

Land North-East of Junction 10 M42 North Warwickshire – Landscape Statement of Common Ground covering landscape, visual and strategic gap matters - APP/R3705/W/24/3336295

Summary

This Landscape Statement of Common Ground ('LSoCG') has been agreed between Hodgetts Estates (herein referred to as 'the Appellant') and North Warwickshire Borough Council (herein referred to as 'LPA' or 'NWBC'). It addresses Landscape, Visual and Strategic Gap matters.

This LSoCG has been prepared in respect of an appeal against NWBC's non-determination of an outline planning application pertaining to land north-east of junction 10 of the M42 motorway, North Warwickshire ('the site').

It is prepared in order to identify agreed areas as well as to facilitate the narrowing of issues in dispute and to streamline the preparation of evidence.

Matters which are agreed and have not been agreed are set out in Section G of this statement. These matters will be considered further between the parties in order to see if further areas of agreement can be reached.

This LSoCG has been prepared jointly and agreed by:



Signed: Jeremy Smith

Date: 14/05/24

SLR (on behalf of Hodgetts Estates)

Signed: Andrew Collinson (electronic)

Date: 14/05/202

North Warwickshire Borough Council

A. The Appeal Site and its Context

1. The appeal site and its immediate context comprise open, large scale, arable fields bounded by breached hedgerows, with a few hedgerow trees and one small copse of woodland. There is a well-established planted tree belt to the west and south-west of the site, next to the M42, and a mature hedgerow, which is gappy in places, to the south, along the A5.
2. The topography in the locality of the appeal site and other land under the control of the Appellant grades from a high point of approximately 122m AOD at Dordon, to the east, down to a low point of just over 92m AOD at the south-west corner of the appeal site, adjacent to Junction 10 of the M42 motorway (M42 Jn10). The land rises to the west of the M42, with the Tamworth motorway services, for example, located above 100m AOD. The appeal site grades from a high point of 105m AOD in the north-east at Birchmoor, down to c.92m AOD in the south-west corner, across a distance of over 800m giving an average gradient of over 1 in 60. The land is gently rolling so the gradient is variable in practice.
3. Public bridleway AE45 extends along the northern part of the eastern boundary of the appeal site, in a broadly north-south orientation. It enters the appeal site at its junction with Public footpath AE46, which runs from the eastern boundary of the appeal site and curves south-eastwards towards the A5 cutting across an arable field. Public bridleway AE45 would be re-routed along the southern part of its route to the south of its junction with Public footpath AE46. The majority of the length of these rights of way in the vicinity of the appeal site are also used as farm tracks.
4. To the west of the appeal site is the M42 motorway, which is in cutting in the vicinity of the site. Beyond the M42, further to the west, are Tamworth motorway services and commercial buildings at Relay Park and Centurion Park. To the south-west of the site is Junction 10, which is elevated above the M42 and illuminated by street lamps.
5. To the south of the appeal site is the A5 dual carriageway, which in the locality of the appeal site is illuminated by street lamps. To the south of the A5 is the Tamworth Logistics Park developed by St Modwen. Also to the south of the A5 and the appeal site are commercial buildings at Core 42 and Birch Coppice Business Park.
6. To the east of the appeal site, beyond the Offsite Mitigation Area, (see Appendix A), are the conjoined settlements of Dordon and Polesworth. The majority of these settlements comprise two storey residential development, with associated facilities.
7. To the north of the appeal site, beyond a series of paddocks, is the village of Birchmoor, to the east of the M42. This comprises mainly two storey residential development. Birchmoor links with Tamworth at its western edge, and the western and eastern parts of the village are connected by a bridge over the motorway.
8. Whilst the appeal site, and the area of offsite mitigation, is largely in agricultural use, the character of the area is also influenced by the visibility of the existing large scale

commercial development to the west and south, traffic noise from the A5 and M42, as well as existing lighting from the settlements, the A5 in the vicinity of the appeal site and on Junction 10. The appeal site is therefore an area of transitional character at the settlement edge, however it does retain rural qualities and characteristics which are different from the surrounding built up environment.

9. It is agreed that bunds and cuttings are a feature in the wider landscape, with the M42 for example being in a cutting, and mounding being seen at Tamworth Logistics Park, Centurion Park, Core 42 and Birch Coppice.

B. The Appeal Proposals

10. The proposals are in outline, and would include up to 100,000m² of warehousing and industrial uses.
11. Up to 150 spaces of overnight lorry parking would be provided, as well as up to a 400 square metre amenity building.
12. The maximum elevation of the development would be to 117.8m AOD at the western edge, closest to the M42, falling to a maximum of 113m AOD at the northern edge, closer to Birchmoor, and 111.5m AOD at the eastern edge, closest to Dordon, in accordance with the submitted Parameter Plan (CD B-37). The maximum height of buildings from Finished Floor Level would be 21 metres.
13. The permitted maximum overall building height ranged from 107.7 AOD-118m AOD at Tamworth Logistics Park south of the site. The maximum building height assessed and approved at Core 42 Business Park is 121.5m AOD.
14. Landscaped buffer zones would be provided on all sides of the proposed new structures, as illustrated by the Parameter Plan (CD-B37):
 - To the north the landscape buffer would be between a minimum of 75m and up to a maximum of 134m wide;
 - To the east the landscape buffer would be a minimum of 49m wide and up to a maximum of 106m wide;
 - To the south the landscape buffer would be a minimum of 35m wide and a maximum of 58m wide.
 - To the west, next to the M42, the landscape buffer would range between a minimum of 10m wide and a maximum of 17m wide.
15. The precise form and design of proposed bunding would be agreed at the Reserved Matters Stage. The bunds illustrated on the illustrative cross sections (CD B30), illustrative landscape sections (CD B15, and Type 3 Photomontages (CD B31), standalone wirelines (CD B31), Design and Access Statement (CD B34) and Design Guide (CD B35) are shown as having a maximum height of 5 metres above existing ground level, with outer gradients of between 1:5 and 1:6 and inner gradients of 1:3. The Appellant would be prepared to agree to a condition that these would be the maximum bund heights and gradients.
16. The appeal site covers an area of approximately 32.36ha, and other land under the control of the Appellant extends to an area of 41.66ha. 6.51ha of the other land under the control of the Appellant would be permanently given over to offsite mitigation,

3.41ha of which would become publicly accessible (albeit still owned by the Appellant) (i.e. a community orchard), with the balance remaining predominantly in agricultural use (with the exception of footpath access). The extent of these areas is illustrated on the Offsite Landscaping – Public Accessibility Plan (ref. 4263-CA-00-00-DR-A-00092-PL2), as submitted with the Explanatory Note – Landscape & Design dated 25 April 2024 (ref. Note.JW.PINS.001).

17. The proposed offsite mitigation planting would be secured and managed via a Section 106 Agreement, and these obligations would therefore remain in perpetuity if the land were to be sold or transferred in the future.

C. Relevant Character Assessments

18. It is agreed that at a regional level the appeal site is classified as being part of National Character Area (NCA) 97 (Arden).
19. It is agreed that at a local level the appeal site is classified in the North Warwickshire Landscape Character Assessment as being part of LCA5 Tamworth Fringe Uplands. It is agreed that this is the most up to date and detailed published assessment of landscape character for the purposes of this appeal.
20. It is agreed that this is not a “valued” landscape for the purposes of paragraph 180(a) of the NPPF.
21. However, the area is valued by the local community for recreational use, and for their residential visual amenity.

D. Methodology for Assessing the Landscape and Visual Effects of Development

22. The “*Guidelines for Landscape and Visual Impact Assessment*”, 3rd Edition, (GLVIA3) provide best practice and widely accepted guidance on how to carry out landscape and visual impact assessment. One of the main objectives of this guidance is to achieve quality and consistency in the approach to landscape and visual impact assessments.
23. The most up to date guidance on how to assess landscape value is within the Landscape Institute’s Technical Guidance Note (TGN) 02/21, “Assessing Landscape Value Outside of National Designations”.
24. It is agreed that the methodology described in the LVIA broadly accords with the recommendations of GLVIA3 and TGN 02/21.
25. The study area used in the LVIA, illustrated by drawings LAJ-1 to LAJ-4 in Appendix 3 to the ES, is considered appropriate, as confirmed during the meeting between the LPA and the Appellant on 31st January 2023.
26. It is usual practice in a landscape and visual impact assessment to assess increased visibility/prominence of large scale development within a semi-rural context as resulting in negative landscape and/or visual effects.

27. The provision of additional native woodland, and additional native hedgerow planting on existing and historic field boundaries, within and around the appeal site, would be beneficial in landscape character and visual terms.
28. The locations of viewpoints in the LVIA were agreed with the LPA. LUC requested that the detailed location of viewpoint 5 should be changed and SLR prepared a new visualisation from this amended location.
29. The visualisations prepared by SLR, both in terms of the wireline visualisations included with the LVIA and the photomontages subsequently prepared for viewpoints 1, 4, 5, 8 and 9, accord with the guidance within Landscape Institute Technical Guidance Note 06/19.
30. The wireline visualisations extend to the maximum parameter height of 117.8m AOD. The highest part of the curved roof on the Type 3 visualisations also extends to the maximum parameter height of 117.8m AOD.
31. Native trees (see woodland species listed at 7.14.3 of the DAS, (CD B34)) planted as 1+1 40-60cm transplants are expected to grow to around 7.5 to 8 metres within around 15 years, provided they are planted in soils of sufficient quality and maintained in accordance with best landscape management practice.

E. The Landscape and Visual Effects of the Appeal Proposals

32. The appeal proposals would result in negative landscape and visual effects which would be relatively localised and largely focused upon the area between Birchmoor and Birchmoor Road to the north, Dordon/Polesworth to the east, the A5 to the south and the M42 to the west.
33. The proposed new planting in the Offsite Mitigation Area (see Appendix A) could result in some positive landscape and visual effects, assuming it is well implemented and maintained.
34. The Appellant prepared a new assessment of potential visual effects based upon the Type 3 illustrative photomontages for viewpoints 1, 4, 5, 8 and 9 in March 2024. This was issued to the LPA who requested that the assessment be placed in the Appellant's proof of evidence. The LPA provided their comments on the Type 3 Photomontages in Appendix B (prepared by LUC and dated 25th August 2023). This was issued by the LPA to the Appellant in December 2023.

F. Assessing the Effects of the Appeal proposals upon the Separate Identities of Tamworth and Polesworth with Dordon

35. The Appeal Site is within a Strategic Gap as defined by Policy LP4 of the Local Plan which is a strategic planning designation. The objective of this designation is to maintain the separate identities of Tamworth and Polesworth with Dordon. LP4 states that development which significantly adversely affects the separate characters of these settlements will not be permitted. The local plan states that any effects should be considered "in terms of the physical and visual separation between the settlements."

36. The Strategic Gap is a strategic planning policy. In order for the separate identities of two neighbouring settlements to be retained, it is important to maintain a clear sense of leaving one place, travelling (by all modes of transport) through an intermediate landscape, and arriving somewhere else.
37. It is agreed that one method for assessing the effectiveness of a gap between two settlements is to apply the Eastleigh Criteria, as set out at paragraph 10.5.56 of the ES. The Eastleigh Criteria are also listed on page 11, of LUC's July 2022 review of the LVIA.
38. These criteria are as follows:
- Distance (straight line and distance that would be travelled);
 - Topography;
 - Landscape character/type;
 - Vegetation;
 - Existing uses and density of buildings;
 - Nature of the settlement edges;
 - Intervisibility of the settlement edges [the ability to see one edge from another i.e. visibility of the settlement edges, across the undeveloped space between, to or from one another];
 - Intravisibility of the settlement edges [the ability to see both edges from a single point i.e. visibility of the settlement edges from the undeveloped spaces between, and vice versa];
 - The sense of leaving a place and arriving somewhere else.
39. In the vicinity of the site, the existing distance between Dordon/Polesworth and Tamworth is approximately 1.2km at the narrowest point and approximately 1.45km at its widest point. If the appeal proposals were to be implemented a physical gap of approximately 0.75km between the appeal site and Dordon would remain to the north of the A5, representing a reduction in width by approximately 430m.

G. Areas of Disagreement between the Parties

40. Whilst it is agreed that bunds and cuttings are a characteristic feature of the wider landscape, the LPA does not agree that they are a characteristic of the proposed site.
41. The Appellant has concluded that the appeal proposals would retain a clear sense of leaving one settlement, travelling through an intervening landscape, and arriving at a different place. The LPA does not agree with this conclusion, and notes that the sense of separation between Dordon/Polesworth and Tamworth would be reduced.

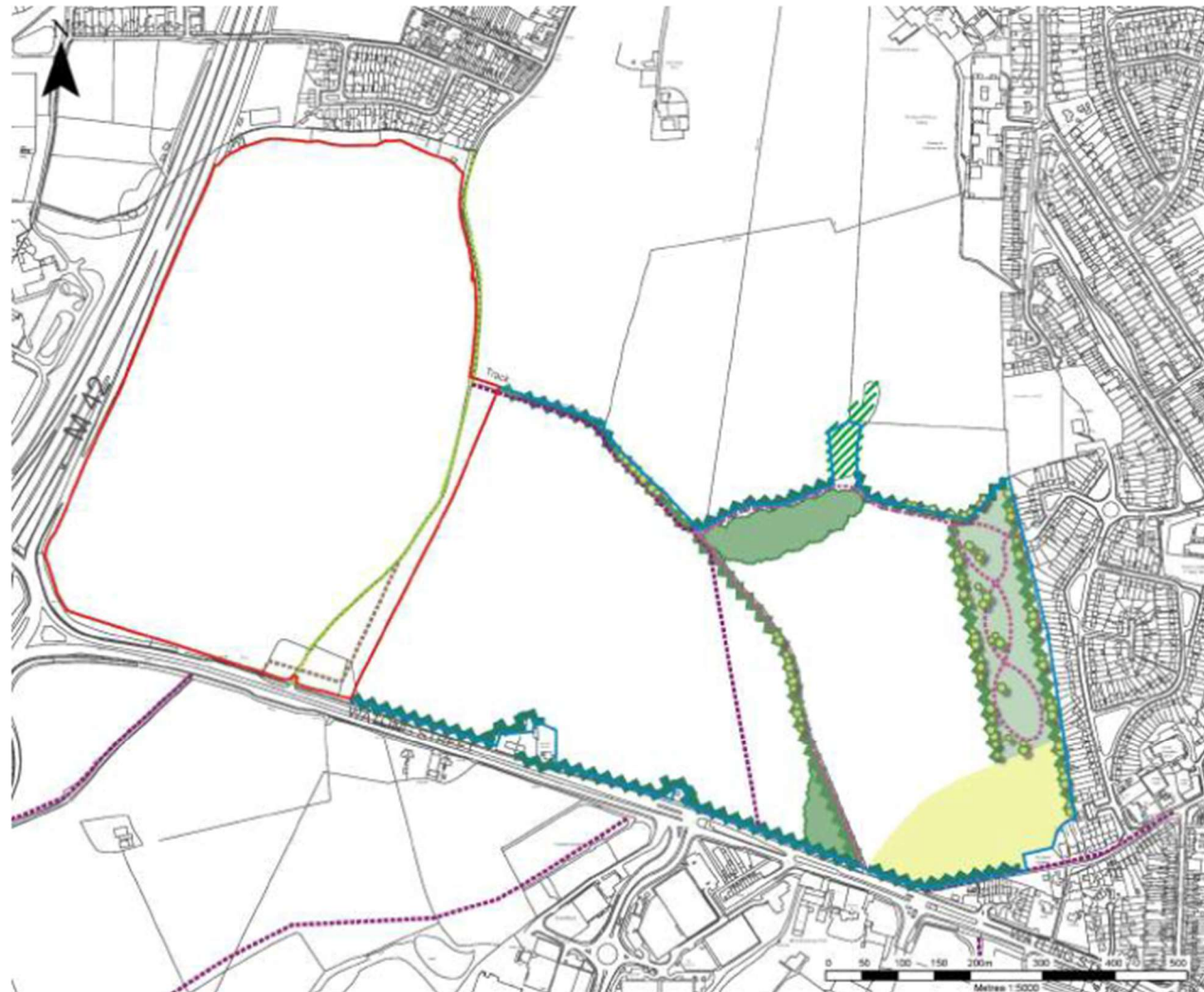
The LPA considers that the introduction of the appeal proposals would extend development to the east of the M42 in an area currently occupied by large open arable fields. This would appear to extend the settlement edge of Tamworth to the east of the M42.

42. The Appellant has concluded that the Strategic Gap is a strategic planning policy, although the function and effectiveness of the gap depends largely upon landscape and visual considerations.

The LPA considers that the consideration of the Strategic Gap is primarily a planning matter, although landscape and visual concerns feed into it.

43. The Appellant has concluded that the cumulative landscape and visual effects of the proposed development would be minor. The LPA does not agree with this conclusion.
44. The SLR LVIA concluded that there would be no significant landscape effects on the localised area of LCA5 at or after construction (digital page 34, at the end of Table 10-15 of ES Vol 3 Appendix 10.2, "Assessment of Landscape Effects"). This table indicates that there would be three moderate (not significant) negative and positive landscape effects on individual elements and features on the appeal site in the 'after construction' column (rows 3-5 of column 6). The LPA does not agree with the conclusion that effects on landscape character would not be significant. The LPA considers that significant effects on the landscape would be experienced at construction and in both year 1 and year 15.
45. The Appellant has concluded (see column 6 of Table 10-18 – "Assessment of Visual Effects and Significance" of ES Volume 3 Appendix 10.2), that there would be significant effects at construction/year 1 at three viewpoints, but no significant effects at year 15. The LPA does not agree with this position.
46. The Appellant provided its further assessment of visual effects based upon the Type 3 photomontages in SLR's March 2024 response to LUC, issued to the Council on 27th March 2024. The Council does not accept the March 2024 response and has asked that these assessments be included in the Appellant's evidence.

APPENDIX A: LOCATION AND EXTENT OF OFFSITE MITIGATION AREA



Appeal site defined by red line, Offsite Mitigation Area defined by blue line. Proposed Landscape Concept taken from drawing 79 of the DAS (CD B34). It is understood that all the land within the red and blue lines will remain in the property and control of the Appellant.