CD-37

Land north east of Junction 10 of the M42 Motorway / north of the A5, Dordon

Sam Oxley on behalf of North Warwickshire Borough Council

Rebuttal in relation to points in evidence by Jeremy Smith

Final report
Prepared by LUC
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Chapter 1
Landscape and Visual Effects, and Consideration of Strategic Gap

Introduction

1.1 This statement has been prepared by Sam Oxley to respond to comments made in the Proof of Evidence by J. Smith on behalf of Hodgetts Estates, dated 29th May 2024. These comments respond to the Appellant's evidence in relation to landscape and visual effects of the proposed development, and the consideration of the Strategic Gap.

Effects on landscape receptors

1.2 With relation to the methodology for assessing landscape and visual effects, J. Smith states in paragraph 1.26 that *"the threshold used for significant landscape and visual effects is anything above moderate, that is Major or Major/Moderate effects, with a concentration of moderate effects also having potential to be considered as significant in some cases."* This approach is unusual as it is best to set a clear threshold and apply that threshold when determining the significance of effects. Relying on a second judgement as to when a concentration of moderate effects is significant could be applied inconsistently. In practice, J. Smith takes the view that moderate effects are not significant.

1.3 With relation to the landscape character, J. Smith implies in paragraph 4.29 that the landscape character of LCA 5 (in which the site is located) is not in good condition and not valued based on the citation for LCA 5. The LCA is described as being *"an indistinct and variable landscape, with relatively flat open arable fields and pockets of pastoral land, fragmented by spoil heaps, large scale industrial buildings and busy roads, and bordered by the settlement edges of Tamworth, Dordon and Kingsbury … the M42 has a dominant and unifying presence, passing through the area within a planted cutting. The industry has direct links to the M42 junction 10, also within the area"*, and that *"although farmland makes up a significant proportion of the landscape much of this land has a rundown character, with gappy, poorly managed hedgerows*". The appeal site itself, and the rest of the Strategic Gap to the east comprises undeveloped agricultural fields which do not contain any spoil heaps or existing industrial buildings. The condition of the landscape across the Site and the area of the Strategic Gap, is good, albeit there are some gappy

hedgerows along the boundaries of the agricultural fields. The proof implies that the whole landscape of the LCA 5 is in poor condition and not valued, and has *"a lower sensitivity to the development of the kind proposed"* as set out in paragraph 7.24. I disagree with this, noting that all landscapes have value attached to them, and that this landscape is valued locally as a recreational resource, and more so given it provides relief from surrounding built up areas. Furthermore, one of the management recommendations for the LCA is to *"conserve remaining pastoral character and identify opportunities for conversion of arable back to pasture"* (as referenced in paragraph 4.30). Development of the site would not be in accordance with the recommendations for the LCA as it would not conserve the pastoral character of the area, instead taking a substantial open area of agricultural land, bordered with hedges and tracks, which are well used locally, and developing it into a very large-scale commercial development, both in terms of size and height.

1.4 With relation to landscape receptors, J. Smith states that *"There would be a medium magnitude of change to the large-scale, arable field receptor."* (paragraph 4.63) and concludes that effects on the arable field receptor (e.g., including the appeal site) would be *"moderate negative effects"* which *"would remain moderate and negative by year 15"* (not significant) (para 4.70). I struggle to understand how completely changing undeveloped agricultural land on this scale, to a very large-scale commercial development of considerable height, and requiring considerable earthworks, would not result in a large magnitude of change and subsequently result in a major and significant effect. Of the site area, 64.4% (20.85ha) would comprise large buildings, hardstanding and roads, with the change being permanent. Change to landform would be irreversible.

1.5 Additionally, J. Smith notes that whilst short term effects on the hedgerows and woodland landscape receptor would be *"moderate/minor and negative"* (paragraph 4.68), that these would become *"moderate and positive by year 15 since, the semi-mature hedgerows, hedgerow trees and native woodland would accord with landscape management guidelines and also enhance biodiversity"* (paragraph 4.70). Whilst I appreciate planting new trees and hedgerows, as suggested in the Illustrative Landscape Plan will help provide enhancements, I do not agree that overall the effect of introducing such a large scale commercial development would have what could be described as *positive* effects on the landscape at year 15, noting how much mature hedgerow will be lost (with some replanted, but taking a long time to mature) along the A5. It appears that the offer of planting of some hedgerows, a small copse, field corner and a small orchard is being used to balance and justify the significant negative effects beyond what is reasonable, given the vast scale of the commercial development which is proposed.

1.6 The identification of this positive effect contradicts the earlier statement that *"it is best practice in LVIA to conclude that the introduction of a large scale built form to a rural or semi-rural context will result in negative landscape and visual effects"* (paragraph 1.27). It is unusual to disaggregate effects into those on different elements, and if doing so it is important to draw a conclusion as to the overall effect. I consider the overall effect on landscape elements and character to be negative and significant in both the short and long term. Given the nature and scale of what is proposed, it is surprising and unrealistic that J. Smith continues to maintain that the effect on landscape will not be significant.

1.7 In his proof, J. Smith refers to an *"Offsite Mitigation Area of 41.66ha which would be provided to the east of the east of the appeal site, and this would include new woodlands, orchards as well as hedgerow planting and species-rich grassland"* (para 3.30) and the *"enhancement of the 41.66ha of agricultural land to the east of the site with new hedgerow and woodland planting and the creation of species-rich grasslands"* (para 7.37 and para 1.9 of the Summary). It is apparent that only 6.51ha of this would be set aside for additional planting, with 3.41ha of this being publicly accessible, as stated in paragraph 3.19 of the proof. In addition, it is noted that *"Hodgetts Estates has also suggested a condition which would change the use of the existing arable fields (outside of the proposed new POS proposed on the western edge of Dordon) to species-rich grassland"* (paragraph 3.21). This has not been included in the Offsite Mitigation Plan (reproduced below) and it is not clear how this would be delivered and if it would remain in perpetuity? For example, developing and maintaining species rich grassland from arable land requires long term expert management. The way in which the proposals are described by the appellant implies that they will be far more extensive and beneficial than is likely to be the case in practice.

1.8 The schematic drawing can provide no certainty and the extent to which the appellant relies on this to justify the development seems unbalanced.

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.

1.9 With relation to overall landscape character, J. Smith states in his proof that *"In terms of the overall magnitude of effects on the localised area of LCA 5, this would be slight/medium at construction/year 1, but would reduce to slight by year 15."* (paragraph 4.66). In paragraph 7.23 it is noted that the limited effect is because *"the proposed buildings would be located next to junction 10 of the M42, and also next to the A5, within an area where large commercial buildings – of precisely the type proposed in this appeal – are an existing, key characteristic of the landscape."* I consider that the effect on landscape character of LCA 5 would be higher than 'slight/medium' at construction (year 1) stage. Given the open nature of the landscape, particularly as experienced from the east, substantial construction activities would be perceptible from across much of the area comprising the Strategic Gap, and the constructed development would be a very prominent and permanent feature in the landscape in the short and long term. The character of the landscape to the north of the A5 would change by introducing very large scale development on a previously undeveloped area of open agricultural land, which will not become partly screened for many years (15+ years), and with that screening also significantly changing the landscape character. Given it is agreed that trees will reach 7.5-8m high by year 15,

it is self evident that they would have limited effectiveness in terms of screening 21m high structures. Given this, it is also unclear why the ZTV assumed tree heights of 10m in its modelling.

1.10 J. Smith states in his summary of the Proof of Evidence (paragraph 1.35) that *"whilst it is true that the appeal proposals would result in negative landscape and visual effects, both the SLR LVIA and my own review have concluded that the proposals would cause less than significant effects on the overall character of the area, partly because they propose commercial development adjacent to existing commercial developments of a similar character at junction 10 and south of the A5, but also because the important and largely rural gap between Tamworth and Dordon would be maintained and enhanced."* I do not agree that the proposed development would cause *"less than significant effects"* on the character of the area, given the scale of change that would be experienced across the site and how visible the proposed development would be in the surrounding landscape, particularly from the east. The building or buildings would together be up to 21m high, some 600m long, and some 400m wide. It is evident that he 'largely rural gap' would not be maintained and enhanced in this area, but that it would be significantly reduced in size and character.

1.11 With relation to cumulative effects, J. Smith states that *"The conclusions of that assessment were that the proposals would result in minor additional, cumulative landscape and visual effects. From a landscape perspective the development is being placed in a landscape which is already strongly influenced by commercial uses, and the proposals would not significantly extend either the extent or influence of that use."* (paragraph 4.123). The proposed development would in my opinion significantly extend the extent and influence of commercial uses, into and directly affecting the Strategic Gap. The proposed development would introduce commercial scale development to the north of the A5 which currently does not feature any commercial development, thus enclosing both sides of the road. It would also extend the influence of commercial development to the east of the M42, north of the A5, which is currently open farmland. The proposed development would result in the last remaining undeveloped north east quadrant of M42 Junction 10 (the Dordon Interchange) being developed. This area of open land offers some relief from the presence of and enclosure by development, for the people who live work and pass through in the area.

Effects on visual receptors

1.12 J. Smith's Summary of his Proof of Evidence concludes in paragraph 1.21 that *"the visual effects of the proposals would be localised, with significant effects by year 15 focused upon the appeal site itself and rights of way across the agricultural land to the east of the appeal site."* His recent reassessment (Supplementary Proof Version 2, 5th June 2024) confirms that he now considers visual effects to be significant (Moderate/Major) and to remain significant in the long term for more locations around the site. In my view he relies too much on the planting mitigating effects so they become not significant, suggesting that the visibility of the development will diminish by year 15 such that the effects are no longer significant. It is clear that the existing large scale development across the surrounding area still gives rise to significant visual effects. It is widely visible, and its large scale is dominating in views seen across the Strategic Gap. This development will be no different in that respect. It will block open views across the landscape and completely change their nature.

1.13 J. Smith notes in paragraph 3.13 that *"In total the junction 10 and A5 improvements would require the removal of existing grass verge, scrub and/or hedgerow from approximately a 500 metre length of the eastern edge of junction 10 and the northern edge of the A5."* In addition, there would be removal of vegetation along the A5 for the access to the site, and to ensure sufficient visibility when entering/leaving, and for the creation of the cycle lane adjacent to the A5. The removal of this mature vegetation would result in more open views from the A5 and Junction 10. This was not anticipated when the LVIA was prepared and these effects have only recently come to light. The proposed development will be more visible from the Tamworth Interchange and the A5 than the LVIA reports, with the visual effects being significant.

1.14 Regarding the visual effects experienced by road users, J Smith notes in relation to Junction 10 [Viewpoint 13] *"Glimpsed views of the proposed buildings would be possible from junction…partially screened by roadside vegetation, and development would be seen in the context of the busy road and traffic as well as existing commercial buildings."* (paragraph 4.112). Likewise, from the A5 (Viewpoint 9) *"There would be potential for glimpsed views of the proposed development from the A5, to the south of the site…but again these views would be transitional, glimpsed, partially screened by roadside vegetation..."* (paragraph 4.113). However, widening of the A5 and regrading of the embankment to the east of Junction 10 would result in the loss of vegetation, and vegetation removal along A5 will also result in increased visibility. Although proposed planting may reduce visibility in the long term, J. Smith highlights that it *"may also be*

possible that there is less scope for replanting if it is necessary to improve sight lines onto and off the junction." (paragraph 4.46). Uncertainty remains, and it is evident that there would be very little space for planting.

1.15 It is also noted that Viewpoint 11 is located immediately south of the site adjacent to the A5. With reference to this viewpoint, the original LVIA states that *"existing hedgerow would be retained to either side of the proposed access which would help to screen the lower levels of the proposed building set on a platform below existing ground level"* with J. Smith confirming in the March 2024 there has been *"No change in assessment"*. The assessments (original and updated) therefore do not take into account the opening up of views by removal of vegetation along the A5, which would now be much more extensive. Due to the sight line and cycle lane requirements, as well as the drainage basin to the south of the proposed development, the space available for replanting will be very limited indeed, and in any event new planting will take many years to mature.

1.16 It is noted in paragraphs 2.20-2.21 that the Dordon Neighbourhood Plan identifies several key views oriented towards the site. Viewpoints 6, 13 and 20 of the LVIA are located at or within close proximity to these key views as set out in Dordon Neighbourhood Plan. It is noted that despite recognising that these are 'key views' the appellant has not provided photomontages from them to illustrate what the proposed development would look like. Furthermore, with relation to viewpoint 20 near Barn Close, the baseline photography shows the woodland copse in the middle distance of the view. This is reiterated in paragraph 4.94 *"it is notable that the views from Viewpoint 20, which is just south of Viewpoint 5 at Barn Close (drawing LAJ-46) would be relatively screened by intervening vegetation at construction/year 1, and by year 15 nearly all views of both the existing commercial developments to the west, and the appeal proposals, would be screened by the proposed new hedgerow and tree planting, and the proposed new orchard, to the west of the settlement edge."* However, existing and proposed vegetation would only partly screen the northern extents of the site, with the southern extents clearly visible as an open field at present. The proposed development would be clearly visible at year 1 and in the longer term. The proposed orchard in the offsite area may eventually serve to somewhat filter (but not screen) views, but orchard trees are typically relatively small in size, slow growing, and will offer limited filtering of views. They are also deciduous and leafless in winter.

1.17 With relation to the July 2023 Type 3 photomontages that have been produced from viewpoints 1, 4, 5, 8 and 9, J. Smith states *"The form, colour, texture and position of the buildings are all accurate, as are the width and depth of the buildings, the size of the proposed screening landforms and the height of the proposed trees"* (paragraph 4.2). I would like to clarify that the

form, colour, texture, position of buildings etc. shown in the photomontages can only be indicative as this is an outline application, and detailed design would be provided at Reserved Matters stage. The new 'block montage of maximum parameters' images provided by the appellant on 5th June are a better guide for the purpose of this appeal, although the very pale colouring which suggests they will blend almost invisibly into the sky should be treated with caution. In practice a greater level of contrast with the sky is typical, as is evident from the way the existing development is experienced in views.

1.18 In terms of residential receptors, J. Smith states that *"by year 15, and thereafter, there would also be no significant visual effects for residential receptors at Birchmoor or Dordon"* (paragraph 4.119). Negative visual effects are identified for Birchmoor at year 1 and year 15, but these are not considered to be significant (paragraph 4.97) due to screening provided to the south around the paddocks. In addition, it is noted *"the proposals would not be overbearing for even the closest local residents, and would therefore have no significant effects on residential amenity* [based on the Lavender test]" (paragraph 4.99). Although there is some existing vegetation to the south of Birchmoor, some properties are clearly visible from the bridleway which runs along the east of the Site (see Viewpoint 3 photography and Figure 2.7 in my Proof of Evidence). These properties will most certainly experience views of the proposed development and given the scale of the commercial buildings (21 m high) and their proximity to these properties (buildings 100m away from properties according to paragraph 4.98), there will be a large scale change in the views these properties do experience. This large scale change in the views would constitute a significant effect in my opinion, noting the recognised higher sensitivity of residential receptors, which would extend into the long term. In addition, consideration needs to be given to the effects on residential properties at Birchmoor due to the construction of a large planted bund in the north of the site. This in itself will result in a large change to the long open views currently experienced by residents, and it will take many years for planting to mature to a level that provides effective filtering of the buildings themselves. At this proximity, the effect of the buildings, bunds and planting on these residents could be described as oppressive.

1.19 With regard to residential receptors in properties along the A5, J. Smith sets out in paragraph 4.96 that *"there are also a small number or properties to the north and south of the A5, to the east of the appeal site, which have potential to obtain mainly first floor views… the visual effects would be negative but less than significant".* Whilst there is some filtering of views by boundary vegetation around the properties to the north of the A5, they will still experience clear views, as

can be seen from the open view looking into the driveway of one of the Hall End Villa properties. These effects on residents will be significant.

1.20 Furthermore, there are open views from the Hall End Cottage properties to the south, looking across the A5 as there is limited vegetation along the northern section of the A5 in this area. Properties to the north would are represented by viewpoint 8, in which the proposed development appears a notable feature at year 1 and year 15, resulting in what I would consider significant effects. Although there is some boundary vegetation which screens views from the properties to the north in summer, they will be closer to the proposed development and it will still appear as a very large-scale built feature in place of the existing views over the A5 to arable land. Therefore, I consider it unlikely that these effects would not be significant for these high sensitivity receptors.

1.21 For residential receptors located along the western edge of Dordon, effects *"would be negative but less than significant in year 1, reducing by year 15 due to the screening effect of existing and proposed vegetation".* As illustrated from viewpoint photography along the western edge of Dordon (e.g., Viewpoints 5, 6, 7, 19, 20 and 21), the site would be visible in views to the west, with some localised areas of filtering provided by the existing small copse. Only one photomontage has been produced for these viewpoints, from viewpoint 5. This viewpoint is afforded some filtering by the woodland copse, however views from further north and south along the western boundary would be more open as illustrated in the baseline photography for viewpoints 7, 20 and 21. It is also noted that the properties by viewpoint 19 would have greater visibility from their rear elevations than indicated from the viewpoint which is taken from the road with the properties in the foreground of the view. Again, I consider that visual effects from the west edge of Dordon, where open and long distant views are currently seen, will remain significant in the longer term.

1.22 With relation to cumulative effects, J. Smith states that *"The conclusions of that assessment were that the proposals would result in minor additional, cumulative landscape and visual effects. From a visual perspective it was concluded that there was limited potential for combined and sequential visual effects, and that the proposals would cause a small degree of change to an area which is already visually dominated by large commercial buildings"* (paragraph 4.123). It was considered that the *"additional visual effect of these proposals cumulatively, beyond the individual effect of each scheme, is therefore minor"* as the *"appeal proposals would be viewed against a backdrop of existing commercial development."* (paragraph 4.128).

1.23 I disagree that the proposed development would result in a small degree of change. The proposed development would introduce large scale, very high commercial development to the north of the A5 in an area which currently does not feature any commercial development. It would also extend the influence of commercial development to the east of the M42, bringing development closer in views experienced across the Strategic Gap by the settlements of Dordon and Birchmoor, and also recreational receptors using PRoWs within the gap. The proposed development will be seen in combined and sequential views with existing commercial development from most viewpoints, and although it would be viewed in the context of existing development, it would clearly appear as a more prominent feature compared to say the development to the west of the M42, which sits more comfortably between Dordon and the M42. The degree of change would not be small, but would be more notable, given the proposed location, somewhat separated from the existing development, by the motorway and A5.

Consideration of Strategic Gap

1.24 In Section 5.0, J. Smith provides a review of the potential effects of the proposed development on the Strategic Gap based on the Eastleigh Criteria and concludes that *"the proposals would not significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon, in accordance with LP4"* (paragraph 5.60).

1.25 J. Smith has provided a review of the assessment produced by LUC, which also considered the Eastleigh Criteria. I respond to these points below.

1.26 **Distance:** *"No comment is made about whether this remaining distance is sufficient to provide a sense of separation, or how such a gap compares with other settlements locally and nationally"* (paragraph 5.47). Each case should be considered on its own merits, and J. Smith's claim that the remaining gap is larger than that at other settlements does not suggest that it is therefore acceptable. He himself warns against a scale rule approach. The proposed development would reduce the width of the Strategic Gap by approximately one third, leaving around 777m of the Strategic Gap remaining. The proposed development would substantially reduce the gap, both physically and perceptually, especially given the proposed heights of the buildings, which could feel oppressive as a result of blocking views, and which will make the remaining distance appear smaller than it is, given the effects of perspective. The reduction in the gap will reduce the sense of separation by bringing the settlement edge of Tamworth closer to Dordon and Polesworth. Whilst a gap will remain, the narrowing of the gap will reduce the perception of Tamworth and

Dordon being separate, with the proposed development linking to Dordon and development to the south of the A5. The PRoW through open land on the east of the site will instead follow a prominent development edge, making people feel that they are on the edge of a development area, not away from it in open undeveloped land, when they could experience some relief from it. The distance that people can walk along open paths when undertaking recreation in the gap will also reduce, given the effect on the path on and within the eastern boundary of the development, making the area feel narrower and more constrained.

1.27 **Topography:** *"The LUC assessment states that "the flat and open nature of the site emphasises the scale of the Strategic Gap", and that the proposals "will alter the topography and openness of the Strategic Gap". What is not acknowledged here is the fact that 777m (LUC's measurement) of open, gently sloping land would remain between the edges, nor is there any acknowledgement that Dordon's elevated position creates a distinctive settlement edge that clearly differentiates it from the lower edge of Tamworth"* (paragraph 5.48). I accept that the settlement edge of Dordon is higher than the surrounding area reaching heights of 122m AOD, and that its elevated nature is a key component of views within the gap. I note that the site grades from 92m AOD in the south-west to 105m AOD in north-east. When bunds of up to 5-6m in height are included on the site this will increase the height to around 110-111m AOD, reducing the apparent difference in height between the elevated Dordon edge and the edge of the proposed development. However, when these bunds are planted with trees (expected to reach 7.5-8m by year 15) then there will be two edges which will appear elevated compared to the surrounding area, making the remaining gap feel like it is enclosed to the east and west by higher land, and the new very large buildings beyond it to the west. This will fundamentally change the perception of the area, as experienced when spending time within it, with westward views being blocked, or when looking across it from outside, again with westward views being much more curtailed.

1.28 **Character:** *"LUC analysis states that the appeal proposals would "fundamentally change the character of the Strategic Gap and reduce the openness which is characteristic of the area"… the missing analysis here is would the remaining 777m of open, arable land continue to provide a clear sense of separation between the settlements? And, furthermore, would the planting of native woodlands and hedgerows in the Offsite Mitigation Area further enhance this sense of separation once it has reached semi-maturity? … the extensive area of retained arable land between the settlements, enhanced by further woodland and hedgerow planting, would continue to provide a clear change in character between the settlements that would ensure that the two settlements would remain separate and distinct"* (paragraph 5.49). The introduction of mitigation

planting may help provide some filtering of views, offering some separation (once mature and in the summer season), and the offsite planting may help locally enhance the character of the remaining agricultural landscape, although only to a degree, and very locally. However, the introduction of large earth mounds (5-6m in height) with dense planting, and very large buildings behind them is not characteristic of this part of the Strategic Gap, which features few areas of woodland beyond the copse to the east and roadside/boundary vegetation. The introduction of woodland planting of this scale on elevated bunds would change the character of the area and would noticeably reduce the sense of separation currently provided by the open Strategic Gap by reducing visibility to the west. The new access and recreational infrastructure, and associated vegetation removal will also result in suburbanisation, contrasting with the undeveloped agricultural character that prevails across this part of the gap at present. The removal of vegetation around the Tamworth Interchange and along the A5 will also result in a change in character, with views being opened up into the proposed development by this, and the character of the road corridor being increasingly dominated by development both to the north and the south. The A5 will feel like a road running in a corridor through an industrial estate, rather than a road passing along the edge of undeveloped land. The narrowing of the gap would mean that it could be crossed on foot on paths, from edge to edge, in less than ten minutes, and in a couple of minutes in a vehicle when driving along the A5 (depending on speed of travel). The undeveloped stretch would feel extremely short.

1.29 **Vegetation:** *"LUC's analysis of the effects of vegetation is inconclusive: they state that there "is not strong vegetated boundary to extend to or which could provide a sense of separation"; this is then followed by the comment referenced above, that new planting "could provide a greater sense of physical and visual separation""* (paragraph 5.50). The introduction of planting on the site and in the offsite mitigation area may help provide a sense of physical and visual separation, if well maintained and in the very long term, and more so in summer months, however the introduction of large earth mounds with very dense planting is not characteristic of this part of the Strategic Gap. In addition there will be a significant loss of vegetation along the north side of the A5 and at the interchange. This presently reduces the impact of the A5 on the undeveloped land to its north, given the filtering it provides, and the way it reinforces the sense of leaving one place, travelling along a road, and then entering another.

1.30 **Existing uses and density of buildings:** ***"****LUC state that the proposals "would introduce buildings of a large scale". Whilst this is undeniable, the question is will the remaining 777 metres of Strategic Gap, without any buildings, still provide a sense of separation"* (paragraph 5.51). The

introduction of large scale buildings, which are very high, to the north of the A5 will fundamentally change the existing use of this part of the Strategic Gap and reduce the physical and perceptual separation of areas of built development. In the decision for St Modwens, the Inspector noted that development to the south of the A5 would maintain a "meaningful gap" with a key reason being the present of *"the open farmland to the north of the A5"*. Although a small gap would remain, the presence of the proposed development would be felt across the gap, bringing development closer from the west. Its proposed height and the corridor effect it would create along the A5 will exacerbate its dominance.

1.31 J. Smith continues "*it is concerning that LUC also states that the proposals "would introduce woodland belts … which are not characteristic of the current vegetation found on site". The proposed native woodland that would be established around the appeal site, and in the Offsite Mitigation Area, would be wholly appropriate within the Wooded Estatelands LCA of Arden, described as "a well-wooded farmland landscape with rolling landform", and would also be appropriate within the Tamworth Fringe Uplands LCA where planting of small and medium scale native woodlands is encouraged."* (paragraph 5.51). I accept that the site and Offsite Mitigation Area are within the Wooded Estatelands LCA of Arden and the Tamworth Fringe Uplands LCA. However, when considering the open character of the localised area, there are generally few woodland belts beyond roadside vegetation and single woodland copse. I maintain that planting a dense, impermeable woodland buffer to the north up to 134m wide and to the east up to 106m wide, on earth mounds up to 5-6m in height is not characteristic of the open nature of the area, and that the very flat large excavated development footprints, and densely planted bunds themselves, would also result in significant landscape and visual effects on the Strategic Gap.

1.32 **Nature of the urban edge:** *"Whilst it is true that the motorway services and M42 are enclosed by trees planting and are therefore less conspicuous, the Tamworth Logistics Park and the roof planes of Centurion Park and Relay Park are clearly visible from agricultural land that lies between the settlements, particularly from the more elevated locations on the edge of Dordon… there is no mention of the fact that the edge at Dordon is elevated and largely small scale and residential in nature, and how this contrasts with the commercial buildings and motorway on the edge of Tamworth. It is these key differences that help to provide the sense of leaving one place and arriving somewhere different, which is the fundamental objective of the Eastleigh Criteria."* (paragraph 5.52-5.53). I agree that the commercial developments to the west of the of the M42 are visible from the gap. However, as noted, they are fitted along the edge of Dordon and well screened by intervening nature vegetation along the M42, with visibility limited to the upper levels

of the buildings and their roofs. The building footprints themselves are also smaller in scale, with smaller buildings and open areas between them, and more of a mix of land uses. The proposed development, with buildings together extending to some 600m long and 400m wide, and up to 21m high would undoubtedly be a far more prominent features in views, particularly whilst mitigation planting is still maturing. This is due to their proposed size but also their positioning in the landscape in relation to existing settlement edges, the A5 and the motorway. I appreciate there are differences between the edges defined by residential properties at Dordon and those by the M42 and the more commercial buildings, however a key consideration is that the nature of the Tamworth urban edge, although still defined by non-residential development, would extend much closer towards the edge of Dordon, jumping the motorway which currently defines the edge. The gap would narrow, but the western edge would also change, becoming far more prominent, more dominant given its height, and reducing that sense of separation, which is currently strongly defined by the motorway corridor to the west and the A5 to the south.

1.33 **Inter-visibility:** *"LUC analysis… states that the proposed development would "reduce this intervisibility by screening views across the Strategic Gap"…this analysis seems to miss the fact that there would continue to be intervisibility across an area of open, gently sloping arable land, and that this would therefore continue to provide a clear sense of separation."* (paragraph 5.54). Developing this part of the Strategic Gap will reduce the intervisibility of the current western edge of the gap with the edge to the east, by completely screening it with very high new buildings filtered by planting on large man made bunds and mounds. There would continue to be intervisibility across the remaining gap, i.e. between the new edges. The level of intervisibility between both the eastern and western edge of the gap would increase due to the narrowing of the gap in this area, and thus reduce the sense of separation. The intervisibility would disproportionately increase given the size and scale of the development, which would make it feel closer, given perspective. This would have adverse effects on the function and appreciation of the gap.

1.34 **Intra-visibility:** *"It is again stated that the proposals would screen views across the Gap, but there is no acknowledgement that the 777m of remaining, open agricultural land would continue to provide intravisibility across open arable fields."* (paragraph 5.55). Developing this part of the Strategic Gap will reduce the intra-visibility (the ability to see both edges from a single point) of the current western edge of the gap, by completely screening it with very large new buildings and planting. Again, there would be increased intra-visibility from the remaining gap, as both the existing Dordon edge, and the new western boundary formed by the proposed development

would be visible from many locations within the remaining gap. The western edge would be much more dominant and closer, exacerbated by its height and the effects of perspective. The proposed development would substantially reduce the actual and perceived width of the Strategic Gap, bringing these edges closer together, and through the height and impermeable nature of the proposed buildings, which will form large solid blocks. It is worth noting that the proposed orchard planting in the offsite mitigation area will, over time, partly filter views of the western settlement edge of the Dordon, but that orchard trees tend not to grow large or fast. The development will reduce both the intra and intervisibility to the existing edges because of the way it will block views with very high buildings, earthworks and dense planting, at the same time increasing inter and intra-visibility between the new edge and Dordon, given the significant physical and perceptual narrowing of the gap, adversely affecting the function and character of the gap. This will be the case when experienced from within the gap, and when looking into the narrowed gap from outside it.

1.35 **Sense of leaving a place and arriving somewhere else:** ***"****LUC analysis…states that "the Strategic Gap contrasts strongly with the surrounding built development due to its open agricultural landscape". I agree with this statement, but note that there is no acknowledgement in this analysis that an extensive area of open agricultural landscape would continue to be present if the proposed development were to be implemented."* (paragraph 5.56). J. Smith continues that *"…Given the different character of the two edges, the very different character of the open arable land that would be retained between the edges, and the further enhancement to the sense of separation provide by the proposed woodland and hedgerow planting, the Strategic Gap would still provide a clear sense of leaving Dordon, travelling through (or past) an open, arable landscape and arriving at Tamworth."* (paragraph 5.56). I agree that an area of open agricultural land will be present if the proposed development is built. However, the area of this agricultural land will be reduced substantially, and hedgerows and woodland will be removed along the A5. Therefore, when travelling along the A5, or through the agricultural land itself, people will cross the gap much quicker, reducing the sense of leaving one place and arriving in a different place. This is particularly the case when you consider the speed that cars travel on the A5. The western part of the A5 will change in character, to a corridor travelling through high industrial buildings, with the outward views being blocked in both directions, and feeling oppressive.

1.36 In terms of the character of the two edges, the proposed development would be clearly visible as large scale commercial buildings (similar to those found along the south of the A5) from within the gap. The introduction of such development to the east of the M42 will result in the perceived edge

of the Tamworth (currently well defined by the motorway in a wooded cutting) coming closer to the more elevated edge of Dordon, defined by its rows of houses. The development would connect with the commercial development to the south of the A5, such that there will be very little relief from this type of development, with the remaining quadrant of the Dordon Interchange becoming developed. Currently the A5 and M42 provide a barrier, marking a distinct boundary between development to the west and east, and to the south and the undeveloped fields to the north. The proposed development would extend this presence to the north. Therefore, when travelling along the A5 a person will experience a corridor of large commercial buildings present to both the south and parts of the north of the A5, and little relief from this character, before arriving in Dordon.

1.37 Overall, I disagree that there would not be any significant harm to the effectiveness of the Strategic Gap when considering landscape and visual effects. The position and nature of the proposal is such that the *'important and largely rural gap between Tamworth and Dordon'* (as described by J. Smith para 1.35 of his summary proof) would be significantly diminished in terms of its physical and perceptual character, the views across and within it, and the way it frames the separate characters of the two settlements.