscape assessments is acknowledged as being heavily influenced by the cluster of employment/industrial developments at J10 M42 and Birch Coppice³ (and see Ground Plan of Built Form, Ref: 00082/P3, which illustrates the footprint of existing development within the context of the site). We are concerned that there is a misunderstanding of the landscape. This is a complex and transitional landscape rather than a *rural* landscape, which includes, inter-alia, the M42 motorway and A5 trunk road, large-scale commercial buildings, a busy road network and lighting, mobile phone masts, and a hard settlement edge at Dordon, all of which are described within the ES chapter.

Paragraph A.37 states:

“The Design Guide states the “proposals respect the landscape context and the separate identities of the surrounding settlements of Tamworth, Dordon, Birchmoor and Polesworth.” (Section 4.2). Given the scale of the proposed development compared to the nearby settlements, and that the proposed development of the site would result in the loss of rural agricultural fields, it is considered that the proposals would not “respect the landscape context”. Whilst it is acknowledged that the proposal would include extensive native tree planting around the built development, the scale of the earth mounds and extent of the proposed woodland is not reflective of the surrounding rural landscape.”

As noted above, the character of the landscape is complex and transitional. It is formed by commercial development and road infrastructure, as well as, settlement and agricultural fields as described in the ES. Earth mounds have become a characteristic of the surrounding landscape (see Figure LAJ-53). The proposals are a continuation of the cluster of predominantly employment uses in this part of eastern Tamworth, surrounding J10 M42, and would be read within the landscape as such (i.e., as part of Tamworth’s eastern extent).

Notwithstanding this point, as noted above, the size, shape, layout and location of the earth mounds and woodlands is not being applied for in detail at this time. Furthermore, conditions can be applied, if necessary, to control the size, scale, shape and location of any hard and/or soft landscape mitigation measures and scale

³ For example, p40, Key Characteristics, Landscape character and area profiles for North Warwickshire - Final Report, North Warwickshire Borough Council (August 2010)

and/or location of the proposed built form in order to address any residual concerns. Paragraphs A.39 and A.40 confirm that additional proposed features which would be incorporated into the proposed development to enhance recreational opportunities and enjoyment by the public are welcomed.

Design and Access Statement

Paragraph A.46 states:

“This chapter sets out that the urbanising effect of industrial uses will be further intensified as site allocations E2 and E3, to the south of Watling Street, come forward for development. This industrialisation would be further intensified by the introduction of the proposed development to the north of Watling Street, particularly as the landscape immediately north of the road is rural in nature with no industrial buildings”.

The assessment set out in the ES concludes there would be a moderate and negative level of effect on the arable fields and gently rising landform as a result of the proposed development. The level of effect on the sense of stillness would be minor / moderate and negative. The level of effect would be reduced by the strong influence of the prominent settlement edge to the east (Dordon) and by large-scale commercial development to the south of the A5 and to the west of the M42, together with noise, movement and lighting associated with Watling Street (A5) and the M42 motorway. Proposed built form would be in an area for which large-scale commercial development is already a characteristic of the landscape although there would be a loss of the agricultural use of the land as a result of the development. The character of the landscape does not exist in a vacuum and is strongly influenced by surrounding development within its immediate context.

Paragraph A.55 states:

“Given the scale of the proposed development, it is unlikely that siting the buildings towards the south-west will notably reduce the prominence of the proposed development, its scale in views or sense of separation from settlements”.

The wirelines produced, and included within the Design and Access Statement (as well as the additional wirelines provided - see Figures LAJ-53-LAJ-56), indicate that positioning proposed built form adjacent to existing commercial buildings of a similar character, at a distance from Dordon, beyond earth mounds planted with native woodland, does reduce the potential prominence of proposed built form. Existing views include commercial buildings to the east of the M42 / south of the A5 (at St Modwen Park Tamworth, Birch Coppice and Core 42) as well as the rooflines of commercial development to the west of the M42 (at Relay Park and Centurion Park).

The proposed reinstatement of historic hedgerows within the remaining gap, introduction of locally appropriate corner copses and tree and hedgerow planting on the edge of Dordon would reinforce the rural character of the fields between Dordon and the proposed development breaking up the massing of proposed built form and creating a more intact gap between settlements.

EUROPEAN OFFICES

United Kingdom

AYLESBURY

T: +44 (0)1844 337380

BELFAST

belfast@slrconsulting.com

BRADFORD-ON-AVON

T: +44 (0)1225 309400

BRISTOL

T: +44 (0)117 906 4280

CARDIFF

T: +44 (0)29 2049 1010

CHELMSFORD

T: +44 (0)1245 392170

EDINBURGH

T: +44 (0)131 335 6830

EXETER

T: + 44 (0)1392 490152

GLASGOW

glasgow@slrconsulting.com

GUILDFORD

guildford@slrconsulting.com

LONDON

T: +44 (0)203 805 6418

MAIDSTONE

T: +44 (0)1622 609242

MANCHESTER (Denton)

T: +44 (0)161 549 8410

MANCHESTER (Media City)

T: +44 (0)161 872 7564

NEWCASTLE UPON TYNE

T: +44 (0)191 261 1966

NOTTINGHAM

T: +44 (0)115 964 7280

SHEFFIELD

T: +44 (0)114 245 5153

SHREWSBURY

T: +44 (0)1743 23 9250

STIRLING

T: +44 (0)1786 239900

WORCESTER

T: +44 (0)1905 751310

Ireland

DUBLIN

T: + 353 (0)1 296 4667

France

GRENOBLE

T: +33 (0)6 23 37 14 14

LAND NORTH-EAST OF JUNCTION 10 M42, DORDON

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2.0 Response

Paragraph 2.76 provides a summary of requests for clarification / Regulation 25 as follows:

1. *“Clarification as to what the defined **study area** is, both in the text and the illustrations supplied in Appendix 10.1;*
2. *Descriptive overview of the extent of the area outside of the Proposed Development site area that is being considered within the LVIA i.e. the study area;*
3. *Clarification as to why **baseline photography** varies in size;*
4. ***Provision of visuals showing the Proposed Development** modelled into views (Type 3 visualisation) as opposed to baseline photography only, particularly for viewpoints identified as significant;*
5. *Further **information on how off-site mitigation will be secured** (e.g. through s106 agreement or Planning condition);*
6. ***clarification as to the methodology of the cumulative assessment**, and why the cumulative schemes identified were included;*
7. *Provide **greater detail on the likely landscape and visual effects**;*
8. *Provide **further information on how the judgements of overall landscape and visual effects were undertaken**; and*
9. *Provide further information on **why the viewpoints within the LVIA were included**”.*

The following additional issues were raised within the body of the report:

10. **Acknowledgement that visibility of the proposed development will be greater in winter**, when trees are not in leaf; and
11. **The ZTV considers existing built form and proposed vegetation as opposed to bare-earth.**

Taking each of these requests in turn:

Study area

The Review requests clarification of the study area, referencing Paragraph 10.1.6 and in addition to this requests a descriptive overview of the extent of the study area.

Drawings LAJ-1 to LAJ-3 illustrate the wider area considered within the assessment and provide a broader context for the character assessment. Drawing LAJ-4 illustrates a reduced study area within which the Zone of Theoretical Visibility (ZTV) indicates that potential visual effects would be contained. We note that the Review states in Paragraph 2.23 that a *“study area of 2-3km radius would be appropriate”*, based on the ZTV, which aligns with the area illustrated on Drawing LAJ-4.

Baseline photography

The Review requests clarification as to why baseline photography varies in size. All photography was taken in accordance with Technical Guidance Note 06/19 (Landscape Institute, September 2019) and photographs were stitched, scaled and illustrated in accordance with this same guidance.

It is appreciated that the label on the Viewpoint sheets might be confusing. The width of the page and viewing box, with appropriate scaling, can incorporate up to a 90 degree horizontal field of view. For some views, the horizontal field of view illustrated is less than 90 degrees to focus on the part of the view where there is most potential to experience visual effects. For example, Viewpoint 16 (Drawing number: LAJ-36) illustrates the view along the M42 towards the site from a motorway bridge. This is illustrated at less than a 90 degree horizontal angle of view because the context beyond this does not add to an understanding of this view.

Provision of visuals showing the Proposed Development

A request has been made for Type 3 visualisation to accompany the ES Chapter, although we note that Paragraph 2.72 of the Review states that “Given this is an outline application, provision of baseline photography is considered appropriate”.

Type 3 visualisations were not provided within the ES Appendix, given that the application is Outline, and will be decided on parameters, with the final form of built development a Reserved Matter. However, a number of modelled views and a series of sections were provided within the Design and Access Statement (ref. 4263-CA-00-XX-RP-A-06005_Design and Access Statement rev. PL4 / Section 6.3 and see Appendix B of this report) which accompanies the application to aid in an understanding of the development. The LVIA was also based upon an understanding of a computer model of the proposed development and its context, including existing vegetation. It was this model which enabled the production of the ZTV, for example.

Information on how off-site mitigation will be secured

It is proposed that the areas proposed for off-site landscape mitigation, their provision, retention and maintenance, would be secured under a S106 Agreement with NWBC to ensure they are delivered and maintained in perpetuity. Planning obligations within a S106 Agreement are automatically registered as local land charges on the title, so that if the land is sold or transferred in the future, the obligations would remain. Obligations could also include submission and approval of a Management Plan to ensure off-site landscape mitigation is appropriately managed (e.g. replacement of dead trees / shrubs during the following planting season where appropriate).

Clarification as to the methodology of the cumulative assessment

Clarification of the cumulative methodology is requested as well as an explanation as to why the cumulative schemes identified were included.

The cumulative schemes included within the scheme were suggested by, and agreed with, the Head of Planning through email correspondence in April 2021. We included all of the schemes which were suggested within the assessment.

The cumulative methodology was drawn from the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013 (GLVIA3). Chapter 7 of GLVIA3 addresses cumulative assessment and Paragraph 7.3 provides a series of bullets to provide guidance.

Cumulative effects are “*the additional changes caused by a proposed development in conjunction with similar developments*”, “*cumulative landscape effects... ‘can impact on either the physical fabric or the character of the landscape, or any special values attached to it’*” and “*cumulative visual effects.... can be caused by combined visibility, which ‘occurs where the observer is able to see two or more developments from one viewpoint’ and/or sequential effects which ‘occur when the observer has to move to another viewpoint to see different developments’*”. The assessment seeks to identify the “*additional effect of the project in conjunction with other developments of the same type*” (GLVIA3, paragraph 7.10, p122).

Many of the schemes suggested (identified in Table 10.1 of ES Chapter 10) were already constructed and as such would already be embedded in the landscape and visual baseline and taken account of in the overall assessment of landscape and visual effects. Nevertheless, a succinct, separate assessment was undertaken against each.

LUC contends at paragraph 2.59 that sites E2 and Birch Coppice do not have consent or a valid planning application. This is not correct.

Birch Coppice has been progressively built out since the 1990s and according to the scheme’s website, it now “*has in excess of 370,000sqm of occupied floorspace, and has top connectivity links via the £15 million freight rail connection constructed in 2005.*” To imply Birch Coppice Business Park has no planning permission is illustrative of a lack of understanding of the site and the surrounding land, including their existing visual characteristics. Site Allocation E2 has been recently assessed through EIP and been found to be justified (appropriate) and effective (deliverable), in accordance with the tests at paragraph 35 of NPPF 2012 (being the relevant version under which the North Warwickshire Local Plan 2021 was assessed, given it was submitted for examination prior to 24 January 2019). LUC also contends that both of the schemes “*have a high level of uncertainty*”. If LUC contends that the deliverability of Site Allocation E2 is in question, it must also accept that this would have implications for the ability of NWBC to deliver its need for employment land identified in its recently adopted Local Plan. In that instance, an appropriate alternative location would be required to meet the identified need, with the application site being a highly suitable location, being, as it is, less than 150m from Site Allocation E2.

We note that the cumulative assessment, in its current form, does not separate out cumulative landscape and visual effects into separate sections and for completeness this has been provided in Appendix A of this response.

Greater detail on the likely landscape and visual effects and further information on how the judgements of overall landscape and visual effects were undertaken

The Review asks for “*greater detail on the likely landscape and visual effects*” and “*further information on how the judgements of overall landscape and visual effects were undertaken*”. We note also that comments have been made about the use of the terms “*at construction*” and “*after construction*” and that the Review questions the validity of the ZTV.

Detail of the assessment of potential landscape effects is provided in Section 10.3 of Appendix 10.2 of the ES (ES Volume 3) and detail of the assessment of potential visual effects against representative viewpoints is provided in Section 10.4 of Appendix 10.2 of the ES (ES Volume 3). A summary of the assessment of potential landscape effects is provided in Chapter 10 of the ES Main Report (ES Volume 2). Additional assessment of potential visual effects against visual receptors, for example, walkers, is provided in Section 10.5 of Chapter 10 of the ES Main Report (Volume 2). This draws on the assessment of potential effects on representative views. The assessment is based on a desktop assessment, computer modelling and three site visits undertaken in the summer and winter of 2021.

The description of likely landscape and visual effects and the judgements were written by an experienced, Chartered Landscape Architect and have been reviewed and discussed with another experienced, Chartered Landscape Architect, Jeremy Smith, who has acted as an expert witness at around 50 appeals. The assessment

has then been further challenged by an experienced Queen's Counsel and been found to be robust. The assessment follows best practice, in accordance with GLVIA3 and the methodology used for the assessment has been challenged at Appeal on numerous occasions and also found to be robust.

Clarification is sought on the use of the term 'at construction' and 'after construction'. These do represent the same scenario i.e. immediately after the completion of construction, or year 1. Where the term 'at construction' is used it should be corrected to 'after construction'.

It was not considered necessary to include a third column in the assessment tables to represent 'during construction' as suggested in the Review. The assessment of the period immediately after construction is completed provides a worst-case scenario Since the development will (a) have achieved its maximum scale (b) will effectively be unmitigated by proposed vegetation (c) will have achieved the form it will maintain permanently. In comparison, during construction the building will have a smaller scale for much of the time, and the effects are for a much shorter duration. The LVA therefore follows best practice in assessing the worst case scenario.

Why the viewpoints within the LVIA were included

Further information is requested on why the viewpoints within the LVIA were included.

A series of initial viewpoints were identified through desktop assessment of OS mapping, aerial mapping and a review of contour information. The selected viewpoints were illustrated on a plan and submitted to the Planning Officer for agreement. The Planning Officer suggested a number of additional viewpoint locations which were then incorporated into the assessment. Further adjustments to specific viewpoint locations were made on site. For example, a viewpoint along a public right of way may be adjusted to a position on the right of way where the potential view might be greater, for example, where there was a gap in a hedgerow or a field gate. We note that paragraph 2.35 of the Review states "A total of 21 viewpoints are used within the visual assessment and these represent a suitable range of recreational receptors, residential receptors and road users".

GLVIA3 recommends that we select "representative viewpoints" which "represent the experience of different types of visual receptor" e.g. walkers on a public right of way or residents on the edge of a settlement etc. who may or may not have a view of proposed development.

For example, Viewpoints 1, 3, 4, 7, 8, 10 and 21 represent the varied experience of walkers and riders on the footpath and bridleway network between the Site and existing settlement to the north and east where views of the proposed development would be clearest. Viewpoint 12 represents the experience of walkers on the footpath network between the Site and existing settlement to the south and Viewpoint 15 represents the experience of walkers, cyclists and riders from existing settlement to the west. To ignore the experience of visual receptors of the same type to the south and west and to only focus on those to the north and east, just because there is limited to no visibility to the south and west, would not fully represent the experience of this type of visual receptor.

Acknowledgement that visibility of the proposed development will be greater in winter

The site was visited on a number of occasions in both the summer and winter of 2021 (primarily August, September and December of 2021) to undertake assessment and to ensure that there was a full understanding of the effects of vegetation and that this was factored into the assessment. Photography was also taken in both Summer and Winter, as set out at Drawing Numbers: LAJ-5-48.

The ZTV considers existing built form and proposed vegetation as opposed to bare-earth

The ZTV follows a methodology which has been tested at Appeal. It is based on the parameter plan (Drawing no. 4263CA0000DRA0075P3) and incorporates the proposed landform as modelled by Burrows Graham. It utilises a combination of existing retained vegetation and maturing proposed mitigation. The assumed heights for features within the landscape are stated both on the ZTV drawing and within Appendix 10.2 of Volume 3 of the ES. The heights of existing vegetation have been set at a conservative level. For example, existing hedgerows have been set at a height of 2m when in reality they are often at between 3 and 4m height. Proposed tree planting has been set at a height of 10m which represents a semi-mature tree.

APPENDIX A

Cumulative Assessment

Potential cumulative landscape and visual effects are assessed as follows:

Core 42

Core 42 is employment land comprising industrial / warehouse buildings on seven pre-formed development plateaux - comprising up to 63,509 sqm gross floor space for use with Use Class B1(c) - light industrial use, Use Class B2 - general industrial use or Use Class B8.

Cumulative Visual Effects

Potential intervisibility between the proposed development and the existing business park would be limited. Potential views towards the proposed development from within the business park would be screened by large-scale logistics buildings. Potential views from the entrance to the site would include potential built form visible, in the far distance, above the existing vegetation in the far right-hand-side of the view. Proposed built form would be viewed in the context of, facing, large-scale commercial buildings to the south of the A5 and existing road infrastructure which is characteristic of the location. Proposed earth mounds with native woodland planting would progressively filter views of proposed built form. The cumulative sequential visual effect of the proposed development would be Minor for walkers and Minor / Negligible for vehicle users reducing over time as proposed woodland planting establishes.

Cumulative Landscape Effects

The localised area of LCA 5 Tamworth Fringe Uplands described within the North Warwickshire Landscape Character Assessment (August 2010) (including land to the south up to the disused railway; land up to the settlement edge of Dordon / Polesworth; land to the north up to the B5000 and land to the west up to the edge of the character area and Tamworth) is characterised by large-scale-commercial buildings, road infrastructure, peripheral road noise and movement and affected by lighting from adjacent infrastructure and commercial uses. Development at Core 42 reflects this character. The proposed development would add new commercial development into a landscape already characterised by this type of development. The additional landscape effect of the development would be Minor with the proposed development forming a small part of an existing commercial / industrial landscape.

Birch Coppice Industrial Estate, Employment Allocations E2 and E3

Birch Coppice Estate and employment allocations E2 and E3 are part of a number of employment sites along the southern side of the A5 (including Core 42 further east).

Cumulative Visual Effects

The proposed development would be experienced as an additional development along the A5 within a context of existing commercial development. Viewpoint 9 is located on the A5 adjacent to Birch Coppice Industrial Estate. The proposed development would be viewed at a distance in the context of, facing, large-scale commercial buildings to the south of the A5 and existing road infrastructure which is characteristic of the location. Proposed earth mounds with native woodland planting would progressively filter views of proposed built form. The cumulative sequential effect of the proposed development would be Minor for walkers and Minor / Negligible for vehicle users reducing over time as proposed woodland planting establishes.

Cumulative Landscape Effects

As noted above the proposed development would be experienced as an additional development along the A5 within a context of existing commercial development, of a similar character. The additional landscape effect of the development would be Minor with the proposed development forming a small part of an existing commercial / industrial landscape.

St Modwen Park Tamworth

Development of land at St Modwen Park, Tamworth includes the construction of buildings within Use Class B1(c) (light industry), Use Class B2 (general industry), and Use Class B8 (storage and distribution) and the demolition and removal of existing structures and associated works.

Cumulative Visual Effects

Viewpoints 11 and 13 are helpful when assessing the cumulative relationship between the proposed development and commercial development to the south-east of M42 J10. Proposed built form would be visible across the A5 dual-carriageway but set within a context of large-scale commercial buildings and traffic infrastructure to the south and west. The existing hedgerow would be retained to either side of the proposed access which would help to screen the lower levels of the proposed building set on a platform predominantly below existing ground level. Built form would be set-back by between approximately 58 and 35m from the existing hedgerow and new native tree and shrub planting has been proposed in this area around a proposed detention basin (SuDS / attenuation pond) to ensure that the frontage of the site is in character with the frontage of recently constructed commercial development to the south of the A5. The cumulative sequential effect of the proposed development would be Minor for walkers and Minor / Negligible for vehicle users reducing over time as proposed woodland planting establishes.

Cumulative Landscape Effects

Cumulatively, the proposed development would be in accordance with the existing character of facing commercial development and would form the 4th quadrant of commercial development present around J10 of the M42. The additional landscape effect of the development would be Minor with the proposed development forming a small part of an existing commercial / industrial landscape.

Centurion Park

Centurion Park is a 21 acre logistics and distribution park located adjacent to Junction 10 of the M42 Motorway.

Cumulative Visual Effects

Intervisibility between Centurion Park and the proposed development is limited to none, but the two developments would be experienced sequentially by Vehicle users and pedestrians moving around the J10 roundabout. The cumulative sequential effect of the proposed development would be Minor for walkers and Minor / Negligible for vehicle users reducing over time as proposed woodland planting establishes.

Cumulative Landscape Effects

Cumulatively, the proposed development would be in accordance with the existing character of facing commercial development and would form the 4th quadrant of commercial development present around J10 of the M42. The additional landscape effect of the development would be Minor with the proposed development forming a small part of an existing commercial / industrial landscape.

Warehouses off Relay Drive

Development off Relay Drive is formed by a series of industrial / commercial warehouses.

Cumulative Visual Effects

Intervisibility between the warehouses off Relay Drive and the proposed development is limited by existing established vegetation. Viewpoints 14 and 15 indicate that there is no intervisibility at ground level. The rooflines of warehouses off Relay Drive are visible from Viewpoints 5 and 20 in the far distance. Proposed built form would be visible in the distance in the context of large-scale commercial development to the south of the A5 and where the rooflines of large-scale commercial development are visible to the west beyond the M42. Proposed earth mounds planted with native woodland would progressively filter views of both proposed built form, and the existing warehouses off Relay Drive, breaking up the massing of development. The cumulative

sequential effect of the proposed development would be Minor for residents on the edge of Dordon reducing over time as proposed woodland planting establishes.

Cumulative Landscape Effects

The proposed development would be experienced as an additional development, of a similar character, within a context of existing commercial development. The additional landscape effect of the development would be Minor with the proposed development forming a small part of an existing commercial / industrial landscape.

EUROPEAN OFFICES

United Kingdom

AYLESBURY

T: +44 (0)1844 337380

BELFAST

belfast@slrconsulting.com

BRADFORD-ON-AVON

T: +44 (0)1225 309400

BRISTOL

T: +44 (0)117 906 4280

CARDIFF

T: +44 (0)29 2049 1010

CHELMSFORD

T: +44 (0)1245 392170

EDINBURGH

T: +44 (0)131 335 6830

EXETER

T: + 44 (0)1392 490152

GLASGOW

glasgow@slrconsulting.com

GUILDFORD

guildford@slrconsulting.com

LONDON

T: +44 (0)203 805 6418

MAIDSTONE

T: +44 (0)1622 609242

MANCHESTER (Denton)

T: +44 (0)161 549 8410

MANCHESTER (Media City)

T: +44 (0)161 872 7564

NEWCASTLE UPON TYNE

T: +44 (0)191 261 1966

NOTTINGHAM

T: +44 (0)115 964 7280

SHEFFIELD

T: +44 (0)114 245 5153

SHREWSBURY

T: +44 (0)1743 23 9250

STIRLING

T: +44 (0)1786 239900

WORCESTER

T: +44 (0)1905 751310

Ireland

DUBLIN

T: + 353 (0)1 296 4667

France

GRENOBLE

T: +33 (0)6 23 37 14 14