

*AITCHISON
RAFFETY*



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY HODGETTS ESTATES

**LAND NORTH-EAST OF JUNCTION 10 OF
THE M42 MOTORWAY, DORDON, NORTH
WARWICKSHIRE**

**REBUTTAL PROOF
on behalf of**

**POLESWORTH PARISH COUNCIL, DORDON
PARISH COUNCIL AND BIRCHMOOR
COMMUNITY ACTION TEAM (BCAT)
LOCAL RULE 6 PARTY**

APP/R3705/W/24/3336295

JUNE 2024 – V1

Prepared by
**JONATHAN WEEKES
BSc (HONS) MA MRTPI**

CONTENTS

1	Introduction	3
2	Whether bunding and cuttings are characteristic features of the landscape	4
3	Whether all the Hodgett Estate Lane affected by the proposal has been appropriately assessed	6
4	The impact of the proposal on the Strategic Gap	7

1. INTRODUCTION

1.1 The Rebuttal Proof provides responses to specific points raised in the Appellant’s Proofs of Evidence. The topic areas to which clarification are provided are:

- Whether bunding and cuttings are a characteristic feature of the landscape
- Whether all of the Hodgett Land affected by the proposal has been appropriately assessed
- The impact of the proposal on the Strategic Gap

1.2 These matters cross over between various Proofs of Evidence (PoE), so clarification is provided within each heading below as to the sections relevant within the PoEs.

2. WHETHER BUNDING AND CUTTINGS ARE A CHARACTERISTIC FEATURE OF THE LANDSCAPE

Relevant documents/sections:

- CD D15: Landscape Statement of Common Ground Appellant and NWBC – paragraph 9
- CD D30A: J. Smith Proof of Evidence (Landscape Witness for Appellant) – paragraphs 4.36; 4.63; 4.131)

- 2.1 The Statement of Common Ground between the Appellant and North Warwickshire Borough Council (NWBC) states within paragraph 9 that bunds and cuttings are a feature in the wider landscape.
- 2.2 The presence of a bund along the side of the M42, a linear transport corridor appears to have been used to justify the inclusion of bunds within the Appeal site, on the basis that they form part of the character of the area. This position is considered inaccurate in respect of the established landscape character for the area.
- 2.3 The bund along the M42 is the only notable bund and cutting within the wider visual landscape of the appeal site. This exists due to the need to provide junctions to the M42 and other cross over points without intersecting the free flow of traffic along the motorway. Bunding and cuttings are common in association with the strategic highway networks. They are not however characteristic of the landscape character of this area.
- 2.4 The Appellant’s Landscape Character Assessment (Jan 2018) (CD G23) summaries the various landscape character documents published. This includes the Appeal site being located within National Character Area Profile 97 – Arden. The key characteristics of the Natural England document (CD G8) are provided in full in the Appellant’s LCA at paragraph 4.2. It continues, noting that the Warwickshire Landscape Guidelines (CD G9) places the Appeal site within the regional character area of ‘Arden’ which is subdivided into landscape types. The Appeal site is identified as being within the ‘Wooded Estatelands’ landscape type.
- 2.5 The Appellant’s LCA notes that the character of the site are not wholly representative of the ‘Wooded Estateland’ description, offering an appearance of the ‘Remnant Estatelands’ which give an impression of the original landscape character, as well as having some characteristics of the ‘Industrial Arden’ landscape type (paragraphs 4.10 – 4.12). Of particular note is the description *“pockets of farmland, often surrounded on two or more sides by urban development.”*
- 2.6 The Appellant’s LCA then summarises the ‘North Warwickshire Landscape Character Assessment’ (CD G1) (paragraph 4.15). Whilst this notes the presence of the M42 which passes through a cutting, the remainder of the characteristics noted, including those explicitly noted as relevant to the Appeal site by the author of the LCA confirms the ‘gently undulating indistinct landform’ set upon ‘predominantly open arable land with little tree cover’ is reflective of its general characteristics (paragraph 4.16).
- 2.7 Nowhere within any of these Landscape Character documents is the feature of bunding and cuttings noted as being prevalent, other than in association specifically with the M42. Level changes for the M42 are a necessity; they are not however a natural or repeated feature within the landscape. Nor have they been included as part of the other employment parks around the A5. The inclusion of bunding up to 5m high on the Appeal site is considered to introduce an uncharacteristic feature to the landscape that will have a negative impact upon the appearance of the site and its contribution to its setting. This stance underlines the ability

for the site to be appropriately assimilated into the built and natural landscape, with the arbitrary resculping of the site considered necessary by the Appellant to effectively screen the development from view and thus mitigate the supposed harm of the development.

3. WHETHER ALL OF THE HODGETT ESTATES LAND AFFECTED BY THE PROPOSAL HAS BEEN APPROPRIATELY ASSESSED

Relevant documents/sections:

- CD D28A: D Hann Proof of Evidence (Planning Witness for Appellant) – paragraphs 3.21; 5.1.13; 6.2.3 [Environmental Benefits]; 6.3 [Dis-Benefits] Appendix 6 [Agricultural Land Classification Report])
- CD D30A: J. Smith Proof of Evidence (Landscape Witness for Appellant) – paragraphs 3.21; 4.90; 4.94; 5.27; 5.59; 7.26; 8.24
- CD D30D: J. Smith Supplementary Proof of Evidence (Landscape Witness for Appellant) – Table S1; Revised Photomontages

- 3.1 The proposed conditions and Section 106 Legal Agreement seeks to tie in land within the blue ownership line of Hodgett Estates to biodiversity enhancements. Whilst there is no issue in itself with this approach, the supporting technical reports other than ecology, have focused only on the red line submission land. This means, for example, the additional 6.5ha of land included within new wooded areas and orchard plus the proposed public open space (circa 3.2 ha) [see CD D14.7 Appendices BIA2 and BIA3; A4 for plans] have not been assessed in terms of their agricultural land classification, archaeology and drainage. To give an accurate representation of the impact of the proposal, all areas affected by the Appeal proposal should be considered and any benefits and harms considered on a consistent position.
- 3.2 Using agricultural land loss as an example, it is noted by the Appellant in the Dis-benefits section of Mr Hann’s proof (CD D28A section 6.3 and Appendix 6) that there is potentially the loss of 29 ha of best and most versatile land, plus a further 2 ha of additional agricultural land. There is however a further 9.2 ha of land expected to be lost from agricultural use due to public open space and BNG off-site enhancements, raising this figure upwards by about a third. The proposals would result in the loss of 40.7 ha of agricultural land, which is a notably different set of figures to that being presented to the Inspector.
- 3.3 In respect of landscape consistency, the use of the new off-site planting areas is referenced within the Landscape Proof as assisting in screening the development/integrating the development into the area (e.g. CD D30A paragraphs 5.59, 7.26, 8.24). However, the associated photomontages included within Mr Smith’s Supplementary PoE (CD D30D) do not appear to show the offsite enhancements. If there is uncertainty over whether these are in fact being delivered as envisaged on the biodiversity plans, then this has to be reflected in the associated assessments and conclusions that are based upon them subsequently by Mr Hann in respect of the relative benefits and harms.
- 3.4 It is also worthy of note that even within the latest updated visuals, the Appellant has chosen not to provide visuals from location points 3 or 10, the two points on the public rights of way immediately adjacent to the Appeal development and thus most affected. As noted in Mr Smith’s Supplementary POE at Table S1 (CD D30D), NWBC identify the harm at year 15 for these locations to be ‘significant’. To omit them would appear to be illogical and not assist the Inspector in having a balanced impression of the level of harm from the key locations.

4. THE IMPACT OF THE PROPOSAL ON THE STRATEGIC GAP

Relevant documents/sections:

- CD28A: D Hann Proof of Evidence (Planning Witness for Appellant) – paragraphs 6.2.3 [Sustainability Benefits]; 10.2.34 – 10.2.35
- CD30A: J. Smith Proof of Evidence (Landscape Witness for Appellant) – paragraph 5.27

- 4.1 It is recognised by the Appellant, and agreed with by me as the Planning Witness for the Local Rule 6 Party, that the primary purpose of Policy LP4 (the Strategic Gap policy) is to protect the separate identity of Tamworth, Polesworth with Dordon and Birchmoor. However, the perception of the gap between the settlements and moving between the different settlements will be significantly affected by the changes proposed with many of these elements overlooked by the Appellant.
- 4.2 The Landscape PoE (Smith paragraph 5.27) seeks to utilise the provision of additional woodland and orchard planting to 'accentuate' the difference between the settlement edges and the agricultural land in the Strategic Gap.
- 4.3 This same point is included at paragraph 10.2.34 of Mr Hann's PoE, along with a comment that the enhanced foot and cycle paths improves accessibility and thus the appreciation of the rural landscape.
- 4.4 As indicated in my PoE (CD 27A paragraph 6.47), the inclusion of hard surfaced footpaths will reduce the rural appearance of the public rights of way. Footpaths across fields are not tarmacked surfaces, and whilst this offers benefits to less able persons to utilise the routes, the perception for all users is transformed into the sensation of being in an urban fringe location; it no longer appears rural. The sensation of using this space will therefore be permanently altered, with the transition of the land and by proxy Polesworth with Dordon into the urban area.
- 4.5 The perceived separation distance between the settlement edges is also further eroded than the dimensions included in my Proof (CD 27A paragraph 6.21 – 6.22), if the orchard and public open space are delivered as shown on the biodiversity plans (see plan extract below - CD D14.7 Appendix BIA2). The orchard and open space will be viewed visually as being part of the village of Dordon, rather than as agricultural land between the settlements. This change in function away from agricultural use offers the appearance of this land then being part of the Dordon settlement. The orchard is approximately 100m wide, and the public open space 290m wide (maximum east/west dimension).
- 4.6 The Biodiversity Plan also shows the extent of all planting more effectively such that good measurements can be obtained in terms of the full width of the Appeal site, planting and any remaining gap to the east of the redline area. Measurement in an east-west direction off this plan indicates that the site is 460 metres wide at the narrowest part of the Strategic Gap (roughly where public rights of way AE45 and AE46 connect), with a 'gap' then of circa 750 metres to the edge of Dordon remaining. The proposed orchard would then reduce the minimum width of the agricultural land 'gap' down to 700 metres (reflecting the angled arrangement of the settlement edge/orchard edge). This is roughly half of the current 1350m gap and will have a significant impact upon the actual and perceived separation of Polesworth with Dordon to Tamworth. This directly conflicts with Local Plan Policy LP4, as concluded within my PoE.



Illustrative Landscape Design Plan from Appellant's Technical Briefing Note: Biodiversity Impact Assessment (CD D14.7 Appendix BIA2)

**AITCHISON
RAFFETY**



Northampton Office

The Granary, Spring Hill Farm,
Harborough Rd,
Pitsford,
Northampton
NN6 9AA