

CD-D30



# Land North-East of Junction 10 of the M42 Motorway: Summary of Evidence of Jeremy Smith BSc (Hons), DipLA, CMLI

**Appeal Reference: APP/R3705/W/24/3336295**

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## Qualifications and Experience

- 1.1 I am Jeremy Smith, Director with SLR Consulting Limited (SLR). I am the founder member of SLR's landscape architecture practice, which now has over 120 landscape and masterplanning staff across the UK, Australia, New Zealand and USA. I am also a former Executive Director of SLR.
- 1.2 I am a chartered landscape architect with 33 years of professional experience. I have a first class degree in geography from the University of Nottingham and a post-graduate diploma in landscape architecture from Sheffield University.
- 1.3 Whilst working in landscape practice I have specialised in landscape planning and landscape and visual assessment. I have acted as an expert witness on landscape, visual and Green Belt matters at numerous appeals, giving evidence both for and against development proposals. I have written guidance for Local Authorities such as Oxford and Harrow on protected views, and for Haringey on their Tall Building Strategy. I was one of four landscape architects that recently co-authored new guidance on landscape value and what was then paragraph 174(a) of the NPPF<sup>1</sup> valued landscapes on behalf of the Landscape Institute ("*Assessing Landscape Value Outside National Designations*", Landscape Institute Technical Guidance Note 02/21, **CD G7**).

## Review of the Landscape Planning Context

- 1.4 The appeal site is not within a landscape or landscape-related designation. The appeal site is within a Strategic Gap but this is a spatial planning designation and therefore does not reflect any particular landscape value.
- 1.5 It is Common Ground (LSoCG paragraph 20) that the appeal site does not constitute a valued landscape in the sense of paragraph 180(a) of the NPPF. The NPPF therefore requires that proposals recognise the intrinsic character and beauty of the countryside (180(b)) as opposed to protect and enhance valued landscapes (180(a)).
- 1.6 The appeal site is not allocated in the development plan. However, Policy LP6 in the adopted Local Plan states that significant weight should be given to supporting economic growth, particularly where evidence demonstrates an immediate need for employment land. The West

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<sup>1</sup> Now 180(a)



Midlands Strategic Employment Sites Study identifies a pressing need for employment land, and identifies the locality of the Appeal site as being within one of the key locations for such development.

- 1.7 The Strategic Gap aims to maintain the separate identities of Tamworth and Polesworth with Dordon. Policy LP4 does not preclude all development within this gap, only those proposals which *significantly* adversely affect the distinctive, separate characters of the two settlements. LP4 is therefore a less onerous designation than Green Belt, since all land within that designation must be kept permanently open.
- 1.8 There have been no previous planning decisions on the appeal site itself. However, there have been two appeal decisions on nearby sites within the former Meaningful Gap, which preceded the adoption of the latest Local Plan. Whilst these decisions were made in a different policy context it is important to note that both recognised that the sense of separation between settlements relies on much more than a “scale rule” approach to measuring distance between settlements, since the character of the places and the intervening land needs to be taken into account. The Inspector for the St Modwen appeal also accepted that whilst that development would be “*highly visible*” there would remain “*an unequivocal sense of separation*” between the settlements due to the “*expanse of farmland*” between the two settlement edges.

## Landscape Design Review of the Proposals

- 1.9 64.4% of the 32.36ha appeal site would comprise new buildings, roads and hardstanding, with the remaining 35.6% comprising landscaped screening landforms around the edges of the site. An Offsite Mitigation Area of 41.66ha would be provided to the east of the appeal site, and this would include new woodlands, orchards as well as hedgerow planting and species-rich grassland.
- 1.10 The overall design of the proposals – comprising the substantial screening landforms and woodlands around the proposed buildings and the extensive area of retained and enhanced farmland between the eastern edge of the appeal site and the western edge of Dordon – was shaped with input from SLR’s landscape architects at the outset of the project.
- 1.11 It is common ground between the parties that new trees and woodlands would achieve a height of 7.5 to 8 metres if planted and managed in accordance with best practice.



- 1.12 I have reviewed the established landscaping at Magna Park, Lutterworth, and have noted that deciduous woodland buffers narrower than those proposed at the appeal site provide significant screening and filtering of buildings up to 27m tall.

## Potential Landscape and Visual Effects of the Appeal Proposals

- 1.13 There has been a large amount of landscape and visual assessment carried out as part of the planning application process, as well as part of post-application discussions with the Council's landscape consultants. Summer and winter photography and visualisations have been prepared, and all assessments have been based upon a worst-case scenario of a parapet height of 117.8m AOD.
- 1.14 As a result of the post-application discussions with Council's landscape consultants, as well as the drafting of the Landscape Statement of Common Ground for this appeal, there has been the agreement of a considerable amount of common ground regarding methodology, relevant character assessments and representative viewpoints. Of particular significance are the following points of agreement:
- It is usual practice in LVIA to assess increased visibility/prominence of large scale development in rural and semi-rural context as causing negative effects
  - The site is an area of transitional landscape on the settlement edge;
  - Bunds and cuttings are a characteristic feature of the wider landscape;
  - The appeal site is not a valued landscape in the sense of paragraph 180(a) on the NPPF;
  - The proposed development would result in relatively localised landscape and visual effects.
- 1.15 In the North Warwickshire Landscape Character Assessment the site is classified as being part of LCA 5, Tamworth Fringe Uplands. The character assessment describes this as "*an indistinct and variable landscape, with relatively flat open arable fields and pockets of pastoral land, fragmented by spoil heaps, large scale industrial buildings and busy roads, and bordered by the settlement edges of Tamworth, Dordon and Kingsbury ... the M42 has a dominant and unifying presence*".



- 1.16 With reference to the CPRE Dark Skies map I have also noted that the appeal site and its context is influenced by high levels of lighting, as well as persistent noise from traffic on the M42 and A5.
- 1.17 I have reviewed the findings of the SLR LVIA, and the subsequent additional visual assessment issued by SLR in March 2024, based upon my own desk top assessment and site visits in both winter and summer.
- 1.18 I have concluded that the appeal proposals would result in localised negative landscape effects. There would be moderate and negative effects on the large-scale arable field and gently rising landform, and in the short term there would also be moderate/minor and negative effects on the hedgerows and woodland landscape receptor. These effects would be largely focused upon the appeal site and its immediate context. The moderate negative effects upon the arable field receptor and gently rising landform would remain moderate and negative by year 15, but the effects on the hedgerows and woodlands receptor would become moderate and positive by year 15, due to the substantial quantity of proposed new woodland and hedgerow planting that would be provided.
- 1.19 Most importantly, the effects of the appeal proposals upon localised area of LCA 5 would be moderate/minor and negative at construction and year 1, becoming minor and negative at year 15 once the proposed new planting around the site and in the Offsite Mitigation Area has reached semi-maturity. Fundamentally, the proposals would introduce large new commercial buildings into a transitional area which is already partly characterised by similar buildings, and would introduce further light and noise into an area which is again already strongly influenced by lighting from the settlement edges and highways, as well as by traffic noise from the adjacent M42 and A5 and commercial uses.
- 1.20 I have considered the potential visibility of the proposals with the aid of a computer-generated ZTV. I have also prepared a ZTV for the existing commercial developments to the west and south of the appeal site, and I have noted that the appeal proposals would have a more limited overall extent of theoretical visibility than that created by these existing commercial buildings.
- 1.21 I have concluded that the visual effects of the proposals would be localised, with significant effects by year 15 focused upon the appeal site itself and rights of way across the agricultural land to the east of the appeal site.



- 1.22 By year 15, and thereafter, there would also be no significant visual effects for residential receptors at Birchmoor or Dordon, and no significant effects for vehicle users on the road network around the site.
- 1.23 In summary, the appeal proposals would result in localised negative landscape and visual effects, but these effects would reduce over time due to the proposed new native woodland and hedgerow planting both around the appeal site as well as in the Offsite Mitigation Area. In this context it is important to note that it is common ground that all large scale developments on semi-rural (or rural) sites will result in at least localised landscape and visual harm.
- 1.24 **It is also notable that the Committee Report also concluded that the proposals would result in moderate landscape harm and moderate visual harm, and I agree with that overall assessment.**

### **Potential Effects of the Proposed Development upon the Separate Identities of Tamworth and Polesworth with Dordon**

- 1.25 It is common ground between the parties that one approach for assessing the effectiveness of a gap between settlements is to apply the Eastleigh Criteria, and this approach is applied by both the Appellant in the SLR LVIA as well as by LUC in their review dated July 2022.
- 1.26 The assessment of the Eastleigh Criteria on the SLR LVIA concluded that *“the separate identity of Tamworth and Polesworth with Dordon would remain both in relation to physical separation and in terms of their distinctive character. A sense of separation would remain whether travelling along the A5 or along PRow within the gap; travellers would have a clear sense of having left the first settlement, having travelled through an undeveloped area and then entering a second settlement”*.
- 1.27 I have carried out my own assessment with the Eastleigh Criteria, and I agree with these conclusions. Furthermore, there is no doubt that the proposals by the Appellant to replant native hedgerows and woodlands, to establish new species rich grasslands on existing arable fields, and to establish a new orchard on the western edge of Dordon, would enhance the rural character of the gap between the settlements and thus emphasise the sense of leaving one settlement, travelling through a rural landscape, and then arriving somewhere else.
- 1.28 In summary I conclude that the proposals would not significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon, in accordance with LP4.



## **Comparative Assessment of other Potential Employment Sites being Promoted in North Warwickshire**

- 1.29 It is clear that there has been a rapid expansion of commercial development in the locality of the appeal site in the past 30 years. The West Midlands Strategic Employment Sites Study notes that demand for such sites likely to remain strong, and notes that sites close to motorway junctions are being prioritised by both developers and occupiers.
- 1.30 I have carried out a review of two potential new commercial sites, also located in North Warwickshire and near to junction 9 of the M42. I have considered the potential landscape and visual effects of development on these sites and have concluded that given the largely rural nature of the sites, and the likely form of the development, both would result in at least localised negative landscape and visual effects.
- 1.31 I have also noted that both of these comparative sites are located within the Birmingham Green Belt. Both sites are largely open and both at least partly perform three out of the five Green Belt functions. To even consider both sites would require a far higher policy test than is relevant in respect of the appeal premises – either exceptional circumstances for Green Belt release or the demonstration of Very Special Circumstances.

## **Response to the Landscape and Visual Aspects of Reasons for Refusal 1 and 2**

- 1.32 In relation to Reason for Refusal 1, I have concluded that the appeal proposals would reduce the distance between Tamworth and Polesworth with Dordon, but would not significantly affect the distinctive, separate characters of these settlements.
- 1.33 The edge of Tamworth is characterised by large commercial buildings set at around 100m AOD, whereas Dordon is a largely residential, red brick settlement reaching over 120m AOD. The land between these settlements would remain as undeveloped farmland, which would be enhanced by hedgerow, woodland and orchard planting as well as species-rich grassland; it would be largely rural in character, and would be of sufficient extent to retain a clear sense of leaving one settlement, travelling through an intermediate, undeveloped landscape, and arriving somewhere else.





- 1.34 As the Inspector for the St Modwen appeal concluded, “*the expanse of farmland*” between the two settlements “*differentiates each settlement*”; and this would remain the case if the appeal proposals were to be implemented.
- 1.35 Turning to Reason for Refusal 2, whilst it is true that the appeal proposals would result in negative landscape and visual effects, both the SLR LVIA and my own review have concluded that the proposals would cause less than significant effects on the overall character of the area, partly because they propose commercial development adjacent to existing commercial developments of a similar character at junction 10 and south of the A5, but also because the important and largely rural gap between Tamworth and Dordon would be maintained and enhanced.
- 1.36 I have also noted that it is common ground that it is usual practice in landscape and visual impact assessment to assess increased visibility or prominence of large scale development within a semi-rural context as resulting in negative landscape and/or visual effects.
- 1.37 In this context I have reviewed other commercial sites that are being promoted in North Warwickshire, and have concluded that these developments would also result in negative landscape and visual effects. Notably, both of the sites that I have reviewed are also within Green Belt, which the NPPF states should remain “*permanently open*”.





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