

Wider landscape context

- 4.24. In respect of the broader context to the appeal site, this is not located in an area that is designated internationally, nationally or locally in respect of landscape character, physical landscape attributes or views/visual amenity.
- 4.25. The appeal site and its local landscape context is not, therefore, included in any statutory designations related to landscape, and it has no identified quality in the development plan. It is not considered to be a valued landscape in respect of paragraph 187(a) of the NPPF (a matter agreed as common ground) (**CD-9.1**, SoCG, Para 8.27).
- 4.26. The appeal site is consequently not considered to be protected by the NPPF (187(a)). It is instead subject to the requirement to ‘**recognise**’ the intrinsic character and beauty of the countryside. Mr Lees addresses the difference in policy terms, including how the NPPF is ‘less restrictive’ than a blanket protection of the countryside for its own sake. In later sections of my evidence I set out how the approach to LVIA and mitigation both ‘recognise’ the landscape as an inherent part of the process.

Landscape Sensitivity and Capacity

- 4.27. The submitted LVIA addressed landscape sensitivity, combining judgments on landscape value and landscape susceptibility (as required by methodological guidance). For the appeal site in its local landscape context, landscape sensitivity was determined to be ‘low to medium’ and the justification in respect of this judgment is clearly described in the submitted LVIA (**CD-1.38**, Para’s 6.6 to 6.20).
- 4.28. The ‘lower’ level of sensitivity accounts for many of the attributes described in the previous section of my evidence, particularly in respect of the physical and visual containment of the appeal site, the nature and characteristics of the suburban edge, and also the transition from the settlement, up to the wider more rural landscape to the south and south-east.
- 4.29. Where landscape sensitivity is to the lower or middle parts of the scale, it is reasonable to suggest that the landscape in question has some capacity to accommodate the type of development being proposed. This would of course be subject to a process that recognises relevant landscape characteristics, identifies any particular sensitivities of the landscape, and then proceeds to bring forward a design which addresses these and accommodates or

responds to such constraints. This is the approach adopted for the proposed development in respect of early input to the masterplanning process on landscape and visual matters.

4.30. Such an approach not only recognises any particular ‘aspects’ of a landscape (rather than landscape sensitivity), but also addresses impacts through avoiding or minimising of these as part of an iterative design approach.

4.31. Overall, I consider the appeal site to be a good opportunity for the type of development proposed. The sensitivity determined in the submitted LVIA reflects the lack of any particularly high levels of landscape value, along with a low level of susceptibility – the latter due largely to the physical and visual containment of the appeal site and also the existing character and appearance of the suburban edge, which is influential on the existing character.

Impacts on Landscape Components

4.32. In the preceding section I have touched briefly on the iterative approach to design and the aim to avoid or minimise impacts and effects as a result of this process.

4.33. As conceded, greenfield development will result in some level of residual landscape impact, and this is a common constraint to all such development.

4.34. In respect of the appeal site, early input on landscape and visual matters identified a range of considerations and opportunities (**CD-1.38**, Para’s 5.9 and 5.10) which subsequently influenced the masterplan, and the strategic landscape and visual mitigation therein (**CD-1.38**, Para’s 5.21 to 5.30).

4.35. Loss of agricultural land and some loss of vegetation are recognised impacts but have been minimised, the former via the application of a restricted development envelope and the latter through retention of field boundary hedgerows where possible. Both are applicable at a site level, but both need to be considered in context in order to judge whether impacts are ‘unacceptable’ as suggested in the ADC Statement of Case (**CD-9.1**).

Change in character from agricultural land

4.36. The proposed development will result in the loss of agricultural character at a site level and this physical impact will have consequences for the character and appearance of the site. This will include loss to the residential built form (and associated infrastructure) but also to

the areas that will change from arable land to public open space (and areas of strategic and ecological landscape proposals).

4.37. This will be limited to the appeal site, however forms only a small part of the local landscape context and will not affect the wider landscape context.

4.38. The appeal site sits in a discreet pocket, physically contained by topography and the existing settlement edge; it is relatively ordinary in terms of its character and appearance, and its character is also influenced by the nature of, and transition from, the existing suburban edge. The change arising from the proposed development at a site level will be consistent with the character and appearance of the suburban settlement edge at this point, albeit the agricultural land use on the appeal site itself will be lost.

4.39. What will remain is a strong agricultural context to the settlement, formed by the remaining arable areas that extend between the appeal site and the upper slopes and high ground across Windmill Hill and up to Coxmoor Plantation. Essentially, the settlement edge of Sutton in Ashfield will still be characterised by the rural, agricultural context, albeit the arable land of the appeal site will not form part of this.

Loss of hedgerow along Newark Road

4.40. As noted, the hedgerow frontage of the appeal site to Newark Road comprises a continuous mature hedgerow. However, given its location and context (i.e. of the highways and suburban edge), this forms part of the suburban streetscape, rather than an inherently rural field boundary.

4.41. The landscape impact relates to the loss of hedgerow, however this is considered to be temporary and short to medium term, as proposals include for its replacement. This is acknowledged by the case officer in the report to committee (CD-3.1, pdf Page 31), which notes the loss of the whole hedge along Newark Road and 108m of hedge along the boundary with Coxmoor Road, but that impacts would be short to medium term given that the extensive tree planting would both ameliorate the impact and provide betterment in the longer term.

4.42. I concur with the points raised by the case officer in respect of the timescales, mitigation of impacts and betterment in the longer term. I address matters of mitigation separately in later sections of my evidence, but considering the hedgerow loss and reinstatement I note the

hedgerows to be lost will be replaced by new planting on the appeal site, and outside of any proposed visibility splays.

- 4.43. The ILMP (refer to Appendix JWA-01) illustrates the inclusion of a generous landscape buffer on the appeal site along Newark Road which will accommodate high quality landscape proposals to the frontage. I consider there to be an adequate amount of space to accommodate the replacement hedgerow and additional landscape planting.
- 4.44. The hedgerow design can extend into the appeal site along the junction, contributing to an attractive entrance to the proposed development.
- 4.45. The detailed design of the hedgerow is a matter for RMA, however I expect this would include a mixed native species hedgerow, with reference to locally prevalent species. As such, the proposed hedgerow, once established, has the potential to be more diverse in its species composition than the existing hedgerow.
- 4.46. I have extensive experience of the design, implementation, maintenance and management of native species planting, including hedgerows and woodlands. I have found that, with a basic specification, newly planted hedgerow can be formed in 2-3 years, with full establishment up to 5 years. This can be expedited with the use of larger grown nursery stock. These approaches are commonplace and can be controlled via condition, including requirements for maintenance and management.
- 4.47. In conclusion, the short-term loss of hedgerow is a relevant landscape impact to consider, but it is an impact that can be remedied and effectively mitigated.

Visual Impacts in the Context of Sutton in Ashfield

Overview

- 4.48. Having discussed issues in respect of the landscape character of the appeal site and its local landscape context, it is worth addressing the key visual receptors, and any impacts which are likely to result from the proposed development.
- 4.49. Whilst landscape effects relate to the inherent character of a landscape effects and have some overlap with matters of views and visibility, visual effects are more closely related to the zone of theoretical visibility (i.e. from where the proposed development is potentially going to be seen) as well as the defined 'local landscape context'.

- 4.50. An inherent visual impact will occur from greenfield development, particularly from locations on, directly adjacent to or nearby to a site. This is apparent for the appeal site, where the majority of visual receptors are directly on the boundary of the appeal site or in such close proximity, that some degree of residual impact will inevitably occur. For example, this includes Viewpoints 03, 04, 06, 07, 15 and 16 and to a lesser extent Viewpoint 01 and 02 (these being from Coxmoor Road and more elevated above the appeal site, screened and slightly remote from the proposed development envelope) (**CD-1.38**, Section 7 and Figure 5, and **Appendix JWA-03** and **Appendix JWA-04**).
- 4.51. This is the visual context for the appeal site, whereby visual effects are likely to occur from the adjacent residential receptors, the PROW which runs alongside the western boundary of the western parcel (but outside of it) and the local road network (i.e. Newark Road and Coxmoor Road).
- 4.52. Overall, the most significant visual effects are from a highly localised area, within the local landscape context of the appeal site, and not from the wider landscape and countryside. Visual effects from key receptors were addressed in the submitted LVIA (**CD-1.38**, Section 7, Table 6 and Figure 5). The following table summarises the most significant visual effects that were identified in the submitted LVIA (refer to **Appendix JWA-03** and **Appendix JWA-09**).

Table JWA-01: Extract of visual effects from the submitted LVIA

Viewpoint	Sensitivity	Magnitude and significance of effects	Magnitude and significance of effects
		Completion	Year 15
1. View from Coxmoor Road, South of Redhouse Farm, looking west.	High	Mag. Medium <i>Sig. Moderate to major adverse</i>	Mag. Low to medium <i>Sig. Moderate adverse</i>
5. View from Searby Road, looking north-east.	High	Mag. Low to medium <i>Sig. Moderate adverse</i>	Mag. Low <i>Sig. Minor to moderate adverse</i>

Viewpoint	Sensitivity	Magnitude and significance of effects Completion	Magnitude and significance of effects Year 15
6. View from public footpath, looking east.	High	Mag. Medium <i>Sig. Moderate to major adverse</i>	Mag. Low to medium <i>Sig. Moderate adverse</i>
7. View looking south-east from the public footpath, on the residential edge of Round Hill at Searby Road.	High	Mag. Medium <i>Sig. Moderate to major adverse</i>	Mag. Low to medium <i>Sig. Moderate adverse</i>
8. View looking north-east from an area of informal open space to the west of Low Moor Road.	High	Mag. Low to medium <i>Sig. Moderate adverse</i>	Mag. Low <i>Sig. Minor to moderate adverse</i>
9. View looking north-west, from the public footpath toward the residential edge at Round Hill.	High	Mag. Medium <i>Sig. Moderate to major adverse</i>	Mag. Low to medium <i>Sig. Moderate adverse</i>

4.53. Effects from other visual receptors assessed in the submitted LVIA were judged to be lower than moderate adverse and are not included in the above summary, given these are to the lower end of significance.

4.54. Considering these visual effects, it is important to note that such views to the proposed development from the local landscape context will see the proposed residential areas set against the backdrop of the existing residential edge of Sutton in Ashfield, and close to the wider suburban edge which is also characterised by the nearby industrial and commercial estates.

4.55. In respect of the degree of visual change (or impact), there is some consistency between the existing and proposed scenario, and whilst the appeal site will alter from its current agricultural land use, the nature of the proposed development will not be an uncharacteristic component of the area and will be congruent with the existing settlement pattern in respect of how it is viewed.

4.56. In the context of these specific visual effects addressed in the submitted LVIA (which generally identify the 'worst case scenario' from specific locations), in the following section I consider the key receptor groups in more detail

Coxmoor Road

4.57. From Coxmoor Road, views from the southern section of the route are initially from a more elevated position, overlooking the wider settlement extent of Sutton in Ashfield with the appeal site a subservient part of the composition in the foreground (the route heading north then dropping down the gradient toward the settlement, and with views becoming increasingly enclosed by topography and the settlement edge). However, as noted earlier in this evidence, the route is lined by mature hedgerows and views from the route are heavily screened, albeit some filtered views are available during winter. There are some very specific but occasional breaks in the vegetation, and these afford glimpsed views to this edge of settlement and interface with the countryside.

4.58. The officers report to committee states that 'the overall character of the site and its surroundings is pleasantly rural especially as one travels south along Coxmoor Road' (**CD-3.1**, pdf page 24). Whilst I do not disagree that the agricultural land use of the appeal site contributes to a rural context to the settlement edge at a site level, considering the local landscape context, I do not agree that this is the overriding experience from Coxmoor Road.

4.59. Viewpoint O1 of the submitted LVIA is taken from a break in the roadside vegetation along Coxmoor Road (refer to **Appendix JWA-04**, Viewpoint O1 for a more recent viewpoint photograph). At the time the LVIA was prepared there was a small 'pull in' area off the highway and it was possible to stop at this point in a vehicle, however this is now overgrown and the view is only obtained briefly when passing this gap in a vehicle travelling northbound or from the footway on the eastern side of the highway (a view which is consequently more restricted).

- 4.60. Considering the view itself, this takes in the 'rural' aspects of the agricultural land which is positioned adjacent to the settlement edge, but the suburban influences on the local landscape context are extensive and diverse, with mixed residential and commercial areas evident in the view and forming a prominent suburban backdrop to the appeal site. It is this backdrop against which the proposed development would be seen, and consequently the degree of change is more limited, given the existing composition of the view and the elements and features within it.
- 4.61. The nature of the view is similar travelling along Coxmoor Road, however is much more heavily screened (refer to **Appendix JWA-04**, Viewpoint O2).
- 4.62. Furthermore, the route of Coxmoor Road itself is not inherently rural, as it crosses rising ground travelling south toward the outlying and substantial dwellings which form a substantial stretch of one sided ribbon development close to Coxmoor Golf Club.

Plate JWA-06: View looking south to frontages of dwellings along Coxmoor Road



- 4.63. The dwellings, and their frontages, convey a distinctly suburban character along this part of the route and, in my opinion, do not contribute to a particularly rural character travelling south from Sutton in Ashfield.

4.64. Between these outlying dwellings and the settlement edge, the route is lined by tall hedgerows but with the highway corridor, footway and street lighting, the route does not retain an inherently rural character. As noted, views across the appeal site are available but heavily filtered and only serve to reinforce the proximity to the urban fringe.

Plate JWA-07: View looking north along Coxmoor Road and including views to the suburban fringe



4.65. On the approach to the urban edge, travelling north along the route of Coxmoor Road, the roadside hedgerows become more dense.

Plate JWA-08: View looking north along Coxmoor Road to the junction with Newark Road



- 4.66. However, there are more direct views to the road junction with Newark Road and the commercial areas beyond which form the gateway to the settlement at this point.

Plate JWA-09: View from the Newark Road junction and settlement gateway



4.67. Overall, the route of Coxmoor Road travels south from the urban edge of Sutton in Ashfield, alongside the appeal site which itself retains an agricultural character at a site level. However given the nature of the highway corridor, the existing residential ribbon development further south along the route, and character of the urban fringe generally at the gateway to the settlement, I do not consider there to be an attractive rural character, as suggested in the officer's report to committee. As demonstrated by the submitted LVIA and the additional analysis in this evidence, views from the route are predominantly screened and seen in the context of the existing settlement edge.

Newark Road

4.68. The access for the appeal site is proposed to be taken off Newark Road, with the resulting loss of hedgerow vegetation along the frontage.

4.69. I have dealt with the hedgerow loss, and its viable (and beneficial) replacement, in earlier sections of my evidence. At this point I will reiterate the visual aspect of the route in terms of its current character and appearance and that existing views along this route are not high quality and are strongly influenced by the urban fringe.

4.70. The submitted LVIA assessed the visual effects from the route from Viewpoints O3, O4 and 15 (refer to **Appendix JWA-04** and **Appendix JWA-05**).

Plate JWA-10: View looking west along Newark Road



- 4.71. Travelling west along Newark Road, from the junction with Coxmoor Road there is a clear influence from the adjacent industrial and commercial units. Notwithstanding the existing hedgerow along the boundary of the appeal site, the character of the highway corridor itself presents a distinctly suburban character.
- 4.72. Further along the route, and passing beyond the appeal site, the road becomes more open, where commercial and industrial units give way to the suburban residential estates which are present on this edge of Sutton in Ashfield.

Plate JWA-11: View east through the southern suburban fringe of Sutton in Ashfield



- 4.73. The experience of the route is not particularly rural in character, given the proximity to, and influence of, the commercial uses and the transition into the suburban residential areas.
- 4.74. Consequently, the permanent presence of the proposed junction into the appeal site would not be uncharacteristic of the area as this is a typical component of the street scene in both residential areas and commercial estates which are seen along and adjacent to Newark Road. Furthermore, once the replacement planting along the boundary of the appeal site is established (along with other landscape proposals within the appeal site) the proposed development will reflect positively on the street scene in the longer term.

4.75. I do not consider that the proposed development, and specifically the site access, would result in an unacceptable visual impact from Newark Road in the long term.

Rights of way

4.76. Lastly in respect of the main receptor groups are the two rights of way which connect the settlement edge of Sutton in Ashfield up to Coxmoor Road.

4.77. Both routes pass through the landscape to the south and east of the appeal site, with one route connecting from Low Moor Road and passing directly south of the existing Round Hill Estate before crossing the agricultural land up to Windmill Hill; the second connects from the Round Hill Estate at Searby Lane, alongside the south-western boundary of the western parcel, before connecting to the other public footpath up to Windmill Hill. The route then continues up to Coxmoor Road.

4.78. There is no other formal public access to the agricultural land in this part of the settlement edge.

4.79. Views from these routes vary given the undulating landform and network of mature hedgerows which combine to foreshorten views. The routes represent a limited network of access to this part of the landscape and the experience which relates to these.

4.80. Where the appeal site is visible, views tend to be looking back toward the existing settlement edge and consequently the wider settlement area is a prominent component of such views.

4.81. For the southern route, this is more open in respect of adjacent field boundaries and there are views across the local landscape context.

Plate JWA-12: View looking north-west along the right of way toward Low Moor Road



- 4.82. Existing residential development is a prominent component of the view, as is the wider settlement context of Sutton in Ashfield as a backdrop. Whilst the route is more open in terms of vegetation, the route passes through a localised shallow valley formed by two spurs which emanate from the crest of Windmill Hill, and consequently wider views out to different parts of the landscape can quickly become screened.

Plate JWA-13: Landform screens longer distance views, but with the settlement edge prominent



- 4.83. For the northern route (from Searby Road), the route of the right of way is more enclosed, with mature hedgerow a continuous feature along its length, providing a relatively substantial screen to views.

Plate JWA-14: View along the footpath close to the south-western edge of the appeal site



- 4.84. Approaching the settlement, existing residential dwellings and the wider extent of the settlement area are visible.

Plate JWA-15: View along the footpath toward dwellings on Searby Road and Barnhill Gardens



- 4.85. The residential dwellings on the existing settlement edge are increasingly prominent in closer proximity to the settlement edge. Given the proximity of the route to the appeal site, there are clearly going to be views of the proposed development (as accounted for in the submitted LVIA) however, general views across the existing agricultural context are limited.
- 4.86. Overall, I do not consider that the proposed development would result in an unacceptable visual impact from these footpath routes in this part of the landscape. This is partly due to the variable nature of views, whereby these are readily screened from some sections of the routes by topography and/or vegetation, but also due to the nature and composition of the views, whereby the existing settlement edge is a consistent existing component of the view, and is prominent to a greater or lesser extent, subject to distance from the settlement edge. Where views of the proposed development would be more prominent, views of the existing settlement also tend to be a more prominent component of existing views.

4.87. Residential settlement edge

4.88. The settlement edges located directly adjacent to the west of the eastern parcel of the appeal site, and north of the western parcel of the site comprise a mix of dwelling types, including both single and two storey dwellings.

4.89. The outlook from these properties varies, depending on the nature of the property boundary and the extent of garden vegetation. In some instances there is a great deal of screening whilst in others the boundaries are low, with views available out across the appeal site.

4.90. Whilst there will be some inevitable views to the built form of the proposed development, the interface between the masterplan and existing settlement edge is generally defined by areas of proposed open space with green infrastructure, including areas of attenuation. These spaces will facilitate landscape planting which will mitigate views in the form of screening. It isn't expected that this will screen all views of the proposed development, but impacts will be minimised, the views softened considerably and there will be no significant impacts on the amenity.

4.91. From locations deeper within the residential estates, there are currently some views to the agricultural context, often seen as higher ground rising to the localised hills and ridge lines, seen above the existing dwellings (refer to **Plate JWA-16**). From locations on the edge of the settlement currently, there will be similar views along the green corridors and through the streetscape of the proposed development.

Plate 16: Views along the existing streetscape to localised ridgelines



Landscape and Visual Mitigation

- 4.92. The approach to, and detail of, landscape and visual mitigation is described in detail in the submitted LVIA (CD-1.38, Section 5).
- 4.93. As described in detail in the submitted LVIA, the overall approach to the proposed development has included consideration and development of mitigation, as an inherent part of the proposed development and iterative approach to the design of the Illustrative Masterplan (CD-1.10) and ILMP (CD-1.38, Figure 8 and Appendix JWA-01). This process is set out in the outset of the submitted LVIA, whereby the approach and methodology states that (CD-1.38, Para 2.6):

“The overall approach to the identification, evaluation and assessment of landscape and visual effects is summarised as follows:

- ***Determine the scope of the assessment;***
- ***Collate baseline information for landscape and visual receptors, including completing desk study research and undertaking field-based survey work;***

- *Review the type of development proposed and identify and describe the likely impacts (enabling specific judgments to be made on sensitivity of landscape and visual receptors);*
- *Establish the sensitivity of landscape and visual receptors (balancing judgments on value and susceptibility);*
- *Determine the magnitude of impacts (balancing judgments on size / scale, duration and reversibility);*
- *The assessment of the significance of likely landscape and visual effects through a balanced approach and clear description of professional judgments on sensitivity and magnitude; and*
- *The identification of measures to avoid or remedy impacts and the subsequent re-assessment of likely effects.*

4.94. The approach considers the landscape and visual baseline as part of the early stages of the LVIA process. This includes reference to the specific landscape elements and features on the appeal site and in its local landscape context, as well as those characteristics which are described in published guidance or policy.

4.95. The approach, overall, 'recognises' the various attributes of the landscape and considers the relevance and context of these, taking them forward as considerations or opportunities as necessary and inform the design process as part of this.

4.96. I consider this to be relevant given the requirements of the NPPF (187(b)) to 'recognise' the intrinsic character of the countryside. I comment on this policy in later sections of my evidence.

Approach to mitigation

4.97. I have summarised the landscape and visual effects of the proposed development in earlier sections of my evidence.

4.98. The assessment of impacts and effects demonstrates the successful outcomes of the approach to mitigation which has been adopted for the proposed development, including the proposed landscape mitigation that is an inherent part of that strategy.

4.99. In development the strategy for mitigation, the submitted LVIA included additional analysis, stating that (CD-1.38, Para's 5.12 to 5.15):

5.12. The landscape and visual analysis has identified that the landscape in this part of the settlement fringe is influenced strongly by the urban edge. This will form a backdrop to potential development on the site and will also add to the containment and screening of the proposed development. Together this will reduce magnitude of any impacts.

5.13. Topography in the local landscape forms a shallow bowl within which most of the site and its immediate context is situated. With appropriate consideration given to high ground and ridgelines, development proposals can come forward that sit low within the landscape, consistent with the existing settlement edge, and therefore will not be prominent or overly visible in the wider landscape to the east and south-east.

5.14. Field patterns of the arable landscape are medium to large scale and agricultural intensification has weakened the hedgerow patterns over time. Retained hedgerows continue to be intensively managed and are generally species poor. These provide a framework along which a network of enhanced green infrastructure links can be implemented. Limited losses of hedgerows for access are not likely to be significant.

5.15. Overall there is potential to retain a rural context to the settlement edge, situated on the higher ground. This can be augmented through tree and woodland planting; the new landscape structure will, to a degree, be an improvement to the existing settlement edge which is currently more exposed."

4.100. In response to the identification of considerations and opportunities, and recognising the analysis undertaken, the submitted LVIA set out a series of strategy components for mitigation, These were included in Table 3 of the submitted LVIA, and are included in summary, below, with updates to address the minor changes to the masterplan since the planning application (refer also to **Appendix JWA-01** – Updated Illustrative Landscape Masterplan):

Table JWA-02: Extract from submitted LVIA (CD-1.38, Table 3) and updated mitigation

Strategy component	Key points
Development envelope	<ul style="list-style-type: none"> • Development is excluded from the highest parts of the appeal site, including the eastern boundary (close to the upper slope and ridgeline along Coxmoor Road) and the south-eastern edge (adjacent to the existing residential properties off Coxmoor Road) – this will avoid placing built form in the more prominent areas of the appeal site and reduces/avoids potential impacts; • Avoiding the area in the south-eastern corner also provides a physical break (and buffer) between the proposed development and existing properties off Coxmoor Road; • Generally built form is pulled back from the south-eastern boundary of the appeal site to facilitate a ca. 10-15m landscape buffer; • Set back from the north-western edge of the site, adjacent to Newark Road, to facilitate a landscape buffer and include for replacement planting of the frontage hedgerow; and • Inclusion of a set back from the existing residential areas of Round Hill to provide a landscape buffer to existing properties and also accommodate a diverse range of green infrastructure and open space associated with drainage strategies.
Existing vegetation strategy	<ul style="list-style-type: none"> • Retain and enhance existing vegetation across the appeal site wherever possible, particularly existing substantial hedgerows along Newark Road and Coxmoor Road, vegetation to the rear of existing properties off Searby Road (Round Hill estate), the dense hedgerow field boundary to the public footpath south-west of the appeal site, the mature tree in the southern part of the appeal site and the hedgerow field boundary on the south-eastern edge of the appeal site; • Enhancement proposals to include appropriate management (such as hedge laying) and new planting as appropriate to reinforce boundaries, improve species diversity and ensure succession; • Provide new tree and woodland planting to improve diversity of vegetation structure and complement the Sherwood character area; and • In response to any required losses, proposed replacement and additional planting to ensure a net gain for the respective vegetation type (e.g. hedgerow and/or hedgerow trees).
Green infrastructure and open space	<ul style="list-style-type: none"> • Inclusion of green corridors throughout the appeal site, focussed on existing field boundaries, trees and woodland and the existing public footpath network; • Inclusion of open space between the high ground at Coxmoor Road and Searby Road – this ensures retention of an open, long distance view across the appeal site and toward the wider panoramas of Sutton-in-Ashfield; • Provision of new recreational access in the form of green links and public open spaces, particularly with connectivity along the linear open space

Strategy component	Key points
	<p>along the southern and eastern edges of the appeal site and in relation to more elevated areas;</p> <ul style="list-style-type: none"> • A particular focus on green infrastructure creation on the south-eastern part of the appeal site to deliver a robust physical green edge to the settlement; and • A strategy for landscape planting that will complement and enhance the existing green infrastructure network, including substantial hedgerows, tree belts and woodlands to provide green infrastructure connectivity.
Environmental considerations	<ul style="list-style-type: none"> • Where appropriate, utilising existing landscape features to inform and guide the drainage strategy and develop sustainable drainage patterns that can, in turn, complement strategic landscape proposals; • Approaches to existing vegetation and proposed green infrastructure/open space include potential compatibility with ecological and biodiversity objectives through retaining and enhancing habitats as appropriate.

4.101. Together the approaches to mitigation outlined in the table above:

- i. respond to the loss of vegetation along Newark Road through provision of a substantial setback to facilitate a robust scheme of landscape planting along the route, also offering opportunities to enhance this route which is currently influenced strongly by the highway corridor and adjacent commercial uses;
- ii. includes suitable landscape buffers across the appeal site and on key areas of the appeal site boundaries to provide some landscaper planting and set backs which will reduce the prominence and soften views of the proposed development (including from adjacent residential dwellings and the PROW network); and;
- iii. avoids placing development on some of the highest parts of the appeal site (to the south-east) ensuring built form is not located in the most prominent parts of the appeal site and retaining views from more elevated positions across to the settlement edge.

4.102. In summary, the submitted LVIA has been prepared as part of a process, including recognising the constraints and opportunities in the appeal site and its local landscape context, responding to these through the design proposals, and embedding a strategy in the masterplan.

4.103. The location of the appeal site, within the topographical bowl which sits adjacent to the settlement edge and maintains separation to the wider landscape further east serves to physically and visually contain the appeal site (and proposed development) within the local landscape context. The mitigation embedded in the proposed development takes this further through the avoidance and reduction of impacts and effects, including in the longer term.

4.104. Overall, I consider the approach to mitigation to be successful, as it has avoided landscape and visual effects in the first instance (through design) and in terms of residual effects, following growth and establishment of the landscape proposals, impacts and effects will be reduced overall.

Response to the Reason for Refusal

4.105. Having undertaken a more detailed analysis of landscape and visual matters, in this section I turn to the reason for refusal and the main factors which relate to whether:

- i. the proposed development would have an adverse impact on the character and appearance of the open countryside;
- ii. The extent to which this represents encroachment; and
- iii. Matters related to the 'irreversible loss' of countryside.

4.106. With reference to the detailed assessment of landscape and visual effects set out in the submitted LVIA, and to the additional analysis set out in this evidence, I address these matters as follows.

4.107. The submitted LVIA identifies residual landscape and visual effects, however none are considered to be significant in the long term, and all are influenced positively by mitigation measures which are successful in avoiding or minimising impacts, and which demonstrate a reduction in the significance of effect over time. This is a result of the positive and iterative approach to the design of the illustrative masterplan, which recognises components of the landscape and responds to these. Some degree of residual adverse impact is an inevitable consequence of greenfield development, where this is required, and given the ability to successfully mitigate these, the overall landscape and visual effects are considered acceptable in landscape and visual terms.

- 4.108. The proposed development will result in the loss of the agricultural land, and arable land use of the appeal site, however this is an impact restricted to the site level, and does not represent, in my view, encroachment into the wider countryside. The appeal site is consistent with the existing settlement pattern between the existing residential edge and Coxmoor Road (the eastern parcel), and represents a discreet extension of the settlement edge to the south (i.e. the western parcel), however the latter is defined strongly by the field boundary hedgerow (retained and a reference to the landscape scale and pattern) and contained also by the natural topography which rises to the south, preventing any sense of encroachment into the wider countryside. Furthermore, although the western parcel would extend south, the overall alignment is consistent with the pattern of the settlement to the west, whereby the existing commercial and industrial estates are similarly aligned and equally contained within the overall bowl of topography which contains this part of the settlement more generally.
- 4.109. In respect of the irreversible loss, I return to the point that greenfield sites will have some residual effects and this includes permanent loss of land, in this case the arable land use of the appeal site. However, the loss at a site level can be accommodated in this landscape to an acceptable level, without compromising the overall character and appearance of the landscape around the settlement. There is an extensive area of agricultural land which surrounds the exiting settlement edge to the south and south-east, and notwithstanding the loss of the appeal site, this will remain the prevalent character of the landscape context to this part of Sutton in Ashfield. This reflects the remaining agricultural land, set across the rising slopes of the bowl of topography, across Windmill Hill and up to Coxmoor plantation. This landscape context will remain in place, and the permanent loss of agricultural land restricted to the appeal site will not compromise this, nor will it contribute to any spatial landscape issues, such as merger or coalescence of settlements.
- 4.110. Consequently, the issues raised in respect of landscape and visual matters are not *per se* sufficient to support refusal of the application. Further, such impacts need to be considered in the tilted planning balance.

5. RESPONSE TO POLICY

5.1. In the context of the analysis presented in the previous section, I now go on to address the policy context. In terms of development plan policy and the planning balance, I defer to the evidence of Mr Lees; my reference to policy is from a landscape and visual perspective.

National Planning Policy Framework

5.2. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. NPPF paragraph 8 defines three overarching objectives to sustainable development, economic, social and environmental.

Environmental objective

5.3. In relation to achieving sustainable development, the environmental objective (c) of the NPPF is explained in the following terms:

"...to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

5.4. Paragraph 131 of the NPPF sets out the aim to achieve the creation of 'high quality, beautiful and sustainable buildings and places'.

5.5. Earlier sections of this Proof of Evidence describe the approach to mitigation, and I consider the proposed development to be consistent with this part of the NPPF.

5.6. Paragraph 135 of the NPPF requires developments to, amongst several other points, 'function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and are 'sympathetic to local character and history, including the surrounding built environment and landscape setting'.

5.7. I consider the proposed development to be consistent with this part of the NPPF on the basis of the proposed parameters for landscape design and incorporated mitigation.

5.8. It is also worth noting that the NPPF defines green infrastructure as:

"A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity."

- 5.9. Notwithstanding the loss of part of the agricultural enclosure, the proposed development maintains and enhances the boundary vegetation (or reinstates where necessary), including a substantial areas of green infrastructure and open space. This will positively contribute to the green infrastructure network.

Trees

- 5.10. Paragraph 136 sets out the importance of trees, more in relation to the character and quality of urban environments, but noting their contribution to mitigating and adapting to climate change. It goes on to set out that policies and decisions should ensure that opportunities are taken to incorporate trees in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. The proposed development introduces new trees across the development, in both the public and private realm, and is entirely consistent with this aspect of the NPPF.
- 5.11. Paragraph 137 of the NPPF requires 'design quality' to be considered throughout the evolution and assessment of individual proposals. This is an inherent part of the proposed development which have developed a robust strategy for mitigation to ensure that the proposed built form will reflect positively on this part of the settlement, situated as it is within a framework of proposed green infrastructure and open space. I consider the proposed development to be consistent with this aspect of the NPPF.

Natural Environment

- 5.12. Paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by (emphasis added):

"a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);



b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”

- 5.13. The appeal site is not valued and/or not protected by NPPF (187(a)) (CD-9.1, SoCG, paragraph 8.27). Rather, NPPF 187(b) applies.
- 5.14. To satisfactorily address this policy, and to ‘recognise’ the character of the landscape, it is necessary to undertake an appraisal of landscape character making reference to published guidance, but also look more specifically at the site and its local landscape character. This approach looks more closely at a landscape and enables the consistency of the contemporary baseline to be judged against published studies. The process looks at the physical elements (i.e. the individual component parts) of the landscape, which of these represent particular features (i.e. any which are particularly prominent or distinctive) and then proceeds to analyses these to consider how these can be used to guide development proposals to avoid or minimise impacts through an integrated strategy for mitigation. This ensures that those most pertinent aspects of the landscape (at any scale) are recognised by a development proposal and are influential on it in a positive manner.
- 5.15. The submitted LVIA refers to published landscape character assessments prepared at a national, regional and district level and also addresses local character by reference to the description of the appeal site and its immediate context.
- 5.16. This approach ‘recognises’ the intrinsic character of the local landscape context and responds appropriately through design to avoid or minimise impacts on those key characteristics.
- 5.17. The appeal site is not part of a valued landscape in terms of Paragraph 187(a) of the NPPF and complies with NPPF 187(b).

Development Plan Policy

- 5.18. At the time of writing, the relevant policies for ADC are set out in the Ashfield Local Plan Review (adopted November 2002) (CD-4.1).

5.19. Several policies were set out in the submitted LVIA. Policies are addressed in the following section from a landscape and visual perspective, however, I defer to the planning evidence of Mr Lees in respect of policy and the planning balance.

5.20. Prior to considering the policies, it is important to remember that part of the appeal site formed an allocation in previous iterations of the emerging Local Plan.

Policy ST1

5.21. The reason for refusal refers to Policy ST1, which simply states that development will be permitted where '(b) it will not adversely affect the character, quality, amenity or safety of the environment'.

5.22. As set out in earlier sections of my evidence, the wording of the policy does not allow for any graduation of impact, whereas the reality is any greenfield development, where this is deemed necessary, will have some level of landscape and visual effect.

5.23. The submitted LVIA sets out a comprehensive assessment of landscape and visual impact, which overall are not significant, and which can all be addressed (and minimised) via mitigation. On balance, I consider this to be a more reasonable approach to consideration of adverse impacts, and one that demonstrates that the overall level of impact which would arise from the proposed development would be acceptable overall. It is an approach that is in line with NPPF.

5.24. In respect of planning policy, in his evidence Mr Lees addresses Policy ST1 further, highlighting the binary nature, that there is no flexibility in the application of the policy, and in his view that the policy is inconsistent with the NPPF.

Policy EV2

5.25. The Councils Statement of Case also refers to Policy EV2 (**CD-9.3**, Para 6.15). This states that 'In the countryside permission will only be given for appropriate development. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness.'

5.26. As with Policy ST1, Mr Lees addresses this from a planning policy perspective, noting that the policy provides for no graduation or flexibility, and consequently in his view is not consistent with the NPPF.

- 5.27. In respect of landscape and visual matters, again notwithstanding the inevitable residual impacts and effects, the appeal site represents a good site, physically and visually contained by existing landform and the very prominent settlement edge. The proposed development responds to the local landscape context and represents a positive and well considered proposal which will sit adjacent to the existing context of the settlement, whilst remaining discreet within the local landscape context and not impacting on the wider landscape context. This can also be delivered whilst maintaining an agricultural landscape context to this part of Sutton in Ashfield (including its openness across the higher ground and Windmill Hill).
- 5.28. Overall, accounting the for unavoidable impact at a site level, the adverse impacts of the proposed development are considered acceptable.

Other Matters

- 5.29. Matters raised in objection to the proposed development were summarised in the case officer's report, including comments from the statutory consultees and other objectors.
- 5.30. As noted earlier, landscape and visual matters are raised at various points. I have dealt with these issues generally through the topics included in this evidence.



6. SUMMARY AND CONCLUSIONS

Qualifications and Experience

- 6.1. My name is James Atkin. I hold the position of Senior Director (Landscape) in the Lichfield Office of the Pegasus Group. I am also Deputy Head of the Environment service across the wider business. The Company undertakes all aspects of town planning, urban and landscape design and environmental planning. I have a Bachelor of Science Degree in Landscape Design and Plant Science and a Diploma in Landscape Management, both from the University of Sheffield. I am also a Chartered Member of the Landscape Institute (2005).
- 6.2. I have over 24 years professional experience specialising in the application of landscape and visual assessment. I have authored landscape and visual impact appraisals and assessments, based on best practice guidance, both in the UK and in the international context. My experience as an expert witness now extends to over 30 appeals, including preparing and presenting evidence for written representations, hearings and public inquiries; this relates to sites across the UK and a range of sectors.
- 6.3. As an inherent part of this work, I apply an iterative process of landscape and visual appraisal and assessment to inform master-planning principles to ensure landscape and visual constraints and opportunities are recognised and form an appropriate scheme of mitigation applied.
- 6.4. The approach and methodology adopted for the process of landscape and visual impact assessment, including that prepared for the planning application for this site, has been tested and accepted by numerous local planning authorities and Planning Inspector's at appeal.

Terms of Reference

- 6.5. This Proof of Evidence is written on behalf of Hallam Land Management (the appellant) and addresses landscape and visual matters in respect of land at Newark Road, Sutton in Ashfield (the appeal site).
- 6.6. It relates to a decision by Ashfield District Council (ADC) to indicate it would have refused permission for an outline planning application for residential development (LPA reference V/2022/0629). The description of development includes for: