



MAGNA PARK Extension

HYBRID APPLICATION:

15/01531/OUT

Landscape and Visual Effects:

Clarifications Addendum to the Environmental Statement Chapter 9

21 April 2016

Hybrid Planning Application (15/01531/OUT,
15/01531/FUL)

**Landscape & Visual Effects:
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Environmental Statement Chapter 9**

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9 Landscape and Visual Effects

1.0 Introduction

- 1.1 This addendum to Chapter 9 of the Environmental Statement (ES), submitted in support of the hybrid planning application 15/01531/OUT, provides the clarifications for the already submitted ES Chapter 9, requested by The Landscape Partnership (TLP) in their comments of 21 March 2016 on behalf of Harborough District Council (HDC). A separate Landscape and Visual Effects ES Chapter 9 addendum is also submitted which considers the landscape and visual effects of the application proposals on the site's landscape and visual assets with the retention of Bittesby House and its immediate surroundings. Both addenda have been prepared by Nicholas Pearson Associates on behalf of IDI Gazeley UK Limited.
- 1.2 This clarifications addendum is structured to follow the format set by TLP in its comments on the submitted ES Chapter 9 and is set out below in Section 2.

2.0 Schedule of Clarifications

Methodology		
Ref	Topic	Clarification/response
9.2	National and local policy	<p>Policy CS8:</p> <p>Compliance with this policy is considered fully by the submitted Planning Policy Statement and by the submitted ES.</p> <p>Policy CS8, along with the advice by TLP at the several pre-application meetings on landscape issues (see Appendix 1 to the Planning Statement), has been a key driver of the application's proposals for green infrastructure, including: the conservation and enhancement of the existing network of green spaces and greenways; the enrichment of the site's biodiversity; the connectivity created and conserved with the green infrastructure beyond the site (including the network within Rugby on the other side of the A5; and the improvements to the public's access to the site's existing and proposed green infrastructure.</p>
9.2.20	Designations	<p>TLP is not correct to interpret the reference in NPPF paragraph 88 to "other harm" to the Green Belt to include the impacts of development outwith the Green Belt on the landscape of the Green Belt. The protection or enhancement of the landscape is not one of the purposes of the Green Belt. As NPPF paragraph 86 states, if development outwith the Green Belt might harm the Green Belt – e.g., its openness – then that land should be included with the Green Belt.</p> <p>The application site is not within the Rugby Green Belt but is separated from it by the A5, part of the national strategic road network. Nor is the application site protected by any other designation that restricts its development in the terms meant by NPPF paragraph 14 bullet and footnote 9.</p>

		<p>Nonetheless, the submitted ES Chapter 9 (paragraph 9.3.10) considers fully, in line with the response by Rugby Borough Council at scoping stage, the visual effects of the application proposals on the Green Belt.</p> <p>Agreed representative viewpoints and indirect effects on landscape character have also been considered through the selection and consideration of the effects on the High Cross plateau landscape on the edge of Rugby Borough, alongside the A5, as a landscape character receptor.</p>
Baseline Conditions		
9.4.49	Off-site planting	The width of the tree planting strips would vary between 10m and 25m in off-site planting belt areas.
Construction Effects – Landscape		
9.5.39 – 67 9.7.11-14	Upper Soar LCA – low lying clay vale farmland with gentle ridges landscape type	<p>Bittesby House and loss of trees in the vicinity were considered as an effect of the development in the submitted ES Chapter 9.</p> <p>The montage from viewpoint 7 should have shown existing trees and Bittesby House masked out behind the indicated proposed building facades/building parameter lines, as they were considered to have been removed in the assessment of effects.</p> <p>The amended scheme:</p> <p>The amended scheme retains, rather than demolishes, Bittesby House. Bittesby House, its outbuildings and the following additional existing trees (previously reported as having to be removed) around it, are now retained:</p> <p>1 No Cat A Tree (T031) 4 No Cat B Trees (T054,T056,T059 and T060) 2No Cat B Groups (G004 and G010) 5 No Cat C Trees (T026,T027,T028,T029 and T030) 1No Cat C Group (G003) 2No Cat C Areas in part (A005 and A006)</p> <p>There is now also a corresponding reduction in the size and extent of Parcel I and its associated building.</p> <p>The visually verified photomontages from viewpoint 7 and from other locations have now been updated in ES Volume 3, Technical Appendix F.1, VVM's 9.6zzs-9.6zzzzt Rev A, to reflect this.</p>
9.5.68 – 9.5.92 9.7.15-16	Upper Soar LCA –Soar tributary floodplains landscape type	A susceptibility level of ' <i>high to medium</i> ' as stated in the main text at paragraph 9.5.72 was the judgement reached.

Construction Effects - Visual		
<p>9.5. 123-Table F.5.2a</p> <p>And residual effects section 9.7.23</p>		<p>Clarifications were not requested here, however, we would like to respond further on the points raised in the review as they have had a bearing on the TLP report conclusions. Our further comments are as follows:</p> <p>The sensitivity levels for footpath users and bridleway users on routes covered by Viewpoints 4aii,4bi-4bii, 4c, 9a-c, 13, 14b, 15 and 21 were moderated in respect of the value of the view. The sections of these routes that will be affected are already influenced, in the direction of the proposed scheme, by the presence of existing traffic on roads including the A5 and/or the presence of existing Magna Park buildings and the disused railway. These are all features that already characterise this part of the local landscape.</p> <p>The judgements we have made regarding the magnitude of predicted construction stage effects on viewers at viewpoints 5aiii (within part of the open access land on the edge of Ullesthorpe) and 6ai-6aiii (in open access land and on Footpath W89 between Ullesthorpe and the application site), have taken account of the moderating effects of the amount and extent of the view which would be changed and the effects of distance.</p> <p>In the case of view 7 the magnitude of construction stage effects on viewers was considered to be moderated (reduced) by the interruption to views by the disused railway to the west, the intervening woodland which encloses the Bittesby SM and the local ridge to the east.</p> <p>With the retention of Bittesby House, the magnitude of adverse effects at view 7 during construction will be further moderated by Bittesby House itself, its surrounding buildings and the large scale enclosing mature trees, together with a reduction in the extent of Parcel I. (See Parameter Plan 1 and the Overlay Plan which shows the amended scheme overlaid on the submitted scheme).</p> <p>We have already judged a high magnitude of change during construction in the location of view 9bii.</p> <p>In respect of sequential views along Mere Lane covered by views 12a – f, the effects along Mere Lane are predominantly focussed on only the southern half of the route. Perceived changes would be limited by intervening retained trees lining this route, except at the new roundabout junction linking with Argosy Way.</p> <p>From viewpoint 15, we judge a medium to high magnitude of change to be appropriate during construction. The submitted ES already concludes that effects would be significant from this location.</p> <p>The effects on residents at the White House during construction are considered in ES Chapter 9; viewpoint 4bii looks back from the application site to these properties. The magnitude of effect on the resident to the south of the building complex is considered to be medium to low based upon the limited potential for views out from living rooms and garden areas given intervening boundary walls and due to an intervening meadow field enclosed by tall and strong hedgerows and</p>

		<p>hedgerow trees. Without the mitigation proposed (see below), the magnitude of construction stage effects on the resident to the east would be of medium to high magnitude during this stage, but with effects moderated by the limited geographic extent of the views. Views toward the main building construction activity would not be direct but at an oblique angle through a gap in an existing boundary hedge.</p> <p>We now feel that we could undertake to plant in year 1 here and the construction of this part of the site would be at the end of the programme, by which time the planting will have had 8-10 years growth. As a result, we have suggested the potential for a condition to achieve this.</p> <p>For the reasons above we would stand by our judgements regarding the significance of visual effects, during construction.</p>
Operation Effects and Mitigation		
9.6.3	Avoidance reduction and remedial measures.	<p>We propose a further condition (adding to those proposed by TLP) to oblige the mitigation planting for the visual screening of White House Farm to be implemented in year 1, with the detail of the planting and its location to be agreed with HDC. As the northern part of the application site will be implemented towards the end of the 10 year development period, the planting that screens White House Farm will have had 8-10 years growth by the time construction of the final phase begins.</p> <p>We feel this would further limit potential effects on oblique views from a rear garden area, during both construction and operation stages. This additional measure would allow advanced establishment of currently proposed intervening boundary vegetation for the benefit of residents who are in closest proximity to the scheme.</p>
Operation Effects – Visual		
9.6.56-59 9.7 Residual Effects 9.7.52 Appendix F5.3b	Visual effects	<p>Our response to TLP's comments are as follows:</p> <p>The judgements we have made in respect of the magnitude of the visual effects during operation on view 7, 9bii, and sequential view 12 have taken account of the moderating effects of the amount and extent of the view affected and the effects of distance which is particularly relevant for viewers at 9bii.</p> <p>In the case of users of the permissive path at view 7, the magnitude of effects was considered to be moderated by the interruption to views of the scheme (in operation as well as construction) from the disused railway to the west, the intervening woodland which encloses the SM and the local ridge to the east.</p> <p>The retention of Bittesby House and the trees indication would further reduce the magnitude of adverse effects and introduce some further/additional beneficial effects in the short term in view 7, from view 9bii and in views from the roundabout on Mere Lane (See Update to ES Volume 3 Appendix F.1, View 7 South, April 2016).</p> <p>Bridleway users at viewpoint 9bii would experience an improvement to</p>

		<p>the majority of the foreground of the view in the short term, and existing views to Long Spinney are conserved. Both would have moderating short term operation stage effects. Over time, the developing existing tree planting along the disused railway and new planting will further reduce the effects of new buildings in the middle distance of the scene.</p> <p>In respect of sequential views along Mere Lane, views 12 a-f, the effects are predominantly focussed on the southern half of the route. Again, changes would generally be limited by the intervening retained trees lining this route, except in the vicinity of the new roundabout junction linking with Argosy Way. We therefore stand by our judgements of magnitude and significance from these locations.</p> <p>For these reasons we stand by our judgements on the significance of short term visual effects during operation associated with viewers at Viewpoints 7, 9bii, and 12. We would agree that the magnitude of effects would then reduce in time as the mitigation establishes.</p> <p>From the medium term onwards, the submitted ES Chapter 9 identifies significant effects for walkers at viewpoint 4bii and viewpoints 16a and on footpath W92 running through the application site to the A5. Also, significant adverse effects after the mid-term are identified in paragraph 9.7.52 of Chapter 9, on Bridleway W88 (Views 9a and 9bi) between Willey and Chuckey Hall.</p> <p>The difference between TLP's and our own conclusions as to significant effects in the medium to long term is therefore considered to be limited to the effects experienced at views 4cv and 4 cvi, at 6ai, 7 and 12.</p> <p>In the case of users of the bridleway in locations represented by views 4cv and 4cvi, the existing views are already influenced by traffic in close proximity along the open section of the A5 and by the Manor Farm wind turbine which is a focal point in these views. It is acknowledged that the change will be of medium to high magnitude and adverse; however, we do not consider a higher level than this is justified in the mid-term following the establishment of vegetation. Near views of the tree lined Soar tributary would be maintained throughout, as would long views toward the disused railway; and vegetation close to the viewer would create a positive enclosed greenway linking to the core of a new country park.</p> <p>In respect of view 6ai, the visually verified montage on Figure 9.6zzzr, in the submitted ES Volume 3, Appendix F.1, indicates the effectiveness of mitigation planting anticipated along the local intervening ridge in the direction of Magna Park. In the direction of the A5 to the south west there will continue to be some adverse effects; however, the wetland and park areas would be positive new elements in the view. The yard/car park and road areas would be concealed and sensitive graduated colouring of the building facades would assist in blending them into the new enclosing vegetation at lower levels and with the sky at upper levels. Some of these effects would be achieved in the immediate/short term, whilst the spinney and wet woodland planting establishment would take until the mid-term to create the scene shown in visually verified montage on Figure 9.6zzzx in Appendix F.1.</p> <p>For users at view 7, our judgements have been based on a level of sensitivity of medium to high. Our judgement of the sensitivity of walkers</p>
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		<p>and visitors to the SM has been moderated by the fact that the permissive rights in this area come to an end in 2017. In addition, where there are existing views out, these already include Magna Park and the Manor Farm wind turbine in the scene.</p> <p>Also, in terms of magnitude of effect, for the majority of the permissive route, open access land and SM, there would <i>continue</i> to be no views of the proposed buildings due to the railway, the existing woodland enclosure and the intervening ridge to the east.</p> <p>Consideration of the level of effect in respect of view 7, in our view, needs to take these considerations into account, alongside the proposed positive extensive meadow restoration, on the facing valley side. On this basis we stand by our judgements in terms of the anticipated level of visual effect.</p> <p>The level of adverse effects on viewers at view 7, would now also be further reduced, with the scheme amendment to retain Bittesby House, surrounding buildings and some of the large scale enclosing mature trees, around it (See Update to ES Volume 3 Appendix F.1, View 7 South, April 2016).</p> <p>Road users on Mere Lane represented by sequential view 12 a-f are not anticipated to experience effects of the higher level identified by TLP from the mid- term onwards. The mitigation planting in these situations either supplements existing mature trees or, in the case of new hedges and planting belts, is located close to the viewer on the edge of Mere Lane. This new planting is expected to become effective, even in the winter, by year 10 as shown on view 12d, in ES Volume 3, Appendix F.1 on the visually verified montage.</p> <p>We therefore stand by our submitted judgements in terms of the level of visual effects anticipated to be experienced in the locations represented by views 4cv and 4 cvi, at 6ai, 7 and 12 and sequential view 12.</p>
Residual Effects		
9.7.25	Night time effects	<p><u>The effect of high mast lights in service yards.</u> - Parameter Plan 2 Building Heights and Yard Restrictions are details for which planning permission is sought. Parameter Plan 2 demonstrates that yard areas will be sensitively sited and / or have been set down in the scene purposefully so as to avoid opportunities for night time views from below on adjacent public roads or from wider communities.</p> <p>With “best practice” light fittings, service yard lights would only be visible by viewers if directly below the light fitting and looking up into it. Users of public footpaths would not be expected to be using footpaths away from settlement areas at night. These effects have already are accounted in the design details and thus the judgements reached in the ES Chapter 9.</p> <p><u>Playing Pitch lighting</u> – No lighting is proposed in these areas in this application which explains why these effects have not been accounted for.</p>

		<p><u>Lighting on internal access roads</u> – The internal access roads have been positioned in parts of the site that are set lower down in the topography and/or are shielded by proposed buildings to limit effects. Lighting design and the fittings are in the control of the developer and planning authority and would include strict light pollution control measures. These design details are accounted for in judgements reached in ES Chapter 9.</p> <p><u>Lighting of new junctions</u> on properties including White House Farm – New junctions have been located where there is limited potential to view them from surrounding settlements and residential properties. There is significant, dense intervening existing vegetation; and the positioning of street lighting would be limited to the approaches to the new roundabouts in areas away from property frontages. Thus, these considerations, together with the nature of the property’s aspects, including those at the White House, explains why we do not consider there to be a justification for amending our submitted judgements reached on night time visual impacts.</p>
Cumulative Effects		
3.3-3.9	Cumulative Landscape Effects	<p><u>Consideration of the effects of adding the IDI Gazeley Hybrid scheme to a situation where DB Symmetry scheme has been permitted.</u></p> <p>The combined effects have been considered. We do not consider that our overall conclusions would change regardless of the order in which the two schemes are considered.</p> <p>For clarification, the cumulative impact of the hybrid application, together with the committed schemes, is considered not to have a significant landscape impact after the mid-term. The significant cumulative effect on the landscape arises only once symmetry park is included in the assessment.</p>

Further NPA comments on areas where judgements differ, as summarised in TLP’s Report Conclusions		
Paragraph 3.5	Landscape character effects	<p><u>Construction phase length</u></p> <p>Whilst we would agree with TLP that the construction period could be of up to 10 years duration, the process of construction would comprise successive effects.</p> <p>It is critical to understand that the whole of the application site would not be developed at once; large parts would remain untouched for a period of time before construction reaches them. In other parts, the implementation of mitigation measures would be completed and new planting would begin to establish from the end of the second year.</p> <p>We therefore stand by our judgements which we consider have taken account of these factors. It is unrealistic to assume that the whole area</p>

		would be in a construction phase for 10 years.
Paragraphs 3.5,3.6, summary tables,3.7 and 3.8	Landscape character effects	<p>We consider that the effects on the Upper Soar landscape during construction and operation have been overplayed by the TLP review. TLP in our view have had insufficient regard to the following key moderating factors in the ways explained as follows:</p> <ul style="list-style-type: none"> • The intensive arable production of much of the site has had some notable, and detrimental, effects on the landscape pattern; and there has also been more hedgerow loss across the site than TLP acknowledge. Some current hedgerows have only relatively recently been introduced or re-planted under the CSS. Thus, many of the features that will be directly impacted are of recent origin, can be adequately compensated for, and in the case of much of the CSS vegetation can be transplanted and is reusable. • The effect of the now disused railway on the sensitivity of the landscape appears not to have been accounted. The rail line truncated the SM and this part of the Soar tributary flat floodplains and terrace that lie within and alongside the application site. The construction and introduction of the railway has had detrimental effects on landscape character and consequently should bear on any judgements on the susceptibility and resultant sensitivity of this landscape. • TLP, in considering the magnitude of changes to the landscape during construction in the Soar tributary flat floodplains and terrace part of the application site, appear not to have taken into account the fact that large parts of the Soar tributary flat floodplains and terrace, including the SM and areas adjoining it, are avoided by the building and infrastructure works. Also, the geographic extent of the indirect effects of construction works on the SM is limited by the containment afforded by valley bottom location, railway embankment and existing tree belts. • TLP appear to take no account of (certainly TLP make no reference make to) the effects of the existing busy A5 on the character and sensitivity of the western parts of the Upper Soar low lying clay vale farmland and Soar tributary flat floodplains and terrace. As a consequence, we cannot accept that TLP's judgements as to a more elevated level of sensitivity are justified. <p>As a consequence, we cannot accept that TLP's judgements as to a more elevated level of sensitivity are justified.</p>
Paragraphs 3.10 to 3.15	Visual effects	The submitted assessment recognises and accounts for the fact that the development would result in some adverse visual effects both during construction and operation. But for the reasons explained above, we consider the submitted judgements to be sound and justified, and not as TLP (paragraph 3.11) suggest 'underplayed' for

		some viewpoint locations.
Paragraph 3.16	Lighting	For the reasons set out above (with reference to TLP 9.7.25), we feel TLP's comments on the potential for further adverse lighting effects than the submitted ES accounts are not justified.
Paragraphs 3.23 and 3.24	Compliance with Policy	<p>There are significant shortcomings in the policy assessment that require correction.</p> <ul style="list-style-type: none"> Policy CS7h is both out of date in respect to the evidence base on which it rests and wholly inconsistent with the NPPF in its approach. Those facts very significantly limit any weight that can justifiably be accorded the conflict of the application proposals with CS7h. HDC clearly takes that view in both the statements it has published in the work to date on a replacement Local Plan and in the committee report and decision-taking on the DHL Supply Chain application (15/00919/FUL). Policy CS17 is also out of date and inconsistent with the NPPF for similar reasons, and again merits very little weight in the planning judgement as the decision-taking on the DHL Supply Chain application also made clear. CS17 however contains criteria for controlling the limited range of development that it does promote, and those criteria are, arguably, relevant. As the Planning Statement sets out, the application proposals contribute to the achievement of those criteria where they are relevant (Planning Statement paragraphs 8.35-8.51). Saved Local Plan policy EV/7 relates to the conversion of buildings in the countryside; TLP intended to refer to EV/5 which seeks to control development in the countryside. EV/5, however, is out of step with the NPPF for the same reasons as the more up-to-date policy CS17 is. We also note that EV/5 did not figure in the Committee Report on the DHL application. We also note that saved Local Plan policies must be read alongside (direction of the Secretary of State) more up to date evidence and national policy and their weight limited accordingly. As EV5 is overtaken by CS17, and CS17 itself is inconsistent with the NPPF, EV5 cannot be given the weight TLP implies in assessing the application proposals against it. <p>TLP might instead, if the aim (as it would appear to have) were to assist HDC place its review in a policy context, had reference to Section 3 of the ES which sets out the relevant policies or to the assessment provided by Section 8 of the submitted Planning Statement.</p>
Overview Paragraph 3.26-3.31	Overview	The submitted ES finds, as does TLP, that the application proposals would result in some adverse landscape and visual effects; and that these adverse effects will need to be considered alongside the benefits of the proposal by the decision maker.

		<p>We have considered, carefully and thoroughly, TLP's review of the ES evidence and judgements. For the reasons explained, we cannot agree that TLP's judgements are better founded and thus stand by our submitted judgements. For the reasons stated above and our professional opinion is that there would <u>not</u> be greater adverse effects than those reported.</p> <p>Moreover, the amended application proposal retains Bittesby House with a consequent reduction in the extent of Parcel 1. Though the reasons for retaining Bittesby House were heritage-led, the consequence is to further reduce the submitted judgments on the scheme's anticipated adverse landscape and visual effects, most particularly from viewpoint 7 (see the Landscape and Visual Effects: Update Addendum to the Environmental Statement Chapter 9, 21st April 2016, for further details).</p> <p>Finally, we point out that the principal impact on the SM arises from the now permitted DHL Supply Chain development. A benefit of the present application – as well as further mitigation for the impact on the SM – is the 28 ha of meadowland. This application took the opportunity, once the archaeology on the ridge and its relationship to the SM was understood, to remove the land from arable agricultural use as well as exclude it from the development area. The meadowland both protects the archaeology from further damage and creates the further opportunity for the sensitive, ecologically sound management of the SM and surrounding area that forms the spine of the country park. Both the 42 ha country park and the 28 ha meadowland will, along with the further 33 ha of structural landscape and open space, be managed in perpetuity by IDI Gazeley.</p> <p>TLP does not acknowledge either point: that DHL has the principal impact on the SM and is now permitted; or that the present application confers a significant heritage as well as landscape benefit through the meadowland and country park.</p>
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About IDI Gazeley

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