

Town & Country Planning Act 1990, Section 78(1)(a)

**Appeal on Behalf of Rosconn Strategic Land
Ltd and Thomas Eric Baker and Sally Rose Hall,
the Executors of Mr E C Baker and Mrs J Baker
at Land South of (East of Griffin Place)
Radwinter Road, Saffron Walden.**

Landscape Rebuttal Proof

LPA Ref: UTT/21/2509/OP

Appeal Ref: APP/C1570/W/22/3296426

August 2022

DE436_RP_001

CONTENTS

1	Introduction	3
2	Rebuttal	4
3	Conclusions	13

1. INTRODUCTION

1. My name is Andrew Williams. I am a qualified Urban Designer, Chartered Landscape Architect and a founding Director of Define; a Town Planning, Urban Design and Landscape Architecture practice. I have led the Define teams work on the appeal scheme and have visited site (and representative viewpoints) in both winter and summer conditions.
2. I have audited in excess of 200 schemes, either during their determination or following refusal, and have given evidence at over 85 planning appeals. I have also acted on behalf of the Landscape Institute in providing 'masterclasses' to LI members, alongside the author of GLVIA when the third edition was launched in 2013. My main proof of evidence provides a more detailed description of my professional background.
3. This rebuttal statement addresses a number of statements made within the submitted proof of evidence of Mr Richard Morrish, acting on behalf of Saffron Walden Town Council and Swards End Parish Council.
4. I seek to address a concise list of aspects of Mr Morrish's proof I disagree with to assist the inquiry process and reduce the extent of debate. I aim to address the points I disagree with in a thematic way to assist the inquiry and not create unnecessary debate over detailed points.
5. I was not aware in advance that a landscape proof of evidence would be submitted by the R6 party and therefore I only address what I consider to be the most relevant parts of Mr Morrish's proof of evidence – aspects I do not refer to in this rebuttal proof should not be interpreted as my being in agreement with them. I make reference to the submitted LVIA, the LUC Landscape Sensitivity Assessment referred to by Mr Morrish at his page 6 (see CD H16) and an appeal decision that considers coalescence within a defined 'Meaningful Gap' (see CD J13).
6. This rebuttal proof of evidence provided for this appeal is true and has been prepared and is given in accordance with The Landscape Institute Code of Conduct. I confirm that the opinions expressed are my true and professional opinions.

2. REBUTTAL

Scheme Landscape Effects on the Site and Local Landscape

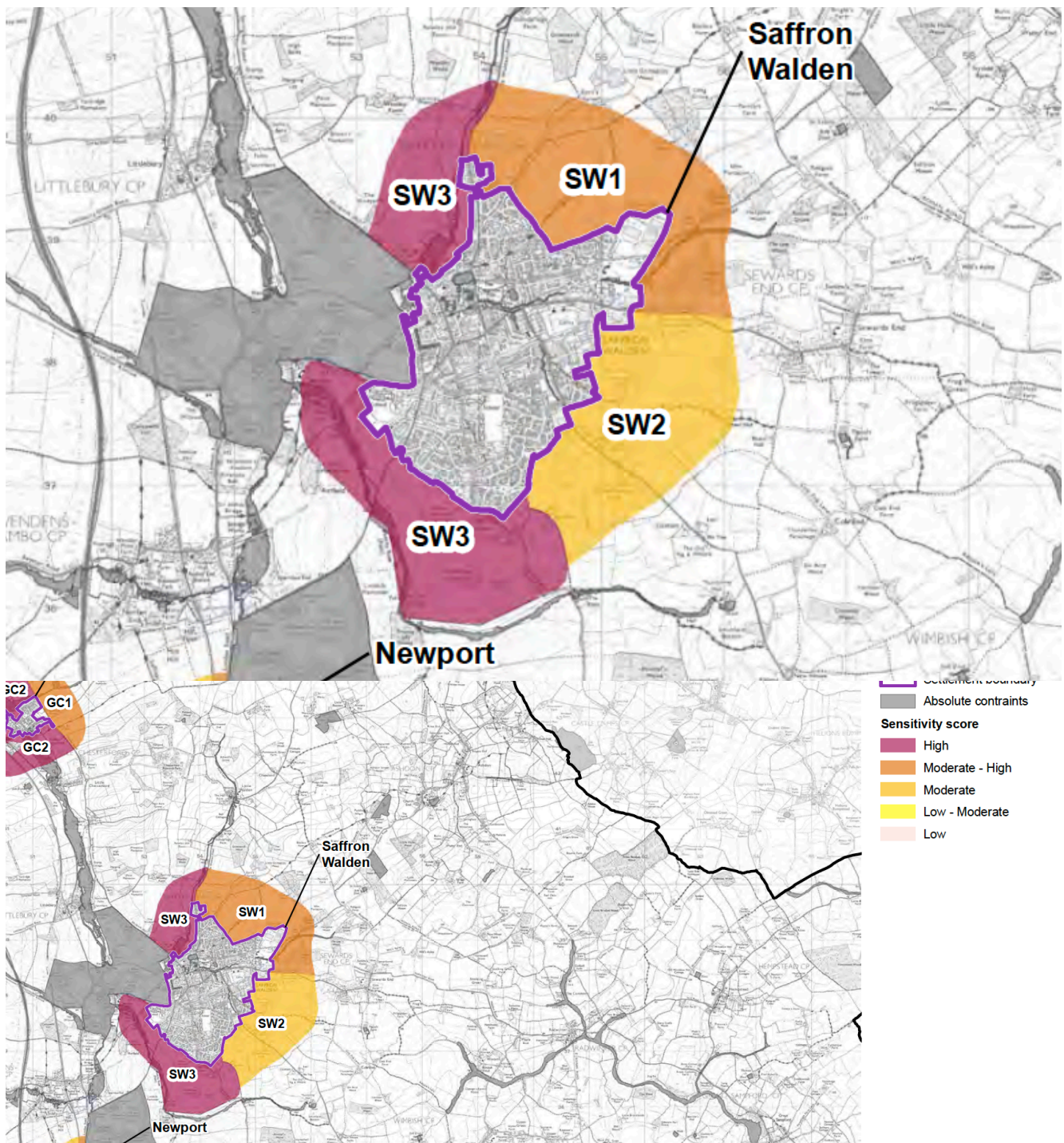
7. Mr Morrish claims at his 2.1 that the proposed scheme demonstrably creates substantial adverse impacts on the character and setting of Saffron Walden, Swards End and the site, and claims that the submitted LVIA concurs with this. This statement is false. The submitted LVIA does not use the term 'Substantial', but 'Major' would be a comparable term (i.e the highest category of effect). It's worthy of note that Mr Morrish's methodology identifies a 'Substantial' effect only when both the sensitivity and magnitude is at the highest level (high) – see Mr Morrish's methodology Table 6.0 (his Document D). In other words a 'Substantial' effect could not result within a landscape of medium sensitivity to the change proposed, and a significant departure from UDC's emerging evidence base would be required to identify this conclusion (this study identifies a moderate sensitivity to change – see para 11 onwards).
8. Appendix 10.2 of the ES sets out a summary of the landscape assessment via a schedule. This identifies a worst case assessment of landscape impact on the site's landscape elements at construction stage of moderate-major, reducing to moderate and minor after 15 years. For the character of the site and local landscape the assessment is moderate adverse reducing to moderate-minor and minor after 15 years. For the setting of Swards End the assessment is minor adverse reducing to minor-negligible adverse after 15 years.
9. Mr Morrish's proof of evidence when considering landscape effects (page 12) agrees with the construction stage effects within the LVIA, but doubts if the effects reduce to minor after 15 years. He recognises that he has not carried out either a LVA (Landscape and Visual Appraisal) and clearly not a LVIA (Landscape and Visual Impact Assessment) at his para 5.1 and therefore he relies on the submitted LVIA and his comments on that.
10. Mr Morrish's assertion of demonstrable substantial adverse landscape effects is not supported by evidence or an accurate representation of the submitted LVIA. The submitted LVIA does not state this, and Mr Morrish appears to support the conclusions within the LVIA in that regard at his paragraph 5.7 and 5.8 (how successful mitigation would be is questioned but no alternative assessment is offered).

UDC's Local Plan Landscape Sensitivity Assessment (LUC) and Cumulative Assessment

11. Mr Morrish identifies the evidence base to the emerging Local Plan at his para 3.10 (see CD H16). This report was prepared by LUC, is dated September 2021 and was presented to the Local Plan Leadership Group in October 2021 and was favourably received by Members. Mr Morrish states the study does not assess development capacity or cumulative impact (which is correct). Mr Morrish goes on the state that Saffron Walden is therefore highly constrained in landscape terms and growth needs to be carefully considered and that continued and unmeasured growth is unlikely to be commensurate with sustainable landscape objectives.
12. Mr Morrish highlights that the study identifies that a cumulative assessment of development within the areas of sensitivity is highlighted as not being part of this sensitivity study. This is correct, but does not diminish the overall striking conclusions of this study – namely that the part of Saffron Walden between approximately 3 and 5 on its 'clockface' (which includes the site) has the lowest sensitivity to development (moderate as opposed to moderate-high and high) and would therefore be most likely to accommodate development without undue consequences to its baseline condition.
13. In respect of cumulative assessment, it's worth considering the date of the study (September 2021) and that it would be very well known to the author of the study that land west of the appeal site had permission for housing and this was part occupied and being built at the time of the report's preparation. The LUC Study (at its 4.3) makes it clear that cumulative assessment might be a factor when (for example) a number of multiple sites around a village is being developed which cumulatively would have a larger landscape impact than each individual scheme. That scenario is not being proposed here – the appeal site is located adjacent to a largely built out scheme (with completion of the eastern edge of development most directly addressing the appeal site). The adjacent site is therefore predominantly part of the site's baseline as it predominantly exists now. The caveat of cumulative effects as expressed in this LUC study is therefore not directly applicable to this situation.
14. It is also relevant that the LUC study would be known to the Landscape and Planning Officers due to it being complete and published (Sept 2021) just after the planning application being submitted (August 2021). A complete draft of the LUC study was circulated in early August, and this would have been in preparation for many months.

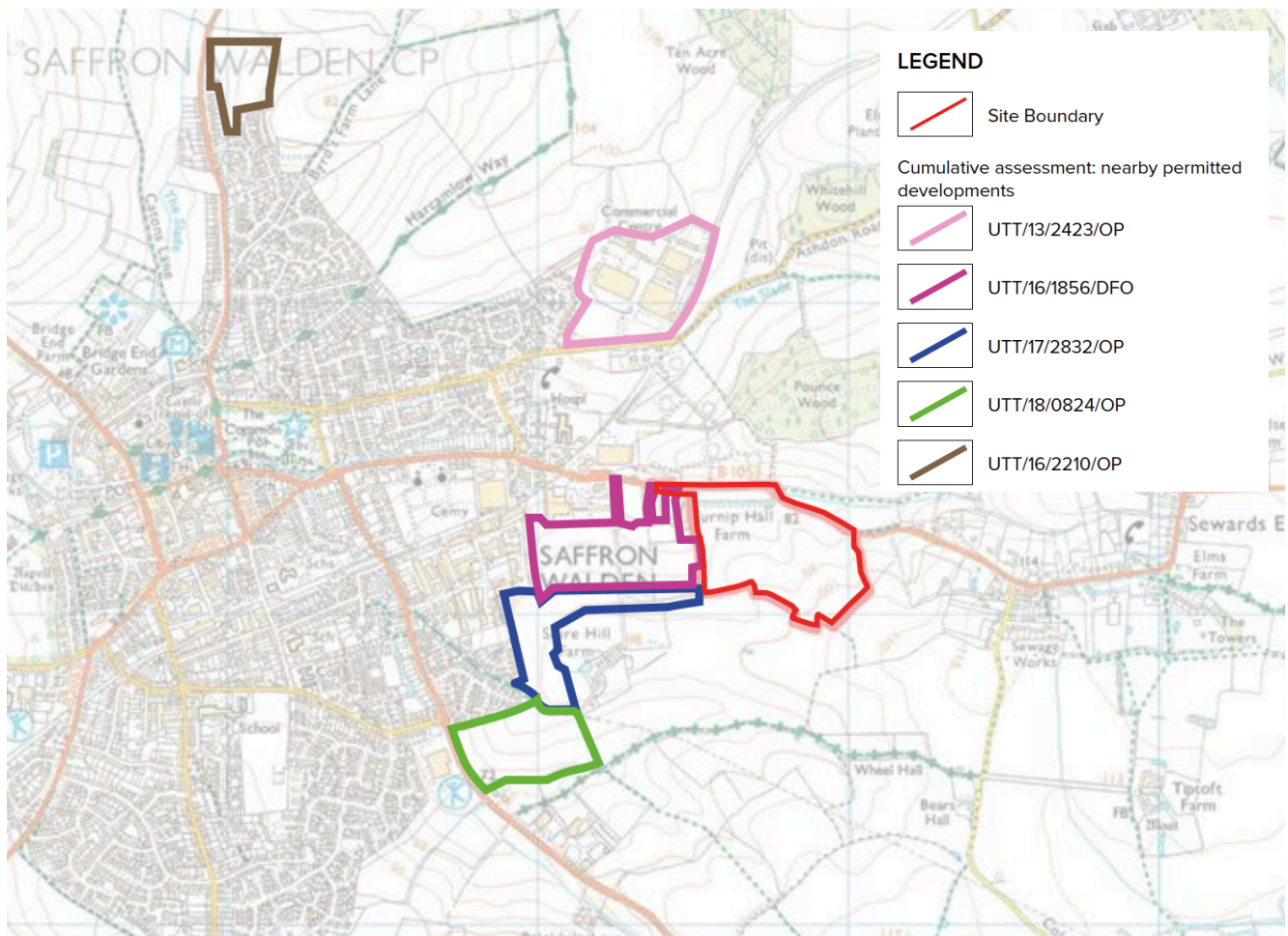
15. Moreover, the moderate sensitivity this study identifies for a small part of Saffron Walden's edge (see Inset 1 over the page as an extract of the study) is exactly the tool required to ensure that growth of the town is carefully considered – that is its role. This is not to say that this report is the end of the assessment process – far from it – but it gives a very clear endorsement of the south east of the town being the least sensitive direction of growth (which considers landscape resilience, robustness and value).

Inset 1 – LUC Study Extracts



16. For the avoidance of doubt, cumulative assessment involves identifying a different baseline, such that schemes permitted but not yet developed form part of the baseline, to which the scheme's effects are identified.
17. In respect of cumulative effects, the LVIA assesses a list of developments through the scoping process. These were illustrated on Figure 10.11A (extract shown below at Inset 2).
18. In this case, the LVIA identified that the adjacent permitted development to the site was most relevant (purple line), but it was largely complete and regarded as baseline. The permitted but not constructed developments (shown by blue and green lines) were not a notable part of the site's context and would not result in different landscape or visual effects if these were built. The brown and pink sites were not considered relevant to the appeal site. Clearly this would be different if the adjacent site was not constructed (or for example if a scheme was permitted between the appeal site and Swards End) but that is not the case. No evidence has been presented, or opinion put forward to proposed any alternative assessment.

Inset 2 – Cumulative Developments (as assessed in LVIA / ES)



Green Belt

19. Mr Morrish recognises that the site is not located within Green Belt (this being limited to the southern boundary of the District) but suggests (at his para 4.3) that the purposes of Green Belt are worth considering in relation to Saffron Walden. With respect this is a wholly inappropriate suggestion and illustrates the extreme lengths Mr Morrish appears to be willing to go to in suggesting the appeal scheme is unacceptable.

Separation from Swards End

20. Mr Morrish's position in respect of coalescence with Seward's End varies within his proof of evidence. The subject is first raised at para 2.1 with a claim of *'demonstrable and adverse impact on the rural character and setting of.... the village of Swards End'*. This moves on to *'initiate the near merger with the outlying village of Swards End'* at para 3.7. The *'likelihood of perceived settlement coalescence'* is raised at para 5.4 and the separation distances between the appeal scheme and Swards End is questioned at 5.5 *'The 250m 'physical separation distance is therefore questionable'*. At this point Mr Morrish suggests the future of the farm land between Swards End and the appeal site should be considered, claiming that this land would *'in time prove to be unviable for agriculture and that there will either be pressure for settlement expansion, or it will be subsumed for public open space.'* This position evolves at para 5.8 into *'There will be a permanent perception of settlement coalescence with Swards End'* with a conclusion (at para 7.5) of *'it will to a large extent lead to the coalescence of the town with the outlying village of Swards End'*.
21. In response to the points raised by Mr Morrish, there is not a demonstrable adverse impact on the setting of Swards End – the LVIA identifies a minor adverse effect reducing to minor/negligible adverse effect after the 15 year establishment of the various woodland and hedgerow planting. Mr Morrish makes a number of assertions but provides no actual assessment of whether coalescence would exist, and the nature of his claim varies within his proof of evidence.
22. A qualitative and quantitative approach to assessment coalescence is important. I have given evidence in numerous appeals on this matter, and in my experience a major focus should be placed on whether the separate identity of Swards End (from Saffron Walden) is unacceptably diminished. I refer to an appeal decision (ref 3136495 Sept 2016) for a proposed employment development at Tamworth (which is located in a 'Meaningful Gap' designation which is clearly

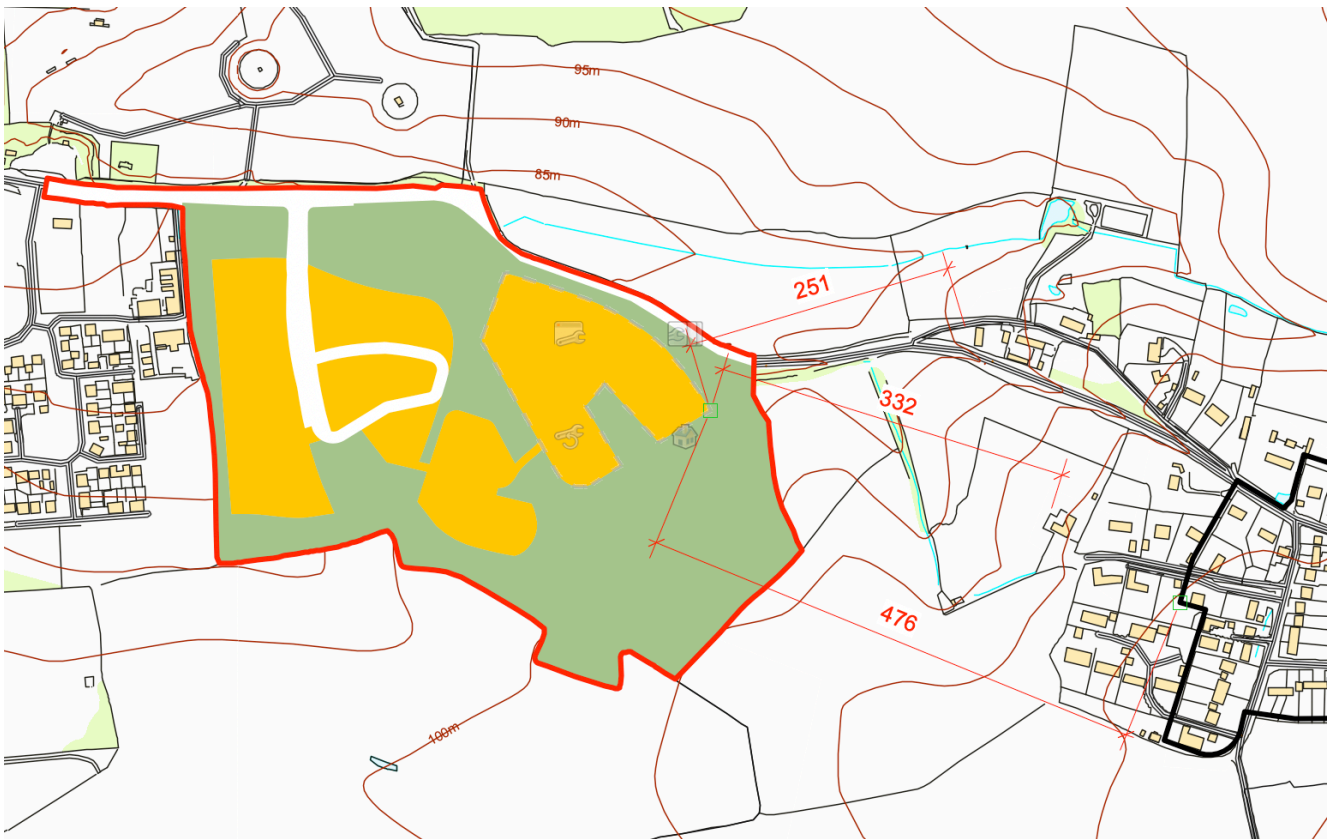
different from this appeal context). Paragraphs 19–36 of this decision support the assessment approach taken, specifically both a qualitative and quantitative process, considering separation distances and the actual experience of people moving between the settlements.

23. Firstly considering the quantitative separation, Inset 3 below re-measures the separation distances summarised in the LVIA (Figure 10.7A) as follows:

- i) 251 metres separation between the closest point of proposed development and the nearest house in Swards End to the north of Radwinter Road.
- ii) 332 metres separation between the closest point of proposed development and the nearest house in Swards End to the south of Radwinter Road.
- iii) 476 metres separation between the closest point of proposed development and the settlement boundary of Swards End.

23. This confirms that the distances measured are not 'questionable' and are accurate.

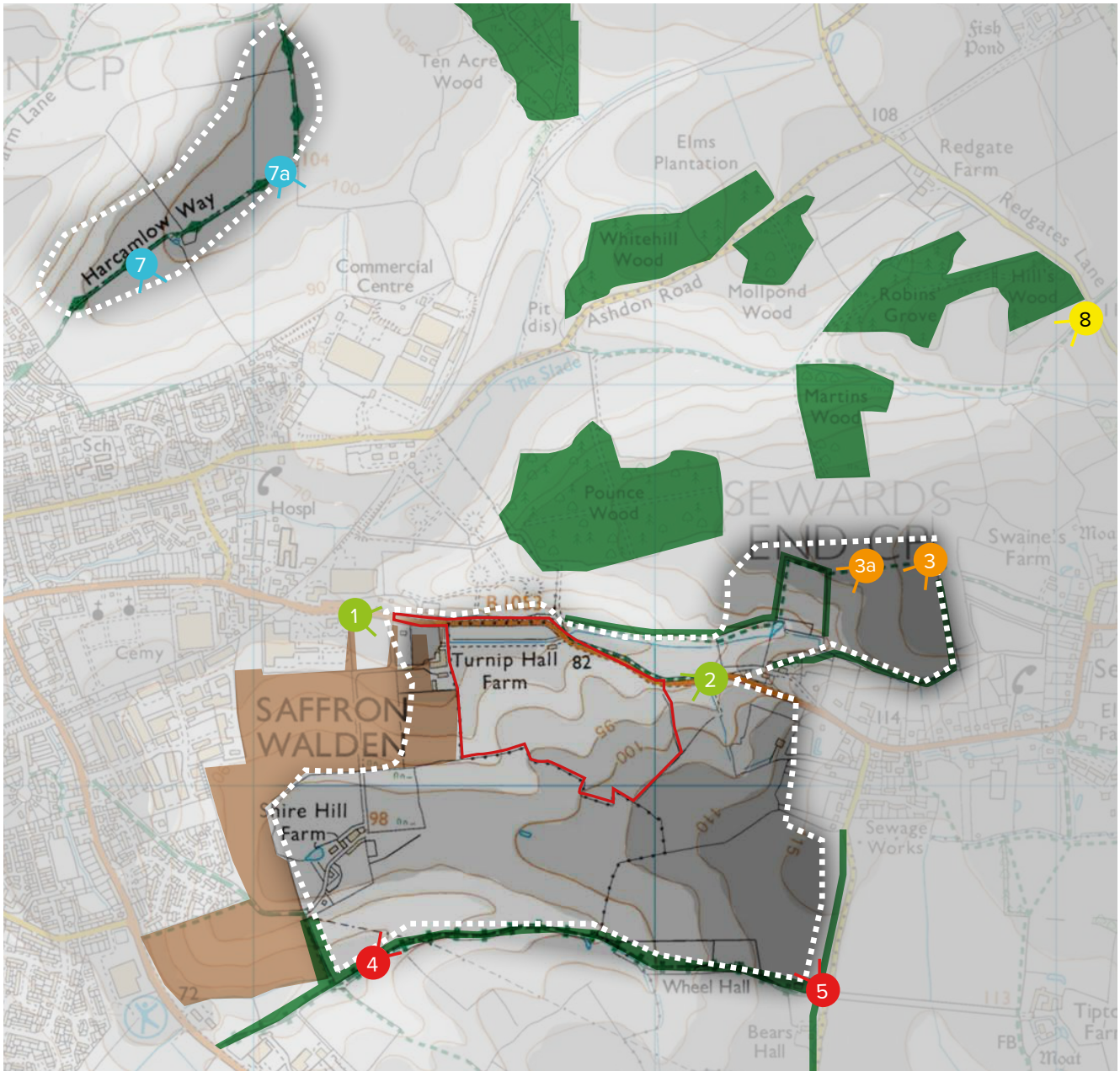
Inset 3 – Separation Distances



24. In respect of how the separation of Saffron Walden and Swards End is experienced, the routes and viewpoints are illustrated at Figure 10.10A (Primary Visual Envelope), which is reproduced as an extract at Inset 4 below.

25. An assessment of how Saffron Walden and Swards End are experienced as separate settlements (and how this might change) lies at the centre of a qualitative assessment of coalescence, and therefore the viewpoints identified below (representative of how people would experience this) are appropriate.

Inset 4 – Primary Visual Envelope



26. Visual receptor group 1 (viewpoints 1 and 2) represents the kinetic experience along Radwinter Road by road users. A combination of the lowered height of Radwinter Road, higher bank of vegetation, reduced height of the proposed development to the north-east edge of development and physical separation of over 250 metres translates to Swards End and Saffron Walden being

maintained as distinctly separate settlements, with the identity of Swards End not diminished as a result of the appeal scheme. Even though the separation distance between these settlements will be reduced, this does not translate as the respective settlements' identity being conflated.

27. Visual receptor group 2 (viewpoints 3 and 3A) represents the kinetic experience along public footpath 315_22 by footpath users. These two viewpoints were chosen to illustrate that the kinetic views along this route vary – the site is often visible, but also it is often not visible, in response to local topography and vegetation. From some of these viewpoints (for example viewpoint 3 and Mr Morrish's viewpoints 5 and 6) views of Saffron Walden exist, and the appeal scheme will appear in these views, with the town visibly moving closer to the viewpoint. This visual receptor is identified in the LVIA as having moderate adverse visual effect at construction moving to minor adverse after 15 years. This is assessing visual amenity over the range of visual experiences along this route (this is not assessed as having a negligible impact as claimed by Mr Morrish at his para 5.12). In respect of coalescence, the views do not clearly identify the location of Swards End in views, although the viewer will to some degree be aware of its location. Whilst Saffron Walden will appear in the view as moving more closely to Swards End, at no point will the identity of the two settlements be conflated, and I do not consider coalescence to take place.
28. Visual receptor groups 3, 4 and 6 do not experience views of the appeal site and are not considered further in respect of coalescence.
29. Visual receptor group 5 (viewpoints 7 and 7a) represents views from Harcamland Way with the LVIA identifying a moderate – major adverse effect at construction reducing to moderate adverse after 15 years establishment. Mr Morrish appears to agree with this assessment (although mitigation / residual effects does not appear to have been considered in his assessment – using his viewpoints 1, 2 and 3). From this receptor group the site will clearly be seen as an eastern expansion of the town, hence the assessed adverse effects. However, the identity of Swards End is not noticeable from this receptor, some occasional views of individual properties exist, but there are no recognisable views of the settlement itself). As a result, I do not consider the separate identities of Saffron Walden or Swards End to be conflated from this receptor group.
30. In respect of the land between the appeal site and Swards End, the suggestion that this will become developed or become public parkland Mr Morrish in considered to not be assessing likely future scenarios. If proposals came forward for this land their acceptability in planning terms would need to be assessed in the context of this appeal scheme (if permitted) and therefore any potential future use would only be permissible if the effects were deemed acceptable.

31. Overall, I consider the physical separation distances between the appeal scheme and Swards End to remain notable at over 250 metres at its closest point. Due to the local topography and vegetation, Saffron Walden and Swards End are not seen in combination, where coalescence or a conflation of their identity might be experienced. On all routes linking the town settlements, or from the wider landscape, these settlements will remain to be perceived as distinct and separate settlements, even though the physical gap between them will reduce by virtue of the appeal scheme.
32. Finally, in respect of the wider visual impacts, the landscape-led design approach illustrated in my main proof of evidence was known to both the Planning and Landscape Officers (this approach was shared / present at pre-app meetings) and therefore the conclusion of the Landscape Officer (committee report ref 6.15), which stated *"the visual impact on the wider landscape could be mitigated by an appropriate scheme of landscaping"* was directly informed by the design approach taken and mitigation strategy proposed within the planning application documentation.

3. CONCLUSION

33. In summary, the assessment findings of the LVIA and separately by Mr Morrish are closely aligned. The main difference between the assessments is that Mr Morrish does not assess residual effects after establishment of the site's mitigation strategy. He states that he considers the impact of landscape mitigation to be overstated, but does not assess this (despite his methodology setting out this approach).
34. As a result, no additional evidence is presented that leads to a notably different assessment of landscape and visual effects that might have changed the conclusions in this regard of UDC.
35. Reference to the LUC Landscape Sensitivity Study (see CD H16) makes it very clear that the appeal site is located in a small part of the town's edge (approximately between 3 and 5 of the clock face) that has the lowest sensitivity to receive residential development (the nature of which is described, this is not an 'inherent' sensitivity assessment). This document is prepared to be part of UDC's new local plan evident base and clearly shows that the appeal scheme is aligned with the landscape evidence in respect of the most appropriate direction of growth for the town.
36. This study identifies sensitivity as meaning (at para 2.15):
- Landscape sensitivity may be regarded as a measure of the resilience, or robustness, of a landscape to withstand specified change arising from development types or land management practices, without undue negative effects on the landscape and visual baseline and their value.*
37. This assessment does not identify development capacity or specific locations for growth, and identifies that cumulative assessment might change the judgements made. However, the appeal site is located adjacent to substantially complete development that is assessed as being part of the site's baseline. Cumulative assessment, as shaped through the ES, does not identify additional effects and there is no rational suggestion that consideration of cumulative development would change the findings of the LUC study in this location.
38. Furthermore, both the Landscape and Planning Officers of UDC would be aware of the LUC study, as a draft was produced in August 2021 and a final issue in September 2021 (around the time of this appeal scheme application being submitted).
39. When considering a balanced assessment of the separation distance between Saffron Walden and Swards End, it is clear that the gap between these settlements reduces, but the

appreciation of these settlements as being separate is not diminished when experienced from public routes between the settlements and from the wider landscape.

40. In conclusion, the appeal scheme is closely aligned with the emerging landscape evidence base of the new local plan. The R6 does not offer an alternative landscape and visual impact assessment, and (aside from not assessing residual effects which is recognised as being the most important final stage of the assessment process) arrives at very similar conclusions to the submitted LVIA.
41. Finally, the appeal scheme demonstrably does not result in coalescence between Saffron Walden and Swards End and whilst it will be visible from specific locations in the local landscape, these positions are few and I agree with the Landscape Officer, these visual impacts can be successfully mitigated given that the proposed development is positioned on the lowest parts of the site, and that over 50% of the site is given over to green infrastructure, which will establish into a significant landscape element enveloping and containing the proposed development.