

The Town & Country Planning  
(Inquiries Procedure) (England) Rules 2000

Appeal by Ministry of Justice  
against refusal of planning application by  
Harborough District Council

Proposal:

Outline planning application (All Matters  
Reserved except for means of access and scale)  
for the construction of a new Category B prison  
of up to 82,555sqm within a secure perimeter  
fence, together with access, parking,  
landscaping and associated engineering works.

At:

Land adjacent to Her Majesty's Prison,  
Welland Avenue, Gartree, Leicestershire

Proof of Evidence of:

Simon James Neesam

On behalf of:

Harborough District Council

6<sup>th</sup> September 2022

Planning Inspectorate Reference:

APP/F2415/W/22/3300227

Local Planning Authority Reference:

21/01600/OUT



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## **Contents**

- 1 Introduction
- 2 Landscape context
- 3 Effects on landscape character
- 4 Effects on visual amenity
- 5 Consideration of the landscape-related Reasons for Refusal
- 6 Summary and Conclusion of Proof of Evidence

## **Appendices**

Appendix SJN 01: TLP Summary LVIA, Methodology

Appendix SJN 02: TLP Summary LVIA, Table A – Landscape effects

Appendix SJN 03: TLP Summary LVIA, Table B – Visual effects

Appendix SJN 04: Figures and photographs



# **1 Introduction**

## **1.1 Qualifications and experience**

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- 1.1.1 I am Simon James Neesam. I hold a degree and a post graduate diploma in Landscape Architecture. I became a fully qualified Chartered Member of the Landscape Institute in 1994. I joined The Landscape Partnership in 1991, and became an Associate with the practice in 2001, an Associate Director in 2004, a Technical Director in 2014, and a Director in 2022.
- 1.1.2 I have a wide range of experience in landscape architecture and landscape planning, and have undertaken projects for private clients as well as national, regional and local public-sector bodies throughout the UK.
- 1.1.3 Whilst with The Landscape Partnership I have carried out Landscape and Visual Impact Assessments for a variety of projects including major out-of-town retail facilities, highway schemes, renewable energy developments, landfill and mineral schemes, flood alleviation schemes and new housing, often within sensitive landscapes or at contentious locations. I was the Project Manager for the coordination of an Environmental Impact Assessment, and subsequent Environmental Statement, for a new link road that would provide improved access to the Port of Ipswich and which would be in close proximity to important wildlife habitats and designated landscapes. I have also prepared Landscape Sensitivity and Capacity Appraisals for use by local authorities and other interested bodies when planning the future direction of settlement growth, including appraisals of the ability of the settlement fringes of towns in Basildon and Braintree districts to accommodate new development.

1.1.4 I have acted as Project Landscape Architect for the design and implementation of a number of schemes including Heritage Lottery funded park restorations in Ipswich and Clacton, and urban regeneration schemes in Lowestoft and Great Yarmouth, as well as new park and ride facilities incorporating sustainable design solutions.

1.1.5 I was the Project Manager for the design and implementation of a £4 million scheme to restore and revitalise Christchurch Park in Ipswich and was the Project Landscape Architect for a programme of significant urban realm enhancements in Ipswich town centre to improve pedestrian and cycle connections and links to public transport.

1.1.6 I have coordinated the production of a Green Infrastructure Strategy for the Haven Gateway Sub-region, and managed the production of a Design Code for Harwich Town and a Design Guide for Sustainable Urban Drainage Systems in Cambridge. The latter won Project of the Year at the Landscape Institute Awards 2010.

1.1.7 The evidence that I have prepared and provide for this appeal in this proof of evidence, is true and has been prepared, and is given in accordance with, the guidance of my professional institution, and I confirm that the opinions expressed are my true and professional opinions.

## 1.2 **Background**

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1.2.1 In December 2008, Market Harborough District Council commissioned The Landscape Partnership to prepare an outline Landscape Character Assessment and a more detailed Landscape Capacity Study for the rural areas in the vicinity of Market Harborough, which analysed the sensitivity of land in



and around the edges of Market Harborough, Little Bowden and Great Bowden to accommodate future development, particularly residential. The studies, published in April 2009 as the *Market Harborough Landscape Assessment and Landscape Capacity Study* [Core Document I5], were to be used as part of the evidence base to inform the Harborough District Council's forthcoming Core Strategy and other local development documents.

1.2.2 In April 2012, Harborough District Council commissioned The Landscape Partnership to undertake a landscape focused assessment and a detailed landscape sensitivity/capacity study of a Strategic Development Area (SDA) identified within Harborough District Council's Core Strategy on the north-western edge of Market Harborough. The *Market Harborough Strategic Development Area Landscape and Visual Assessment* [extracts included at Core Document I6] was to help shape development options for the SDA, as part of the forthcoming master planning process being carried out by Harborough District Council.

1.2.3 I was not directly involved in the preparation of either of these assessments.

1.2.4 I consider the findings of these studies in relation to the appeal scheme at Section 3.

1.2.5 On 10 September 2021, Ministry of Justice submitted an application to Harborough District Council (as planning authority) for outline planning permission to construct a new prison on land adjacent to HM Prison, Gartree, Lubenham, Leicestershire; referred to here as the appeal site. The application was validated on 20th September 2021 and given the planning reference 21/01600/OUT. The proposals were described as:

*Outline planning application (All Matters Reserved except for means of access and scale) for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works*

- 1.2.6 Whilst the application is in outline, with the detail of the scheme to be discharged by future reserved matters applications, Section 6 of the design and access statement notes that outline planning permission seeks to confirm the scale (i.e. up to 4 storeys high) and nature of the development:

*This D&A statement forms part of the Outline Planning Application (OPA) developed by the design team. The OPA seeks to agree the scale and nature of the proposed development from the local planning authority, Harborough District Council. If OPA approval is granted, Perfect Circle will discharge the details of the proposals through a subsequent Reserved Matters Application (RMA).*

- 1.2.7 The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Pegasus Group and dated 23<sup>rd</sup> August 2021 [Core Document A9]. To avoid confusion with subsequent documents, I refer to this assessment in my evidence as the Pegasus LVIA.

- 1.2.8 Prior to the submission of the application, Harborough District Council was asked to provide a Screening Opinion in accordance with The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2017. The council concluded *"Taking into account the development's type, location and known design parameters, it is not anticipated that it would result in significant environmental effects for the*

*purposes of the Environmental Impact Assessment Regulations”, and that “This urban development project is therefore not considered to be EIA development (a full Environmental Statement is not required.)”.*

1.2.9 Regarding landscape and visual matters, it was noted that there were no statutory landscape designations covering the site or wider landscape, and that the identification of any areas or features of high landscape or scenic value that could be affected by the development were to be considered and determined by future landscape and visual appraisal during the application process. It was noted that *“given its elevated position within the landscape it is likely to be visible to many developments.”*

1.2.10 Harborough District Council refused planning permission. The decision notice dated 7<sup>th</sup> April 2022 included one Reason for Refusal:

*The proposed development is unsustainable by virtue of its location and by virtue of its size, scale and design would have a harmful impact on the character and appearance of the countryside and Area of Separation. The benefits associated with the proposed development would not outweigh this harm and the proposal is therefore contrary to Harborough Local Plan policies GD1 & GD3 and Lubenham Neighbourhood Plan policies LNP01, LNP16 and LNP19.*

1.2.11 Ministry of Justice, as Applicant, has appealed Harborough District Council’s decision. The starting date for the appeal is 22<sup>nd</sup> June 2022, and the appeal reference is APP/F2415/W/22/3300227.

### 1.3 **Commission and scope of evidence**

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1.3.1 My association with the scheme commenced in May 2022, when The Landscape Partnership was approached by Harborough District Council with a view to providing evidence in support of its refusal of application 21/01600/OUT at appeal. I reviewed the application package, the committee report and the decision notice, in order to satisfy myself that I could support Harborough District Council's decision in relation to the likely effects of the proposed development on landscape character and visual amenity matters.

1.3.2 The Landscape Partnership was subsequently instructed in June 2022 to provide expert witness services at a forthcoming public inquiry.

1.3.3 In compiling my evidence, I have reviewed the package of drawings and documents supporting Planning Application 21/01600/OUT, including:

- Design and Access Statement, Rev P09, prepared by Pick Everard, dated 31.08.2021 [Core Document A7]
- Planning Statement, prepared by Cushman & Wakefield, dated August 2021 [Core Document A2]
- Landscape and Visual Impact Assessment, prepared by Pegasus Group, dated 23.08.2021 [Core Document A9]
- Arboricultural Impact Assessment, Issue P02, prepared by Tyler Grange, dated 10.08.2021 [Core Document A4]
- External Lighting Report, prepared by Pick Everard, dated 27.08.2021 [Core Document A36]

- Pick Everard Dwg 661277-0000-PEV-GTX0011-ZZ-DR-A9000 Rev P04: Site Location Plan, dated 04 30.07.21 [subsequently revised, see below]
- Pick Everard Dwg 661277-0000-PEV-GTX0011-ZZ-DR-A9001 Rev P05: Existing Block Plan, Rev PO6, dated 03.08.2021 [Core Document A47]
- Pick Everard Dwg 661277-0000-PEV-GTX0011-ZZ-DR-A9002 Rev P06: Proposed Block Plan, dated 03.08.2021 [Core Document A48]
- Pick Everard Dwg 661277-0000-PEV-GTX0011-ZZ-DR-A9101 Rev P04: Block Plan Demolition, dated 05.08.2021 [Core Document A49]
- Pick Everard Dwg 661277-0000-PEV-GTX0011-XX-DR-L0301 Rev P05: Landscape Masterplan, dated 21.07.2021 [Core Document A50]
- Pick Everard Dwg 661277-0000-PEV-GTX0011-ZZ-DR-A9003 Rev P05: Existing Section, dated 09.08.2021 [Core Document A51]
- Pick Everard Dwg 661277-0000-PEV-GTX0011-ZZ-DR-A9004 Rev P04: Proposed Section, dated 05.08.2021 [Core Document A52]

1.3.4 I have familiarised myself with the following documents specific to the planning application:

- Harborough District Council, Planning Committee Report, undated, [Core Document A72]
- Decision notice, Refusal of Planning Permission, dated 07.04.2022, [Core Document A75]

1.3.5 Also, those documents specific to this appeal, including:

- Appellant's Statement of Case, dated May 2022 [Core Document C2]

1.3.6 I note that the following plans have been updated and submitted subsequent to the determination of the planning application:

- Pick Everard Dwg 661277-0000-PEV-GTX0011-ZZ-DR-A9000 Rev P05: Site Location Plan, dated 24.05.2022, red line boundary revised [Core Document A46]. It is not obvious where the amendments have been made, save that the red line is shown with a finer, and therefore more accurate, graphic.

#### 1.4 **Independent summary Landscape and Visual Impact Assessment**

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1.4.1 In order to understand the likely effects of the appeal scheme on landscape and visual receptors in the surrounding landscape, I undertook my own independent high-level summary Landscape and Visual Impact Assessment (LVIA). The findings of my LVIA are presented in the form of summary tables. I refer to this document as the TLP LVIA. A copy of the methodology I followed is attached to my evidence at Appendix SJN 01. My methodology was based on the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition, 2013 [Core Document H6].

1.4.2 In preparing the TLP LVIA, I undertook the necessary site assessments, whereupon I was able to consider the character and context of the appeal site and analyse the likely effects of the proposed development on it from various publicly accessible points in its environs. Likewise, I carried out the assessment of likely effects of the proposed development on landscape and visual receptors myself and presented my findings in a tabulated manner, see Appendix SJN 02: Table A – Summary of landscape effects and Appendix SJN 03: Table B – Summary of visual effects.

- 1.4.3 My independent summary LVIA was based on the scheme illustrated within the package of drawings and documents supporting Planning Application 21/01600/OUT, and in particular the Landscape Masterplan and the information relating to storey heights.
- 1.4.4 I recognise that the application is in outline, and so the drawings could be considered illustrative or indicative, with the detail of the scheme proposed to be discharged through future reserved matters applications. However, the Design and Access Statement [Section 7] notes that the *"layout of the new prison is as proposed at RIBA Stage 2 and design development may result in minor alterations or deviations from the current proposals. However, the application is supported by the RIBA Stage 2 Layout Plan to show how buildings and uses are likely to be arranged"*. Further, as I note above, the outline planning application seeks to confirm the scale of the development. The Design and Access Statement [Section 7] notes the buildings would *"vary from single to 4 storeys high"* and that *"The scale/height of the buildings are expected to lie within a height envelope of 6m 17.5m."*
- 1.4.5 Of particular relevance to the assessment of landscape and visual effects, the proposed house blocks that extend across much of the appeal site to the south of the existing prison complex would be 4 storeys high and have ridge heights around 17.5m above ground level.
- 1.4.6 I summarise the findings of my independent LVIA within my evidence at Section 3: Effects on landscape character and Section 4: Effects on visual amenity and draw on my conclusions when addressing the Reasons for Refusal at Section 5.

1.4.7 I visited the appeal site in July 2022 whilst undertaking the TLP LVIA and preparing my evidence for this appeal. In doing so, I have viewed the appeal site from adjacent roads, byways, public rights of way, and other publicly accessible land.

## 1.5 **Scope of evidence**

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1.5.1 In my proof of evidence, I will consider aspects of the development that relate to landscape character and visual amenity, and I will:

- provide an overview description of the landscape of the appeal site and its setting;
- summarise the findings of my independent LVIA; and
- address aspects of the reason for refusal that relate to landscape character and visual amenity, i.e. the harmful impact that the appeal scheme would have on the character and appearance of the countryside and the Area of Separation.

1.5.2 In addressing the intended Reasons for Refusal, I will demonstrate:

- how the scale of the proposed development will impact upon the open character and appearance of the area, introducing substantial development that will severely harm the landscape setting of nearby settlements;
- that the development is not sensitive to the current landscape setting and will not protect or enhance the appearance or distinctiveness of the local landscape character, would result in the loss of features of



landscape importance, and would not safeguard public views and skylines.

- how the proposal will erode the separation distance between Gartree and the approved urban extension to Market Harborough, negatively affecting the visual separation of the settlements and their separate identities and distinctiveness.

1.5.3 Aspects relating to planning policy context, planning balance, and other planning matters are addressed by Jonathan Weekes, Regional Director, Aitchison Raffety.

1.5.4 My Proof of Evidence is accompanied by a set of supporting figures and photographs that are reproduced at Appendix SJN 04.

1.5.5 Throughout my evidence, I refer to various public rights of way in the vicinity of the appeal site. For ease of reference, the locations of these routes are annotated on Figure 04 at Appendix SJN 04.

## **2 Landscape context**

### **2.1 The landscape context of the appeal site**

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2.1.1 In the following paragraphs, I will describe the wider landscape setting of the appeal site.

2.1.2 The appeal site is located adjacent to the existing prison and associated village at Gartree, in the parish of Lubenham. It lies within the area of a former WWII airfield (RAF Market Harborough). The town of Market Harborough is situated to the east of the appeal site and is the principal settlement within Harborough District. It is located on the banks of the River

Welland and so sits within the Welland Valley. The river forms the boundary between Leicestershire (to the north) and Northamptonshire (to the south). The southern part of the valley therefore lies within the neighbouring county.

2.1.3 The appeal site is situated within the upper part of the Welland Valley. The valley consists of a vale landscape, enclosed by some fairly pronounced hills. The Hothorpe Hills lie on the southern side of the valley, and are considered the source of the Welland, while the northern side of the valley is enclosed by the Laughton Hills. These hills also feature attractive blocks of woodland. Market Harborough is the only major settlement within the upper part of the valley. The settlement pattern otherwise consists of villages that originated in medieval times.

2.1.4 The elevation of the appeal site is somewhat intermediate between the valley floor and the surrounding hills. It is located on a spur of higher ground which is nonetheless considered to form part of the wider Welland Valley landscape. The valley-sides have a complex landform which includes small local hills such as Mill Hill.

2.1.5 As I noted earlier, Market Harborough is the main settlement within Harborough District and the town has been a focus for new housing development. In particular, the Market Harborough Strategic Development Area, which I refer to here as the SDA, extends westwards from the edge of Market Harborough, into Lubenham parish and onto part of the former airfield.

2.1.6 Following the conclusion of the war, the airfield mostly reverted to agricultural use, with few traces of the aerodrome now remaining. Part of the former

airfield site was, however, used to construct HMP Gartree, which was opened in 1965. The prison, initially a Category A facility, is accompanied by a small village which was built to accommodate staff. The village of Gartree sits within the countryside, though development within the SDA has brought the edge of Market Harborough closer.

2.1.7 The prison complex features a secure area surrounded by a double fence. A modest sized car park is accessed from Welland Avenue, while the prison itself is accessed via an entrance compound that forms part of the secure perimeter. The main part of the prison includes 4 storey residential wings in the central part of the site, which are linked by a central building. To the east of this is lower supporting development which has a grey metal cladding and roof. The original prison site also includes a sports field. The prison has subsequently been extended to the south. This part of the site includes utilitarian development of a moderate height as well as some areas of open space. Reference to the extracts of proposed site sections included in the Committee Report (Estates Directorate Drawing No. 661277-6463-ACM-000-ZZ-DR-A-1220-S2-D0101) suggests that most of the buildings are between c.6m and c.10.8m, with the central D wing being c.12.7m high. The whole secure area is bound by a double weldmesh fence 5.5m high (5.2m high fence plus 0.3m razor wire), with steel sheeting to the lower part of the inner fence. The southern and eastern edges of the prison in particular are not screened by vegetation and present a harsh edge to the adjoining countryside.

2.1.8 Gartree village, to the west and north of the prison, comprises a collection of residential properties that appear to date from the 1960s and 1970s, accessed from a central spine road, Welland Avenue. Welland Avenue links

Foxton Road and Gallow Field Road and the western section affords views across countryside on the approach to Gartree village. The village is well vegetated and largely surrounded by trees, and this, in turn, screens many views of the prison from the north and west.

2.1.9 The context of the appeal site consists of open countryside to the east, south and west, with Gartree village and prison to the north. The countryside to the east has been influenced by the former airfield which removed traditional hedgerow boundaries, creating an open and exposed piece of landscape that is largely devoid of trees.

2.1.10 I consider the character of the landscape in the vicinity of the appeal site, and its particular sensitivities, in more detail at Section 3.

## **2.2 The landscape of the appeal site**

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2.2.1 The appeal site is located within an area of countryside to the south of the existing village of Gartree. The appeal site directly adjoins the existing prison, which lies to the north.

2.2.2 The site consists of farmland which has, in the main, a permanent grassland cover that is used for grazing. Parts of the site, however, have been used for arable farming in the past. The field divisions that are present are not traditional boundaries but rather are the legacy of the former airfield. Previous extensions of the existing prison have left some awkward triangular parcels of land. The site also contains a part of the old perimeter track and hardstands associated with the former airfield.

- 2.2.3 The ground within the appeal site falls gently to the south and there is a slight hollow within the centre of the site that is a continuation of the more complex topography of the wider landscape, particularly to the south. The site contains some notable trees. The eastern boundary is marked by an intermittent row of Lombardy poplars (T36 to T49 of the tree survey), on the northern boundary is a group of tall hybrid black poplars (T16 and T17), while another group of the same species is present within the site (G15). Native hedges are present on the south-western boundary. Welland Avenue is lined by a variety of native/semi-native trees that create an attractive avenue and a green approach to Gartree village, as well as a soft transition between the residential areas and the countryside beyond.
- 2.2.4 A public right of way (part of public footpath A22) follows a line from Welland Avenue along the south-western edge of the site, and onwards to Lubenham village.
- 2.2.5 Although part of the former RAF base the site has now reintegrated within the countryside to the south of Gartree.

### **3 Effects on landscape character**

#### **3.1 Effects on character areas defined in published landscape character assessments**

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- 3.1.1 To identify the key characteristics of the landscape in the vicinity of the appeal site, as a precursor to assessing the potential effects of the proposed development on its character, I have reviewed the findings of published Landscape Character Assessments: at the national level, the National Character Area profiles; at the district level, the Harborough District

Landscape Character Assessment (2007) and the Daventry Landscape Character Assessment; and at a local level, the Market Harborough Landscape Character Assessment (2009).

3.1.2 I consider the findings of these documents in relation to the likely effects of the proposed development in the following paragraphs.

***National Character Area profiles (2014)***

3.1.3 Natural England has divided England into 159 distinct National Character Areas (NCAs) that define the landscape at a national scale. The site lies within NCA 94: Leicestershire Vales. This NCA consists of low-lying clay vales and river valleys. The main rivers within this area are the Soar, Sence, Swift and Welland. The Sence is a tributary of the Soar and is part of the Trent watershed. The Swift is a tributary of the Avon, and is part of the Severn watershed, while the Welland is a main stem river that flows directly into The Wash. The National Character Area also contains some areas of higher ground that forms important watersheds. Aside from the various rivers there is also the Grand Union Canal, which connects the Soar with other navigable waterways.

3.1.4 Key characteristics for NCA 94 are noted to include:

- *An open landscape of gentle clay ridges and valleys underlain by Mercia Mudstone and Lias groups bedrock but with an extensive cover of superficial deposits occasionally giving rise to moderately steep scarp slopes. There is an overall visual uniformity to the landscape and settlement pattern.*

- *Land use characterised by a mixture of pasture and arable agriculture that has developed on the neutral clay soils.*
- *Distinctive river valley of the Soar and Swift, with flat flood plains and gravel terraces together with tributaries including the Sence. Riverside meadows and waterside trees and shrubs are common, along with waterbodies resulting from gravel extraction.*
- *Woodland character derived largely from spinneys and copses on the ridges and the more undulating land and from waterside and hedgerow trees and hedgerows. The density, height and pattern of hedgerows varies throughout.*
- *Diverse levels of tranquillity associated with contrasts between busy urban areas and some deeply rural parts. Large settlements dominate the open character of the landscape. Leicester, Lutterworth, Hinckley and Market Harborough and related infrastructure, including major roads, are often visually dominant.*
- *Frequent small towns and large villages often characterised by red brick buildings and attractive stone buildings in older village centres and eastern towns and villages. Frequent, imposing spired churches are also characteristic, together with fine examples of individual historic buildings.*
- *Rich and varied historic landscape, with the nationally important Bosworth Battlefield near Sutton Cheney, prominent historic parklands and country houses, ridge-and-furrow earthworks and important medieval settlement remains.*

3.1.5 It is my view that the above characteristics describe the landscape surrounding Lubenham and Market Harborough, and features of the appeal site itself.

3.1.6 Recent trends and changes within NCA 94 are noted to include the following:

- *There has been a relatively high rate of change from a rural character to urban character within this predominantly rural area. About 11 per cent of the area lies within green belt. Development is locally concentrated, such as around Lutterworth/Magna Park, at junctions along the M69, around the edges of the area in particular Market Harborough, Hinckley and Earl Shilton, as well as on the fringes of the city of Leicester, such as Oadby and Wigston. These changes in settlement pattern and commercial and retail developments, coupled with the intrusive nature of the major transport routes, namely the M1, M69, A5 and A6 passing through the NCA, have served to weaken the character of the area.*
- *High-density residential development at the edges of villages and towns has often been intrusive and there has often been a lack of screening vegetation to help assimilate new development. Such development may also be out of keeping with local character in its layout, design and materials.*

3.1.7 The National Character Areas provide a useful description of landscape character at a regional level and the pressures and drivers for change that it faces. Since NCA 94 covers a relatively large area, it encompasses a variety of landscape types; so, for the purposes of my outline LVIA I used the finer



grain and more specific district level character assessment, together with my own local landscape character assessment, to assess the likely effects of the proposed development, rather than the national level assessment.

***District level – Harborough District Landscape Character Assessment (2007)***

- 3.1.8 The Harborough District Landscape Character Assessment was commissioned by Harborough District Council to provide a comprehensive landscape Character Assessment of the district that would assist in policy development in relation to protection, conservation and enhancement of landscape character.
- 3.1.9 The Landscape Character Assessment provides an analysis of five landscape character areas, identifying the key characteristics and issues for each. The study also provides an indication of the capacity of each landscape character area to accommodate development in landscape terms.
- 3.1.10 The greater part of the appeal site is included within the Welland Valley Landscape Character Area (LCA), while the westernmost portion of the site falls within the Laughton Hills LCA.

**Welland Valley LCA**

- 3.1.11 The appeal site falls mostly within the Welland Valley LCA. The character of the Welland Valley is summarised as follows:

*To the south of the High Leicestershire Character Area is the Welland Valley Character Area, which follows the gently meandering course of the River Welland, and its wide flat river valley, passing through Market*

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*Harborough, the largest settlement in the District. The Welland Valley's key characteristics are defined by the wide valley form that has pasture on floodplain areas and arable farming on the valley sides. It is notable that there is little tree cover. Market Harborough is the only urban influence within the character area.*

3.1.12 The key characteristics of this area are noted as:

- *Gently meandering river in wide and shallow valley*
- *Little tree cover*
- *Pasture on the floodplains*
- *Arable farming on the valley sides*
- *Market Harborough, operating as a traditional market town, is the dominant urban influence*

3.1.13 The River Welland forms the boundary between Leicestershire and Northamptonshire, meaning that half of the valley is within the neighbouring county.

*The area is mainly a mix of medium sized agricultural fields enclosed by mixed hedgerows with some evidence of hedgerow removal. There is little established woodland with most mature planting following the water courses. The area has extensive views across the valley but is enclosed by ridges of higher land from the adjoining character areas, particularly to the north.*

3.1.14 In terms of vegetation, "The Welland Valley has little in the way of established woodland."

- 3.1.15 With respect to land use, "The large floodplain of the Welland Valley supports arable farming and grazing. The techniques used in modern farming have led to the creation of larger fields and the loss of hedgerows. Market Harborough is the largest town within the Welland Valley; Lubenham to the south west and Great Bowden to the north east are other main settlements, within this character area."
- 3.1.16 Concerning settlement pattern, "The town of Market Harborough dominates the Welland Valley as a centre for both population and employment for the District" while "The outskirts of Market Harborough have given way to newer predominantly residential, office and retail developments."
- 3.1.17 The description of the area also states that "*The Welland Valley is made up of a number of villages which have their origin in agricultural activity.*" There are also shrunken or deserted medieval villages which survive as earthworks, as well as ridge and furrow fields.
- 3.1.18 The appeal site lies on a spur of higher ground that separates the upper part of the Welland valley (to the south) from the Langton valley (to the north). As the Langton Brook is a tributary of the Welland this spur is considered to form part of the wider Welland Valley. The site is located within the upper part of the Welland Valley. It is my view that the landscape in the vicinity of the appeal site is characteristic of the wider Welland Valley LCA. Whilst the site lies within the area of a former airfield, most of the land reverted to agricultural use after the war. "*The area is mainly a mix of medium sized agricultural fields enclosed by mixed hedgerows with some evidence of*

*hedgerow removal.*" The site consists of agricultural fields and is therefore considered to be typical of the wider area.

- 3.1.19 The Landscape Character Assessment states that "The character area has a medium capacity to accept small development" [my emphasis]. The assessment goes on to state that "Areas further from Market Harborough, within the more rural areas, have lower levels of capacity and development should be avoided." It also notes that "Due to the general lack of vegetation cover across the floodplain clear views extend across the majority of the valley." The site is located on higher ground, in a relatively prominent location, with clear views extending southwards across the Welland Valley. The site therefore is considered to be in a sensitive location.
- 3.1.20 The assessment states explicitly that "The character area has the capacity to accommodate some residential development around Market Harborough and to a lesser extent around Great Bowden and Lubenham, the larger settlements within the character area. The villages further away from Market Harborough would have less capacity to accommodate significant development, as the more rural influences of the character area increase [my emphasis]."
- 3.1.21 The assessment makes no direct reference to the presence of the existing prison. However, the prison was present when the study was undertaken, and its influence on the adjacent landscape must have been one of the determining factors when considering the qualities of the landscape of the Welland Valley and its ability to accommodate development. There is no

suggestion that that the presence of the prison would make this landscape any more able to absorb further built form.

3.1.22 This assessment clearly relates to residential development and the capacity to accept a prison development of up to 4 storeys would necessarily be lower.

3.1.23 Further, the assessment was undertaken in 2007, prior to the commitment to the SDA. Nonetheless, the description is clear that the villages away from Market Harborough have less capacity to accommodate significant development. The proposed prison (secure area and car park) covers c.21ha, and contains built form up to 4 storeys high, and cannot be considered insignificant, so the capacity of the LCA to absorb this type of development must be considered low.

### **Laughton Hills LCA**

3.1.24 A small part of the appeal site falls within the Laughton Hills LCA. The key characteristics of this area are described as follows:

- *Distinct ridgeline of rolling hills with steep sides*
- *Predominantly rural character with areas of woodland*
- *Arable farming predominantly on the flatter areas to the south*
- *Pasture on the hillier areas to the north*
- *Scattering of small attractive villages and hamlets*

3.1.25 The proposed development would have very little physical impact on The Laughton Hills. The proposed prison buildings would, however, likely be visible from certain points within this area e.g. Viewpoint 6. The area has a predominantly rural character, with high ground offering views over the

Welland Valley. The proposal would not cause a large change to views from this area but, where visible, it would introduce a discordant element that would be inconsistent with the established character of this area.

***Market Harborough Landscape Character Assessment and Landscape Capacity Study, April 2009***

3.1.26 As I explain at Section 1, in December 2008, Harborough District Council commissioned The Landscape Partnership to prepare an outline Landscape Character Assessment and a Landscape Capacity Study for the rural areas in the vicinity of Market Harborough. The following documents were published in 2009, and were to be used to inform the council's Core Strategy and other local development documents:

- an assessment of the landscape character around the market town of Market Harborough and adjacent villages of Little Bowden and Great Bowden;
- an identification of landscape character sub-areas within the wider Welland Valley landscape character area around Market Harborough, Little Bowden and Great Bowden; and
- a detailed analysis of the sensitivity of land in and around the edge of Market Harborough, Little Bowden and Great Bowden, to assess its capacity to accommodate future development, particularly residential development.

3.1.27 The assessment was undertaken in two stages. Stage One involved the identification of Landscape Character Areas within the whole of the study area and the key characteristics present. This analysis built on the findings of

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earlier studies undertaken at the national, county and district scale. The areas identified were *sub areas* of the wider *Welland Valley* landscape character area, which had already been identified at a county and district level. This stage did not constitute a fully detailed landscape character assessment, but was sufficient to provide context, at an appropriate scale, for the subsequent Stage Two.

3.1.28 Stage Two involved a more detailed consideration of the landscape sensitivity and landscape capacity of the study area. This was considered at a smaller scale of units based around individual fields, groups of fields or parcels of land. The assessment used a consistent method that evaluated the land parcels against a number of criteria, to test both the sensitivity of a unit and its capacity to accept development in the context of the character of the wider landscape within which it was situated. Stage Two considered areas that were closer to the periphery of the existing settlements, as this was considered where future growth was likely to be targeted, i.e. land adjacent to Market Harborough and the nearby villages of Great Bowden and Little Bowden.

3.1.29 The study identified 11 Local Landscape Character Areas (LLCAs). The appeal site falls with LLCA 10: Airfield Farm Plateau, which encompasses a parcel of land to the north-west of Market Harborough, defined by Gallow Field Road to the north, the Grand Union Canal to the east and the rising undulating land within LLCA 9 to the south. It extends westwards to encompass Gartree and the existing prison.

3.1.30 The key characteristics of the Airfield Farm Plateau are cited as:

- *Large scale open plateau*

- *Large arable fields with very few field boundaries*
- *Site of former airfield*
- *Intrusion of built development into rural landscape, particularly around Airfield Farm, HMP Gartree and White Lodge, including, poultry sheds, clay pigeon shooting, off-road track and caravan park*
- *Extensive views towards area e.g. views of prison*

3.1.31 Distinctive features are noted to include HMP Gartree and poultry sheds.

3.1.32 The LLCA as a whole was judged to have a Moderate strength of character and a Poor condition, resulting in a recommendation to *improve and restore*.

3.1.33 The landscape to the immediate south falls within LLCA 9: Mill Hill Undulating Claylands and is defined by the A4304 to the south and a tributary of the River Welland to the east. Key characteristics are noted as:

- *Strongly undulating, rounded landform*
- *Heavy clay soils*
- *Predominantly arable landscape with medium to large fields*
- *Small woodland blocks and copses of deciduous plantations*
- *Low clipped hedgerows*
- *Extensive views from isolated footpath over hills including towards Market Harborough*
- *Relatively little access to and through area*

3.1.34 Distinctive features are noted to include a mast [beacon?] on Mill Hill, copses on top of hills and numerous springs and small ponds.



3.1.35 This LLCA was judged to have a Strong strength of character and a Moderate condition, resulting in a recommendation to *conserve and restore*.

3.1.36 In considering the findings of the Landscape Character Assessment and Landscape Capacity Study, it is important to note the following:

- The study was undertaken, in part, as a means to identify the location of future residential development areas, and so was undertaken before the location of the strategic development area on the north-western edge of Harborough was fixed. It is my view that the absence of any commitment to specific areas for future development proposals would necessarily mean there were less constraining factors when considering the capacity of the study area as a whole, as compared to the existing situation where (were the study to be undertaken again) the presence of the SDA and extensive built for would surely be an important factor in considering the capacity of the remainder of the study area.
- The study did not seek to identify any strategic gap between Market Harborough and Lubenham.
- The study area for the capacity appraisal did not include the appeal site, nor the area of the existing prison.
- The capacity study considered the ability of the landscape to accommodate residential development (up to 3 storeys high), i.e. not 4 storey high prison development with its associated security infrastructure, etc.

3.1.37 It is my view that the findings of the capacity study are of very limited value in determining the ability of the landscape of the appeal site to accommodate

development, since it did not consider the geographical area proposed for the prison nor development of the type proposed. As such, I do not consider it further.

**Market Harborough Strategic Development Area: Landscape and Visual Assessment, June 2012**

3.1.38 In April 2012, The Landscape Partnership was commissioned by Harborough District Council to undertake a landscape-focused assessment of the existing site features and a detailed landscape sensitivity/capacity study of the Strategic Development Area (SDA) identified within Harborough District Council's Core Strategy. The purpose of the assessment was to help shape development options for the SDA, as part of the forthcoming master planning process being carried out by Harborough District Council.

3.1.39 The brief also required:

- the identification of landscape and visual opportunities and constraints for the SDA;
- an independent critique of submitted landscape evidence; recommendations as to most appropriate boundaries for the SDA in landscape terms, taking into account that the Core Strategy has already established the principle of maintaining an Area of Separation between Lubenham and Market Harborough;
- a test of possible development scenarios in terms of their impact on the landscape around the SDA; and
- identification of appropriate mitigation measures that could be introduced to minimise potential adverse impacts on the landscape.

3.1.40 This study compared the relative capacity of land parcels within the SDA area alone. It did not compare the capacity of land within the SDA area with other potential development areas surrounding Market Harborough; as such, the judgements made in the assessment for each land parcel cannot be compared with the wider Market Harborough Landscape Character Assessment. Again, it is my view that the findings are of limited value in relation to the appeal scheme. The exception is some of the study's recommendations regarding the form and in particular the extent of the SDA. These included:

- Retaining the land on the western edge of the SDA area of search as undeveloped in order to maintain the visual and physical separation between Market Harborough and Lubenham, as well as to create a high quality and defensible boundary as part of the development.
- For areas which were judged to have a relatively higher capacity for built development, recommended structural landscape areas were identified. It was specified that these landscape areas should be a minimum of 30m wide at any point. *"This width is recommended to provide sufficient space to form a robust landscape boundary to the open countryside with associated space for a suitable recreational access route adjacent to the SDA boundary."*

## 3.2 **Local landscape character assessment**

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### ***Study area***

3.2.1 Published landscape character assessments provide a useful description of the key features of a landscape, but frequently they are too broad brush to pick up all of the special characteristics that make it special. Conversely, an

appraisal of the landscape features of the appeal site alone would not take account of the character of its setting.

3.2.2 To this end, I have undertaken my own local landscape character assessment (LLCA). In the following paragraphs, I summarise what I consider are the key characteristics of the appeal site and its setting and describe how they would be affected by the development proposed.

3.2.3 At a local level there is an influence on the landscape from the former airfield and this is taken as the starting point for the description of a local landscape character area. Mindful of the likely visibility of the proposed development, I have considered a study area that encompasses the former airfield as well as the gently undulating landscape to the south, which includes Mill Hill. The northern boundary is defined by the edge of Gartree. See Appendix SJN 04 Figure 03.

3.2.4 My local landscape character area sits on slightly elevated, gently undulating land which is contained within the wider Welland Valley. The LLCA is situated to the west of Market Harborough in the upper reaches of the valley. The LLCA comprises gently undulating land on the valley side. This valley side has a complex landform, with minor hills such as Mill Hill adding interest to the landscape. The land within the LLCA drains to the south, towards the Welland.

3.2.5 The former airfield covers a large part of the LLCA. The airfield stripped the landscape of its earlier field pattern, and the outline of the former taxiways and runways can still be read within the landscape, at least from above. At the same time, most of the airfield reverted to agricultural use after the war, the runways were removed, and there are few remaining airfield structures.

The former airfield was therefore generally reintegrated within the countryside, with the exception of the existing prison site to the north-west and the Airfield Business Park to the north-east. This area is experienced on the ground as a part of the countryside and the main clue as to its former use is perhaps the lack of native trees and hedges.

- 3.2.6 Arable farmland was the main land use within the LLCA, but this is now joined by the showground site. Residential development (the SDA) has also encroached onto the eastern fringe of the former airfield. The smaller fields around the prison are laid to grass.
- 3.2.7 The existing prison and the SDA are both visually apparent on the edges of the area. The prison, with its utilitarian blocks and high security fence, exerts an industrial influence on the north-eastern part of the LLCA. The building heights are graded, with the tallest structures in the centre of the site and lower buildings around the perimeter, and this serves to mitigate some of the potential effects of the complex on the appreciation of the wider landscape. The influence of the existing prison on the wider landscape is further mitigated by the presence of the well vegetated Gartree village to the west and north, which provides a backdrop in some views from the east and screens most views from the north and west.
- 3.2.8 The SDA is located on slightly lower land on the edge of Market Harborough, where the topography provides some sense of containment. This will be expanded in future years when the landscape buffer proposed along the western boundary becomes established.

- 3.2.9 The presence of the existing prison and the westward expansion of Market Harborough puts more pressure on the LLCA to maintain the countryside character and landscape setting for Gartree and the SDA.
- 3.2.10 The LLCA occupies a relatively prominent piece of ground which is exposed to views from the wider Welland Valley and adjoining hills. The lack of vegetation means that this landscape is sensitive to further development, which would potentially appear stark, especially when sited in on elevated land. This is an open landscape, with little potential for existing landscape features to contain development.
- 3.2.11 Where the proposed development to go ahead there would be a substantial reduction in the remaining area of farmland, and development could be considered one of the predominant features of the LLCA. At this point, the LLCA would be experienced less as part of the countryside, and more as a former airfield which has been redeveloped in a rather piecemeal fashion.
- 3.2.12 The LLCA currently functions as part of the countryside and provides for services such as food production through farming and recreation via the public footpaths that cross it. Although the partly diluted by the presence of the somewhat discordant existing prison, the LLCA serves as an intrinsic part of the upper Welland Valley and contributes to its rural character and affording attractive views across the land towards the wider countryside.

### ***Effects on the Local Landscape Character Area***

- 3.2.13 I judged the landscape of my study area to have a sensitivity to change of Medium-High. Sensitivity is derived through a combination of the perceived

value of a landscape, combined with its susceptibility to change from the type of development proposed.

3.2.14 In evaluating the landscape's sensitivity value, I made reference to the list of factors identified in Box 5.1 in the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition, that are generally agreed to influence value. These include:

- Landscape quality (condition)
- Scenic quality
- Representativeness
- Recreation value

3.2.15 The landscape of the LLCA comprises a largely intact agricultural area which is considered to be typical of the character areas described in published landscape character assessments, e.g. the Harborough District Landscape Character Assessment and the Market Harborough Landscape Character and Capacity Study. In terms of the condition of the landscape elements, the fields are in active use and the appeal site and its environs have a natural landform. The site contains some mature trees and the public right of ways are clearly defined. Conversely, the existing prison exerts some adverse influence on the character of the LLCA.

3.2.16 There are a number of attractive views across the appeal site to the wider countryside, which appreciable from public rights of way and from Welland Avenue. Contrariwise, the existing prison is a discordant feature in views westwards from within the LLCA.

- 3.2.17 As I note above, the land within the LLCA is considered typical of the wider character area and contributes to the general character of the upper Welland Valley. There are a number of public rights of way that cross the LLCA and which offers attractive views over the countryside.
- 3.2.18 Given the presence of the existing prison and the expanding edge of Market Harborough, the LLCA plays an important role in maintaining the countryside setting of Gartree and the SDA, and in maintaining special qualities and identities of Market Harborough, Lubenham and Gartree.
- 3.2.19 Given the quality and condition of the appeal site, the views across the site, its representativeness, its landscape setting function and its contribution to recreation, it is my view that the site should be afforded a landscape sensitivity value of Medium.
- 3.2.20 My susceptibility to change judgement of Medium-High was made following review of the various published landscape character assessments, which I consider in more detail at Section 3.1.
- 3.2.21 My summary LVIA found that the effects on the character of the LLCA would not be limited to the area of the site itself, but that there would be a perceptible change in character from various points in the surrounding landscape.
- 3.2.22 I consider that the proposed development would have the following physical adverse effects on key characteristics of the LLCA, as well as on the appreciation of such factors from points in the surrounding landscape:



- The loss of farmland on the valley sides, that currently forms a continuum with the wider countryside.
- The loss of long and often open views across the valley to the landscape beyond as a result of the introduction of built form up to 4 storeys high.
- The loss of localised vegetation from within the appeal site.
- Localised changes to the topography of the appeal site, which currently extends out from the distinctive landform of Mill Hill, to accommodate the footprint of the proposed development, and a consequential adverse effect on the appreciation of Mill Hill.
- Loss of the rural landscape setting to the south of Gartree; this being a particularly important resource given the presence of the existing prison complex to the immediate east of the settlement.
- The adverse effect on views from the outer edge of the SDA, where the proposed development would be visible on the horizon, blocking views to the landscape beyond, and thus on the SDA's context and landscape setting.
- The effects of the proposed development on the experience of users of public footpaths, particularly those to the east of the appeal site.

3.2.23 Whilst the landscape already contains a prison development, it is important to note that the appeal scheme would be of a different scale and form to the existing. This is particularly noticeable in regard to the heights of the blocks within. Within the existing prison, the taller buildings are limited in footprint and number, and are contained within the central part of the site. Those

buildings closer to the boundary are of a lower height, which gives a graduated effect when experienced from points in the wider landscape.

- 3.2.24 The appeal scheme would contain 7No. 4 storey house blocks, which would be arranged in a regimented manner across the eastern portion of the site. No relief would be provided by lower buildings closer to the boundaries that might help relieve the visual massing.
- 3.2.25 Reference is made to the proposed buildings having a maximum ridge level that would not exceed that of the existing buildings. However, the land within the existing and the appeal site slopes away to the south. As such, the ground levels of the proposed buildings would be lower and the overall heights and massing would be greater than those of the existing. It follows that they would exert a greater influence on the character of the surrounding landscape.
- 3.2.26 Further, the existing prison (secure area and carpark) covers an area of c.11ha, whereas the proposed prison (secure area and carpark) extends to c.21ha.
- 3.2.27 Notwithstanding the presence of the existing prison, the addition of the appeal scheme to the landscape would have a substantial cumulative effect, extending the industrial-like forms and the necessary security fences and other arrangements across a wide expanse. As I demonstrate in my visual assessment (see Section 4), such wide-ranging effects would be appreciated from many publicly accessible viewpoints, including the network of public footpaths to the south and east of the site.

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***Landscape mitigation measures***

- 3.2.28 In undertaking my assessment, I also took into account the effectiveness of the proposed landscape mitigation measures.
- 3.2.29 The nature of the proposed development and the need to maximise the usage of the appeal site is such that mitigation measures are limited, particularly on the most exposed eastern and southern boundaries. It should also be noted that the outline nature of the application means that such measures are not currently secured in the proposed scheme.
- 3.2.30 Reference to the Landscape Masterplan shows *proposed woodland* along the eastern, south-eastern, and part of the south-western perimeters. No detail is provided as to the depths of this planting, but on the eastern boundary it would appear to be c.6m deep, and perhaps 10m deep on the south-eastern boundary. I do not consider that such planting could be considered *woodland*. A 6m width would be sufficient to accommodate little more than a single line of established trees. The width of the proposed planting belts is significantly less than the 30m landscape buffers that were considered appropriate to mitigate the effects of the much lower development within the SDA.
- 3.2.31 Space for the new planting would be further restrained by the presence of an intermittent row of Lombardy poplars that would be retained within the planting area on the eastern boundary. They would occupy much of the available planting space; however, their columnar form means they would offer limited screening properties.
- 3.2.32 Reference to the Cranfield Soil and Agrifood Institute's Soilsmap map shows that the appeal site falls within an area of slowly permeable, seasonally wet,

slightly acid, base-rich loamy and clayey soil with a moderate fertility. Given the conditions, it might be reasonable to assume that native woodland planting made an average of 300mm growth per year. Assuming the trees were planted at 1.8m tall, and that plants did not put any growth on in the first year, by year 15 they would have reached 6m tall [1,800mm planting height plus (14x300mm growth/year)]. This is somewhat short of the 17.5m building height. Larger trees could be planted but they would take longer to establish, and growth rates would be considerably slower.

- 3.2.33 Predicting the long-term growth rate of trees is far from an exact science, given the many variables a tree could encounter in its life, including ground conditions, competition, disease and ongoing management. As a broad-brush approximation, were the proposed trees to continue to grow at a rate of 300mm a year, it would take 52 years to reach a height of 17.4m tall [1,800mm planting height plus (52x300mm growth/year)].

#### ***Summary of effects on the Local Landscape Character Area***

- 3.2.34 Taking all the above factors into account, I judged that there would be an effect on the character of the LLCA of High magnitude and Major-Moderate significance at year one, and that the effect would reduce to Medium-High magnitude at year 15 as the proposed planting starts to establish, leaving a residual effect of Major-Moderate significance.

#### ***Comparison with findings of the Pegasus LVIA***

- 3.2.35 The Pegasus LVIA also included an assessment of the effects of the proposed development on the appeal site and its local landscape context. I note that both assessments record a magnitude of change at year 1 of High adverse,

and that the same judgement at year 15 is similar (Medium-High adverse for the TLP LVIA and Medium adverse for the Pegasus LVIA).

3.2.36 Where the two LVIAs differ is in their judgements on the value of the local landscape and, to a greater extent, its susceptibility to change. This reflects in the final judgements, where the TLP LVIA records an effect of Major-Moderate Adverse significance at year 1 and year 15, vs the Pegasus LVIA's Moderate adverse for year 1 and Minor to Moderate adverse for year 15.

3.2.37 Regarding landscape value, the Pegasus LVIA appears largely to concentrate on the appeal site rather its setting. There is no reference to:

- the farmland setting of Gartree and the SDA;
- the distinctive landform of Mill Hill, whose topography extends into the appeal site;
- the long-distance views out across the valley from points within this landscape; and
- there is no reference to the long-distance views across the valley and wider landscape, available from the local character area.

3.2.38 Similarly, regarding susceptibility to change, it is my view that the Pegasus LVIA gives too greater weight to:

- The influence of the SDA on the character of the landscape.
- The containment of the appeal site afforded by the local topography – I consider the appeal site encompasses an exposed rather than enclosed landform.

- There being extensive reference in the surrounding landscape to the type of development proposed, without regard to the greater scale and massing of the proposed prison as compared to the existing – see my commentary above.

## **4 Effects on visual amenity**

### **4.1 Visual context**

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- 4.1.1 My summary LVIA found that the appeal site affords a relatively extensive zone of visibility, with a range of short, mid-range and long-distance views available.
- 4.1.2 Views from the north tend to be limited by the built form of the existing prison (including the perimeter fencing) as well as the trees around Gartree. There are, however, potentially filtered views from residential properties in Gartree. Views from the north-west are filtered by mature trees within the village of Gartree. From the north-east there are views from Gallow Field Road across the farmland of the former airfield to the edge of the appeal site.
- 4.1.3 Views are available from many points on public footpath A25 that connects Market Harborough with Gartree as it crosses the former airfield. There is little intervening vegetation to interrupt views from this path. There are also views towards the site from certain points within the SDA to the north-west of Market Harborough. The proposed houses will tend to block the lines of sight from within the development, but views from the houses on the edge of the SDA are likely, together with occasional views from the public realm on its western boundary, at least until the proposed planting becomes established.

- 4.1.4 Views of the appeal site from the town of Market Harborough itself are unlikely, as are views from the base of the valleys.
- 4.1.5 To the south there are views from a section of the public footpath (A23) which connects Market Harborough with Lubenham. There are also views from the public footpath (A22) that approaches Gartree from the south. Here, the site becomes visible from the northern side of Mill Hill and lies in the centre of the view. The footpath then approaches and follows the south-western boundary of the appeal site.
- 4.1.6 Longer-distance views are available across the upper Welland valley from higher ground on the far side of the valley.
- 4.1.7 Welland Avenue, Gartree divides the site into two parts and, clearly, there would be views from the road, particularly where it crosses the site. The part of the site to the north-west of Welland Avenue would also be visible from the public footpath (a continuation of A22) that follows the edge of the fields.
- 4.1.8 Despite the presence of the existing prison the views are still generally rural in character. Views from the SDA have a more urbanised foreground, but the site nonetheless forms part of a farmed countryside backdrop.
- 4.1.9 For my independent summary LVIA, I selected a series of viewpoints to illustrate the likely visual effects of the proposed development. The viewpoints are similar to those considered in the Pegasus LVIA. I supplemented the Pegasus LVIA viewpoints with three additional viewpoints, which I considered were useful to illustrate the effects of the proposed development when travelling on the public footpath that crosses the

landscape to the east of the appeal site, and as experienced from points on Welland Avenue (I have prefixed these additional viewpoints with *TLP*).

- TLP A is an additional viewpoint on public footpath A25 to illustrate the extent of views of the appeal scheme from this route.
- TLP B is an additional viewpoint on Welland Road to illustrate the view southward across the adjoining countryside from a point that approximates to the proposed car park entrance.
- TLP C is an additional viewpoint to illustrate the view north-eastward along Welland Avenue and so the approach to Gartree village.

4.1.10 The selected viewpoints are all publicly accessible in nature and encompass a range of geographical locations and receptor types at varying distances from the site. It is important to note that many of the viewpoints are points on public footpaths, and that the view described is frequently representative of that experienced from many other points on the route.

4.1.11 Photographs taken from each of the publicly accessible viewpoints considered in my evidence are reproduced at Appendix SJN 04, along with a plan extract showing the viewpoint location(s).

4.1.12 Table B of my LVIA (see Appendix SJN03) references each of my representative viewpoints, along with a judgement as to its visual value and its susceptibility to change as a result of the introduction of the proposed development, which together provide an assessment of each receptor's overall visual sensitivity.



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## 4.2 **Visual effects during the construction phase**

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- 4.2.1 I consider that effects on views during construction would be a gradual progress towards those views experienced on completion, as the proposed development is progressively constructed and built-out, and new features appear. The main visual variation within the construction phase would be the presence of moving construction machinery (particularly taller equipment and/or that working at height), contractor's compounds, scaffolding, hoarding, temporary material stockpiles, raw and exposed earthworks to create new landforms, and delivery vehicles.
- 4.2.2 The majority of these elements are likely to be transient in nature and would be unlikely to be present for the full construction period, and thus would have only limited visual influence on the surrounding viewpoints, over and above the emerging development.
- 4.2.3 Consequently, with the exception of the introduction of any cranes or similar lifting equipment, I judged that there would be little or no greater influence on surrounding visual amenity during the construction phase than that predicted upon completion.

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## 4.3 **Visual effects at completion**

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- 4.3.1 In the following paragraphs, I have chosen a selection of the representative viewpoints to describe the key visual effects that are likely to arise from the proposed development. Further details can be found at Appendix SJN 03 Table B, and photographs illustrating the composition of the existing view at Appendix SJN 04.

***Views from public footpath A25 that connects Market Harborough and Gartree (see Viewpoints 1 and TLP A)***

4.3.2 Public footpath A25 passes through the SDA and continues westwards across the former airfield towards Gartree, before emerging onto Gallow Field Road at its western end.

4.3.3 Looking westwards from the path, the view encompasses mainly farmland within the foreground of the view. The previous airfield use could perhaps be guessed due to lack of vegetation, but runways and most other features have been removed, allowing the former airfield to blend back into the countryside. A chain link fence has been introduced around the perimeter of the showground and part of the path follows the outside edge of the fence. The existing prison is visible from this path, situated on higher land to the right and set within a rural context. An intermittent line of Lombardy poplars on the site boundary are a recognisable feature of the view. From the eastern end of the path there are views beyond the poplars to the other trees within and beyond the appeal site, which sit on the skyline. From the western end of the path there are attractive, long-distance views over the appeal site to wooded slopes on the southern side of the Welland Valley.

4.3.4 I considered that at year 1 there would be a visual change of High magnitude, equating to an effect of Major significance. I made this judgement mindful of:

- the height and scale of the proposed residential blocks, and the visual presence of the perimeter fence;
- the extension of built form of an industrial nature extending across the view (whilst the ridge heights of the existing and proposed prisons might

be comparable, the land within the appeal site drops away, meaning that the new elements would appear taller and bulkier, further, the taller elements would be closer to the viewer than is the case with the existing prison complex);

- loss of long-distance views across the site to distant countryside within the upper Welland Valley;
- the effect on the skyline;
- the extension of lighting into what is currently an unlit area; and
- the very limited effect new planting would have at year 1.

4.3.5 New planting would be established by year 15. The new planting would provide some screening of the lower portion of the development, especially in summer months. By year 15, the new perimeter fence would be largely screened, though the taller residential blocks would still be visible above the planting. The narrow nature of the planting belt is such that winter views are likely to remain through the vegetation. There would be no mitigation for the loss of long-distance views across the farmland to the distant countryside.

4.3.6 The effects of the appeal scheme from Viewpoint 1 at years 1, 7 and 15 are illustrated at Appendix C of the Pegasus LVIA.

4.3.7 The proposed development would continue to extend across the view and the residual effect would be of Medium-High magnitude and Major-Moderate adverse significance.

4.3.8 I note that the judgements within the Pegasus LVIA are similar to my judgements for this viewpoint.

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***Views from public footpath A23 connecting Market Harborough with Lubenham (see Viewpoint 9)***

- 4.3.9 Views to the appeal site are available from a relatively short section of this path as it emerges from the SDA.
- 4.3.10 The view is dominated by an expanse of arable farmland within the area of the former airfield. The existing prison is visible in the background of the view, with some filtering from the Lombardy poplars. The 4 storey blocks, lower supporting development and fence are all visible. From this angle, the proposed prison site lies to the left of the existing prison and extends far across the background of the view. Open views are available into and across the appeal site, while the existing trees within the site help to create a wooded skyline. The view retains a rural character, despite the presence of the existing prison.
- 4.3.11 The proposal would expand development across a wide portion of the view. The new fence and 4 storey residential blocks would become prominent features in the view and would sit in front of the background trees. The 4 storey blocks would be visible on the skyline, and the development would appear stark, with no initial relief from vegetation. The proposed scheme would also extend lighting to an area that is currently largely devoid of such features.
- 4.3.12 At year 1, I considered there would be a change of Medium-High magnitude and Major-Moderate adverse significance.
- 4.3.13 By year 15, the new perimeter fence would be largely screened by the new planting, though the taller residential blocks would still be visible above the

vegetation. The visual change then would reduce to change to Medium magnitude but the effect would remain of Moderate adverse significance.

4.3.14 The effects of the appeal scheme from Viewpoint 9 at years 1, 7 and 15 are well illustrated at Appendix C of the Pegasus LVIA; the montages clearly show the ineffectiveness of the proposed mitigation planting, even when established.

4.3.15 I have reproduced extracts of some of these montages below.



Extract from Pegasus LVIA, Appendix D: Viewpoint 9 – Existing baseline view



Extract from Pegasus LVIA, Appendix D: Viewpoint 9 – Proposed view at Year 15

4.3.16 I note that the judgements within the Pegasus LVIA are similar to my judgements for this viewpoint at year 1, although Pegasus records an effect of Moderate adverse significance for year 15. I consider this places too much store on the screening qualities, and in particular height, of the proposed boundary planting.

***Views from public footpath 22, connecting Lubenham and Gartree (see Viewpoints 3 and 8)***

4.3.17 This public footpath climbs steeply from Lubenham to Mill Hill. Views from the beacon are interrupted by trees, but open views become available from the northern side of the hill, with the site visible in the centre of the view.

4.3.18 The existing prison is visible on slightly rising ground in the mid-distance. Between the viewer and the site is an expanse of gently undulating farmland that encompasses the appeal site. The site stretches across a wide portion of

the view and lies at the centre of the view. The village of Gartree is concealed by trees that helps to give the view a rural character, despite the presence of the existing prison. There are also, in the background, glimpsed, long-distance views, over the prison, to High Leicestershire.

4.3.19 The appeal site continues to be visible as the path approaches the site from the south, with the existing prison visible in the background. The existing prison, however, occupies a relatively small part of the view, while the appeal site extends across a wide portion of the existing view.

4.3.20 The path eventually meets the south-western perimeter of the site and follows an alignment along the edge of the field. This section of the path offers long-distance views across the countryside, with the appeal site forming the foreground of the view. The site mostly consists of fields, with the on-site trees also contributing to the scene. Looking south-eastwards, the existing prison lies at the edge of the view. Some rooftops within the SDA are visible in the distance, with a wooded ridge behind, and there are also glimpses of the distant countryside beyond Market Harborough.

4.3.21 Overall, the path forms a well-defined and attractive route that offers pleasant views of the countryside.

4.3.22 From viewpoint 8 there would be direct views towards the proposed prison, which would extend across a wide portion of the view. The residential blocks would be situated to the right-hand side of the view and the proposed carpark to the left, with the boundary fence also visible. The onsite hybrid poplars would also be removed, leaving a stark view of the new prison.

- 4.3.23 At year 1, I considered there would be a change of Medium-High magnitude and Major-Moderate adverse significance.
- 4.3.24 As it develops, the proposed planting around the perimeter of the site would become increasingly effective at screening the car park and the fence. The gentle fall across the site, however, means that it would be relatively ineffective at screening the proposed buildings, which would remain prominent at Year 15. I therefore considered that there would continue to be an effect of Medium magnitude and Major-Moderate adverse significance at Year 15.
- 4.3.25 The effects of the appeal scheme from Viewpoint 8 at years 1, 7 and 15 are well illustrated at Appendix C of the Pegasus LVIA; again the montages clearly show the ineffectiveness of the proposed mitigation planting, even when established.



*Extract from Pegasus LVIA, Appendix D: Viewpoint 8 – Existing baseline view*





*Extract from Pegasus LVIA, Appendix D: Viewpoint 8 – Proposed view at Year 15*

4.3.26 The judgements within the Pegasus LVIA are similar to my judgements for these viewpoints, although Pegasus records an effect of Moderate adverse significance for year 15. Again, I consider this places too much store on the mitigating qualities of the proposed boundary planting.

4.3.27 Regarding Viewpoint 3, the proposed development would cause a fundamental change to the view. The existing scene would be replaced by views across a car park towards the new entrance buildings and security fence. By year 15 the view would be dominated by woodland screening in the foreground, but this would not compensate for lost views across the countryside.

4.3.28 I therefore consider that there would be a residual effect on this view of Medium-High magnitude and Major-moderate adverse significance.

4.3.29 I note the judgements within the Pegasus LVIA concur with mine.

***Views from Welland Avenue (see Viewpoints 2, TLP B and TLP C)***

- 4.3.30 From various points on Welland Avenue to the south-west of Gartree, there are views out over the adjacent countryside. Such views are generally influenced by the presence of the existing prison, despite its proximity. The landscape here provides an attractive setting for this part of the village, and one that should perhaps be especially valued given that other parts of the settlement abut the industrial forms of the existing prison complex.
- 4.3.31 The appeal scheme would result in a large change to the view and the aspect of Welland Avenue, and the experience of the approach to Gartree. The existing scene would be replaced by views across a car park. By year 15, some of these views would be dominated by foreground woodland planting; again, this would not compensate for lost views across the countryside. Elsewhere, views across the car park would remain.
- 4.3.32 I considered that there would be changes at year 1 of up to High magnitude (and so Major-Moderate adverse significance), and at year 15 of up to Medium-High magnitude (Major-Moderate adverse significance).
- 4.3.33 Again, I note that the Pegasus LVIA concurs with my judgements for both years 1 and 15.

***Longer distance views from the south (see Viewpoint 12)***

- 4.3.34 The site is potentially visible in a number of long-distance views from the south. The Appellant's ZVI indicates a wide zone of theoretical visibility and this can be confirmed on the ground by looking southwards from Welland Avenue. Views extend south-westwards across the Welland Valley for a long

way, and it can be assumed that points which are visible from the edge of the site would, correspondingly, have a view back to the appeal site.

4.3.35 Viewpoint 12 represents the composition of a view from the south, from public footpath CP5 close to the Judith Stone. The existing prison is visible in the background of the view above the intervening trees and woodland at Mill Hill. This facility, however, is situated on slightly higher ground than the proposed prison. The trees on or near the site contribute to a wooded skyline, but the ground within appeal site cannot be seen.

4.3.36 Views of the new buildings and fence would be limited by the intervening landform and vegetation. The 4 storey blocks would lie behind a small block of woodland and would be largely screened from this point. The entrance block would lie to the left and has greater potential to be seen (depending on its final height). In summary, the development would be difficult to perceive from this particular point due to the intervening landform and vegetation.

4.3.37 The judgements within the Pegasus LVIA are similar to my judgements for this viewpoint.

## **5 Consideration of the landscape-related Reasons for Refusal**

### **5.1 Overview**

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5.1.1 In this section of my proof, I consider aspects of the Reason for Refusal that relate to landscape and visual matters. In doing so, I will address the harmful impact the appeal scheme would have, by virtue of its location and its size, scale and design, on:

- the character of the countryside;

- the appearance of the countryside; and
- and the Area of Separation.

## 5.2 **The harmful impact the appeal scheme would have on the character of the countryside**

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5.2.1 I explain at Section 3.1 of my evidence how the appeal site falls within the Welland Valley LCA of the Harborough District Landscape Character Assessment 2007. I have described the characteristic features of this LCA and explained why I consider the landscape of the appeal site and its surrounds shares many of the typical features of the Welland Valley.

5.2.2 To test the likely effects of the proposed development on the character of the appeal site and its environs, I undertook my own Local Landscape Character Assessment (LLCA). I set out my findings at Section 3.2 and summarise my conclusions below.

5.2.3 I found the appeal scheme would exert the following adverse effects on the character of the landscape and its appreciation from surrounding points:

- The introduction of industrial-like forms, up to 4 storeys high, together with the necessary security fences and other arrangements, which would be appreciated from many publicly accessible viewpoints, including the network of public footpaths to the south and east of the appeal site. In particular, there would be a substantial cumulative effect arising from the existing and proposed prisons, which would be experienced together in many views, extending across a wide expanse of landscape.
- The loss of farmland on the valley sides, that currently forms a continuum with the wider countryside.

- The loss of long and often open views across the valley to the landscape beyond as a result of the introduction of built form up to 4 storeys high.
- The loss of localised vegetation from within the appeal site.
- Localised changes to the topography of the appeal site, which currently extends out from the distinctive landform of Mill Hill, to accommodate the footprint of the proposed development, and a consequential adverse effect on the appreciation of Mill Hill.
- Loss of the rural landscape setting to the south of Gartree; this being a particularly important resource given the presence of the existing prison complex to the immediate east of the settlement.
- The adverse effect on views from the outer edge of the SDA, where the proposed development would be visible on the horizon, blocking views to the landscape beyond, and thus on the SDA's context and landscape setting.

5.2.4 In undertaking my assessment, I took account of the effectiveness of the proposed landscape mitigation measures. I found these would be largely limited to narrow planting belts around the eastern and southern boundaries of the new prison. I concluded that the space available was insufficient to establish robust mitigation planting that would provide a meaningful new woodland edge to Gartree, and that it would, necessarily, have an urbanised character by nature of the visual influence of the new buildings and security fence that would be visible over and (in winter) through it.

5.2.5 I concluded that there would be an effect on the character of the LLCA of High magnitude and Major-Moderate significance at year one, and that the effect

would reduce to Medium-High magnitude at year 15 as the proposed planting starts to establish, leaving a residual effect of Major-Moderate significance.

5.2.6 Therefore, I conclude that the development would cause significant harm to the character of the countryside by reason of adverse effects on the landscape character of the appeal site, the appreciation of features in the surrounding landscape, and the countryside setting of Gartree and the SDA.

### 5.3 **The harmful impact the appeal scheme would have on the appearance of the countryside**

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5.3.1 I explain at Section 4.1 of my evidence how the appeal site is visible from a number of points in the surrounding landscape.

5.3.2 My independent summary LVIA found that the proposed development would introduce built form to views that currently encompass the typical characteristics of farmland, and would block certain long-distance views across the countryside.

5.3.3 I considered the effects of the appeal scheme on a variety of visual receptors at publicly accessible viewpoints. I set out my findings at Section 4, and summarise my conclusions below.

5.3.4 In assessing visual effects, I took into account the effectiveness of the mitigation measures. As I explain at Section 5.2, the proposed planting is of insufficient width to provide effective screening. As a result, it is my view that from many points, the security fences and buildings beyond would remain visible in winter months, and that the woodland planting would not reach sufficient heights to block views of the taller buildings.

5.3.5 From many viewpoints, I found that the proposed development would remain clearly visible, even when the proposed mitigation planting was established. I consider the nature of these effects is well illustrated within the Appellant's photomontages that are re-produced at Appendix C of the Pegasus LVIA.

5.3.6 I concluded there would be significant residual visual effects from a number of points (e.g. effects of Major-Moderate adverse significance at year 15), including from the public footpaths that cross the landscape to the south and east of the appeal site, and I note that the Pegasus LVIA reached similar conclusions.

5.3.7 The Reason for Refusal does not make direct reference to Harborough Local Plan Policy GD5: Landscape Character, which seeks to ensure that development proposals do not result in unacceptable harm to the landscape. It is my view, for the same reasons I set out at Section 5.2 in relation to the harmful impact the appeal scheme would have on the character of the countryside and above in relation to harmful impact on the appearance of the countryside, that the proposed development would not satisfy Policy GD5, namely that:

1. *Development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it:*
  - a. *respects and, where possible, enhances local landscape, the landscape setting of settlements, and settlement distinctiveness;*
  - b. *avoids the loss of, or substantial harm to, features of landscape importance;*

- c. *safeguards important public views, skylines and landmarks; and*
- d. *restores or provides equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of the development.*

## 5.4 **The harmful impact the appeal scheme would have on the Area of Separation**

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### ***Lubenham Neighbourhood Plan***

- 5.4.1 The Lubenham Neighbourhood Development Plan (LNDP) Referendum Version, incorporating examiner's changes 2016 – 2031 was made on 20<sup>th</sup> July 2017, and forms part of Harborough District Council's Development Plan and is a key consideration in the determination of planning applications within the parish.
- 5.4.2 Particular reference is made in the LNDP to the Harborough District Core Strategy and Policy CS13, which defined a Strategic Development Area (SDA) to the north-west of Market Harborough; much of this land falls within the LNDP area. In March 2015, permission for the SDA was granted and construction of 1,500 homes and a link road is currently underway.
- 5.4.3 It should be noted that Lubenham parish (and so the study area of the LNDP) encompasses a number of individual areas of development:
- the main, historic village of Lubenham to the south of the parish, though which the A4304 passes, and which contains a variety of building styles and ages;
  - the aforementioned SDA, which extends out from the north-western edge of Market Harborough into the eastern portions of the parish;



- Gartree, a mix of houses dating from the 1960s, originally built as officers' quarters for the adjacent prison but now mostly in private ownership;
- Bramfield Park, a registered caravan park on the A4304 on the southern edge of the parish and to the south-west of Lubenham village; and
- Greenacres, a designated gypsy and travellers' site on the eastern edge of the parish and close to its boundary with Market Harborough.

5.4.4 Views expressed by local residents during the consultation for the preparation of the LNDP encompassed a number of themes, including [my emphasis]:

- *Protect and retain the rural character, community spirit, culture and heritage of the Parish and keep it separate from Market Harborough.*
- *Protect Lubenham open spaces, natural environment biodiversity and access to the countryside.*
- *Minimise the impact on the Parish of negative influences including high volumes of traffic, speeding traffic, parking, flooding and overdevelopment.*

5.4.5 The LNDP "recognises that the proposed North West Harborough SDA [much of which is in Lubenham Parish] will have a significant impact on the area. It recognises the need to safeguard the individual character of the Lubenham settlement by [amongst other things] ... maintaining a separation area to the east of the village ..."

5.4.6 A number of Objectives for the LNDP were defined, including:

- *Protect and enhance the unique culture, rural character and heritage of Lubenham and ensure that it remains distinct and separate from Market Harborough and the SDA.*
- *Ensure the environment, landscape and biodiversity is protected and enhanced by new development.*

#### 5.4.7 LNDP Policy LNP01 notes:

*The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2, shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree. Development within this area will be permitted if (a) it would not diminish the physical or visual separation between built up areas associated with these settlements; and (b) it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. Any development proposal within the Area of Separation must be accompanied by an analysis and proposals for mitigation of likely impact on settlement setting and the objective of visual separation, giving specific attention to use of location, design and landscaping appropriate to the character of the area.*

#### 5.4.8 The extent of the Area of Separation (AoS) is illustrated on the accompanying policy map. This was revised in 2017, with changes to the south-eastern

corner of the AoS close to Lubenham Hill. I do not consider such amendments affect development at the appeal site and so I do not consider them further.

***Effect of the appeal scheme on the function of the Area of Separation***

5.4.9 The supporting text for Policy LNP01 reinforces the aims of the AoS and its role in maintaining the separation of Lubenham, Gartree and Market Harborough, in order to retain their rural setting and distinct identity. I have highlighted aspects that are of particular relevance to the consideration of the appeal scheme.

*It is vital that the character, heritage and community spirit of the neighbourhood is maintained and not compromised by inappropriate development. [para 5.4]*

*It is important that Market Harborough and Lubenham and Market Harborough and Gartree remain distinct and separate in order to maintain the rural setting and identity of each settlement and so a separation area between the settlements and major development on the west side of Market Harborough (the Strategic Development Area) should be maintained as required by Core Strategy Policy CS13 and the approved SDA Masterplan. The separation area identified in the SDA Masterplan should be extended northwards to include the gap between the showground and the public footpath (A25) marking the eastern edge of Gartree. From this footpath it is important that walkers have a clear and un-interrupted view across the broad fields that divide the established settlements from new development within the SDA. [para 5.5]*

5.4.10 Having regard to the tests within Policy LNP01 and the wording within the supporting text, I have summarised the character of the landscape of the neighbourhood (including that with the AoS) at Section 3 of my Proof of Evidence, and explained at Sections 3 and 4 why its character would be comprised by the inappropriate development proposed at the appeal site. I explain that the appeal scheme would:

- (a) would diminish the physical or visual separation between built up areas associated with Lubenham (therefore including Gartree) and Market Harborough, including as experienced from the specifically mentioned public footpath A25 (see in particular the effects on Viewpoints 1 and TLPA), and
- (b) how it would compromise the effectiveness of the Area of Separation in protecting the identity and distinctiveness of the settlements of Gartree and the SDA/Market Harborough.

***Effects of the appeal scheme on the function of the Area of Separation***

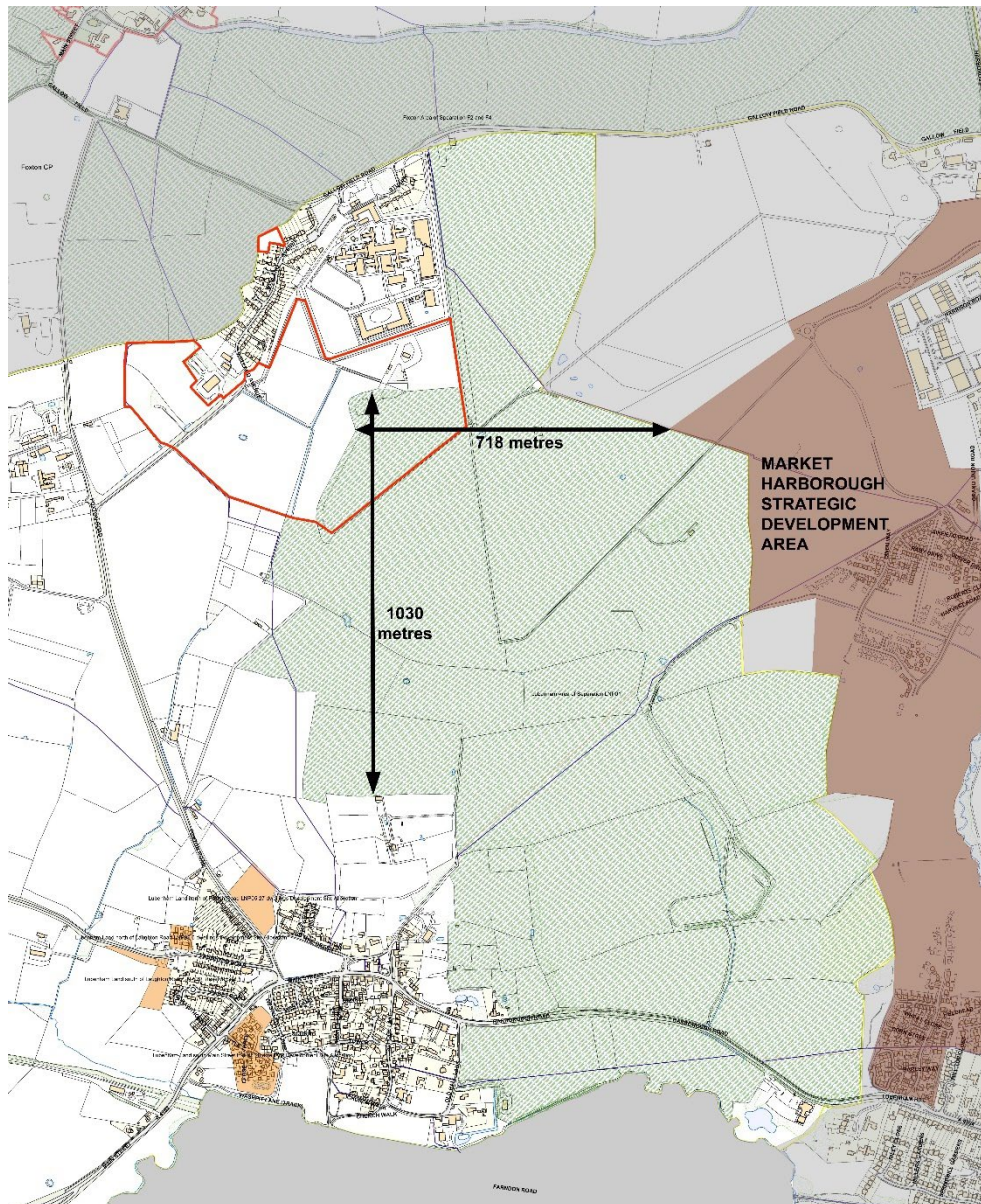
5.4.11 My starting point is to consider whether the appeal scheme would diminish the physical and/or visual separation between settlements, such settlements (as relevant to this inquiry) being Gartree and the SDA to the north-west of Market Harborough.

5.4.12 It is agreed that the appeal scheme would extend into the AoS. Further, reference to the proposed layout shows that the footprints of some of the 4 storey blocks would also fall within the AoS.

5.4.13 If measurements are to be employed to help determine the degree of effect on physical separation, it is useful to explore the reduction arising from the

appeal on the physical distance between the settlements the AoS is seeking to protect.

5.4.14 There are of course many points where the width of the AoS can be measured.



*Annotated plan (from Lubenham Neighbourhood Development Plan) showing the appeal site and the impact upon the Area of Separation*

5.4.15 Taking a distance from where the AoS meets the most westerly point of the SDA, and measuring westward across the AoS, the AoS is c.718m wide. The

appeal scheme would reduce the scale of the AoS from 718m to 479m (a 36% reduction), which I consider could not be considered an in significant reduction.

5.4.16 There would also be a material reduction in the width of the AoS between Gartree and Lubenham village. Here, the AoS currently measures 1,030m. The appeal scheme would reduce the distance from 1030m to 761m (a 26% reduction).

5.4.17 It is my view that the degree of effect cannot be quantified by a simple mathematical calculation alone; it is the contribution to separation of the land that is lost that is most important, not the quantity.

5.4.18 Notwithstanding this, the Policy LNP01 wording references the importance of both physical and visual separation. Whilst the appeal scheme would clearly compromise the physical separation of Gartree and the SDA and of Gartree and Lubenham village, it is clear that the appeal scheme would cause even greater harm to the visual separation Gartree and the SDA.

5.4.19 Gartree and Market Harborough have developed, historically, as two separate settlements, separated from each other by a tract of farmed countryside. In recent years this gap has been reduced by the addition of the SDA on the north-western edge of Market Harborough.

5.4.20 In the following paragraphs, I consider the role this tract of undeveloped countryside between Gartree and Market Harborough has played in safeguarding the countryside setting, identity and separation of the two settlements, and how these functions might be compromised by the appeal scheme.

- 5.4.21 I have concentrated my comments on the function the AoS serves in maintaining the separate identity of Gartree and the SDA/Market Harborough, since these are the settlements whose distinctiveness would be most compromised by the appeal scheme.
- 5.4.22 To the north-east, the AoS abuts the eastern perimeter of the existing prison, before continuing southwards and then westwards to exclude a grouping of buildings and hardstandings associated with the former airfield. Currently, there is a strong and clear division between the built-up areas of the prison and the farmland of the AoS.
- 5.4.23 The western boundary of the AoS then extends to the base of a minor north-south valley that continues out from the Mill Hill formation. Beyond this boundary is further farmland and the residential areas of Gartree.
- 5.4.24 The eastern boundary of the AoS follows the outer western limits of the SDA. To the north-east it abuts open farmland that has planning consent for an agricultural showground. The showground has an undeveloped character when not in use, and thus the sense of openness continues eastwards beyond the AoS.
- 5.4.25 This northern-most portion of the AoS is necessarily the narrowest, being constrained by the existing prison building and the site of the committed showground, which both pre-date the LNDP.
- 5.4.26 Further south, the 1,500 home SDA is in the process of being built out. A 30m wide landscape buffer is to be maintained between the AoS and the residential

areas of the SDA. It is my view that the landscape buffer will create a strong and defensible boundary for the AoS.

5.4.27 Importantly, I consider that the AoS contains a tract of farmland that can be considered countryside, with few references to built form and no evidence of encroachment. Further, that there is currently a clear division between the adjacent settlements and farmland.

***Appreciation of the separate identity of the two settlements***

5.4.28 In terms of appreciating the separation and the separate identity of Gartree and Market Harborough, I believe that it is important there is a visual and neutral break when travelling between the two settlements, so that there is a perception that travellers are leaving one settlement, passing through open countryside without strong affinity to either settlement, before arriving in a new settlement.

5.4.29 There are three main routes connecting Gartree and Market Harborough where changes at the appeal site could influence the perceived separation of the two settlements: Gallow Tree Road, which forms the northern boundary of the AoS; public footpath A25 that follows a line through the AoS between the existing prison and the SDA; and public footpath A23 that crosses the central portion of the AoS between Lubenham village and the AoS. I will consider each in turn below.

***Gallow Field Road***

5.4.30 When travelling eastward along Gallow Field Road, there is a clear sense of leaving Gartree and its associated built forms and, in particular, mature vegetation, and passing through open countryside, before reaching the

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showground and the edges of Market Harborough and the development in the vicinity of Airfield Farm. From within the AoS, there is limited reference to Market Harborough or the SDA (which are both situated at a lower levels), and longer distance glimpses of the higher landscape over and beyond the town. As I note above, it is assumed that the showground permission would, when built out, largely retain the current open character experienced from within this tract of countryside.

- 5.4.31 From this direction of travel, the angle of view is such that the appeal scheme would have no material effect on the sense of separation of Gartree and Market Harborough.
- 5.4.32 Moving in the reverse direction, the point where one visually leaves Market Harborough is slightly blurred by the presence of the showground, and in particular its fence and occasional small permanent buildings. Nonetheless, the section of the AoS abutting the route is clearly open countryside, and there are long-distance (occasionally panoramic) views across the valley to the right.
- 5.4.33 The taller buildings within the existing prison are largely screened by mature vegetation; however, the lower storey buildings to the left are visible on the horizon and slightly dilute the sense of openness.
- 5.4.34 From this angle, there is a sense that the land to the south of the existing prison falls slightly to the left and backwards into the valley beyond. There are views over the appeal site to the landscape beyond, which helps reinforce the sense of openness. Such views would be foreshortened by the development proposed at the appeal site, which could be up to 4 storeys high.

As well compromising the sense of openness, the loss of longer-distance views to the landscape beyond would have an adverse effect on the sense of visual separation of the two settlements.

### ***Public footpath A25***

- 5.4.35 The sense of openness experienced by users of public footpath A25 is particularly referenced in the LNDP, which notes “From this footpath it is important that walkers have a clear and un-interrupted view across the broad fields that divide the established settlements from new development within the SDA”.
- 5.4.36 Public footpath A25 follows a line southward from Gallow Field Road, along the eastern boundary of the existing prison, before crossing the airfield and the AoS and then entering the SDA.
- 5.4.37 Travelling from Gartree to Market Harborough along this route, one has their back to the existing prison complex and it exerts little influence on the visual experience. There is a clear sense of openness and of being within farmland when crossing the airfield, and it is unlikely that the showground, when built out, would result in any material change to this. The new homes within the SDA are set at a slightly lower level and this factor, coupled with a slight increase in field boundary vegetation, means that the built form exerts limited influence. Once building works are complete, a broad landscape buffer 30m wide will further help safeguard the sense of openness.
- 5.4.38 From this direction of travel, there would only be glimpses of the appeal scheme from the southward section of the route, but the development would

exert little or no influence on the visual separation of the two settlements as experience from the section of route crossing the AoS.

- 5.4.39 In the reverse direction, the sense of leaving the SDA is currently confused by temporary diversions to the route of the footpath. However, on completion of the works there will be a strong sense of leaving the SDA/Market Harborough and crossing an area of open farmland on the former airfield.
- 5.4.40 The land rises in the direction of travel and to the right, and the existing prison is visible on the higher ground. There are views of the buildings on the higher ground which become more prominent as the user of the route gets closer. The tallest buildings within the complex are set back towards the centre of the complex and those units on the perimeter are largely screened by the perimeter fence.
- 5.4.41 To the left, the footpath affords longer views out over the minor valley to the landscape beyond, reinforcing the sense of openness. Further left, Mill Hill is seen rising out of the landscape in the middle distance.
- 5.4.42 The proposed 4 storey units at the appeal site would extend into the western portion of the AoS. As I explain at Chapter 4 in relation to Viewpoint 1, they would have a substantial impact on the view from this route, blocking long-distance views, changing the character of the setting of remaining portion of the AoS, and foreshortening the sense of visual separation between Gartree and the SDA/Market Harborough.
- 5.4.43 It is my view that the introduction of the appeal scheme would fail to deliver the aims expressed in the LNDP that users of public footpath A25 should have

a clear and un-interrupted view across the broad fields that divide the established settlements from new development within the SDA.

5.4.44 The proposed planting would, in time, filter views of the lower elevations of the development but would not mitigate the loss of longer distance views. The new prison buildings would remain visible, especially in winter months and it would not mitigate the loss of visual separation.

5.4.45 The appeal scheme would be visible, on the horizon, from the western edge of the SDA and it would therefore have an adverse effect on the settlement's countryside setting.

***Public footpath A23***

5.4.46 Public footpath A23 follows a line between The Green in Lubenham village, and the SDA, where it joins public footpath A25. In doing so, it crosses the central portion of the AoS. There is a clear sense of leaving Lubenham village and entering countryside, and the sense of arrival at the SDA is as described for above for public footpath A25.

5.4.47 The influence of the appeal site is similar for users of the route travelling in either direction. From the south-western sections of the route, the site is screened by Mill Hill and outlying undulating areas. From points on the higher plateau of the airfield, there are extensive views out over farmland, see my commentary relating to Viewpoint 9 at Section 4.

5.4.48 I consider that the proposed development would have a significant adverse effect the visual separation of Gartree and the SDA, and on the character of their landscape settings, and so the maintenance of their individual identity.

5.4.49 It follows therefore, that I consider that the appeal scheme would unacceptably compromise the separation of Gartree and Market Harborough. The proposed development would change the appeal site from agricultural farmland to an urbanised development up to 4 storeys high, and in doing so would destroy an important section of undeveloped countryside that performs a role in providing a rural setting to Gartree, part of the visual backdrop in views from within the AoS and the edge of the SDA, that reinforces the separation between the two settlements, and which maintains the settlements' visual separation and so distinct identities.

## **6 Summary and Conclusion of Proof of Evidence**

### **6.1 Background**

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6.1.1 My association with the appeal scheme commenced in May 2022, when The Landscape Partnership was approached by Harborough District Council with a view to providing evidence in support of its refusal of application 21/01600/OUT.

6.1.2 In June 2022, The Landscape Partnership was instructed to provide expert witness services at a forthcoming public inquiry.

6.1.3 In my Proof of Evidence, I draw on my knowledge of the site and the findings of my LVIA and have:

- summarised the landscape context of the site and its setting;
- considered the likely effects of the proposed development on the landscape character of the appeal site;
- considered the likely effects of the proposed development on visual amenity; and
- addressed landscape and visual aspects of the Reason for Refusal: the harmful effect the appeal scheme would have on the character and appearance of the countryside, and on the function of the Area of Separation identified in the Lubenham Neighbourhood Plan.

6.1.4 In addressing these factors, I have demonstrated how the proposed development would harm the character and appearance of the countryside, as well as the sense of separation between settlements.

## 6.2 **Site context**

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6.2.1 The appeal site is located adjacent to the existing prison and associated village at Gartree, in the parish of Lubenham. It lies within the area of a former WWII airfield, RAF Market Harborough. The site is contained within the upper Welland Valley. Market Harborough is the only major settlement within the upper Welland Valley and, away from the town, a rural character prevails. The village of Gartree sits within the countryside, though recent development has brought the edge of Market Harborough closer.

6.2.2 The context of the appeal site consists of open countryside to the east, south and west, with Gartree village and prison to the north. The countryside to the east has been influenced by the former airfield which removed traditional hedgerow boundaries, creating an open and exposed piece of land. The existing prison is considered an anomalous and detracting feature within the wider Welland Valley landscape.

## 6.3 **Effects on the character of the countryside**

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6.3.1 To test the likely effects of the proposed development on the character of the appeal site and its environs, I undertook my own Local Landscape Character Assessment (LLCA).

6.3.2 I found the appeal scheme would exert the following adverse effects on the character of the landscape:

- The introduction of built forms, up to 4 storeys high, together with the necessary security fences and other arrangements, which would be appreciated from many publicly accessible viewpoints, including the network of public footpaths to the south and east of the appeal site. In

particular, there would be a substantial cumulative effect arising from the existing and proposed prisons, which would be experienced together in many views, extending across a wide expanse of landscape.

- The loss of farmland on the valley sides, that currently forms a continuum with the wider countryside.
- The loss of long and often open views across the valley to the landscape beyond as a result of the introduction of built form up to 4 storeys high.
- The loss of localised vegetation from within the appeal site.
- Localised changes to the topography of the appeal site, which currently extends out from the distinctive landform of Mill Hill, to accommodate the footprint of the proposed development, and a consequential adverse effect on the appreciation of Mill Hill.
- Loss of the rural landscape setting to the south of Gartree; this being a particularly important resource given the presence of the existing prison complex to the immediate east of the settlement.
- The adverse effect on views from the outer edge of the SDA, where the proposed development would be visible on the horizon, blocking views to the landscape beyond, and thus on the SDA's context and landscape setting.

6.3.3 My assessment also took into account the effectiveness of the proposed landscape mitigation measures. I noted concerns that planting would be largely limited to narrow planting belts around the eastern and southern boundaries of the new prison. I concluded that the space available was insufficient to establish robust mitigation planting that would provide a



meaningful new woodland edge to Gartree, and that it would, necessarily, have an urbanised character by nature of the visual influence of the new buildings and security fence that would be visible over and (in winter) through it.

6.3.4 I concluded that there would be a residual effect on the character of the LLCA of Medium-High magnitude and Major-Moderate significance.

6.3.5 I therefore concluded that the development would cause significant harm to the character of the countryside by reason of adverse effects on the landscape character of the appeal site, the appreciation of features in the surrounding landscape, and the countryside setting of Gartree and the SDA

#### **6.4 Effects on the appearance of the countryside**

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6.4.1 My LVIA found that the appeal site affords a relatively extensive zone of visibility, with a range of short, mid-range and long-distance views available.

6.4.2 I considered the effects of the appeal scheme on a variety of visual receptors.

6.4.3 My independent summary LVIA found that the proposed development would introduce built form to views that currently encompass the typical characteristics of farmland, and would block certain long-distance views across the countryside.

6.4.4 In assessing visual effects, I took into account the effectiveness of the proposed landscape mitigation measures. From many viewpoints, I found that the proposed development would remain clearly visible, even when the proposed mitigation planting was established.

6.4.5 I judged there would be significant residual visual effects from a number of points (e.g. effects of Major-Moderate adverse significance at year 15), including from the public footpaths that cross the landscape to the south and east of the appeal site, and I note that the Pegasus LVIA reached similar conclusions.

6.4.6 I therefore concluded that the development would cause significant harm to the appearance of the countryside, through the introduction of utilitarian built forms up to 4 storeys, the cumulative effects of extending prison development across views, and the loss of long distance views across the countryside.

## 6.5 **Effects on the Area of Separation**

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6.5.1 Lubenham Neighbourhood Development Plan (LNDP) Policy LNP01 notes:

*The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2, shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree.*

6.5.2 In my proof I have explained how the appeal scheme would diminish the physical and visual separation between built up areas and compromise the effectiveness of the Area of Separation (AoS) in protecting the identity of individual settlements.

6.5.3 It is agreed that the appeal scheme would extend into the AoS. In my evidence I note the material reduction in the width of the AoS at various points.

6.5.4 The policy wording references the importance of both physical and visual separation. Whilst the appeal scheme would clearly compromise the physical

separation of Gartree and the SDA, and of Gartree and Lubenham village, it is clear that the appeal scheme would cause even greater harm to the visual separation Gartree and the SDA.

- 6.5.5 In terms of appreciating the separation and the separate identity of Gartree and Market Harborough, I believe that it is important there is a visual and neutral break when travelling between the two settlements, so that there is a perception that travellers are leaving one settlement, passing through open countryside without strong affinity to either settlement, before arriving in a new settlement.
- 6.5.6 Travelling westwards along Gallow Field Road there are views over the appeal site, which is situated to the left of the existing prison. Such views would be foreshortened by the development proposed at the appeal site, which could be up to 4 storeys high. As well compromising the sense of openness, the loss of longer-distance views to the landscape beyond would have an adverse effect on the sense of visual separation of the two settlements.
- 6.5.7 The sense of openness experienced by users of public footpath A25 is particularly referenced in the LNDP. The proposed 4 storey units at the appeal site would have a substantial impact on views from this route, blocking long-distance views, changing the character of the setting of remaining portion of the AoS, and foreshortening the sense of visual separation between Gartree and the SDA/Market Harborough.
- 6.5.8 The influence of the proposed development would also be perceived from public footpath A23.

6.5.9 I consider that the proposed development would have a significant adverse effect the visual separation of Gartree and the SDA, and on the character of their landscape settings, and so the maintenance of their individual identity.

6.5.10 It follows therefore, that the appeal scheme would unacceptably compromise the separation of Gartree and Market Harborough.

## 6.6 **Conclusion**

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6.6.1 I consider that the proposed development would, by virtue of its location and its size, scale and design, result in unacceptable residual harm to the character and appearance of the countryside; would have adverse effects on the landscape setting of Gartree; and would compromise the physical separation of Gartree and the SDA; and have a significant adverse effect on the visual separation of the two settlements, by reason of:

- The exposed nature of the site.
- The introduction of an extensive area of buildings up to 4 storeys high and associated security fencing and car park in place of existing farmland.
- The form and scale of the development, and the cumulative effects that would arise when it was experienced in conjunction with the existing prison.
- The extent of the effect, with changes being perceived over a wide area.
- The ineffectiveness of the proposed mitigation planting, which would result in the continued visual presence of the prison within the landscape at Year 15.

- The loss of longer-distance views across the valley.
- The negative effects on both the physical and visual separation of Gartree and Market Harborough.

## 6.7 Summary of residual effects on key landscape and visual receptors

6.7.1 The following table provides a summary of my judgements regarding the residual effects (i.e. post year 15) of the appeal scheme on key landscape and visual receptors and the Lubenham Area of Separation.

**Table 6.1: Summary of the effects of the appeal scheme on landscape and visual receptors**

Landscape receptor	Residual effect
Harborough Landscape Character Assessment, Welland Valley Landscape Character Area	Moderate adverse significance
The Landscape Partnership's Local Landscape Character Area	Major-Moderate adverse significance
Visual receptor	Residual effect
Viewpoint 1	Major-Moderate adverse significance
Viewpoint 3	Major-Moderate adverse significance
Viewpoint 6	Moderate adverse significance
Viewpoint 7	Moderate-Minor adverse significance
Viewpoint 8	Major-Moderate adverse significance
Viewpoint 9	Major-Moderate adverse significance
Viewpoint 12	Minor adverse significance

Landscape receptor	Residual effect
Harborough Landscape Character Assessment, Welland Valley Landscape Character Area	Moderate adverse significance
The Landscape Partnership's Local Landscape Character Area	Major-Moderate adverse significance
Visual receptor	Residual effect
Viewpoint TLP A	Major-Moderate adverse significance
Viewpoint TLP B	Major-Moderate adverse significance
Viewpoint TLP C	Moderate adverse significance
Area of Separation	Residual effect
Lubenham Area of Separation	Significant adverse