

Land north east of Junction 10 of the M42 Motorway / north of the A5, Dordon

**Sam Oxley CMLI on behalf of North
Warwickshire Borough Council**
**Landscape and Visual Effects, and
Consideration of Strategic Gap**

Final report

APP/R3705/W/24/3336295

May 2024

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Motorway / north of the A5, Dordon**

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Borough Council**

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of Strategic Gap**

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Chapter 1

Introduction

Witness qualifications and experience

- 1.1** My name is Sam Oxley. I am a landscape architect and have been a Chartered Member of the Landscape Institute since 1999.
- 1.2** I hold a Post Graduate MSc in Landscape Design from Sheffield University (1995), and a BSc in Geography from Durham University (1992).
- 1.3** I am a Director of LUC and have been employed as a landscape planner and landscape architect by LUC since 2008.
- 1.4** I am responsible for leading landscape/townscape and visual impact assessment (LVIA) for LUC.
- 1.5** My work includes undertaking of reviews, assessments and giving of expert evidence for renewable energy and grid connection projects, transport infrastructure, as well as masterplans and a variety of different types of buildings, both residential and commercial, within both rural and urban contexts.
- 1.6** I have carried out a very large number of landscape and visual assessments both for Environmental Impact Assessments (EIA) when it is required and as stand-alone appraisals when it is not.
- 1.7** I am experienced in using the assessment process in an iterative way to help feed into the design process and to mitigate potential impacts. I am experienced in working and liaising with a wider team of experts including engineers and architects, to influence project design to minimise environmental impacts, whilst helping to develop practical and workable solutions.
- 1.8** I provide landscape advice to developers, planning authorities and have also given training and support on various landscape and visual issues for statutory consultees including Natural England.
- 1.9** I regularly act as landscape expert witness in planning appeals and examinations. I have provided landscape and seascape advice both to developers and to Natural England for high-risk case work in relation to NSIP Projects.
- 1.10** The evidence which I provide for this inquiry is true and has been prepared and is given in accordance with the guidance of my professional institution, the Landscape Institute, and I confirm that the opinions expressed are my true and professional opinions.

Documents

1.11 In this evidence, I make reference to various documents which have been submitted to this appeal, identified on the Core Document (CD) list (relevant extract below):

Table 1.1 Core Document List

Core Document Number	Core Document Name
A5	Parameters Plan
A8	Environmental Statement Volume 2 Main Statement
A9.6	LVIA Methodology and Assessment Tables
B7	Figure LAJ-1: Designations Plan
B7	Figure LAJ-2A: Landscape Character Plan
B7	Figure LAJ-2B: Landscape Character Plan
B7	Figure LAJ-3: ZTV of proposed massing with assumed level form OS with mitigation vegetation
B7	Figure LAJ-4: Viewpoint Location Plan
B9, B10 and B34	Design and Access Statement
B11 and B35	Design Guide
B15	Illustrative Landscape Sections
B28	Indicative Masterplan and Specification (Drawing no. 00090, Rev SK5)
B29	Proposed Elevations (Drawing no. 05008 to 05011)
B30	Figure LAJ-54: Section A
B30	Figure LAJ-55: Sections B, C and D
B31	Type 3 Photomontages (Viewpoint 1, 4, 5, 8 and 9) (Drawing no. LAJ-056 to LAJ-070)

Chapter 1

Introduction

Sam Oxley CMLI on behalf of North Warwickshire Borough Council
May 2024

Core Document Number	Core Document Name
B31	Photosheets (Drawing no. LAJ-5 to LAJ-48)
B31	Viewpoint 8 and 9 Wirelines (Drawing no. LAJ-53 to LAJ-56)
B57	Figure LAJ-53: Indicative Bund Locations
B57	Figure LAJ-52: Walking Routes Plan
B57	Figure LAJ-51: Zone of Theoretical Visibility (ZTV) of proposed massing with bunds included but no mitigation planting
D22	SLR Technical Memorandum – Dated 23rd May 2024
F1	Local Plan
F1	Local Plan Policies Map
G1	North Warwickshire Landscape Character Assessment
G2	2015 Meaningful Gap Assessment (NWBC)
G3	Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations
G4	Guidelines for Landscape and Visual Impact Assessment 3 rd Edition (GLVIA3)
G5	Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals
G6	Strategic Gap and Green Wedge Policies in Structure Plans: Main Report (ODPM, 2001)
G8	National Character Assessment (NCA) 97: Arden
G9	Warwickshire Landscape Guidelines: Arden
G11, G13, G17	LVIA Review (including review of additional information)
G12	SLR Landscape Technical Note (May 2022)

Core Document Number	Core Document Name
G14	SLR Response to LUC (January 2023)
G16	SLR Response to LUC (May 2023)
G18	SLR Response to LUC (March 2024)
G21	European Landscape Convention
K1	Appeal Reference - APP/R3705/W/18/3196890 Land south of Tamworth Road and to west of the M42 – 150 dwellings dismissed
K2	Appeal Reference - APP/R3705/W/15/3136495 Land south east of the M42 Junction 10, Tamworth, Warwickshire – St Modwens allowed
K7	Appeal Reference - APP/W2845/W/23/3325211 – West Northamptonshire - Dismissed
K8	Appeal Reference – APP/A1720/W/22/3299739 – Fareham Borough Council - Dismissed
K9	Appeal Reference – APP/K2420/W/21/3272931- Hinckley and Bosworth Borough Council – Sketchley Farm Burbage Area of separation - Dismissed

Background

1.12 LUC was commissioned by North Warwickshire Borough Council (NWBC) in January 2022 to provide a review of the Landscape and Visual Impact Appraisal (LVIA) for the proposed development of ‘Land North-East of Junction 10 M42, North Warwickshire’, produced by WSP for Hodgetts Estates (planning application ref. PAP/2021/0663). The appellant’s LVIA [CD-A8] and its appendices [CD-A9.6] are relevant to this appeal.

1.13 The brief required a technical review of the adequacy of the submitted LVIA. LUC’s review of the LVIA [CD-G11] included consideration of the scope, methodology, baseline assessment and mitigation. In addition, the LVIA review [CD-G11] provided a professional opinion on the robustness of the judgements made in the LVIA based on the experience of Chartered Landscape Architects (CMLI) at LUC and guidance within the GLVIA3, to help inform the Case Officer's decision.

1.14 The work included making recommendations for clarifications to be sought from the appellant, and for further work that may be helpful in determining the application. Clarification requests included further information on the study area and how off-site mitigation will be secured, greater detail on the cumulative assessment methodology and likely cumulative effects, and greater clarity on how the judgements of overall landscape and visual effects were undertaken. In addition, it was requested that Type 3 visualisations, which show photomontages/ photowires of the proposed development, were provided (as described by the Landscape institute in CD-G5).

1.15 Following the requests for clarification, the appellant submitted additional information in May 2022 [CD-G12]. LUC was commissioned by NWBC in June 2022 to provide a review of the response and additional information provided by the appellant. The review of this additional information formed an Appendix A to the initial LVIA review [CD-G13].

1.16 Initially, the review of the LVIA and additional information submitted was based on desk study. However, prior to a meeting with the NWBC and the appellant on 31st January 2023, LUC undertook field visits around the site and study area.

1.17 Following the meeting on the 31st January 2023, the appellant provided a response and additional information in July 2023. LUC was asked to review this additional information, which formed Appendix B of the LVIA review [CD-G17].

1.18 My team at LUC (but not me) was previously engaged for NWBC in undertaking the Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations, Final Report Prepared by LUC for North Warwickshire Borough Council, January 2018 [CD-G3]. From reading LUC's work about the area as well as from my own site visits, I have an understanding of the wider landscape character and context of the area for the purpose of providing advice to this Inquiry. There is no conflict of interest in relation to this or other work I am involved with.

Scope of Evidence

1.19 My statement addresses the potential effects of the proposed development on landscape character and visual amenity. The scope of this report is to provide the Inquiry with a proportionate and technically sound understanding of the potential landscape and visual effects of the proposal, and explain where there are differences in my judgement to that of the appellant.

1.20 I have considered the appellant's LVIA [CD-A8 and CD-A9.6]. In my opinion the assessment understates the visual effects of the proposed development on residential and recreational receptors around the site. The assessment does not fully recognise the extent of landscape and visual effects,

particularly just after construction when any proposed mitigation planting has not matured and will offer limited screening.

1.21 The proposed development comprises 100,000m² (10ha) of warehousing and industrial uses (three large industrial buildings and one smaller building) and up to 150 spaces for overnight lorry parking. In addition, the proposed development would include earthworks to create flat development platforms and bunding, and planting to provide screening along each boundary.

1.22 The proposed development would form a very prominent feature in the landscape, and will reduce the extent of the undeveloped arable area north of the A5 and east of the M42. This area is semi-rural, and transitional in character to the surrounding built environment. Whilst there are clearly strong urban influences, the qualities and features associated with the previous undeveloped rural landscape remain. The proposed development would reduce the sense of the area north of the A5 being undeveloped, open and semi-rural, existing as a wide swathe of undeveloped land between the urban areas of Tamworth and Birchmoor, and Polesworth and Dordon. In addition, the appellant fails to appreciate that the introduction of large earth mounds to provide screening are uncharacteristic of the landscape of the site, and will detract from the existing character of very gently rolling farmland.

1.23 The appellant fails to fully recognise the change in open and undeveloped character that would result from the construction and operation of the site for industrial uses and lorry parking. Such development at the site would extend the presence of large scale industrial development to the north of the A5 and east of the M42, into an area that does not have any large scale development of this type, and into an area designated as a Strategic Gap (see Policy LP4 of the North Warwickshire Local Plan 2021 [CD-F1]). The proposed development would reduce the effectiveness of the Strategic Gap in maintaining the separate identities of the Tamworth, Polesworth and Dordon.

1.24 I am commissioned by the Council to provide impartial, expert evidence, based on my own professional judgement. My evidence is limited to the landscape and visual effects of the proposal, but, as part of this, considers how the proposal will affect the effectiveness of the Strategic Gap.

1.25 My approach to the landscape and visual impact appraisal within this proof is guided by the 3rd Edition Guidelines for Landscape and Visual Impact Assessment (GLVIA3) [CD-G4]. I have followed the principles of GLVIA3 in considering sensitivity (susceptibility and value) and magnitude of change (size/scale, geographical extent, duration and reversibility) to make a judgement on the level of significance of effects on landscape and visual receptors.

1.26 I broadly agree with the approach set out in the appellant's LVIA, although I do not always agree with its application. The categories and criteria set out in their LVIA are generally fair and I adopt these

scales to articulate my position. I understand that the appellant has since updated some of their judgements of effects for certain viewpoints [CD-G18]. This is more consistent with the judgements LUC provided in the LVIA review [CD-G11, CD-G13 and CD-G17], but it is unclear why the appellant has changed their judgements, given the proposal itself is not changed, and if they now seek to distance themselves from their original LVIA, or consider that work flawed.

1.27 Further, on 23rd May 2024, I received an email (at 9.38am) from the appellant explaining that:

“I wanted to let you know about an issue with the Type 3 montages that I have very recently discovered. I’ve attached a technical note which explains that the Type 3 montages issued last year have an error in their dimensions – in essence the architect’s 3D model was incorrect, and as a result the buildings are shown as being notably taller than the proposed ridge height of 117.8m AOD/21 metres from ground level. Whilst the buildings are shown as being too high, the length and width of the proposed buildings is correct. As I explain in the attached note, all other illustrative materials (sections, wirelines, ZTVs) are based upon the correct building height. The SLR LVIA, and all subsequent assessments, were also based upon the 117.8m maximum height.”

1.28 Whilst the above and accompanying SLR Landscape Technical Note 230524 [CD-D22], states that all assessment information is based in the correct building height, this leaves further doubt in my mind as to the robustness and reliability of the LVIA work. The initial LVIA judgements were very different to those now being put forward, but the more recent judgements were informed by visualisations that were “3.641m higher than proposed ridge height”. It does not appear that the appellant now wishes to downgrade their judgements as they confirm they were based on the correct parameters, but at the point of submission of evidence (i.e. 29th May 2024), neither the appellant, nor the Council have any reliable photomontage or visualisation material before them.

1.29 In my evidence I show areas where I disagree with the appellant’s judgements and their application of the methodology and set out my reasons why.

1.30 In this proof of evidence, I shall:

- a. describe the landscape and visual context of the site (Chapter 2);
- b. assess the landscape and visual effects of the proposal (Chapter 3);
- c. provide consideration of the strategic gap (Chapter 4);
- d. conclude on the overall landscape and visual effects of the proposal (Chapter 5).

Chapter 2

The site and landscape and visual context

2.1 It is understood that outline approval is being sought for a major mixed employment development, an overnight lorry parking facility and ancillary infrastructure at Land North-East of Junction 10 M42, North Warwickshire. The proposals are in outline, and would include 100,000m² (10ha) of warehousing and industrial uses and up to 150 spaces of overnight lorry parking. Detailed approval is sought for the principal means of access, with all other matters (including massing, layout, scale, and design etc.) reserved.

The site and context

Location

2.2 The site comprises a total area of 32.36 hectares (ha) of large scale, arable fields, located at the north-eastern quadrant of Junction 10 of the M42 motorway, near Dordon, North Warwickshire. The site is illustrated on Figure 2.1. The site is generally rectangular in shape and rises from a low point in the south-west corner (92m AOD) up to the north, along the edge of the settlement of Birchmoor (105m AOD), representing a level change of about 13m across the site. The site is bounded by a mature tree belt along the western and south-western boundary, next to the M42. Beyond the M42, further to the west, is Tamworth service station and the settlement of Tamworth. The large roundabout associated with Junction 10 of the M42 is located immediately south-west of the site, with Centurion Park beyond that.

2.3 The south of the site is bounded by a mature, and somewhat gappy, hedgerow which runs along the A5 dual carriageway to the south (note that work in relation to access [see CD-A9.2 Proposed Layout for A5 and New Site Access] indicates that a substantial section of this will need to be removed to accommodate a new junction and cycle lanes – potentially up to 500m, although this is unclear).

2.4 The A5 in this area is known as '*Watling Street*', and is marked on the OS map as a Roman Road. This long straight route is a notable feature of the area, though perhaps more evident when seen on maps than when on the ground.

2.5 Further south from the A5 is Tamworth Logistics Park, comprising large scale commercial buildings. Existing large-scale commercial development is present to the south and west along the A5 and M42, respectively.

2.6 The village of Birchmoor lies to the north of the site, beyond a row of paddocks. The eastern boundary of the site comprises a public bridleway (appears to be well used by bikes, as noted during field work) for its northern part, which runs between Birchmoor in the north and the A5 in the south. This would become subsumed within the proposed development from the junction with another public footpath running east-south-east, and would be re-routed. Note that the re-routing would be across an area where landscape earth mounds (up to 5m high as agreed in the Landscape SoCG) and planting are proposed, and so it is uncertain how it would work in practice.

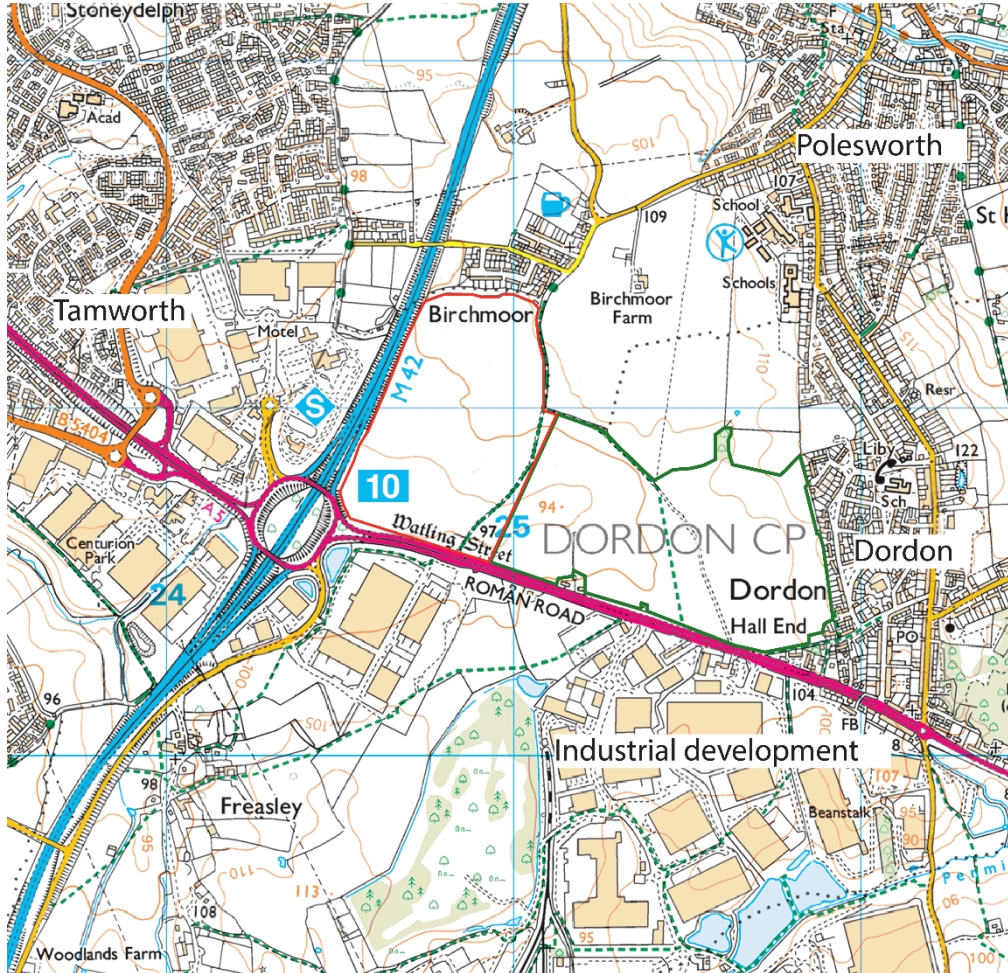
2.7 A public footpath, running east-south-east, branches off the bridleway, curving south-eastwards to the A5. In practice, people seem to follow the existing farm track rather than the route across the field marked on the OS map, which appeared indistinct when observed on the site visit.

2.8 Further open agricultural land, as well as well used (as noted during a site visit, and the observed wearing of the walked routes) public open space and a copse of woodland with informal path networks, and school playing fields, are present to the east. Land rises up to an elevation of approximately 120m AOD at the settlement of Dordon, approximately 0.7km to the east of the site.

2.9 The open area of largely agricultural land which includes the site and the area to the east of the site, forms a transitional landscape which possesses rural qualities, with tracks lined by native hedgerows, with mature trees, a woodland copse, and the actively farmed Birchmoor Farm, sitting in the open landscape to the east of Birchmoor, and surrounded by fields.

2.10 The settlement of Birchmoor, extending off Green Lane and Cockspur Steet to the east of the M42, retains a village like feel, being surrounded on all sides by farmland, and with houses having an open and sunny southerly aspect where they look out across this. Although the area is influenced by settlements, main roads and industrial/commercial development, the landscape of the site and neighbouring agricultural land is distinctly different and should be protected.

Figure 2.1 Site boundary (red) and offsite boundary (green)



Strategic Gap

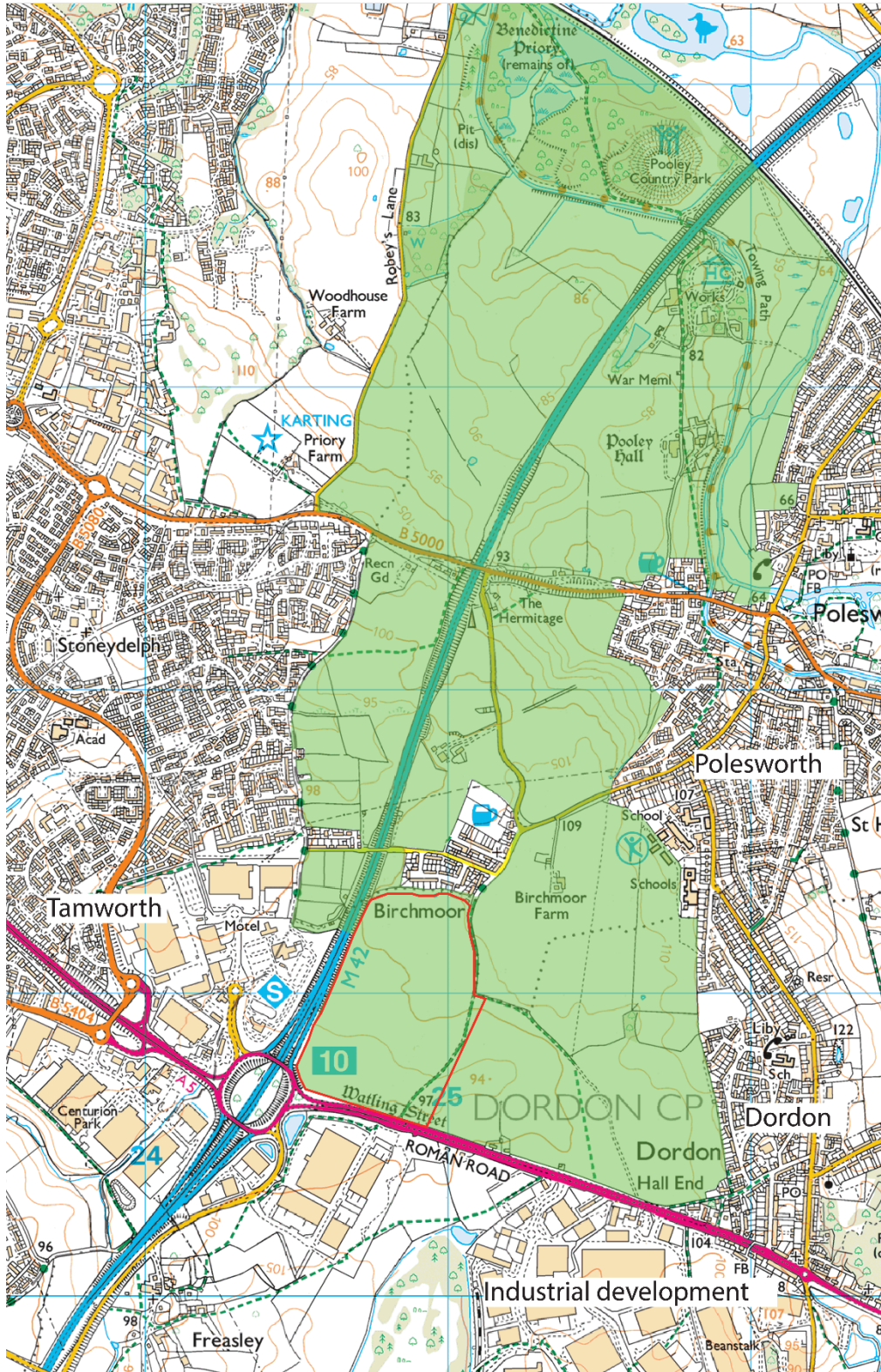
2.11 The open area of largely agricultural fields comprising the site and its surroundings, together with Birchmoor Farm, plays an important role in maintaining separation between the settlements of Polesworth/ Dordon and Tamworth. This area, including the site, is located within the Strategic Gap as defined by Policy LP4 of the North Warwickshire Local Plan 2021 [CD-F1], and illustrated on Figure 2.2. The purpose of the Strategic Gap is to maintain the separate identity of towns and settlements, in order to prevent their coalescence.

2.12 The extents of the Strategic Gap are illustrated on the Local Plan Policies Map [CD-F1]. The Strategic Gap extends northwards from the A5 to the West Coast Main Line railway track in the north, near Pooley Country Park. The western extents of the Strategic Gap are defined by the settlement boundary of Tamworth and by Robey's Lane further north, whilst the eastern boundary is defined by the

eastern boundary of Dordon and Polesworth. The Strategic Gap does not include the settlement of Birchmoor.

2.13LUC previously undertook an independent assessment of the land designated in local planning policy as a 'Meaningful Gap' (now superseded by the term 'Strategic Gap' in the recently adopted Local Plan). The 'Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations' [CD-G3] assessed each parcel in order to determine how land performs with regards to preventing neighbouring towns merging with one another. The site is located within Parcel 8. The study found that Parcel 8 makes a strong contribution because it provides a buffer and sense of separation between the settlements which are very close to each other at this point. The report notes that Parcel 8 plays a crucial role in separating Tamworth and Dordon, as the distance between the settlements is narrow at this point (approximately 830 metres), reducing to 330m at the narrowest point between Birchmoor and Dordon.

Figure 2.2 Strategic Gap boundaries with the site shown in red



Landscape character context

2.14 At a national level, the site itself is located within *National Character Area (NCA) 97: Arden* [CD-G8]. The site and study area are broadly representative of this NCA, sharing some of the key characteristics relating to land use and human influences. The *'well-wooded farmland landscape with rolling landform'* is a key characteristic of the NCA, and is representative of the undulating farmland of the Strategic Gap, although it is noted woodland is limited to one copse to the east. The presence of existing industrial and commercial development relates to the key characteristics about the *'north-eastern industrial area based around the former Warwickshire coalfield'*.

2.15 At a county level, the site is located within the Wooded Estatelands Landscape Character Type (LCT) as defined in the Warwickshire Landscape Guidelines [CD-G9]. This area is described as a *'landscape characterised by a large scale rolling topography and prominent hilltop woodlands'*.

2.16 At a more local level, the site is located within the Tamworth Fringe Uplands Landscape Character Area (LCA) as defined in the North Warwickshire Landscape Character Assessment [CD-G1]. All the key characteristics of this LCA are relevant to the site and its surroundings. For reference, these are set out below:

- a. *"Gently undulating indistinct landform.*
- b. *Predominantly open arable land with little tree cover.*
- c. *Fragmented landscape with a complex mix of agricultural, industrial and urban fringe land uses.*
- d. *Heavily influenced by adjacent settlement edges of Tamworth and Dordon and by large scale modern industry at Kingsbury, and in the vicinity of the M42 motorway junction.*
- e. *Unifying presence of the M42 motorway, which passes through within a planted cutting.*
- f. *Network of busy roads in and around Tamworth.*
- g. *Generally large, open arable fields between urban land uses with no or low trimmed hedges and few hedgerow trees.*
- h. *Former mining activity has created several large spoil tips, now reclaimed but remain sparsely vegetated, the large tip south of the M42 junction 10 is a significant visual detractor.*
- i. *Open internal views contained within wider landscape by peripheral settlement, woodland and landform, although there are longer views across the Tame Valley from the western edge of the area."*

2.17 Landscape receptors include:

- a. Mixed, native boundary hedgerows (with trees), lining tracks, and woodland copses within and around the site;
- b. A single large-scale, irregular shaped, arable field, with further fields to the east and north-east (including Birchmoor Farm);
- c. Gently rising landform, from south-west to north-east;
- d. Influence of large-scale commercial buildings and clear settlement edges;
- e. Large scale fields with a moderate sense of enclosure provided by large-scale commercial buildings, to the south, a clear, elevated settlement edge to the east, and the motorway in a cutting, with trees, to the west;
- f. Generally simple forms and colours with diversity and complexity provided by road infrastructure, large-scale commercial buildings and the settlement edge;
- g. Largely still, but influenced by peripheral road noise and movement; and
- h. Affected by views of lighting to adjacent infrastructure and commercial uses at night.

2.18 It is noted that the area is influenced by large scale industrial development located along the southern side of the A5 and to the west of the M42. Constructing new industrial buildings at the site would extend this presence to the north and east of the A5 and M42, respectively. Therefore, physical effects on the open, gently rolling farmland landscape would arise, whereas the current effects are largely perceptual, i.e. seen and experienced from the area, not physically extending across it. The open gently rolling arable landscape with hedgerows and trees would be replaced by large industrial units, and lorry parking, representing a very significant change to its existing character.

Visual context

2.19 The proposed development site forms part of a wider area of gently rolling agricultural fields which extend between the Tamworth and the M42 to the west, and the settlement of Dordon and Polesworth to the east. This area of rolling agricultural land differs dramatically in character and appearance from the built up areas which bound it to the east, west and south. Views across the area are influenced by development, including settlements and residential properties, and large scale industrial development to the south of the A5 and west of the M42.

2.20 There are a range of visual receptors found within the area who are likely to be affected by views of the proposed development. This includes residential receptors located on the edge of Birchmoor to the

north of the site, Polesworth and Dordon to the east, and Freasley to the south. In addition, there are a small number of properties located along the A5 (including Hall End Cottages and Villas), and Birchmoor Farm is located to the north-east of the site.

2.21 A public bridleway (which appeared to be well used by cyclists when seen on site) runs along the eastern boundary of the site, and partly through it (and so requiring re-routeing), and a public footpath branches off this curving down to the A5. These Public Rights of Way (PRoW) are evidently very well used by the local community as are the edges of the fields and woodland, and parkland to the east, as was noted on site through the presence of people and evident wear on the ground. A recreational ground at Dordon overlooks the rolling farmland and site to the west, from an elevated position, and it is clear that people, including dog walkers, use the copse and field edges along the west edge of Dordon.

2.22 Road users in the area are primarily concentrated along the A5 to the south of the site, and Birchmoor Road to the north-east. Green Land and Cockspur Steet are also well used by vehicles, and residents of the community, taking walks. Although the M42 runs along the western boundary of the site, due to embankments and mature vegetation there is limited visibility beyond the motorway corridor (potential for glimpsed views when vegetation is not in leaf).

2.23 Views to the site from the east, including from the open farmland and PRoWs, and the settlement of Dordon, including associated open space, recreational land, and the schools (Polesworth and Birchwood), extend across the largely undeveloped rolling agricultural land. Existing industrial development is visible to the south of the A5, and in the distance beyond the M42. These buildings form noticeable features of the view, with the light coloured roofs and external walls contrasting greatly with the earth and neutral tones of the fields and vegetation, as illustrated in Figure 2.3 to Figure 2.5. Looking from the east, the rising ground of open and wooded hills is seen in the distance beyond, as shown below.

Figure 2.3 View looking south-west from Kitwood Avenue Recreation Ground (Dordon)



Figure 2.4 View looking south-west from the field edge near Barn Close (Dordon)



Figure 2.5 View looking west from Kitwood Avenue Recreation Ground (Dordon)



2.24 Views to the site from the west (e.g., Tamworth and the M42) are largely screened due to the presence of intervening large-scale development and mature vegetation, albeit more open in winter months.

2.25 The southern settlement edge of Birchmoor in the north has open views across the agricultural land of the site, to Tamworth Logistics Park St. Modwen beyond, located on the southern side of the A5 immediately adjacent to the junction 10 of the M42. This is illustrated in Figure 2.6 below. Figure 2.7 illustrates that the upper floors of properties at Birchmoor experience open views across the site, although from some properties these views will be filtered by vegetation. This vegetation and the paddocks to the south of the village limit views from the lower levels of properties and their gardens, albeit that there will be some gaps.

Chapter 2

The site and landscape and visual context

Sam Oxley CMLI on behalf of North Warwickshire Borough Council
May 2024

Figure 2.6 South-westerly views of Tamworth Logistics Park from the public bridleway immediately adjacent to the site. The open field in the foreground is the site.



Figure 2.7 North-westerly views of Birchmoor from the public bridleway immediately adjacent to the site. The open field in the foreground is the site.



2.26 Due to roadside vegetation along the A5 (Watling Street) views to the site from the road are partially filtered. However, more open views are available in glimpses when travelling along the road. These views would be experienced for longer by walkers using the pavement along the road. Given there will be a long section of tree and hedgerow removal to enable junction alterations, vehicular access, and the provision of a new cycle lane, views from the A5 will be opened up.

2.27 The detail of this remains uncertain, but is shown on CD-A9.2 Proposed Layout for A5 and New Site Access, which suggests that: the wooded embankment to the south of the site will need to be regraded (as such the woodland upon it will be lost); the carriageway will need to be widened to allow west bound vehicles to wait in the centre of the road before they turn right (as such around 200m of hedgerow on the north side will need to be removed); and a new cycleway on the north side of the hedgerow will require the removal of further woodland to the east. Consideration of this extent of this vegetation clearance within the assessment is unclear and the effects remain uncertain.

2.28 From south of the A5 (e.g., Tamworth Logistics Park), visibility is more open, with the field of the site seen clearly rising up to Birchmoor in the distance, beyond the section of hedgerow which will be removed.

2.29 This view also illustrates that the properties along the southern boundary of Birchmoor do experience views across the site to the south. This view provides an indication of the scale of development proposed on the site, noting that the buildings would be of a similar height to those at Tamworth Logistics Park. Note that visiting this location in the evening gives an indication of the lighting which is associated with development of this nature, and that the non-native planting around the buildings emphasises their urban character.

Figure 2.8 Views looking north from Tamworth Logistics Park up to Birchmoor



Chapter 3

Landscape and visual effects of the proposed development

3.1 This section of my statement provides my own assessment of the landscape and visual effects of the proposed development and provides a comparison to the judgements in the appellant's LVIA.

Development proposals

3.2 As the application is outline, the proposals presented in the application are in outline, and detailed design (e.g., massing, layout, scale, and design etc.) would be set out at reserved matters stage.

3.3 The scheme information is provided in the form of a Parameter Plan [CD-A5, A10.2, and amended in B6], which shows areas for development. Plots A1 and A2 will be for employment use (B2/B8/E), and have a maximum height of 21m and 11m, respectively. Plots B1 and B2 are for provision of lorry parking (Sui Generis) and a hub office (F1), respectively. They will have maximum heights of 10m and 8m, respectively. The Parameters Plan [CD-A5] also indicates that open space, planting, landscaping, site road and sustainable drainage systems will be incorporated into the proposals.

3.4 In July 2023, the appellant provided a more detailed indicative masterplan [CD-B28] for the site (see Figure 3.1 below), illustrating three large industrial buildings, with a smaller fourth unit in the north of the site. This layout is illustrated within the accompanying Type 3 photomontages [CD-B31]. It is noted from email correspondence received from the appellant on 23rd May 2024 that these photomontages from 2023 used the wrong model and show the proposed development 3.641m higher than is proposed (i.e. 121.441m AOD instead of the proposed 117.8m AOD). As such, neither the appellant nor the Council have reliable or accurate photomontage/visualisation information before them at the time of submission of evidence on 29th May 2024.

3.5 The Zone of Theoretical Visibility (ZTV) in Figure LAJ-3 [CD-B7] indicates proposed vegetation along the northern edge of the site, near Birchmoor, and along the eastern boundary, at 10m in height, a position that the assessment assumes at year 15 (semi-maturity), as noted in LVIA paragraph 10.4.27 page 136 of 223. The ZTV appears to be somewhat unrealistic as to the degree of screening of the proposed up to 21m high building that could be achieved by woodland planting. Whilst noting that this will be on a bund up to 5m in height, landscape planting such as that proposed typically uses a mix of transplants (up to c.1m high), whips (up to c.2m high) and standard trees of varying types, with heights up to c.4-6m, but typically with a thin or relatively compact canopy which offers little screening in winter (e.g. planting at St Modwen Park can be inspected for an indication of appearance in early years). The

larger trees are intended for immediate effect, but also tend to grow slower and with a less natural form than transplants, which is why a mix is typically proposed. The Design and Access Statement (page 104) refers to use of Extra Heavy Standards – 425-625cm, and to containerised or instant hedging, but no further detail appears to be given. The Landscape SoCG says “*Native trees (see woodland species listed at 7.14.3 of the DAS, (CD B34)) planted as 1+1 40-60cm transplants are expected to grow to around 7.5 to 8 metres within around 15 years.*” (Paragraph 31). This suggests that the appellant agrees that planting will reach 10m by year 15. As such it seems off that the ZTV is based upon this assumption. The ZTV also appears odd in that no visibility is indicated from along the western edge of Dordon, presumably because of the proposed orchard and hedge (see Figure 68 of the Design and Access Statement, page 105). However, neither hedgerows or orchard trees are likely to block to views in this way (see Type 3 Photomontage VP5). The view from the west edge of Dordon is open (e.g. see photo above at Figure 2.4 from near the road end at Barn Close), and from many locations the existing copse and proposed planting will do little in terms of providing a screen, especially for around the first ten years. It seems unrealistic that the ZTV indicates no visibility from here, when a photo and a photomontage from nearby indicate otherwise. The Zone of Theoretical Visibility (ZTV) of Proposed Massing with Bunds Included but **no Mitigation Planting** (Figure LAJ-51) October 2022 looks more realistic in terms of indicating potential visibility and shows high levels of visibility from the west edge of Dordon and from Birchmoor as would be expected.

3.6 Cross sections across the site have been provided based on the indicative master plan. Section A-A' [CD-B30] provides a south-north cross section across the site (see Figure 3.2 below). It illustrates that the large building at the southern end of the site will sit at a level above the existing ground level, whilst the larger buildings in the middle and northern part of the site will sit at lower elevations compared to the existing ground level. The ground level will be stepped further north in the site, with the smallest unit sat higher up compared to the others. Although the ground level of this unit will be higher, it will still sit below the existing ground level, and the height of the building itself will be lower than the larger units. The cross sections appear to show buildings that are over 21m height (as measured with a scale ruler, so approximate), and certainly quite a lot higher than those at St Modwen Park, which seems to match the height of the lower gullies between the proposed roof domes. The domes appear to be more like 25m high, with the roof line at St Modwen being closer to 20m high. It is not clear if this is what is being proposed, or if the ground level will be brought up. The labelling indicates a maximum AOD of 117.8m.

3.7 The proposed tree planting between the buildings and Birchmoor will be on bunding which sits at a higher level than the current ground level of the site. In the Landscape SoCG it was agreed the bunding would not exceed 5m in height. This bunding will be tapered. A separation distance indicates as being

c.15m will be maintained between the bunding/ woodland and between the gardens of Birchmoor, as shown on Section A-A'. This area currently contains paddocks. Consideration - through relevant technical lighting studies - should be given to the potential loss of light on the properties at Birchmoor as a result of tree planting on the bunding, especially in conditions of a low winter sun. The bund is shown as 5m high, and the trees at 8m high, although in time they would grow to more than this. The bund and trees together would be at or exceed the height of the houses, as the section indicates.

3.8 Sections B-B', C-C' and D-D' [CD-B30] provide a west-east cross section at the southern, middle and northern parts of the site (see Figure 3.3 below). Bunding as shown in the C-C' cross-section of the site appears to be quite high and steep compared to the northern and southern sections. Space here will be constrained by the proposed re-routeing of the bridleway, which the Design and Access Statement indicates as crossing over the bund (Design and Access Statement Figure 69). Gradients may not allow for this in practice.

3.9 Figures showing building elevations [CD-B29] of each of the buildings forming the development have been provided. The three larger buildings will have a maximum height of 21m, whereas the smaller building will have a maximum roof height of 12m. These building heights are comparable (although still taller) to the other industrial buildings to the south, south-east and west of the site. They are, however, much larger than the nearby properties at Birchmoor to the north.

3.10 Indicative elevations have been provided which suggest that the buildings would use colour banding transitioning from green to grey as they get higher up. The elevations indicate that the building roofs would be curved. However, as proposals are in outline there is no certainty as to the design/colour etc., and it is understood that detailed design including the roofscape would not be agreed until Reserved Matters stage.

Figure 3.1 Indicative Masterplan



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Figure 3.2 A-A' Section

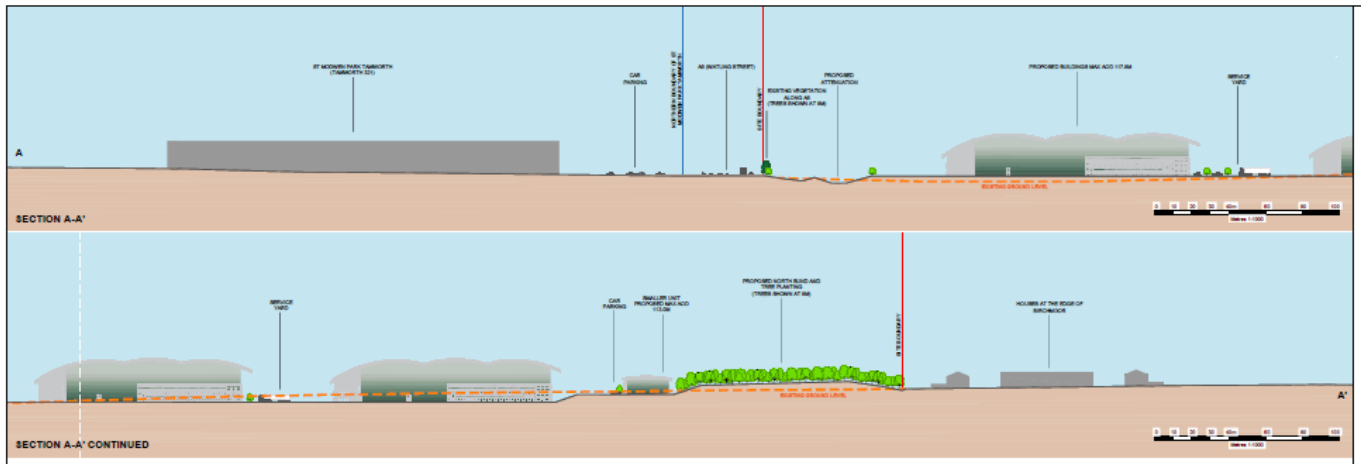
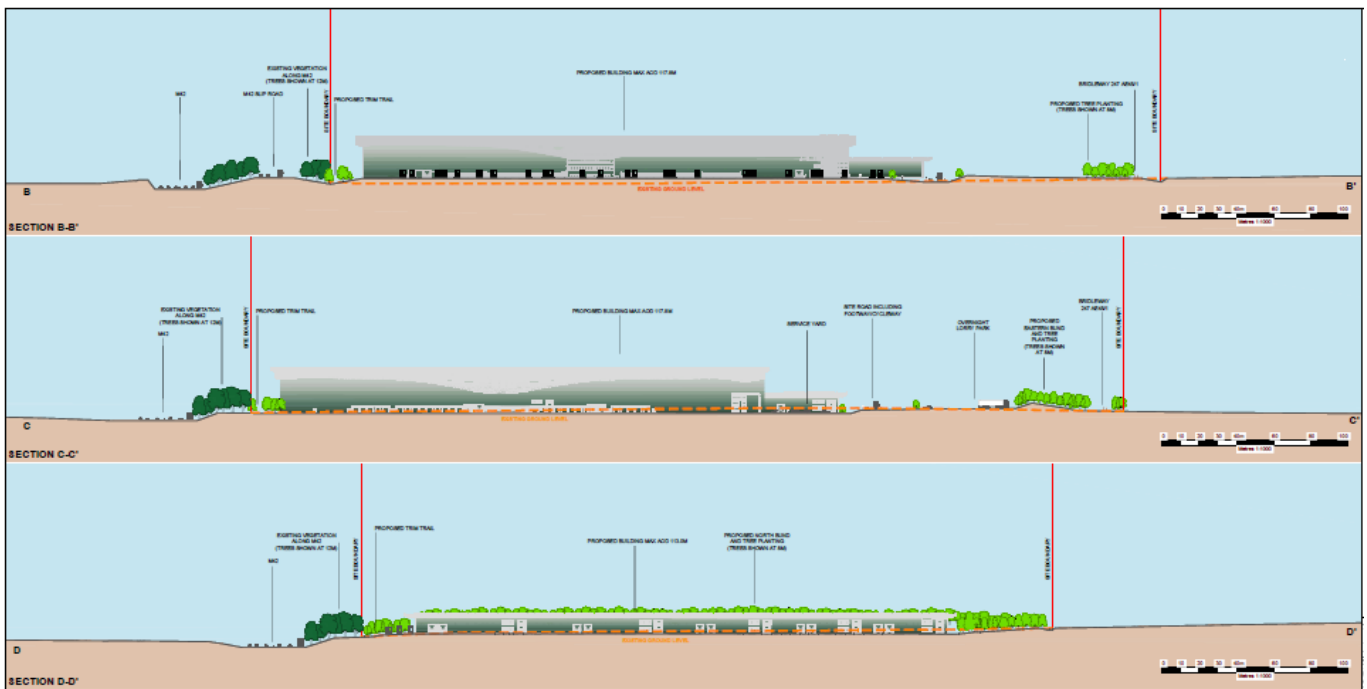


Figure 3.3 Sections B-B', C-C' and D-D'



Landscape

Landscape value

3.11 This site is not designated for its landscape quality / value. However, as recognised by the European Landscape Convention (ELC) [CD-G21] all landscapes have value. The ELC acknowledges that the landscape is an important part of the quality of life for people everywhere: both in urban areas and in the countryside, in degraded areas and in areas of high quality, in areas recognised as being of outstanding beauty and in everyday areas. This is emphasised in GLVIA3 (para 5.26) in considering landscape value which states “*The European Landscape Convention promotes the need to take account*

of all landscapes, with less emphasis on the special and more recognition that ordinary landscapes also have their value, supported by the landscape character approach.”

3.12 The landscape value of LCA 5 Tamworth Fringe Uplands is defined as ‘community’ by the appellant, which is interpreted as *“Landscapes which do not have any formal designation and which are not considered to have demonstrable physical attributes that elevate their value but which may be valued by local communities”* as set out in Table 10.1 of Appendix 10.2 – LVIA Methodology and Assessment Tables [CD-A9.6]. Tables 10.2 and 10.12 of Appendix 10.2 sets out the factors considered in the interpretation of landscape designations. These factors align with the factors set out in Box 5.1 of GLVIA3 [CD-G4].

3.13 GLVIA3 (end 5.28) recognises that many areas subject to LVIA will be ordinary, everyday landscapes and that some of the Box 5.1 criteria for assessing landscape value may not apply, and that there may be a greater emphasis on judging representation of typical character, intactness of the landscape and condition of the elements.

3.14 Using the appellant’s criteria for assessing landscape value (as detailed in Table 10-12 of Appendix 10.2 [CD-A9.6]), I agree the landscape of the site and the wider agricultural area to the east is of ‘community’ value as it is:

- a. Not formally designated for its landscape, but evidently well valued and used by the local community travelling along the PRowS to the east;
- b. Influenced by the nearby large-scale industrial development to the west of the M42 and south of A5, in addition to being influenced by the settlement edges and the adjacent main roads;
- c. Possesses scenic quality associated with the open, undeveloped rolling farmland which extends between the M42 and Dordon, although it is noted that nearby industrial buildings are visible from the edges of, and within the agricultural area; and,
- d. Has a reasonable landscape condition overall, with mature hedgerows and hedgerow trees noted along the site boundaries and in the wider agricultural area to the east.

Landscape susceptibility

3.15 In terms of landscape susceptibility, the appellant assesses the LCA 5 Tamworth Fringe Uplands as being of ‘medium’ susceptibility to the proposed development. No explicit reasoning is given for the judgements on susceptibility, however the appellant notes that *“The site is typical of the character area which is described as a “fragmented landscape with a complex mix of agricultural, industrial and urban fringe land uses”, “Heavily influenced by adjacent settlement edges of Tamworth and Dordon” and by*

former mining activities. Large-scale commercial development is already a characteristic of the locality.”
[CD-A9.6, Table 10-13]

3.16 In my opinion, given the area of open rolling farmland north of the A5 does not feature any industrial development and is more semi-rural, compared to the built up surroundings, its distinctive features and character are more susceptible to change than recognised by the appellant. The influence of main roads and existing industrial development to the south of the A5 and west of the M42 provides a noticeable but not the prevailing or only influence on the landscape. In my opinion the appellant underplays the character and distinctiveness of the semi-rural landscape which remains, albeit bound by built development to the east, west and south. They appear to underplay the importance and susceptibility of the open, undeveloped agricultural landscape, based on there being industrial developments and roads nearby, but this landscape could in some respect be considered more susceptible, given its open nature and contrast with surrounding areas, as it offers relief from the surrounding built up landscape. North of the A5, there is currently no existing industrial development, and key landscape features which help define this area (e.g., rolling fields and hedgerows, with some long views being available to countryside beyond) will be lost through development of the site, partly through direct removal, and partly through the blocking of longer views by buildings, bunds and planting. The field which forms the site will be fundamentally altered from an open, farmed, landscape, to a busy construction site, and then to an industrial development of a vast scale.

3.17 With relation to the assessment of susceptibility of individual elements and features, it is noted that for some elements the appellant makes reference to the effects of the proposed development (instead of baseline conditions) in determining the susceptibility of the landscape to change. For example, in relation to "*mixed, native boundary hedgerows and woodland copse within and around the site*" the table notes that historic field boundaries would be reinstated, woodland copses extended and that large areas of new woodland would be introduced. It concludes that "*a net gain of native hedgerow and woodland would be achieved overall which reduces the susceptibility to change.*"

3.18 I do not agree with the approach to this methodology which can be confusing for a reader. Overall judgements (for value, susceptibility and sensitivity) should not be formed with reference to the proposed effects of the development, but with reference to what is there at present – i.e. the baseline. The effects of the proposed development should be considered as part of the magnitude of change. Overall though, I broadly agree with the judgements on susceptibility for each of the individual elements and features.

Landscape sensitivity

3.19 Considering the landscape value and landscape susceptibility, the appellant assesses LCA 5 Tamworth Fringe Uplands as having a ‘medium/low’ sensitivity to the proposed development. As above, although no explicit reasoning is provided to expand on the overall judgement of sensitivity, the appellant notes that *“The site is typical of the character area which is described as a “fragmented landscape with a complex mix of agricultural, industrial and urban fringe land uses”, “Heavily influenced by adjacent settlement edges of Tamworth and Dordon” and by former mining activities. Large-scale commercial development is already a characteristic of the locality.”* [CD-A9.6, Table 10-13]

3.20 Taking into account my assessments of value (medium) and susceptibility (medium), I consider that landscape sensitivity of LCA 5 is of medium sensitivity to the specific development being proposed, comprising several very large industrial buildings and hard surfacing associated with parking spaces for up to 150 lorries. The majority of the site would comprise large industrial buildings and hard surfacing. In addition, substantial bunding is proposed in the north and east of the site to provide screening. These built and earthwork features would affect the character and openness of the undeveloped landscape that currently occupies the area to the north of the A5, and would interrupt views. This undeveloped area serves as a clear gap between the built-up area of Tamworth in the west and the settlements of Dordon and Polesworth in the east.

3.21 In terms of the sensitivity of individual landscape elements and features, I broadly agree with the judgements on sensitivity for each listed in Table 10-13.

Landscape effects

3.22 The assessment of landscape effects is presented in Tables 10.12 to 10.15 of Appendix 10.2 [CD-A9.6]. The assessment for each landscape receptor is supported by only limited narrative text (referred to as ‘notes’). Whilst most of the assessment ratings set out by appellant seem reasonable, the assessment table would have benefitted from a more detailed and clear justification of the judgements made given this is a requirement of GLVIA3 [CD-G4, para 5.53].

3.23 No significant effects were identified at all in relation to landscape receptors, including individual elements and features, aesthetic and perceptual aspects, and overall character. This seems surprising. Aside from the loss of an open arable field and surrounding hedgerows, the proposed re-location of the bridleway, which has a pleasant and well established rural character, the blocking of open views with buildings, bunds and landscape planting, it is understood that a long length of hedgerow and woodland belt is likely to be removed to accommodate the access to the site, junction upgrades and widening required to allow west bound traffic to turn right, as well as a cycle track to the north of the existing

hedgerow along the A5. This will further change the landscape character and open up views of the proposed development. If new planting is proposed, then this will take time to grow, and will be limited by the proposed drainage basins (see Design and Access Statement Figure 69) and proposed cycling infrastructure. The land to the east (blue line boundary on Planning Statement Figure – Red and Blue Line Plan) will also alter in character from farmland, to a network of more formalised paths and cycleways, playing fields and allotments at point 4 on Figure 70, public open space and orchard at point 2, giving the area a more suburban character. It is assumed that the remaining fields would continue to be farmed if this is practical for the farmer, given their reduced sizes, albeit this is uncertain.

3.24 The appellant provided no update to the assessment of landscape effects in their response dated March 2024 (as was appended to the Draft Statement of Common Ground), however they did change a number of their judgements for the visual assessment.

3.25 It is my opinion that some of the effects, such as during the after construction phase (year 1) have been under reported. For example, construction activities across the '*single largescale, irregular, arable field*' are assessed as having a medium magnitude of change and medium/low sensitivity, resulting in a moderate effect overall (considered not significant). Construction activities across a site of this size, which is very open, and where large scale excavation is required in order to create flat development platforms and substantial earth bunds, are likely to result in in substantial magnitude of change and have an overall Major effect (significant), for the duration of the construction activity and beyond.

3.26 As with visual receptors (discussed below), the LVIA [CD-A8 and CD-A9.6] appears to underplay the short and long-term effects on the site and its immediate surrounds from a landscape perspective. Considering the site is currently greenfield and would experience a large scale permanent change due to the proposed development, it is considered highly unlikely that no significant negative effects would be identified in relation to landscape receptors.

Landscape mitigation

Development layout and context

3.27 The appellant outlines in the Design and Access Statement [CD-B9 and CD-B10] that the buildings of the proposed development have been located in, and close to, the south-western corner of the site. This is to reflect the underlying topography, which is lowest in the south-west, meaning the proposed development "*would not be highly prominent within the landscape*" (page 42). The reasoning is to minimise potential visual effects on residents on the edge of Birchmoor and Dordon, and to maintain a sense of separation between the settlements and the proposed commercial units. 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 development, its scale in views, or sense of separation from settlements. The Indicative Masterplan (Figure 3.1 of this proof) does not seem to reflect the description of the proposed development as being located in the south-west corner of the site (page 42). It extends across the whole site, as indicated on Figure 75 of the Design and Access Statement. Page 41 suggests that as the site is relatively flat it would require extensive remodelling. The scale of the cut and fill, as well as the extensive landscape mounds suggested in the cross sections suggest otherwise. Extensive remodelling of the ground would be required.

3.28 The Design Guide [CD-B11 and CD-B35] sets out that new developments should seek to respond to the surrounding context by using similar configurations. Nearby employment buildings to the south and west of the main roads bounding the site (A5/ Watling Street and M42, respectively) comprise large pale coloured units with flat roofs. However, the more immediate context of the surroundings to the north of the A5/ Watling Street comprises rural open land, and the small scale residential settlement of Birchmoor to the north. Therefore, I do not consider that the proposed buildings respond to the immediate landscape context.

3.29 The Design Guide [CD-B11 and CD-B35] 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 (more detail below), the scale of the earth mounds and extent of the proposed woodland is not reflective of the surrounding semi-rural landscape. It is recognised that the motorway is in a cutting and that there are some areas of earth mounding around other industrial units, but these man made earthworks are not a characteristic of the proposed site.

Landscape mitigation planting

3.30 The proposed development includes landscape proposals which would provide some mitigation and visual screening, or filtering of views in winter. Landscape mitigation measures on site include the creation of earth mounds and provision of parkland and mixed native trees/ shrubs in the north of the site to filter views from Birchmoor, and creation of earth mounds along the eastern edge of the site which would be densely planted with mixed, native trees to help screen and filter views of the proposed development from the landscape and visual receptors in the east. The bunds to the north would be a maximum height of 6m whilst those to the east would be a maximum height of 5m, as illustrated on Figure LAJ-53 Indicative Bund Location Plan [CD-B57]. It has since been agreed through the

Landscape SoCG that they would not exceed 5m high, but the exact nature of the proposals is somewhat uncertain. The scale of these mounds is illustrated in the cross-section provided in Section 4.3 of the Design Guide [CD-B11 and CD-B35] (see Figure 3.4 below). Whilst the appellant describes these bunds as '*naturalistic*' with '*soft slopes...to replicate a natural environment*', I consider that the bunds would be of a large scale which are not sympathetic to the shape of the surrounding, gently undulating semi-rural landscape. They would in themselves block views, and potentially sunlight (would need to be demonstrated through appropriate technical studies) from downstairs windows, and together with planting, and the development which would lie beyond, are also likely to block views from the upstairs windows in Birchmoor.

3.31 Planting on the east edge is described as '*densely planted*' in the LVIA (page 153 of 223), and as a heavy landscape buffer in the Design and Access Statement. This is not elaborated upon, but woodland that is densely planted tends to have an unnatural appearance, and without management could develop into a dense and rather spindly thicket, of lower landscape and aesthetic value than that with a spacing which allows trees to develop into natural forms, or with open glades between them.

3.32 The planting provided around the edges of the site on these bunds would vary in width between 35m to 134m. In addition, it is proposed to reinforce existing native planting along the western boundary of the site. The introduction of a new mound planted with native trees and shrub along the eastern edge of the site will create a notable woodland belt which is higher than the surrounding landscape. This woodland belt would screen westerly views from the east of the site, therefore reducing the sense of openness, and affecting the longer distance views, otherwise present across this semi-rural landscape.

3.33 Constructing and planting large earth bunds to the north and east of the proposed development would not fully mitigate the development. The upper levels of the buildings and their roofs would still form a prominent feature in views even once vegetation has matured after 15 years, as illustrated in the Type 3 Photomontages [CD-B31]. The large earth bunds (up to 5-6m high) as well as elements such as lighting would not enhance the characteristics of the semi-rural landscape found to the north of the A5. As such the character and appearance of this transitional, semi-rural landscape would be subject to adverse effects, or harm.

3.34 Onsite proposals also include the provision for a planted sustainable urban drainage system in the south of the site. The Design and Access Statement [CD-B10 and CD-B34] sets out that water features would be designed to look natural and aesthetically pleasing and that pools of water will be planted with emergent and submerged vegetation on shelves along their shoreline and in shallow, marshy zones. This approach is welcomed in order to potentially help create natural and biodiversity-rich wetland

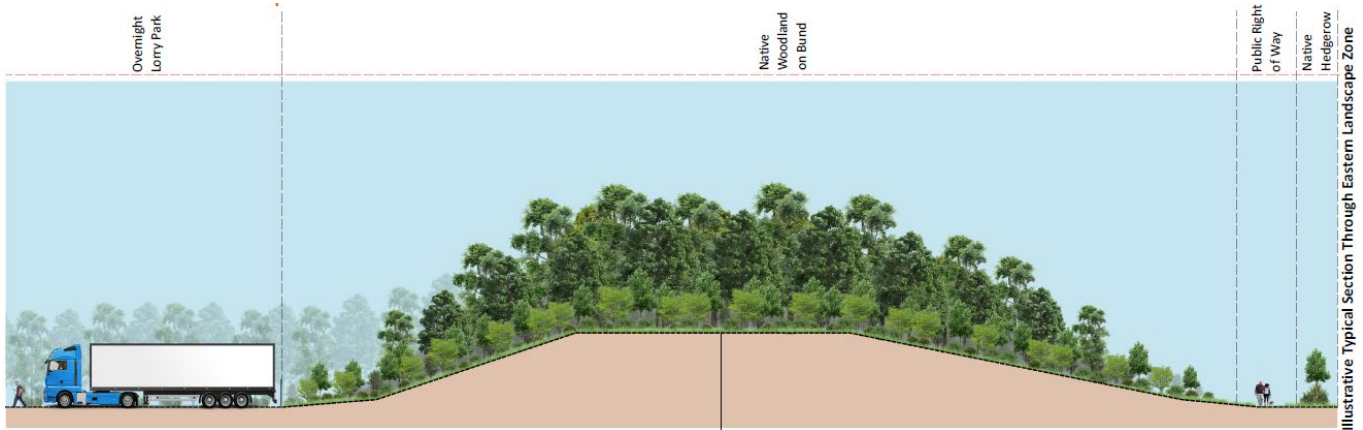
habitats. It is noted that this may limit the space available to replant hedgerows and trees which will need to be removed along the southern boundary of the site, to allow for access and cycle infrastructure.

3.35 Overall, I consider that the scale of this bunding as shown indicatively in the Design Guide [CD-B11 and CD-B35] is not sympathetic to the character of the surrounding landscape. However, it is understood that given the outline status of the application, the bunding is indicative and that the final morphology would be set out and agreed at Reserved Matters stage. It is clear that there would be very significant volumes of spoil to be disposed of, resulting from the creation of a flat development platform, or platforms, and that large scale mounding would be required to use this within the site, avoiding the need for offsite disposal.

3.36 Additionally, offsite mitigation planting is proposed across or round the rolling farmland to the east. This includes reinstatement of historic field boundaries, provision of landscaping along the western edge of Dordon to filter views from existing housing, to create a soft green edge to the settlement, and to provide copses of mixed native trees at the corners of existing fields. I agree that providing offsite mitigation planting would be beneficial to enhancing the rural character of the landscape, however I do not believe that the significant effects of the proposed development could be offset by some enhancements in the wider area, or that this planting would screen views of the proposed development in practice. It is understood that offsite planting would account for approximately 6.5ha of land, and that this would be secured in perpetuity by a Section 106 agreement. The long term intention for the land use of the undeveloped and unplanted land between the landscape areas is unclear. With the size of the fields being reduced through the replacement of hedgerows, it is not known if the land will be farmed as it is now.

3.37 The Design and Access Statement [CD-B10 and CD-B34] provides additional information in relation to planting, setting out that native and ornamental species would be planted amongst the road network to soften the hard façade and connect the larger habitats to the north and south. It also promotes the use of hedges over fencing around site boundaries. This would help maintain a more natural appearance from outside the site, although the scale and density of planting and increased height due to underlying mounds will not be characteristic of the existing rural landscape. The Design Guide [CD-B11 and CD-B35] also sets out that non-native landscape planting is proposed, with a list of species provided in the appendices. I suggest it is more appropriate to adopt a purely native planting list and note that the use of non-natives around the adjacent distribution centres appears somewhat incongruous in terms of its character, on the edge of more undeveloped countryside.

Figure 3.4 Illustrative landscape bund section – noting the suggestion that it is angular and very densely planted



Visual Amenity

Visual effects

3.38 The original assessment of visual effects is presented in Tables 10.16 to 10.18 of Appendix 10.2 [CD-A9.6]. Figure 3.6 illustrates the location of viewpoints considered in the assessment. The appellant assessed just three viewpoints as having significant negative effects 'at construction' and this is reduced to zero viewpoints experiencing significant effects 'after 15 years' [CD-A9.6, Table 10.18]. Whilst some relatively basic commentary was provided in relation to identifying the sensitivity and magnitude of change for each viewpoint, there was no commentary setting out how these elements formed the overall visual effect and significance.

3.39 The following is a summary of the notable effects that were identified in the LVIA:

- a. **Major (significant)** negative effect identified for Viewpoint 3 (construction phase);
- b. **Major (significant)** negative effect identified for Viewpoint 4 (construction phase); and,
- c. **Major (significant)** negative effect identified for Viewpoint 10 (construction phase).

3.40 These significant negative effects all relate to the 'at construction' phase, dropping to minor or moderate and not significant after 15 years. It is my opinion that the LVIA appears to underplay the overall visual effect and its significance. I would add that I consider the sensitivities of receptors appear to be appropriate, however, the magnitude of change identified for many viewpoints (at construction and after 15 years) seemed to be under stated, with most viewpoints identified as having a slight or negligible magnitude of change.

3.41 The appellant has provided a high-level consideration of effects on residential receptors, users of PRoWs and road users within the main LVIA [CD-A8] (Paragraph 10.5.30 page 142), however no

assessment tables for these have been provided within the LVIA appendices [CD-A9.6]. It therefore not clear how these judgements have been formed. Some reasoning is set out, but not in terms of sensitivity, magnitude of change etc. In addition, effects are sometimes stated for year 1 or year 15, but both judgements do not seem to be consistently provided throughout.

3.42 The appellant identifies permanent negative effects from the settlement edges of Dordon, Birchmoor, and the properties located along the A5, but notes that these would not be significant. The appellant does not describe the magnitude of change or level of effect for the settlement, and makes no differentiation between effects at Year 1 (no effective mitigation planting) and Year 15 (with mitigation planting assumed to be reaching semi-maturity and heights of around 7.5-8m). It appears that the significance of effect has been based on mature mitigation planting being implemented, which would be unrealistic. The Landscape SoCG recognises that native trees planted as 1+1 40-60cm high transplants are expected to grow to around 7.5 to 8 metres within around 15 years, so it would be expected that effects would be significant, at least for the first ten years or so, and in the longer term for some of these locations, given trees are unlikely to ever exceed the height of the larger buildings.

3.43 With relation to Dordon, the LVIA states that from these locations the proposed development is *“largely screened by an established, intervening, copses which would be extended”* (para 10.5.30). This implies that the assessment has considered mitigation planting (both onsite and offsite) to determine the effects. This planting would take many years to mature and become effective, and would not be effective enough to provide screening at Year 1. Figure 2.4 of this proof indicates how open this view is at present, from a location near the end of Barn Close on the west edge of Dordon. Proposed planting of new woodland (point 3 on Figure 70 – Illustrative Landscape Plan in Design and Access Statement) may help reduce or filter this in time, but would not reduce effects for the properties with a westerly view which lie further south along this settlement edge (i.e. along Kitwood Avenue).

3.44 The LVIA notes that permanent adverse but not significant effects would be experienced by properties along the A5, Watling Street Roman Road (Hall End Villas on the south side of the A5 and Hall End Cottages on the north side). The appellant notes that existing views are available to the *“rooflines of large-scale commercial development to the west of the M42.. and the prominent settlement edge of Dordon”*. It is stated that built form would be visible beyond earth mounding which would be planted up with mixed native woodland. Viewpoints 8 and 9 are the closest viewpoints to represent these residential receptors on Watling Street, and the appellant has identified major/moderate (significant) effects from Viewpoint 8 at Year 1 [CD-G18]. Whilst there is some deciduous vegetation around these properties, it is expected that their views would be much more open in winter. In addition, with the removal of hedgerow and woodland to accommodate the access off Watling Street, and the cycle lane

infrastructure (see drawing: Proposed Layout for A5 and New Site Access), there is potential for views to become more open, and for significant effects to arise.

3.45 The appellant considers effects on PRoWs in the area. This includes bridleway AE45 along eastern boundary of the site, footpath AE46 connecting AE45 with the A5, footpath AE48 in the east near Dordon, and footpaths AE52 and AE55 to the south of the A5. Unlike the reporting for effects on residential receptors, reporting of the effects on PRoW users is split out into short-term effects and longer-term effects. This approach seems inconsistent with the approach applied to residential receptors above, which only considers effects once mitigation planting is effective, and which could confuse the reader, or lead to incomplete reporting of likely significant effects.

3.46 With relation to AE45, the appellant notes *“Large-scale commercial development is visible in the background of the view to the south, beyond the A5 and to the west on the edge of Tamworth beyond the M42.... Proposed built form would be visible to the west, in front of, and to the west of existing visible commercial development. Built form would be initially screened by earth mounds of between 2 and 5m height. Built form would also be placed on a platform largely below existing ground level such that the lower parts of the building would be immediately screened. The earth mounds would be planted with mixed, native, woodland which would progressively screen built form as trees became established”* (para. 10.5.34). Major (significant) effects are identified in the short term (assumed to mean at Year 1), and this would reduce to not significant over time as the proposed woodland planting becomes established.

3.47 Similar reasoning and effects (major (significant) in the short term and not significant over time) are provided for AE46. In addition, the appellant notes that the historic native hedgerow along the route would be reinstated which over time would further screen views of proposed buildings to the west.

3.48 As part of the proposed development, the appellant proposes to provide changes to the bridleway to the east of the site, and offsite enhancements to the PRoW network within the Strategic Gap. This includes creating a 3m wide tarmac shared foot and cycle way along the routes of the existing and proposed PRoWs. It is not clear if the creation of the off-line pedestrian cycleway which would run adjacent to the A5 (shown in green in CD-B38) would require lighting. This could have additional adverse effects on the landscape character and visual amenity of this area, which currently has a rural character. A network of paths which are surfaced with tarmac, and are 3m wider, would be very different in character to the existing compacted earth and gravel paths, winding between tall grass and wildflower lined hedgerows. These have a rural character which immediately provides relief from the surrounding built environment and busy roads. Their widening and surfacing would give them a more suburban feel.

3.49 The appellant considers the effects on road users travelling along the A5, M42 and as experienced from roads in Birchmoor. No views are identified from the M42. The appellant concludes that effects on users of the A5 would be negative but not significant. No breakdown is provided of effects in the short-term (Year 1) and long-term (Year 15), again showing inconsistencies in the application of approach. The LVIA states that the proposed development 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”* (CD-A8, para. 10.5.40).

3.50 With relation to the A5 road, it is stated that 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. Clear views into the development would be available through the proposed access itself... and new native tree and shrub planting has been proposed in this area around a proposed detention basin”* (CD-A8, para. 10.5.40).

3.51 However, I have concerns about how much of the existing hedgerow would actually be retained in practice. As illustrated in Drawing F19123/08 within Appendix 6.1 – Transport Assessment [CD-A9.2] (see Figure 3.5 below), a 147m long visibility splay along the eastbound deceleration lane will be required (west of the access junction). It is not clear what the visibility splay to the east of the junction would be, but it appears the road will be widened here to allow for lorries to exit and travel eastbound. Assuming a similar length, over 300m of hedgerow is likely to be affected, as well as further lengths of hedgerow and tree belts to accommodate widening and regrading at the roundabout to the west, and to allow for cycle land infrastructure to the east. This will open up visibility of the site from the A5 more widely. In addition, it appears a c.175m long visibility splay could be required on the westbound side of the carriageway, which could result in loss of hedgerows to the south. The effects seem uncertain here, but would appear to be understated by the appellant.

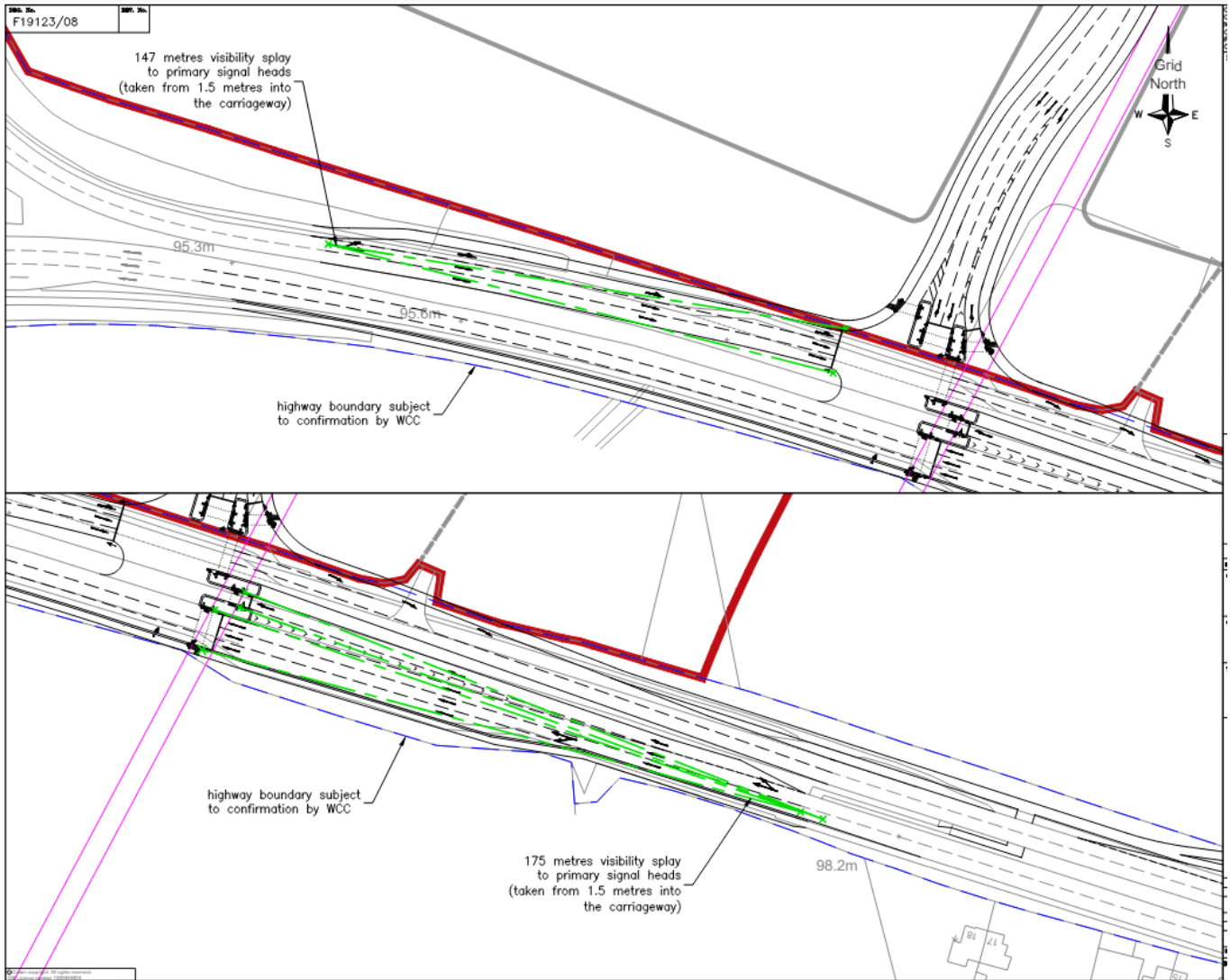
3.52 It is also noted that the new planting along the A5 boundary would not be as extensive as the planting to the north and east of the site, and therefore will be less effective in terms of screening the proposed development, given the main buildings will be set back just 35-58m from the existing hedgerow line.

Chapter 3

Landscape and visual effects of the proposed development

Sam Oxley CMLI on behalf of North Warwickshire Borough Council
May 2024

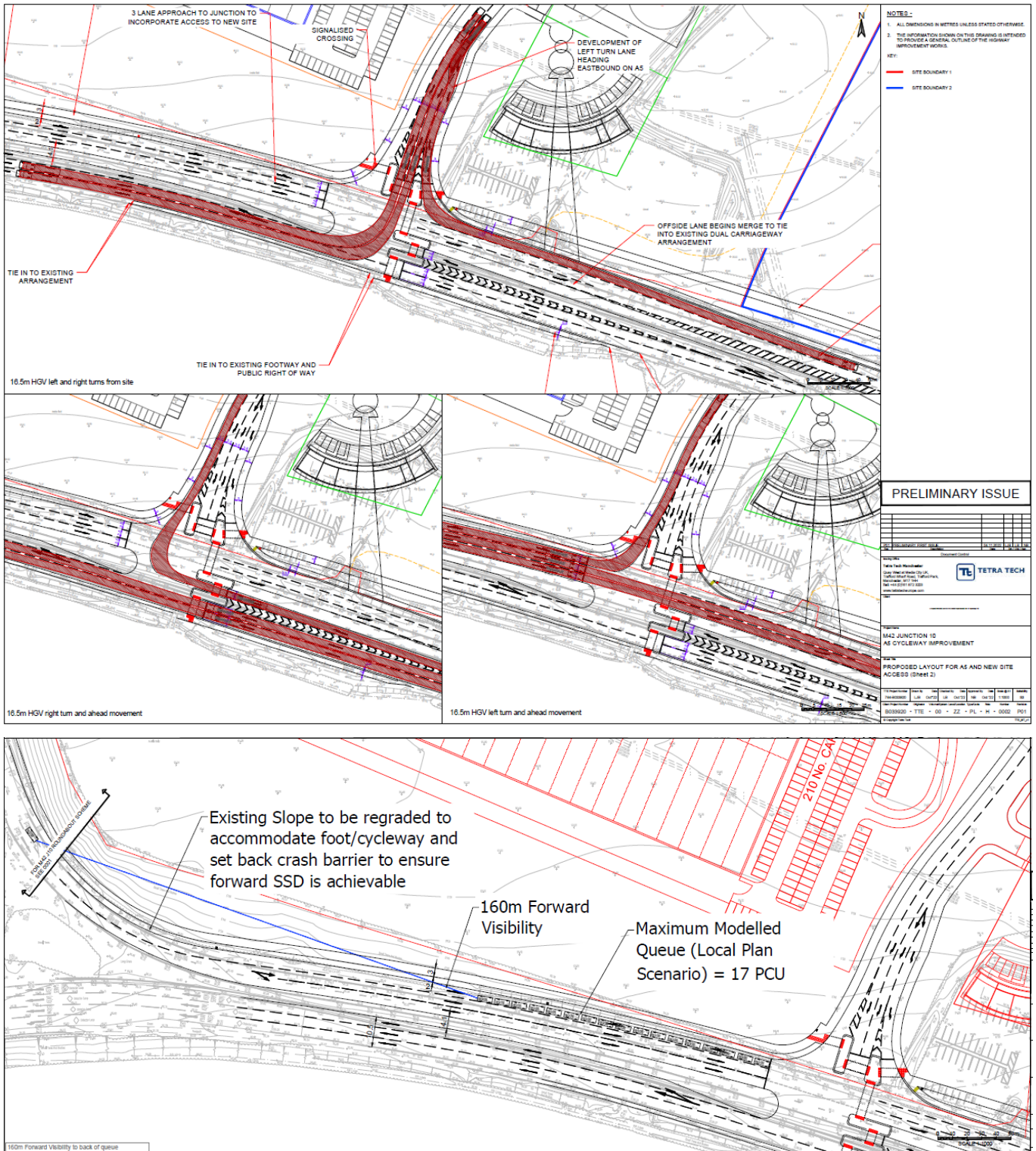
Figure 3.5 Junction Access – note that the hedgerows are indicated on the lower drawings indicating that they will need to be removed



Chapter 3

Landscape and visual effects of the proposed development

Sam Oxley CMLI on behalf of North Warwickshire Borough Council
May 2024



3.53 No photomontages were provided to support the application, which made it hard to appreciate and understand the scale of the proposed development and the visual impact it would have on receptors in the surrounding landscape. Type 3 baseline photography was provided from all viewpoints, and wirelines were included in Design and Access Statement [CD-B10 and CD-B34], although only from viewpoints 1, 4, and 5.

3.54 In January 2023, the appellant subsequently provided additional wirelines from viewpoints 8 and 9 [CD-B31] after LUC's initial review of the appellant's LVIA. However, I did not find the wirelines helpful in illustrating the likely effects of the proposed development, as the mitigation planting within the site was modelled into the wireline. This would only be a somewhat accurate representation after the planting has had many years to mature (15 years is considered in the LVIA), and I consider that it underplays the visual effect experienced at construction when the plants are first put in and in the first ten or so whilst the vegetation is maturing (typically as 40-60cm high two year old transplant seedlings, usually in 1m high green or brown plastic tree tubes, with some larger standard, heavy or extra heavy standards).

3.55 In July 2023, the appellant provided an indicative masterplan for the site [CD-B28] which was illustrated in an accompanying suite of Type 3 Photomontages from viewpoints 1, 4, 5, 8 and 9 [CD-B31]. The photomontages show the baseline photography (in winter conditions), the proposed development at year 1 (with bunding but no planting), and the proposed development at year 15 (with trees shown at 8m). Figure 3.7 to Figure 3.11 show the photomontages from these viewpoints at year 1 and 15. On 23rd May 2024 it was confirmed by the appellant that these are incorrectly modelled, as noted above at Paragraph 1.27, and at the current time there are no reliable photomontages or visualisations to inform evidence.

Figure 3.6 Viewpoints and PRoWs (blue)

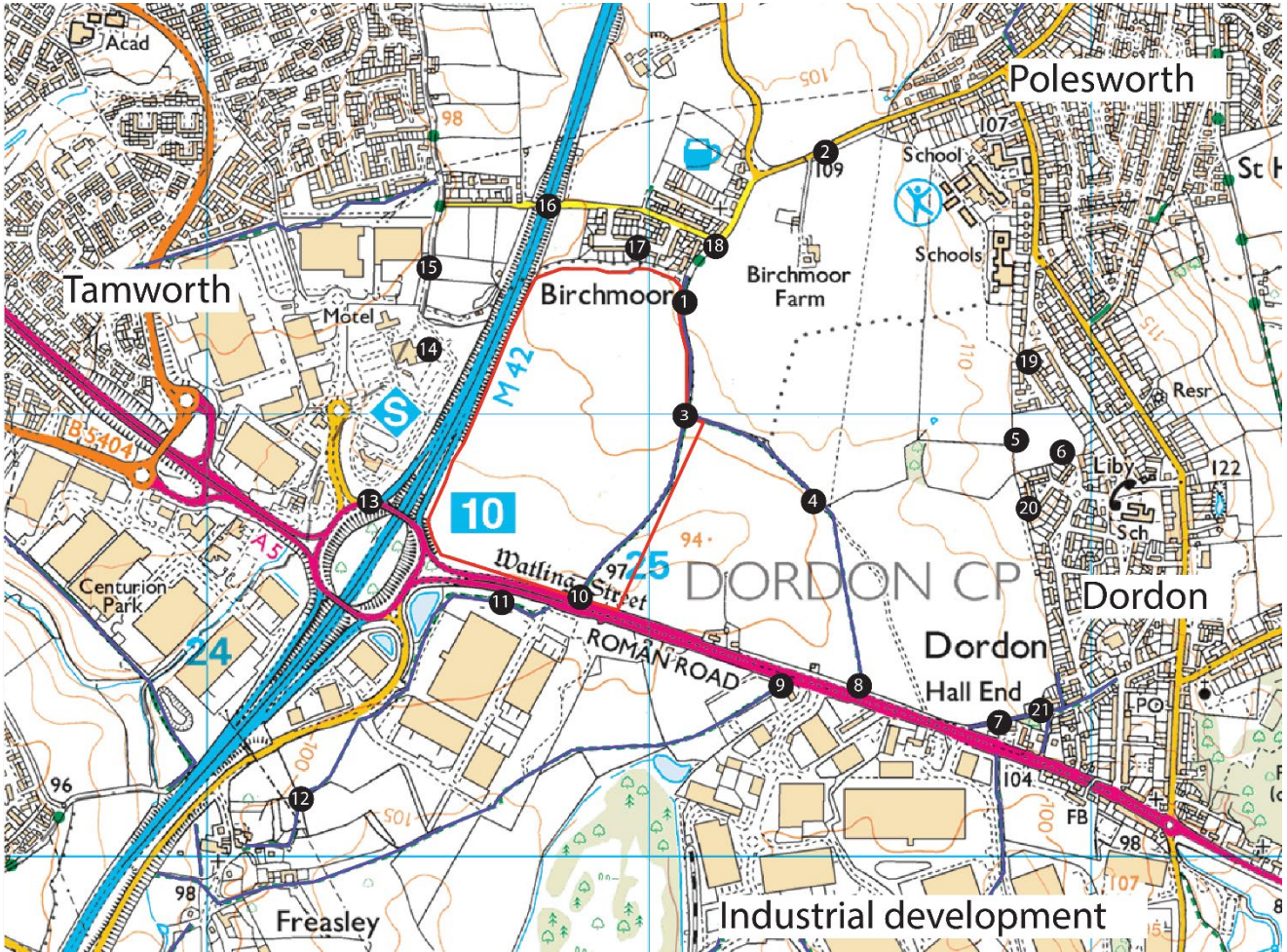


Figure 3.7 Photomontage from viewpoint 1 at year 1 (top) and year 15 (bottom)



Figure 3.8 Photomontage from viewpoint 4 at year 1 (top) and year 15 (bottom)



Figure 3.9 Photomontage from viewpoint 5 at year 1 (top) and year 15 (bottom)



Figure 3.10 Photomontage from viewpoint 8 at year 1 (top) and year 15 (bottom)



Figure 3.11 Photomontage from viewpoint 9 at year 1 (top) and year 15 (bottom)



3.56 Although the building roof line in these photomontages is now understood to be too high, in my opinion they still better illustrate the scale of the proposed development and change in view to be expected than the previous visualisations, and in my opinion confirm that the visual effects identified in the original LVIA have been underestimated.

3.57 The appellant updated their assessment of potential visual effects [CD-G18, Appendix A] in March 2024, as an appendix to the draft SoCG. Compared to the LVIA, the updated assessment identifies changes from the following viewpoints:

- 1 – View from PRow AE45;
- 2 – View from Birchmoor Road;
- 3 - View from conjunction of PRow AE45 with PRow AE46;
- 4 - View from PRow AE46;
- 5 - View from the edge of Kitwood Avenue Recreation Ground;
- 6 – View from Kitwood Avenue Recreation Ground;
- 8 - View from conjunction of Watling Street (A5) and PRow AE46; and,
- 13 - View from footway at Junction 10.

3.58 The updated judgements are summarised in the table below.

Table 3.1 Summary of Judgements of Visual Effects for Viewpoints Illustrated by Photomontages (Significant Effects are in bold)

Viewpoint	Original LVIA Judgement	Updated LVIA Judgement (March 2024)
1. View from PRow AE45	Moderate for residents and walkers at year 1, becoming minor at year 15.	Major/Moderate at year 1, and Major/Moderate to Moderate at year 15.
2. View from Birchmoor Road	Moderate for pedestrians and moderate / minor for vehicle users at year 1, becoming moderate / minor for pedestrians and minor for vehicle users at year 15.	Moderate/ minor for pedestrians and minor for vehicle users at year 1, becoming moderate / minor for pedestrians and minor / negligible for vehicle users at year 15.
3. View from conjunction of PRow AE45 with PRow AE46	Major for Walkers at year 1, becoming moderate at year 15.	Major/ moderate for Walkers at year 1, becoming moderate at year 15
4. View from PRow AE46	Major for walkers at year 1, becoming moderate at year 15.	Major/Moderate at year 1, remaining Major/Moderate at year 15
5. View from the edge of Kitwood Avenue Recreation Ground	Moderate for walkers and users of the open space at year 1, becoming minor at year 15.	Major/Moderate to Moderate at Year 1, becoming Moderate/Minor at year 15
6. View from Kitwood Avenue Recreation Ground	Moderate for walkers and users of area of open space at year 1, becoming minor at year 15	Moderate for walkers and users of area of open space at year 1, becoming moderate/ minor at year 15

Viewpoint	Original LVIA Judgement	Updated LVIA Judgement (March 2024)
8. View from conjunction of Watling Street (A5) and PRow AE46	Moderate for walkers and moderate/ minor for vehicle users at year 1, becoming moderate/minor for walkers and minor for vehicle users at year 15.	Major/Moderate to Moderate , becoming Moderate
9. View from junction of Watling Street (A5) and PRow AE52	Moderate/ minor for walkers and minor for vehicle users at year 1, becoming minor for walkers and negligible for vehicle users at year 15.	Moderate/Minor at year 1 becoming Minor at year 15.
13. View from footway at Junction 10	Moderate / minor for pedestrians and minor for vehicle users at year 1, becoming minor for pedestrians and minor/ negligible for vehicle users.	Moderate for pedestrians and moderate / minor for vehicle users at year 1, becoming moderate / minor for pedestrians and minor for vehicle users at year 15.

3.59 The assessment for each viewpoint within the LVIA [CD-A8 and CD-A9.6] and the March 2024 response [CD-G18] is supported by only limited narrative text set out in the 'notes' column and would have benefited from a more detailed justification of the judgements made, especially given the considerable changes between the first and second assessments, given the proposed development itself did not change (I note that the Parameters Plan was updated in 2022 but the parameters remain broadly the same, so the assessment of a reasonable worst case scenario should give the same results for both assessments). This casts doubt on the reliability of both the first and second assessments (the first given they are very different from the second, though based on broadly the same parameters, and the second given it was at least in part informed by what we now know are inaccurate photomontages).

3.60 The methodology of the LVIA sets out how moderate effects will be considered on a case-by-case basis to determine the level of significance, however there is no evidence of this happening, and it is unclear how or if the judgement was made.

3.61 It is noted in the March 2024 response [CD-G18] that the original LVIA was based a “*worst case scenario*’ of two large building with little articulation to the roof and elevations” and that “*although the original LVIA is based on a worst-case scenario, it does not follow that the visual effects are greater from every viewpoint in the assessment of the worst-case scenario when compared to the new illustrative scheme*”. The reason for some of the changes is apparently due to the updated assessment considering the indicative masterplan (as shown in the photomontages), as opposed to a development that could arise from the Parameters Plan [CD-A5]. I do not find it logical that the first assessment can find so few significant effects when assessing a realistic worst (maximum) case scenario, yet the reassessment, which considers architectural mitigation (which should reduce effects, but is also described as being based on a worst case scenario), finds the effects to be greater, and to fall more consistently above the significance threshold.

3.62 This leads to the question as to what is actually being proposed and assessed for this appeal? When assessing outline applications, it is typical for LVIA to consider a realistic worst (maximum) case scenario in line with the Parameters Plan (as established via caselaw: *R v Rochdale Metropolitan Borough Council ex parte Milne* (2001)). Further confusion arises given the reassessment for the masterplan in March 2024, which is for an apparently more modest (mitigated) development, reports landscape and visual impacts as being greater, with more instances of significance. It would seem that the appellant is themselves recognising that the initial LVIA was incorrect, and is perhaps also unsure of what they are assessing, or what might be a reasonable worst case.

3.63 In relation to viewpoint 1, the increase in the significance of effect (March 2024) is purported to be because the “*change in the layout has moved proposed built form closer to the viewpoint and as a result increased the magnitude of change experienced by the viewer.*” I would suggest that although the buildings have moved closer to the viewpoint, this is marginal and the buildings, and proposed bunding /planting, which is right next to the viewer, would have appeared of a similar scale in the view based on the layout in the original LVIA, which was originally considered to be a moderate and not significant effect.

3.64 The effect for viewpoint 3 has decreased from major to major/ moderate, however remains significant. Given the proximity to the proposals, I do not think the change in layout would reduce the scale of the development in views. In addition, in relation to viewpoint 3, 4 and 5, the appellant notes that the development would be seen in the context of existing large-scale commercial development which would reduce the magnitude of visual change. Whilst I agree existing development can be seen from these viewpoints, the proposed development would be visible in much closer proximity to the viewpoints when looking towards the site, particularly from viewpoint 3 (immediately adjacent to the site) and

viewpoint 4. From viewpoint 4, I would consider the effects to be Major, until such a point as vegetation grows to be semi-mature, assumed to be the case at Year 15, with them then decreasing to Major/Moderate.

3.65 Additionally, uncertainty over the application of the methodology is raised in the significance of effects table, where viewpoints with no view (e.g., viewpoint 12 and 15) are identified as having negative effects. If the proposed development results in no change of view, the effect would be neutral or none.

3.66 The appellant's LVIA does not appear to consider the effects of lighting in any detail. Information on the baseline light levels within the site have been provided in the appellant's Response to Review of Additional Information, May 2023 [CD-G16], concluding that the *"site is already strongly influenced by light from adjacent settlements and infrastructure"* and is a *"characteristic of the site"*. I appreciate and acknowledge that there are existing light sources around the site but note that lighting on the proposed development would result in an additional effect. Having been on site, I noticed the lighting on the industrial units to the south of the A5 is obvious. Introducing such lighting to the north of the A5 would have impacts on both the landscape character during hours of darkness and on views experienced by receptors on the local footpath network and in the nearby settlements of Dordon and Birchmoor. The lighting would be more noticeable in the earlier years, when mitigation planting would not be as effective in providing a screen.

3.67 The appellant provided photos of G Park Blue Planet [CD-B32] to illustrate what the proposed development may look like. These clarify what the development may look like once built, albeit again at this outline stage, the design is very uncertain. One comment is that the green colour used on these appears to be much brighter than indicated in the proposed elevations [CD-B29] and photomontages [CD-B31], and therefore appears more prominent. More toned down/ natural looking RAL colours would be more appropriate.

LUC judgement on visual effects

3.68 As outlined above, upon review of the LVIA [CD-A8 and CD-A9.6] and subsequent information submitted by the appellant, I am of the opinion that some of the visual effects have been underemphasised by the appellant.

3.69 I consider it very unlikely that a development of this scale would result in zero significant visual effects after 15 years (to include the effects of mitigation planting), and that only three viewpoints would experience significant negative effects just after construction.

3.70 Following request, the appellant provided Type 3 Photomontages from viewpoints 1, 4, 5, 8 and 9 [CD-B31]. These help to better understand and assess the significance of effect from these viewpoints.

They show the existing view, a photomontage of the proposed development at year 1 (showing building and landform but no vegetation), and a photomontage of the proposed development at year 15 (with proposed planting modelled in at a height of 8m). The photomontages use the winter photography that was captured in 2023 following our meeting on 31st January 2023.

3.71 Based on my review of the information provided by the appellant, and a having undertaken a site visit, I would expect the following viewpoints to result in significant negative effects:

- a. Viewpoint 1;
- b. Viewpoint 3;
- c. Viewpoint 4;
- d. Viewpoint 5;
- e. Viewpoint 8; and,
- f. Viewpoint 10.

3.72 More detailed commentary on each of the above viewpoints, and my reasoning for their effects are outlined below.

Viewpoint 1

3.73 The original LVIA [CD-A8 and CD-A9.6] identified a slight magnitude of change (MOC) at construction, and a negligible MOC after 15 years. The visual effect is identified Moderate (not significant) at year 1 (construction) and Minor (not significant) after 15 years.

3.74 The appellant has since updated their judgement [CD-G18] to Major/Moderate (significant) at year 1 and Major/Moderate to Moderate (significant) at year 15.

3.75 The photomontage produced for year 1, clearly shows the proposed development forming a prominent feature and taking up much of the view from this location. I agree with the appellant's updated judgement that the effect is significant at year 1 and year 15. I consider that the MOC at year 1 would be substantial. I agree that screening provided at year 15 will reduce the MOC and the significance of effect arising from the buildings, although the planting and bunding itself will also result in a significant change to the view, blocking as it does the more distant open views.

Viewpoint 3

3.76 The original LVIA [CD-A8 and CD-A9.6] identified a substantial MOC at year 1 (construction), and a medium MOC after 15 years. The visual effect is Major (significant) at construction and Moderate (not

significant) after 15 years. The appellant has not provided any update to their judgements for this viewpoint.

3.77 Although no photomontage has been produced for this viewpoint, given its close proximity (on the PRow adjacent to the eastern boundary of the site) it is clear that the proposed development would form a prominent feature and would take up much of the view to the north-west, west and south-west from this location. I agree that MOC would be substantial at year 1, resulting in a Major (significant) effect. I disagree that this would reduce to a medium MOC and moderate (not significant) effect after 15 years. Whilst the MOC and significance of effect would reduce over time due to mitigation planting along the eastern boundary of the site, I still consider this would result in a significant effect as the proposed bunding and planting itself will also result in a significant change to the view, and block the open views westwards.

Viewpoint 4

3.78 The original LVIA [CD-A8 and CD-A9.6] identified a substantial MOC at year 1 (construction), and a medium MOC after 15 years. The visual effect is Major (significant) at construction and Moderate (not significant) after 15 years.

3.79 The appellant has since updated their judgement [CD-G18] to Major/Moderate (significant) at year 1 and 15.

3.80 The photomontage produced for year 1, clearly shows the proposed development forming a prominent feature and taking up much of the view from this location. I agree that the effect would be significant at both year 1 and year 15. I consider that the MOC would be 'substantial' at year 1, and the effect Major. The MOC would reduce slightly due to mitigation planting at year 15, however I still consider this would result in a significant effect as the proposed development would be clearly visible above the intervening mitigation planting, and the bund and planting itself would also lead to a significant change in the view, blocking the more open views to the west.

Viewpoint 5

3.81 The original LVIA [CD-A8 and CD-A9.6] identified a slight MOC at construction, and a negligible MOC after 15 years. The visual effect is Moderate (not significant) at construction and Minor (not significant) after 15 years.

3.82 The appellant has since updated their judgement [CD-G18] to Major/Moderate to Moderate (significant) at year 1 and Moderate/Minor (not significant) at year 15.

3.83 The photomontage produced for year 1, shows the proposed development as a notable feature in the photomontage, albeit with views filtered by intervening vegetation from this exact location (more open views are available, further to the south). Given the prominence of the proposed development from this viewpoint, I consider this to be at least a medium MOC resulting in a Major/Moderate significant effect at year 1. I do not agree that mitigation planting at year 15 would provide enough screening to reduce the significance of effect to below the threshold of significance. The proposed development would be clearly visible above the intervening mitigation planting. The view remains largely similar between year 1 and year 15 from this viewpoint due to its elevated nature, looking above the tree tops. A more open view is available from the end of Barn Close, representing residents. This is not screened by intervening trees of the existing copse.

Viewpoint 8

3.84 The original LVIA [CD-A8 and CD-A9.6] identified a medium MOC at construction, and a slight MOC after 15 years. The visual effect is Moderate (not significant) at construction and after 15 years.

3.85 The appellant has since updated their judgement [CD-G18] to Major/Moderate to Moderate (significant) at year 1 and Moderate (not significant) at year 15.

3.86 The photomontage produced for year 1, clearly shows the proposed development forming a prominent feature and taking up much of the view from this location. Given the prominence of the proposed development from this view, I consider this to be a substantial MOC resulting in a Major (significant) effect at year 1. I do not agree that mitigation planting at year 15 would provide enough screening to reduce the significance of effect to below the threshold of significance. The proposed development would be clearly visible above the intervening mitigation planting. I would consider this to be at least a medium MOC and Major/Moderate (significant) effect at year 15, as a result of the new buildings. The proposed hedgerows and field trees included in the photomontage are considered to be beneficial and are welcomed. The viewpoint is near to properties at Hall End Villas and House, which could experience similar, albeit partly filtered, views when leaves are not on trees. Taking a precautionary stance, given I have not entered the property but have observed it from the road, I would consider the effect to be significant. There appears to be a clear open view across to the site from outside Number 65 Watling Street.

Viewpoint 9

3.87 The LVIA [CD-A8 and CD-A9.6] identified a slight MOC at construction, and a negligible MOC after 15 years. The visual effect is Moderate and minor (not significant) for walkers and vehicle users,

respectively, at construction and Minor (not significant) after 15 years. I agree with this assessment, however do query the usefulness of this viewpoint as an assessment location.

3.88 Properties at hall End Cottage to the south of the A5, a few hundred metres to the west would experience more filtering of views than the properties on the north side of the road, but are very close to the proposed development. I would expect significant effects to arise given the expected removal of the hedgerow along the north side of the road for access, which would open up views towards the new buildings. There appears to be an open view across to the site though a gap in the hedgerow by the bus stop near the properties, which is near an area where further vegetation would be removed to accommodate cycle lane infrastructure.

Viewpoint 10

3.89 The original LVIA [CD-A8 and CD-A9.6] identified a substantial MOC at year 1 (construction), and a medium MOC after 15 years. The visual effect is Major (significant) at construction and Moderate (not significant) after 15 years. The appellant has not provided any update to their judgements for this viewpoint.

3.90 Although no photomontage has been produced for this viewpoint, given its close proximity (on the southern boundary of the site) it is clear that the proposed development would form a prominent feature and would take up much of the view from this location. I agree that MOC would be substantial at year 1, resulting in a Major (significant) effect. I disagree that this would reduce to a medium MOC and moderate (not significant) effect after 15 years. Whilst the MOC would reduce slightly due to mitigation planting along the southern boundary of the site (depending upon what sight lines require, what can be fitted in around the cycle lanes and drainage pond), I still consider this would result in a significant effect, as the proposed development is likely to still be clearly visible above the intervening mitigation planting.

Robustness

3.91 It is understood that in March 2024, the appellant updated their judgements on the visual effects likely to be experienced from viewpoints 1, 4, 5 and 8 [CD-G18].

3.92 In the original LVIA [CD-A8 and CD-A9.6] the appellant assessed viewpoints 1, 5 and 8 as not significant at year 1 and year 15. Viewpoint 4 was assessed as significant at year 1 but not significant at year 15. The appellant now considers significant effects will arise at all these viewpoints at year 1, and will remain significant at year 15 from viewpoints 1 and 4. Whilst I agree that the updated assessments are more appropriate, given the scale of the proposed development I would argue that significant effects are likely to remain at year 15. I have set out my reasoning for this above.

3.93 It does not appear that there has been any change to the methodology of the LVIA or in what is proposed (although as of 23rd May 2024, there is uncertainty as to what has been illustrated and assessed as an error has been found affecting all photomontage visualisations), so the change in judgements provided by the appellant makes me question the robustness and accuracy of the entire LVIA findings. As set out above, there are several instances where I disagree with the findings of the viewpoint assessment. I also disagree that there would be no significant effects on the character of the landscape, or individual landscape elements.

Visualisations

3.94 GLVIA3 [CD-G4] states that *"The predicted changes must be described in the text but should also be illustrated by means of visualisations from representative viewpoints"* (para 8.16) and *"where the scheme is not fully developed visualisations must be based on clearly stated assumptions"* (para 8.22).

3.95 The appellant has highlighted that viewpoints were identified through desktop assessment of OS mapping, aerial mapping and a review of contour information. They confirmed that the selected viewpoints were submitted to the Planning Officer for agreement, with the Planning Officer suggesting several additional viewpoints which were also considered in the assessment. LUC was not party to any discussions relating to refinement of viewpoints, and the reasoning behind their selection.

3.96 Viewpoint photography is presented in Appendix 10.3 of the original LVIA [CD-A9.6]. This photography is useful in illustrating the baseline view from each representative viewpoint. It is stated in Appendix 10.3 that the photography is 'Type 3 Photography' taken in summer, when deciduous vegetation was largely in leaf. According to LI Technical Guidance Note 06/19 [CD-G5], Type 3 visuals *'encompasses photomontages and photowires which will commonly be produced to accompany planning applications, LVAs and LVIAs'*.

3.97 Whilst the majority of the baseline photography in Appendix 10.3 may have been produced to Type 3 standard and is helpful in displaying the character and context of each view, the visualisations themselves had not been produced to Type 3 level, as no photowires/photomontages had been included. Three basic wirelines were provided for viewpoints 1, 4 and 5 in the Design and Access Statement [CD-B10 and CD-B34], however these included the earth bunds and mitigation planting modelled into views. Two subsequent wirelines were provided for viewpoints 8 and 9, again with earth bunds and mitigation planting modelled into views. The wirelines alone were not particularly informative, particularly when trying to assess the effects after construction (year 1), as they show the maximum parameters with matured mitigation planting screening most of the view.

3.98 Given the application is outline, provision of baseline photography could be considered appropriate, however, the lack of visualisations made it more difficult to understand the potential scale and visibility of the proposed development. Therefore, it could also have been hard for the appellant's landscape expert to come to a judgement as to the level of effects without this information, or indeed for the decision maker to consider the acceptability of the proposed development in landscape and visual terms. This may help explain the apparent understatement of the assessments made in the original LVIA, suggesting that it is unreliable.

3.99 Following recommendation, the appellant provided Type 3 Photomontages showing the proposed development at year 1 and year 15 for viewpoints 1, 4, 5, 8 and 9 [CD-B31]. It was requested that photomontages were also provided from viewpoints 3 and 10, given their proximity to the site and the sensitivity of the receptors at these locations (recreational receptors). All baseline photography was retaken to show winter conditions, and the Type 3 Photomontages were produced using winter photography. This is in accordance with the Landscape Institute Technical Guidance Note 6-19 [CD-G5]. The winter photography illustrates the increased filtered visibility towards the site which will be afforded through vegetation during the winter months. This is particularly evident from viewpoints 9, 11, 13 and 14.

3.100 Viewpoint 5 was microsited to be located slightly higher up at the edge of the recreational area following LUCs recommendation at the 31st January 2023 meeting. This provides a more elevated view towards the site, with greater visibility above the intervening copse of woodland. There would clearly be much greater visibility of the proposed development from this viewpoint, and it seems misleading that the lower location, just below the gate, was selected in the first place, given the locations are close. There are also more open locations to the south, for example from Barn Close.

ZTV

3.101 The appellant provided a ZTV [Figure LAJ-3, CD-B7] as part of the original LVIA. This ZTV included the proposed mitigation planting included as part of the proposed development, as a screening element which reduced the extent of theoretical visibility across the study area. As illustrated in Figure LAJ-3 [CD-B7], theoretical visibility is concentrated to the east and south-east of the site. The ZTV suggests there would be no theoretical visibility from the settlement of Birchmoor in the north, or much of the settlement edge of Dordon and Polesworth in the east. However, I consider it is a misrepresentation of the likely extents of visibility to include the mitigation planting as a screening element in the ZTV, given the modelled level of screening would not arise for many (at least 15) years, until trees reached maturity. 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 at year 15. It should however be considered alongside a ZTV that considers a bare ground situation, without mitigation planting.

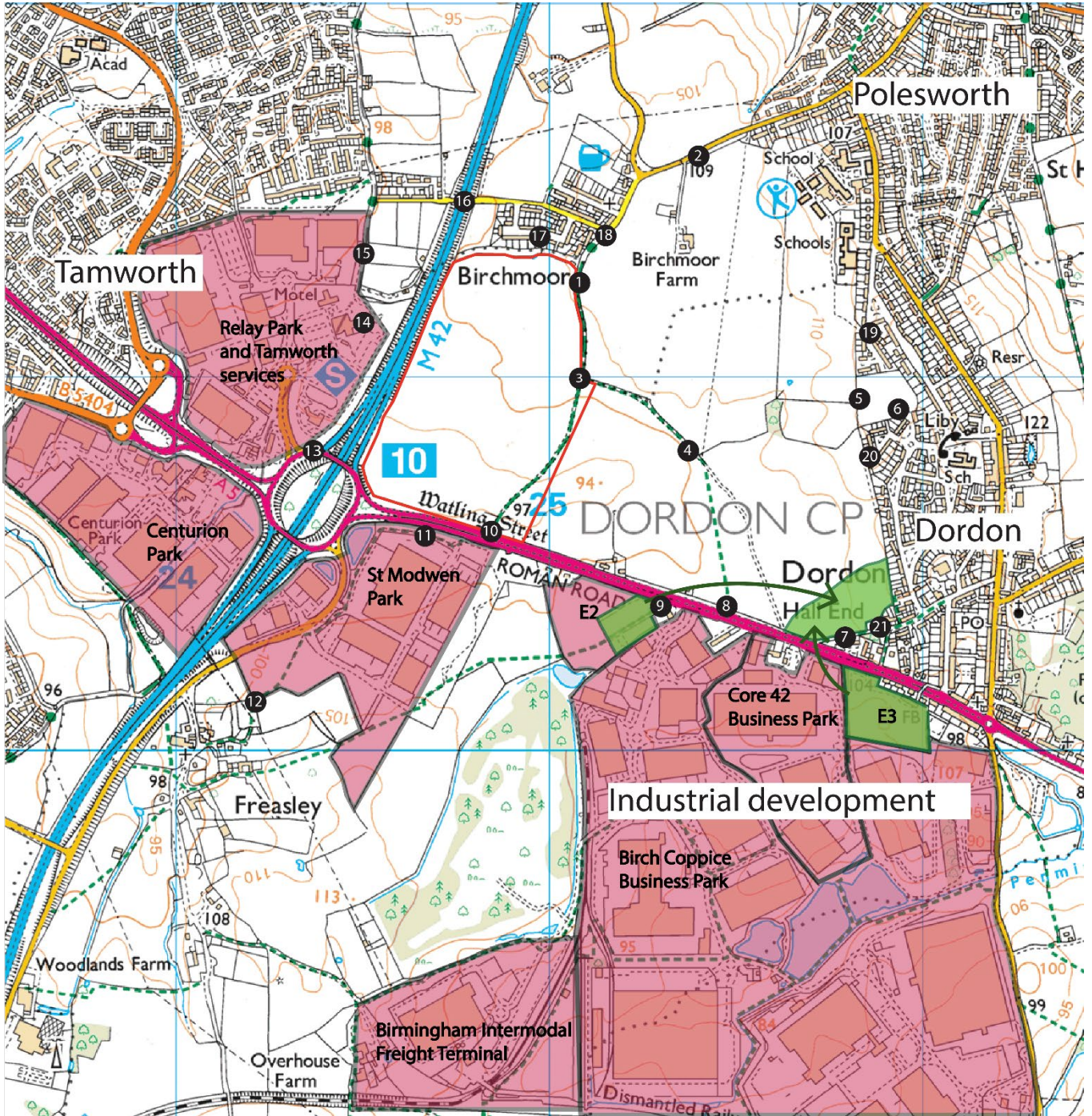
3.102 The appellant provided an updated ZTV (Figure LAJ-51, [CD-B57]) which excludes the proposed mitigation planting. The ZTV does still include the earth bunds around the site. As evident from Figure LAJ-51 [CD-B57], theoretical visibility is greatly increased to the north, east and south-east when mitigation planting has not been included as a screening element. This is a more accurate representation of the extent of theoretical visibility, particularly noting that the settlement edges of Birchmoor and Dordon now are indicated as having theoretical visibility. I can confirm through site visits, that these settlements will have visibility of the proposed development, particularly in the years whilst mitigation planting is maturing.

Cumulative effects

3.103 Section 10.6 of the appellant's LVIA [CD-A8] outlines the cumulative assessment. The cumulative assessment considers the following schemes, some of which are constructed, and therefore part of the current baseline, and which are illustrated on Figure 3.12:

- a. Core 42 (Land at Hall End Farm Watling Street Dordon) – constructed
- b. Birch Coppice Industrial Estate - constructed
- c. E2 – allocation
- d. St Modwen Park Tamworth (Land south east of the M42 Junction 10, Tamworth, Warwickshire, B78 2EY) – constructed
- e. Centurion Park – constructed
- f. Relay Park / Warehouses off Relay Drive – constructed.

Figure 3.12 Cumulative schemes considered



3.104 As noted above, with the exception of E2 which is an employment site allocation in the Local Plan [CD-F1], all the other schemes considered in the cumulative assessment have been constructed. GLVIA3 [CD-G4, para 7.13] sets out that “Taking ‘the project’ to mean the main proposal that is being assessed, it is considered that existing schemes and those which are under construction should be

included in the baseline for both landscape and visual effects assessments (the LVIA baseline). The baseline for assessing cumulative landscape and visual effects should then include those schemes considered in the LVIA and in addition potential schemes that are not yet present in the landscape but are at various stages in the development and consenting process:

- a. schemes with planning consent;*
- b. schemes that are the subject of a valid planning application that has not yet been determined.”*
(para 7.13).

3.105 The appellant's LVIA [CD-A8 and CD-A9.6] does not explain how or why the above schemes were selected to be included in the LVIA, nor does it expand on the methodology for identifying cumulative effects. The LVIA includes no explanation of terminology used (e.g. cumulative sequential effects) in the cumulative assessment. However, the appellant confirmed in their May 2022 response [CD-G12] that cumulative schemes were agreed with the Head of Planning at NWBC.

3.106 It is noted that five of these schemes have already been constructed, and one is an allocation. As five of these schemes have already been constructed, they already form part of the existing baseline of the study area, and are, or should be, considered as part of the main LVIA. The appellant confirmed that these constructed schemes would “*already be embedded in the landscape and visual baseline and taken account of in the overall assessment of landscape and visual effects*” in their May 2022 response [CD-G12].

3.107 However, as the remaining site (E2) is a site allocation, a higher level of uncertainty should be attached to it. I 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 cumulative LVIA.

3.108 In terms of the findings, the cumulative assessment in the LVIA [CD-A8 and CD-A9.6] tends to focus on visual effects, with very little mentioned of the cumulative effects on the landscape. Appendix A of SLRs response (dated May 2022) [CD-G12] 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. However, neither the original LVIA [CD-A8 and CD-A9.6] or Appendix A of SLRs response (dated May 2022) [CD-G12] provide clear tables setting out the process for assessing cumulative effects (as is done for the main LVIA effects). Therefore, it is not clear how the

assessor has come to this judgement, as the narrative text to explain this judgement lacks detail and does not consider a sensitivity and magnitude of change, yet has provided a judgement of the overall effect.

3.109 Whilst it is noted that existing industrial buildings are present to west and south of the proposed development, it is my opinion that the cumulative effects of the proposed development, particularly when considered with the development immediately south of the site (accepting this is existing and therefore part of the baseline), have been underestimated. The continued development of this area through repeated applications for large industrial units is resulting in the infilling of greenfield and undeveloped land and the surrounding of the once more rural settlements located within arable farmland. This is resulting in there being very little land left that is not dominated by such developments, or to provide some relief from them for the local population that lives very nearby. The proposed development would exacerbate this ongoing erosion of undeveloped land and its replacement with very large-scale industrial units.

Chapter 4

Strategic Gap

Purpose of the Strategic Gap

4.1 The Strategic Gap policy is currently defined in Policy LP4 ‘Strategic Gap’ of the Local Plan (adopted 2021) [CD-F1] ‘...*Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements.*

4.2 The basic purpose of Strategic Gap is defined in ‘Strategic gap and green wedge policies in structure plans: main report’ [CD-G6] as *‘to protect the setting and separate identity of settlements, and to avoid coalescence; retain the existing settlement pattern by maintaining the openness of the land; and retain the physical and psychological benefits of having open land near to where people live’* (paragraph 6).

Value of the Strategic Gap

4.3 The appeal site is located within Area 8 of the ‘Meaningful Gap’ (now superseded by the term ‘Strategic Gap’ in the recently adopted Local Plan), in the 2015 Meaningful Gap Assessment [CD-G2]. This assessment concluded that Area 8 (and 9 to the north) are considered to *“operate more significantly as strategic gap on the major Gateway into the Borough from the west, are more sensitive to the impact of development in view of their open aspect and constitute the main “Meaningful Gap” area between Tamworth, the M42 and the built areas of Dordon and Birch Coppice”* (para 10.1).

4.4 LUC previously undertook an independent assessment of the land designated in local planning policy as a ‘Meaningful Gap’ (now superseded by the term ‘Strategic Gap’). The ‘Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations’ [CD-G3] assessed eight parcels of land which form the Strategic Gap. The study assessed each parcel in order to determine how land performs with regards to preventing neighbouring towns merging with one another. The parcels were assessed against five Green Belt Purposes and their accompanying criteria, as set out below:

- 1.** To check the unrestricted sprawl of large built-up areas.
 - a.** Could the parcel play a role in preventing ribbon development and/or has the land within the parcel already been compromised by ribbon development?

- b. Is the parcel free from development? Does the parcel have a sense of openness?
- 2. To prevent neighbouring towns merging into one another.
 - a. Is the parcel located within an existing settlement? If no, what is the width of the gap between the settlements at the point that the parcel is intersected?
 - b. What role does the parcel play in the sense of actual or perceived separation between settlements?
- 3. To assist in safeguarding the countryside from encroachment.
 - a. Does the parcel have the characteristics of countryside and/or connect to land with the characteristics of countryside? Has the parcel already been affected by encroachment of urbanised built development?
 - b. Are there existing natural or manmade features / boundaries that would prevent encroachment of the countryside within or beyond the parcel in the long term? (These could be outside the parcel).
- 4. To preserve the setting and special character of historic towns.
 - a. Is the parcel partially or wholly within or adjacent to a Conservation Area within an historic town? Does the parcel have good intervisibility with the historic core of an historic town?
- 5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
 - a. All parcels were considered to make an equally significant contribution to this purpose by restricting development and encouraging the reused of previously developed land.

4.5 The site is located within parcel 8 of the Strategic Gap. With reference to parcel 8, it is noted that:

“The parcel provides a gap of approximately 830 metres between Tamworth and Dordon across the northern part of the parcel. The gap between Birchmoor and Dordon is approximately 330 metres. This parcel performs very strongly as part of the Meaningful [Strategic] Gap by providing a buffer and sense of separation between the three separate settlements which are very close to each other” [CD-G3, paragraph 3.12].

4.6 When considered against the Green Belt Purposes above, parcel 8 was deemed to make a “a relatively strong contribution to the Green Belt purposes due its large size (which spans the entire gap between Tamworth and Dordon at this point), the undeveloped and open character of the countryside and the role it plays in maintaining separation between settlements” [CD-G3, paragraph 3.15].

4.7 With relation to Green Belt Purpose 2, the assessment found that the land of parcel 8 “*plays a strong role in separating the settlements*” and that it “*provides a strong contribution to the to the actual and perceived separation between the settlements [Tamworth and Dordon]*”. If the land was to be developed Tamworth and Dordon would “*effectively be merged*” noting that although the M42 provides a permanent barrier feature, the gap would be undermined and development on each side of the motorway would be seen as contiguous.

4.8 With relation to Green Belt Purpose 3, the assessment noted that the parcel has a “*rural and open character and contains no urbanising influences*”.

Appellant’s consideration of the Strategic Gap

4.9 The appellant’s Gap Analysis within the LVIA [CD-A8] outlines the policy context of the Strategic Gap and sets out the methodology and factors which should be used to define the effectiveness of a gap. This draws on the considerations that the Inspector on the Eastleigh Local Plan Inquiry (1998) used to define the effectiveness of a gap. These considerations are now often known as the ‘Eastleigh Criteria’ [CD-G6].

4.10 The Eastleigh Criteria relates to the following factors:

- a. Distance;
- b. Topography;
- c. Landscape character/type;
- d. Vegetation;
- e. Existing uses and density of buildings;
- f. Nature of urban edges;
- g. Inter-visibility (the ability to see one edge from another);
- h. Intra-visibility (the ability to see both edges from a single point); and
- i. The sense of leaving a place.

4.11 Table 4.1 below sets out the Eastleigh Criteria, with comments provided on how the proposal will affect the Strategic Gap provided. The effects on the Strategic Gap, with relation to the Eastleigh Criteria are illustrated in Figure 4.1.

Table 4.1 Eastleigh Criteria

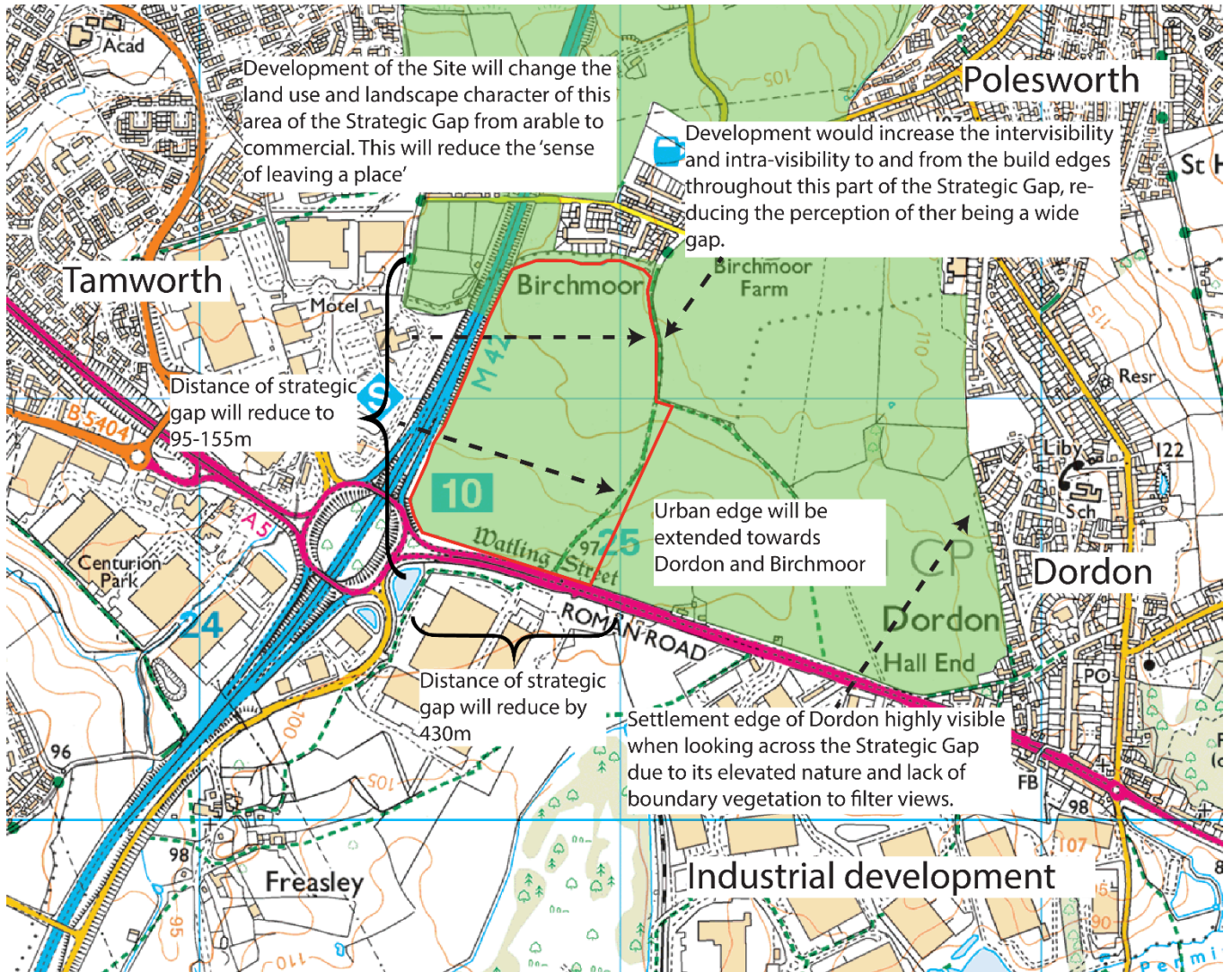
Eastleigh Criteria	LUC Comment
Distance	The Strategic Gap will be narrowed to 95-155m between Birchmoor and the commercial development to the south of the site. The Strategic Gap between Tamworth and Dordon/ Polesworth will reduce by 430m, leaving a 777m gap.
Topography	The site and the Strategic Gap in which it sits is quite flat (very gently rolling) and open, although rises slightly in the north. The relatively flat and open nature of the site emphasises the scale of the Strategic Gap. The proposed development, including creation of high earth mounds (5-6m) for screening will alter the topography and openness of the Strategic Gap.
Landscape character/ type	The landscape character of the site and Strategic Gap is mainly arable in nature with occasional tree belts and hedgerows. The proposed development would introduce high buildings of a very large scale which would fundamentally change the character of the Strategic Gap and reduce the openness which is characteristic of the area. Mitigation associated with the proposed development may be considered to have a suburbanising character (e.g. tarmacking and widening of PRowS).
Vegetation	There is limited vegetation on the site and in this part of the Strategic Gap. Hedgerows are found around the boundary of the site, and in adjoining areas of the Strategic Gap, but there is no strong vegetated boundary to extend to or which might provide a sense of separation. The landscape of the Strategic Gap has relatively little woodland, except a copse to the east. The field pattern is large, and there are relatively few hedgerows and associated trees in this landscape. This results in open views across the land, extending across large areas.

Eastleigh Criteria	LUC Comment
	Planting of native woodland within the site, and off-site, could provide greater sense of physical and perceptual separation. New planting would take a long period to mature and to become effective.
Existing uses and density of buildings	The existing use of the site is arable land. There are no existing buildings on the site. The proposed development would introduce buildings of a large scale which would take up a large proportion of the site and would introduce woodland belts (for screening purposes) which are not characteristic of the current vegetation found on site or the surrounding area (see above).
Nature of urban edges	<p>Built development is found in all directions around the Strategic Gap. Built development, in the form of main roads and settlements are immediately adjacent to the site to the north, south and west. Although boundary vegetation helps screen visibility of this built development (particularly to the west of the M42) and softens the boundaries of the Strategic Gap, the visibility of large-scale commercial development is clear. The settlement of Tamworth is located to the west of the M42. Visibility of this urban edge, alongside the clear settlement edge of Dordon, accentuates the presence of having two distinct settlements, separated by undeveloped gently rolling farmed landscape.</p> <p>The proposed development would incorporate mitigation planting. However, given its scale, there is no obvious boundary which the proposed development could extend up to, which might soften a new urban edge to the Strategic Gap. As such the proposal relies on planting of a high earth bund, that would be created as part of the development. Planting on this bund would take many years to establish as an effective screen to the development.</p>
Inter-visibility (the ability to see one edge from another)	The open and flat nature of the site and Strategic Gap enables intervisibility across the gap, from one edge to the other. The landscape west of Dordon and Polesworth and north of the A5 is very open, and provides uninterrupted views to the eastern edge of

Eastleigh Criteria	LUC Comment
	<p>Tamworth, and vice versa to Dordon. This allows the clear separation of these settlements by arable land to be appreciated.</p> <p>The proposed development will in some senses reduce this intervisibility, by screening views across the Strategic Gap, due to the large buildings, bunds and planting. Intervisibility between the <u>new</u> edges would increase however, given the substantial narrowing of the gap between the edges, making them closer together.</p>
<p>Intra-visibility (the ability to see both edges from a single point)</p>	<p>The open and flat nature of the site and Strategic Gap enables intra-visibility from across the site and the open land which surrounds it.</p> <p>From the A5 and the network of PRowS to the north of the road, eastward views focus on the open views across the Strategic Gap to Dordon's western edge. Given the elevated nature of Dordon and the lack of vegetation along the edge to filter visibility, the western edge of Dordon is a clear feature in these views. The eye is drawn more to the north-east, towards Dordon, than to the developments on the southern side of the A5. This is due to the openness of the landscape and the views available across it. Likewise, the eastern edge of Tamworth is visible in views to the north-west from sections of the A5 and extensively from the network of PRowS to the north of the A5. This is due to the open nature of the fields across which the site is located, and the gaps in hedgerow along the road. The visibility of both the eastern and western settlement edges, across an arable landscape, allows the clear separation of these settlements to be appreciated when in this area.</p> <p>The proposed development will reduce this intra-visibility by screening views from within the Strategic Gap to the former development edge to the west. This is given it will block views with large buildings, bunding and planting. However, it will also increase intra-visibility to the <u>new</u> edge, given the substantial narrowing of the gap between the edges, and the much closer proximity of the development to the gap.</p>

Eastleigh Criteria	LUC Comment
The sense of leaving a place	<p>Currently, there is a distinct sense of leaving the surrounding areas (Tamworth, Birchmoor, Dordon and the commercial area to the south of the site) when entering the Strategic Gap area. The Strategic Gap contrasts strongly with the surrounding built development due to its open, agricultural landscape.</p> <p>The settlement edge of Dordon is a clear feature in north-easterly views when travelling along the A5. Likewise, the eastern edge of Tamworth is noticeable in westerly views from this main road. When travelling in both directions, the settlement edges are seen in the distance, filtered by hedgerows on the north side of the road which have been left to grow tall, behind gently rolling fields to the north of the A5. This helps to ensure there is a sense of separation between Dordon and Tamworth when travelling along the A5 Watling Street (Roman Road).</p> <p>The proposed development would diminish the sense of leaving a place by changing the land use and character of the Strategic Gap. This would be achieved due to extending built development across the Strategic Gap between Birchmoor and the commercial development to the south, and Tamworth and Polesworth. The removal of woodland belts and hedgerows on the north side of Watling Street, between the roundabout and east of the proposed site access, to allow safe access into the site, will contribute to the perceived extension of Tamworth eastwards, through the resulting suburbanising influence.</p>

Figure 4.1 Strategic Gap commentary



4.12 The appellant's Gap Analysis concludes that the separate identity of Tamworth and Polesworth with Dordon would remain both in relation to their physical separation and in terms of distinctive character, if the proposed development was to go ahead. Furthermore, the Gap Analysis concludes that a sense of separation would remain whether travelling along the A5 or along the Public Right of Way running through the Strategic Gap, with travellers having a clear sense of having left one settlement, travelling through an undeveloped area, and then entering a second settlement.

4.13 Although the proposed development would not completely close the gap, it is unquestionable that it would reduce the gap and distance between the edge of Tamworth and Dordon/ Polesworth by 430m, leaving a 777m physical gap. The gap between Birchmoor and the commercial development to the south would reduce to a length of just 95-155m.

4.14 Considering the size of the site, and the extents to which it would be developed, it is my opinion that the proposed development would result in adverse effects on the Strategic Gap and reduce its effectiveness at maintaining separation between Tamworth and Dordon. The appeal site would reduce the area of Parcel 8 by around 30% (32.36 hectares of 121 hectares), or 7% of the whole of the Strategic Gap (32.36 hectares of 450 hectares). This is a substantial reduction.

4.15 The proposed development would extend the urban edge of Tamworth to the east of the M42, extensively reduce the gap between Birchmoor and the commercial development to the south, and result in the urbanisation of a currently localised semi-rural area. Additionally, the proposed development would fundamentally alter the landscape character of the site and Strategic Gap, by altering the topography, vegetation and openness of the area, as well as the nature of the PRowS across it (through widening and formalised surfacing, giving a more suburban character). The land use of the part of the Strategic Gap which the site occupies would also be largely changed from an arable field to commercial development.

4.16 Furthermore, the proposed development would in some senses reduce the intervisibility (the ability to see one edge from another) and intra-visibility (the ability to see both edges from a single point) throughout this part of the Strategic Gap. This is by introducing large-scale built development, very high earth mounding, and planting between two areas of development (the settlement of Tamworth west of the M42 and the settlement of Dordon), effectively blocking views between the previous built edges. However, when considering inter and intra-visibility between the proposed new development edge and the existing edges to the north and east, and leaving aside proposed vegetation which would take many years to mature and become effective as a mitigation measure, then intra and intervisibility would substantially increase, given the narrowing of the gap. This would reduce the perception of the presence of a wide gap separating developed areas. The introduction of the proposed development would also affect the sense of leaving a place (e.g. surrounding settlements), by extending built development into an area which is currently open landscape, this also being exacerbated through hedgerow removal along the A5.

Relevant Applications and Decisions

Land south east of the M42 Junction 10, Tamworth, Warwickshire, B78 2EY

4.17 This application was granted planning permission following appeal in November 2016. The development is similar to that of the appellant, comprising development of land within Use Class B1(c) (light industry), Use Class B2 (general industry), and Use Class B8 (storage and distribution) and

demolition and removal of existing structures and associated works. This development is located to the south of the proposed development of PAP/2021/0663, on the southern side of the A5 and east of the M42.

4.18 One of the reasons for the Council refusing planning permission was that the proposal would harm the separate identity of Dordon and undermine the meaningful gap between Polesworth and Dordon and Tamworth.

4.19 The Inspector concluded in the Appeal Decision [CD-K2] that the proposal would respect the separate identity of Dordon, and maintain a meaningful gap between Polesworth and Dordon and Tamworth. One of the key reasons for this decision was due to the presence of *"the open farmland to the north of the A5"* (i.e. the site presently being considered). In stating this, the Inspector confirmed that the area to the north of the A5 (the area of land to be occupied by the proposed development of PAP/2021/0663) is a vital component of the Strategic Gap, and the loss of this area to development could subsequently have adverse effects on the Strategic Gap.

4.20 However, in this case, the development was proposed to the south of the A5, which is different in character to the north of the A5. This is due to the existing presence of large-scale commercial development on the southern side, and because the A5 provides a clear sense of separation from the area to the north. The land to the north of the A5 provides physical and visual separation between Dordon and Tamworth.

4.21 The appellant's landscape witness' (Andrew Williams) proof of evidence [CD-G19] reiterates the different nature of the land to the north and south of the A5, and the importance of the land to the north. He states *"In summary, the identities of Tamworth and Dordon are clearly separate at present, with Birchmoor sitting partially between the two. The large, open expanse of land to the north of the A5 is highly visible as a single entity and plays an essential role in this separation, whilst the busy A5 is notable as a southern boundary to this open landscape. Land to the south is plainly divorced from the land to the north in terms of its relationships to the settlements of concern."* (para. 5.5.5).

Land to the south of Tamworth Road and to the west of the M42, Tamworth B78 1HU

4.22 This application was refused outline planning permission for a residential development of up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure, in April 2019.

4.23 This development is located to the north-west of the proposed development of PAP/2021/0663, on the western side of the M42, and to the south of the B5000.

4.24 One of the main reasons in the appeal (ref: APP/R3705/W/18/319689) was whether the proposal would adversely affect the character and function of the planned gap between Tamworth and Polesworth.

4.25 The Inspector concluded in the Appeal Decision [CD-K1] that although the development would not significantly affect the identity of Tamworth, it would result in a major reduction in the space between settlements, to the extent that there would no longer be an adequate 'meaningful gap' and the separate rural identity of Polesworth with Dordon would be weakened.

4.26 The Inspector noted that that gap would be reduced by c. 300m, leaving a gap of around 478m. Although the gap remaining after the Appellant's proposed development will not be this narrow, this part of the Strategic Gap is not as open as the land north of the A5 and the perception of the gap is not as apparent.

Land North of Bedford Road, Great Houghton, Northampton

4.27 This application was refused outline planning permission for the development of up to 24,000 sqm of employment land (use classes E(g), B2 and B8) with new vehicular access, associated parking, highways infrastructure and other ancillary works, in January 2024.

4.28 The key reasons in the appeal (ref: APP/W2845/W/23/3325211) were whether the site is in an appropriate location for the proposed development, and the effect of the proposal on the character and appearance of the area.

4.29 The Inspector concluded in the Appeal Decision [CD-K7] that the appeal site contributes to the gap between the built-up area of Northampton and Great Houghton village, and that the appeal proposal would "*change that character and appearance by introducing large bulky buildings and landscaping which would be in conflict with the current open agricultural character of the area*". The Inspector considers that the proposal conflicts Local Plan policies as it would result in the loss of openness and removal of part of the land which contributes to the gap between Northampton and Great Houghton. It is noted that the proposal would breach the "*well delineated boundary*" between the nearby business park and the open countryside.

Land East of Newgate Lane East, Fareham, Hampshire, PO14 1AZ

4.30 This application was refused outline planning permission for residential development of up to 375 dwellings, access, landscaping and other associated infrastructure works, in November 2022.

4.31 One of the main reasons in the appeal (ref: APP/A1720/W/22/3299739) was the effect of the proposal on the character and appearance of the area.

4.32 The Inspector notes in the Appeal Decision [CD-K8] that the appeal site lies within the Strategic Gap between Fareham and Stubbington, immediately west of the urban area of Bridgemary/Woodcut. The Core Strategy Policy 22 states that “*development will not be permitted where it will either individually or cumulatively significantly affect the integrity of the gap and the physical and visual separation of the settlements*”. The Inspector concluded that the proposal would push the settlement boundary out westwards considerably, and would cause “*significant harm to the character and appearance of the area... be harmful to landscape character.*” With relation to the scale of the site, the Inspector highlights that at 20ha, the area of land is of significant size which would be developed within the Strategic Gap. For reference, the Appellants site is 32.36ha.

Land at Sketchley Farm, Burbage, Hinckley

4.33 This application was refused outline planning permission for the erection of up to 80 dwellings with all matters reserved excluding access, in December 2021.

4.34 One of the main reasons in the appeal (ref: APP/K2420/W/21/3272931) was the effect of the proposal on the character and appearance of the area, and on the role and function of the Green Corridor (GC).

4.35 The Inspector notes in the Appeal Decision [CD-K9], that the area and scale of the proposals would result in a large incursion into the countryside and would significantly urbanise rural land. It was considered by the Inspector that the site is of significant value to the GC, and makes a significantly positive contribution to the character and appearance of the area and to the setting of the nearby village of Burbage, particularly when experienced from the nearby PRoW. The Inspector states that “*the development would considerably reduce and narrow this part of the GC, diminishing its visual and perceptual landscape value... [and] would significantly erode the visual attractiveness, open rural character, and the visual and spatial qualities of the GC*”.

Chapter 5

Summary and conclusions

Summary

5.1 The appellant is proposing a major mixed employment development, including an overnight lorry parking facility and ancillary infrastructure at Land North-East of Junction 10 M42, North Warwickshire. The proposals are in outline, and would include up to 100,000m² (10ha) of warehousing and industrial uses and up to 150 spaces of overnight lorry parking.

5.2 The proposed development would be located on the undeveloped north-eastern quadrant of Junction 10 of the M42 motorway. This quadrant represents the only undeveloped area around this junction, forming the western extents of the Strategic Gap which is located between Tamworth and Dordon. Development of this site therefore would extend the urban influence of large-scale commercial and industrial buildings to the north of the A5 and east of the M42. Development of the site, including its access requirements, would have an urbanising effect, bringing the eastern settlement edge of Tamworth noticeably closer to Dordon.

5.3 Given the outline nature of the proposed development application, there is a high level of uncertainty attached to all design elements. Therefore, there is uncertainty about the number of buildings on the site and their layout. Matters like materials, colour, roof structure, lighting etc. are also not confirmed, and would be detailed at Reserved Matters stage. Details of principles of design which would be adopted are set out in the Design Guide [CD-B11 and CD-B35] and Design and Access Statement [CD-B10 and CD-B34].

5.4 The appellant sets out that mitigation planting measures would be implemented around the boundary of the site, and offsite within the Strategic Gap. Onsite mitigation would include the development of large bunds (c.5-6m high) which would be planted with woodland to help screen the proposed development. The landscape of this Strategic Gap area is gently rolling farmland, which has limited vegetation. Introducing large-scale bunds planted with woodland would be uncharacteristic of the landscape of the Strategic Gap. Although, this planting would help partially screen views of the proposed development in the long-term, it would also reduce inter- and intra-visibility across the Strategic Gap by screening views. It will increase inter- and intra-visibility across and from within the Strategic Gap by

narrowing the gap between the edges, and bringing the western edge in closer proximity to the eastern edge.

5.5 The appellant states that 6.51ha of offsite planting would be introduced across the fields to the east of the site, towards Dordon. This planting would be primarily located along the western settlement edge of Dordon and along existing field boundaries. It would include planting of hedgerows and hedgerow trees, and would be secured via a S.106 agreement. However, whilst this planting would be secured in perpetuity, there is no confirmation that the remaining fields under the landowner's control would not be developed in the future, or if they would remain as arable land. New PRow are proposed, with others 'upgraded' (surfaced and widened), but therefore with a more suburban and less rural character.

5.6 With relation to the Strategic Gap, the development of the site will narrow the gap between Tamworth and Dordon by approximately 430m, leaving a physical gap of around 777m. It would reduce the gap between Birchmoor and St Modwen to the south of the A5 to between approximately 95 -155m. This reduction in the gap will reduce the effectiveness of the separation between Dordon and Tamworth. Factors which relate to the separation between Tamworth and Dordon include:

- a. North of the A5 being a substantial area and undeveloped, as compared to the built-up industrial area along the southern side of the A5.
- b. Lack of vegetation (except one copse) within the Strategic Gap. The pattern of the landscape is dominated by large field patterns with few hedgerows and trees. This enables open and largely unrestricted views across the Strategic Gap, and means there is no clearly defined edge to develop up to.
- c. Edges of the gap are noticeable, particularly the western edge of Dordon which has little vegetation to filter its visibility, and is a notable feature in views given its location on higher ground. Likewise, the large industrial buildings on the eastern edge of Tamworth (west of the M42) are noticeable components on the horizon, with their bright rooflines visible above the vegetation alongside the M42.

5.7 The original LVIA identified three significant negative visual effects at year 1 (viewpoints 3, 4, and 10), and none at year 15. Given the scale of the proposed development, I consider it very unlikely that a development of this scale would result in zero significant visual effects after 15 years (to include the effects of mitigation planting), and that only three viewpoints would experience significant negative effects just after construction.

5.8 In March 2024, the appellant updated their visual assessment to take into account changes in the layout of the site (e.g., from two large buildings to three buildings with a slightly smaller footprint), albeit a largely unchanged Parameters Plan.

5.9 The updated assessment identified six significant visual effects at year 1 (viewpoints 1, 3, 4, 5, 8 and 10) and two at year 15 (viewpoints 1 and 4). Whilst I appreciate that the indicative layout has been altered since the original LVIA, I find it questionable that the scale would have changed to such an extent as to substantially increase the number of significant effects identified. The assessment should have assessed a realistic worst (maximum) case scenario both in the first instance, and in the second. The changes in grades between the two assessments are considerable, and largely increase, albeit that the more recent assessment assesses a scheme with architectural mitigation (a curved roofscape), so one would expect the effects to reduce rather than increase. This, together with the recent news that the Type 3 photomontages are incorrect, makes me question the robustness of the LVIA methodology, assessment and supporting visualisations.

Conclusions

5.10 My site survey and independent assessment of landscape and visual effects of the proposed development leads me to conclude that it would:

- a. Negatively affect the character and appearance of the open agricultural area between Tamworth and Dordon by introducing large scale industrial development into a currently undeveloped area. Currently the industrial development to the south is notably separated from this area due to severance provided by the A5 and M42. The proposed development would expand this influence to the north of the A5 and east of M42, introducing buildings which are incongruous with the current gently rolling farmland character. It will also introduce landscape elements which are uncharacteristic of the area, including large bunds and dense woodland belts.
- b. Have significant negative visual effects on recreational receptors using the well-used PRowS within the Strategic Gap, albeit that new PRowS, which are more suburban in character, would be provided. The proposed development would also have significant negative effects on residential receptors in nearby settlements, including the village of Birchmoor immediately north of the site with its open aspect looking south, and Dordon in the east with its open aspect looking west, as well as the residents living along Watling Street when trees are not in leaf. The proposed mitigation planting on the bunding around the site will not be effective for many years and will always appear somewhat incongruous in the open, gently rolling landscape. Given the

heights of the buildings (as modelled into the photomontages [CD-B31]), plus the elevated nature of views at Dordon, the upper extents and the roofs will still appear largely visible above the bunding and planting at Year 15. This bunding and planting, as well as the roofscape will block long distance open views to the west, which gives some relief from the presence of industrial development in the area.

- c. Have an adverse impact on the spatial function of the Strategic Gap by replacing an open field with up to 100,000m² (10ha) of warehousing and industrial buildings. The function of the Strategic Gap is to maintain the distinctive, separate characters of Tamworth and Polesworth with Dordon. Developing the site will extend development to the east of the M42, and north of the A5. It will reduce the gap between Tamworth and Polesworth/Dordon, leaving a gap of around 777m. It would reduce the gap between Birchmoor and St Modwen, leaving a gap of between 95 -155m. The reduction in the gap will reduce the sense of separation between settlements as people move between them (e.g., along the A5, and PRow within the Strategic Gap).

5.11 The landscape and visual effects, and their effects on and harm to the Strategic Gap, is such that I consider that the appeal should be dismissed.