

LAND NORTH-EAST OF JUNCTION 10 M42, DORDON

**Response to Review of SLR LVA prepared by LUC on
behalf of North Warwickshire Borough Council**

Prepared for: Hodgetts Estates

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1.0 Introduction

This technical note has been prepared by SLR Consulting Ltd (SLR) in response to comments provided by LUC on behalf of North Warwickshire Borough Council. This note should be read in conjunction with Chapter 10 and associated Figures and Appendices of the Environmental Statement.

2.0 Response

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

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

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

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

Taking each of these requests in turn:

Study area

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

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

Baseline photography

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

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

Provision of visuals showing the Proposed Development

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

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

Information on how off-site mitigation will be secured

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

Clarification as to the methodology of the cumulative assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Why the viewpoints within the LVIA were included

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

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

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

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

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

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

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

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

APPENDIX A

Cumulative Assessment

Potential cumulative landscape and visual effects are assessed as follows:

Core 42

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

Cumulative Visual Effects

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

Cumulative Landscape Effects

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

Birch Coppice Industrial Estate, Employment Allocations E2 and E3

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

Cumulative Visual Effects

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

Cumulative Landscape Effects

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

St Modwen Park Tamworth

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

Cumulative Visual Effects

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

Cumulative Landscape Effects

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

Centurion Park

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

Cumulative Visual Effects

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

Cumulative Landscape Effects

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

Warehouses off Relay Drive

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

Cumulative Visual Effects

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

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

Cumulative Landscape Effects

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

APPENDIX B

Relevant pages from the Design and Access Statement

6.0 PARAMETERS & LAYOUT

6.3 VISUAL IMPACT ASSESSMENT VIEWS



View 1 – Existing view looking south west towards the Site from Public Bridleway AE45, which is also representative of views of the Site from Birchmoor.



View 1 with development



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6.0 PARAMETERS & LAYOUT

6.3 VISUAL IMPACT ASSESSMENT VIEWS



View 4 – Existing view looking north west towards the Site from Public Footpath AE46, which is also representative of views from Dordon (albeit much closer up) and Open Space Transfer Site OSI.



View 4 with development



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6.0 PARAMETERS & LAYOUT

6.3 VISUAL IMPACT ASSESSMENT VIEWS



View 5 – Existing view looking south west towards the Site from the edge of Dordon, which is also representative of the views from Kitwood Avenue Recreation Ground.



View 5 with development



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