

LAND NORTH-EAST OF JUNCTION 10 M42, DORDON

**Response to Review of Additional Information 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 as a review of additional information 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

The Review of Additional Information is set out under the following headings:

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

We have structured our response below under the same headings.

Study area

Paragraphs A.5 and A.6 of the Review state that:

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

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

An explanation was provided on the extents of the study area in our previous response which stated:

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

In addition to this we note that paragraph 10.4.23 of the ES provides clarity on the area assessed for landscape character:

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

Baseline Photography

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

Provision of visualisations showing the Proposed Development

Paragraph A.10 suggests that “visualisations could be provided at more than three of the viewpoints”. Further clarification on which locations were considered appropriate was requested through the Planning Officer and we received the following response *“In addition to these viewpoints, It is suggested visuals from some more viewpoints from different directions may help further understand the effects of the proposed development. It is suggested that visuals are provided from viewpoints 8, 10 and/or 11, and 13. Due to existing screening from the west, it is not anticipated that visuals would be required from viewpoints 14-16 at this time”.*

Additional wireline visualisations have been provided from Viewpoints 8 and 9 which provide useful information on the potential visibility of the proposed development with Dordon and help to guide the assessment of potential effects on the gap. No illustration has been provided from Viewpoint 10 and/or 11; they are at close range to the proposed development and provide limited information on potential effects. No visualisation has been provided from Viewpoint 13 because it is not considered a particularly informative view with the motorway and motorway junction in the foreground and the recent St Modwen development in the background (see figures LAJ-53 to LAJ-56).

Clarifications as to the methodology of the CLVIA

Paragraph A.14 states *“In relation to site allocation E2, we accept that the site allocation has been found to be justified and effective through Examination in Public of the Local Plan and that the principle of development on that site has been agreed. However, that does not necessarily mean the site will be developed and it would still need to go through the planning process. As such, until a development has been constructed on the site, there is still a higher level of uncertainty attached to this site allocation and this should be reflected in the CLVIA”.*

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

Paragraph A.16 states that *“It is noted that Appendix A provides an update to the cumulative assessment, separating out the landscape and visual effects. This has helped better define the cumulative effects associated with the proposed development. Whilst it is noted that, existing industrial buildings are present to west and south of the proposed development, it is LUC’s opinion that the cumulative effects of the proposed development, particularly when considered with the development immediately south of the site, have been underestimated”.*

It is concerning that no evidence has been provided to justify this conclusion. In a note, which is seeking further information about cumulative effects it seems that a conclusion has already been reached. We would, of course, welcome any thoughts or questions on this point.

Information on how off-site mitigation will be secured

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

Greater detail on the likely landscape and visual effects

Paragraph A.17 states *“It is noted that judgements of landscape and visual effects were written by and reviewed by Chartered Landscape Architects. Whilst we do not dispute the methodology leading to identification of effects, we consider that more information could be provided to justify the ‘value’, ‘susceptibility’, ‘size and scale of change’, ‘geographical extent’ and how they feed through to determining the overall magnitude of change and sensitivity”*.

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

Paragraph A.18 states that *“The Applicant has clarified that ‘at construction’ should be corrected to ‘after construction’. The applicant did not consider it necessary to include during construction effects as the assessment of the period immediately after construction is completed provides the worst-case scenario in terms of scale, limited growth of proposed vegetation, and will show the form it will maintain permanently. Whilst it is acknowledged that construction effects are shorter in duration, effects may be different during construction due to elements like cranes (likely to be taller than the proposed building) and lighting etc.”*.

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

Why viewpoints within the LVIA were selected

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

In our first response the following information was provided:

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

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

- Viewpoint 2: Experience of pedestrians and cyclists from Birchmoor Road to the north.
- Viewpoint 5: Experience of walkers and users of area of Kitworth Avenue Recreation Ground on elevated ground to the east.
- Viewpoint 6: Experience of walkers and users of area of Kitworth Avenue Recreation Ground on elevated ground to the east.

- Viewpoint 9: Experience of walkers, pedestrians and vehicle users along Watling Street (A5) and its conjunction with PRoW AE46 to the south.
- Viewpoint 11: Experience of walkers, pedestrians and vehicle users along Watling Street (A5) and its conjunction with PRoW AE55 to the south.
- Viewpoint 13: Experience of pedestrians and vehicle users at Junction 10.
- Viewpoint 14: Experience of pedestrians and vehicle users at Tamworth Motorway Services Junction 10.
- Viewpoint 16: Experience of pedestrians and vehicle users on the M42 motorway bridge at Birchmoor.
- Viewpoint 17: Experience of residents, pedestrians and vehicle users along Brich Grove to the north.
- Viewpoint 18: Experience of residents, pedestrians and vehicle users along Cockspur Street and Green Lane to the north.
- Viewpoint 19: Experience of residents, pedestrians and vehicle users at Birchwood Avenue (at entrance to Tomlinson Construction site) to the east.
- Viewpoint 20: Experience of residents, pedestrians and vehicle users at Barn Close to the east.
- Viewpoint 21: Experience of residents, pedestrians and vehicle users from PRoW AE48 at the edge of Brown's Lane to the east.

Zone of Theoretical Visibility (ZTV)

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

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

“it is suggested that another ZTV is also provided which includes the proposed planting as part of the development and shows the theoretical visibility of development as a whole (including the planting)”.

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

Design Guide

Paragraph A.29 states that *“The Design Guide outlines out that existing peripheral vegetation to the west of the site will be retained, enhanced and strengthened to provide a robust landscape buffer. Likewise, it is set out that veteran and mature trees and historic hedgerows around the periphery of the Site and in the offsite landscape mitigation areas would be retained and protected. Retaining and enhancing the existing landscape buffer and features are welcomed proposals, so long as the planting is in character with the landscape, in terms of its nature (form) and species (native, local provenance, as noted below)”.* We welcome this response and confirm (as set out in the Design and Access Statement and the Design Guide) all proposed planting of trees and hedgerows would be native and locally appropriate. This would be detailed in Reserved Matters.

Paragraph A.30 states *“The Design Guide sets out that historic field boundaries would be reinstated through the Strategic Gap (off-site), with mixed, native hedgerow and tree planting to reinforce the rural character of the landscape. This proposal is welcomed and would help strengthen and restore the rural character of this landscape”*. As a point of clarification, we have committed to planting *“a mix of juvenile and adolescent trees”* and elsewhere, we state that *“landscape mitigation planting will incorporate adolescent and semi-mature trees (i.e., advanced structural planting)”*. That is not, as LUC have stated, all 10,000 trees planted would be *“adolescent or semi-mature”*. Detailed design would be a Reserved Matter.

Paragraph A.33 states that *“The earth mounds would be of a large scale which are not sympathetic to the shape of the surrounding, gently undulating rural landscape”*. The scale and design of the naturalistic earth mounds has not been set out in detail at this point and the information provided is purely indicative. The design can be amended at Reserved Matters to incorporate slope gradients and heights/scale that are more sympathetic to the surrounding landscape should this be required. Within the landscape surrounding the site there has been a considerable amount of change within the landscape, for example bunds and cuttings to either side of the M42, the large spoil heap to south, earth mounds associated with other commercial development in close vicinity. Figure LAJ-53 provides examples of existing earth mounding within close proximity of the site.

Paragraph A.35 confirms that SuDs are welcomed.

Paragraph A.36 states *“The Design Guide sets out that new developments should seek to respond to the surrounding context by using similar configurations. Whilst this is the case for nearby employment buildings to the south and west of the main roads bounding the site (Watling Street and M42, respectively), the immediate context of the surroundings to the north of Watling Road comprises rural open land. Therefore, the buildings of the proposed development do not respond to the immediate landscape context”*.

This is incorrect, the landscape, as evidenced in several published documents and landscape assessments is acknowledged as being heavily influenced by the cluster of employment/industrial developments at J10 M42 and Birch Coppice. We are concerned that there is a misunderstanding of the landscape. This is a complex and transitional landscape rather than a *rural* landscape, which includes the M42, large-scale commercial buildings, a busy road network and lighting, as described within the ES chapter.

Paragraph A.37 states that *“The Design Guide states the “proposals respect the landscape context and the separate identities of the surrounding settlements of Tamworth, Dordon, Birchmoor and Polesworth.” (Section 4.2). Given the scale of the proposed development compared to the nearby settlements, and that the proposed development of the site would result in the loss of rural agricultural fields, it is considered that the proposals would not “respect the landscape context”. Whilst it is acknowledged that the proposal would include extensive native tree planting around the built development, the scale of the earth mounds and extent of the proposed woodland is not reflective of the surrounding rural landscape”*.

As noted above, the character of the landscape is complex and transitional. It is formed by commercial development and road infrastructure, as well as, settlement and agricultural fields as described in the ES. Earth mounds have become a characteristic of the surrounding landscape (see Figure LAJ-53).

Paragraph’s A.39 and A.40 confirm that additional proposed features which would be incorporated into the proposed development to enhance recreational opportunities and enjoyment by the public are welcomed.

Design and Access Statement

Paragraph A.46 states that *“This chapter sets out that the urbanising effect of industrial uses will be further intensified as site allocations E2 and E3, to the south of Watling Street, come forward for development. This industrialisation would be further intensified by the introduction of the proposed development to the north of Watling Street, particularly as the landscape immediately north of the road is rural in nature with no industrial buildings”*.

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

Paragraph A.55 states that *“Given the scale of the proposed development, it is unlikely that siting the buildings towards the south-west will notably reduce the prominence of the proposed development, its scale in views or sense of separation from settlements”*. The wirelines produced, and included within the Design and Access Statement (as well as the additional wirelines provided), indicate that positioning proposed built form adjacent to existing commercial buildings of a similar character, at a distance from Dordon, beyond earth mounds planted with native woodland, does reduce the potential prominence of proposed built form. Existing views include commercial buildings to the east of the M42 (west of the A5) as well as the rooflines of commercial development to the west of the M42.

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

Comment on the existing light levels within the site

Concerns were raised about the affect of potential lighting and the potential for light levels within the local area to be increased.

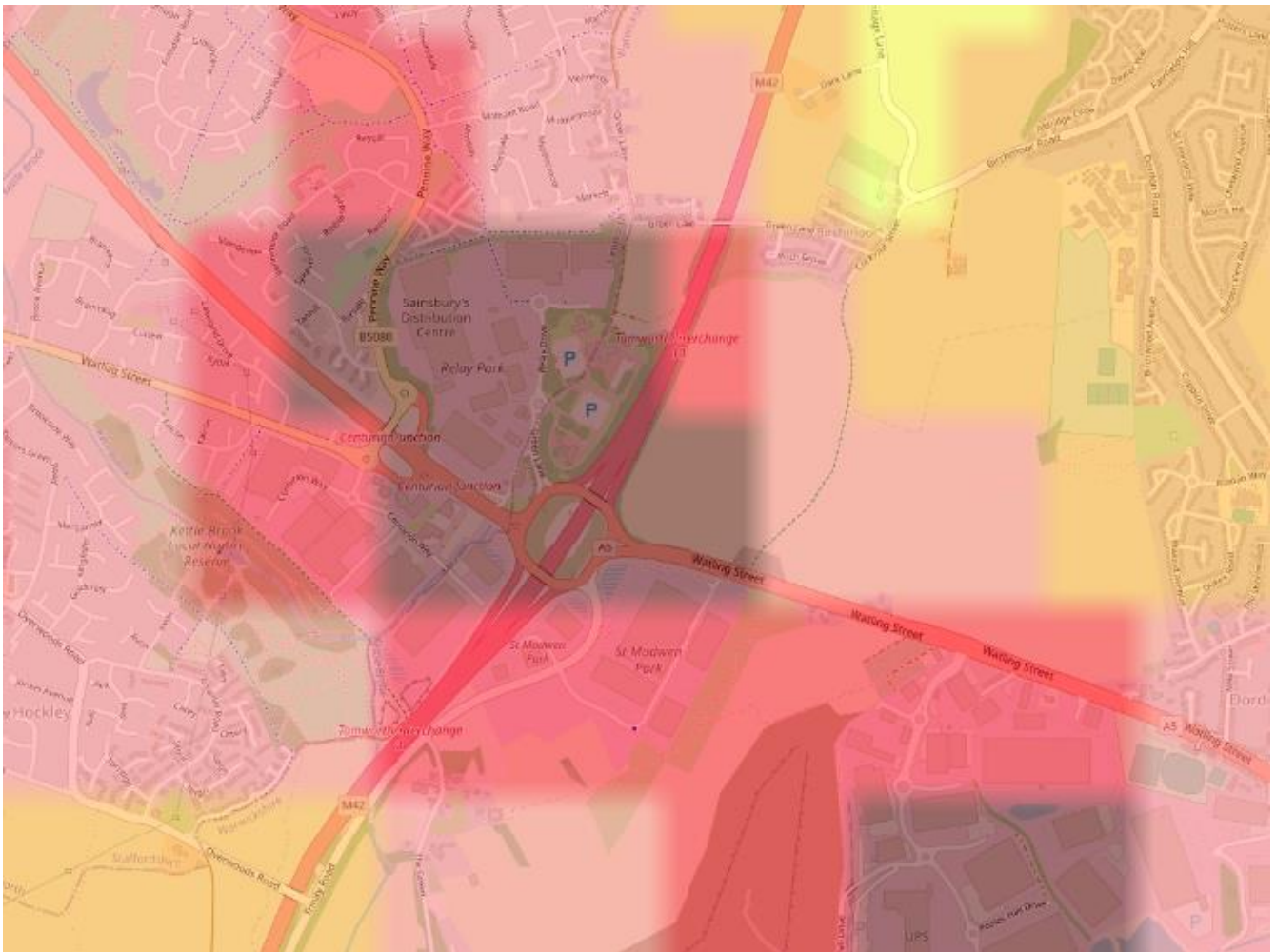
A review of the interactive *“England’s Light Pollution and Dark Skies”* map provided by the CPRE was undertaken as part of the LVIA (Paragraph 10.4.18 or the ES, Chapter 10 and see Figure 1 below) to understand baseline lighting levels within and around the site.

The interactive maps were produced with satellite images captured at 1.30 am throughout September 2015.

The detailed map illustrates the level of lighting across 9 colour bands: blues indicate dark skies, with yellows, greens, oranges and reds indicating high levels of existing lighting.

These maps indicate that the baseline level of light across the site varies between >32 NanoWatts/cm²/sr (the brightest level of lighting) in the south-western part of the site reducing to 8-16 NanoWatts/cm²/sr (3rd brightest band) at the north-eastern part of the site. This indicates that the site is already strongly influenced by light from adjacent settlements and infrastructure. Lighting is already, therefore, a characteristic of the site and a sensitively designed lighting scheme with suitable controls would ensure that potential impacts would be limited.

Figure 1: Snapshot of England's Light Pollution and Dark Skies (CPRE)



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