

Landscape and Visual Matters

Rebuttal Note

Gartree 2

On behalf of the Ministry of Justice

Date: 20/09/2022 | Pegasus Ref: P21-0038

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1. Introduction

- 1.1. This rebuttal note provides a brief summary of the key points of difference between the Appellant and Harborough District Council in relation to landscape and visual matters, with reference to the proof of evidence of Mr Simon Neesam on behalf of the Council, as well as any factual points made by Mr Neesam with which I disagree.

2. Effects on landscape character

Welland Valley LCA

- 2.1. In summary, Mr Neesam finds the Welland Valley Landscape Character Area to be of **medium-high sensitivity**, the overall magnitude of impact of the appeal proposals to be **medium** and the significance of effect at Year 1 to be **major-moderate adverse**. By Year 15, Mr Neesam finds the magnitude of impact to have reduced to **low**, and the significance of effect to have reduced to **moderate adverse**.
- 2.2. It is my position that the Welland Valley Landscape Character Area in this context is of **medium sensitivity**, the overall magnitude of impact of the appeal proposals will be **low** and the significance of effect at Year 1 will be **minor adverse**. By Year 15, I find the magnitude of impact to have reduced to **negligible**, and the significance of effect to have reduced to **negligible to minor adverse**.

Laughton Hills LCA

- 2.3. Mr Neesam sets out at his PoE paragraphs 3.1.24–3.1.25 some commentary on the impact on the Laughton Hills LCA. He also sets out at his Appendix SJN 02 a summary table of landscape effects, in which he finds that the overall magnitude of impact on this LCA is **low**, the significance of effect is **moderate adverse** at Year 1, and **moderate-minor adverse** at Year 15. I have the following observations on this point.
- 2.4. The Laughton Hills LCA lies adjacent to the Welland Valley LCA and covers the appeal site's very western tip (refer to Figure 4: Landscape Character, LVIA, **CD/A9**). This LCA was not considered further in the LVIA for several reasons.
- 2.5. Firstly, in the context of the appeal site boundary, the western extent of the site was extended to provide additional ecological and public access enhancements, including the requirement for Biodiversity Net Gain. The change to the appeal site boundary resulted in an overlap with the Laughton Hills LCA. There is no development proposed in this area of the site.
- 2.6. Secondly, intervisibility between this LCA and the appeal site is limited by intervening topography and vegetation, the latter as set out in Mr Neesam's PoE, where at paragraph 4.1.2. in his summary of the visual context, he states: "*views from the north-west are filtered by mature trees within the village of Gartree.*"
- 2.7. Mr Neesam does not set out a detailed narrative as to how he has reached his judgements in relation to the impact on the Laughton Hills LCA in relation to landscape value, susceptibility, sensitivity, nor magnitude of change. In addition, nowhere in Mr Neesam's PoE

does he reference the latest guidance from the Landscape Institute on determining value (Landscape Institute Technical Guidance Note 02/21: Assessing Landscape Value Outside National Designations), in the same way that the methodology used in the submitted LVIA and my PoE does.

- 2.8. In my view the appeal proposal will have no physical impact on this LCA, given that this area of the appeal site is proposed for ecological grassland enhancement only. Whilst there may be occasional views of the appeal proposals at closer proximities (for example receptors at Viewpoint 6), these will be limited and localised, given that the appeal site lies on falling land to the south-east of the ridgeline to the north. As such, it is my position that any impacts on the LCA will be very limited and Mr Neesam's findings are overstated.

Local landscape character

- 2.9. A key difference between the parties in relation to the local landscape is the way that this has been defined. Mr Neesam seeks to identify a local landscape character area that encompasses the appeal site and the agricultural land to the east and south. However, he distorts the picture as he excludes the residential area of Gartree and the existing prison, HMP Gartree which lie directly north of the appeal site and which both have a considerable influence/role in the local landscape (refer to Figure 03, Appendix SJN 04: Figures and Photographs, **CD/F2**).
- 2.10. This is a fundamentally flawed approach.
- 2.11. HMP Gartree and Gartree residential area are most certainly part of the local landscape context of the appeal site. They abut the majority of the appeal site's northern boundary and given the existing prison was built on an area of the former airfield, and the appeal site is also part of the former airfield, they must be inherently linked.
- 2.12. At paragraph 5.16 of the GLVIA3 (**CD/H6**) the guidance notes that even when there are useful and relevant existing published landscape character assessments:
- 2.13. *"it is still likely that it will be necessary to carry out specific and more detailed surveys of the site itself and perhaps its immediate setting or surroundings. This provides the opportunity to record the specific characteristics of this more limited area, but also to analyse to what extent the site and its immediate surroundings conform to or are different from the wider landscape character assessments that exist, and to pick up any other characteristics that may be important in considering the effects of the proposal".*
- 2.14. By neglecting to include the complete 'picture' of what constitutes the local landscape in this area, Mr Neesam misses those specific characteristics (namely for example HMP Gartree) that in terms of scale of enclosure, nature of land use and the nature of existing elements and features, serve to influence the sensitivity of the landscape in this location. And further, the likely magnitude of impact of the appeal proposals in terms of degree of alteration to aesthetic or perceptual aspects, as well as consideration of the significance of effects in terms of the extent to which the appeal proposals will fit or be at variance with the receiving landscape.
- 2.15. The Pegasus Group LVIA (**CD/A9**) and in turn my PoE (**CD/E3**) do set out a detailed description of the local landscape character, including those areas immediately adjacent to

the appeal site to the north and north-west. It is only in doing so can my findings address the impact on the local landscape comprehensively.

- 2.16. In summary, Mr Neesam finds his local landscape character area to be of **medium-high sensitivity**, the overall magnitude of impact of the appeal proposals to be **high** and the significance of effect at Year 1 to be **major-moderate adverse**. By Year 15, Mr Neesam finds the magnitude of impact to have reduced to **medium-high**, but the significance of effect remains **major-moderate adverse**. These judgements are as set out above, based on a limited consideration of part of the local landscape as set out by Mr Neesam.
- 2.17. It is my position that the local landscape is of **low to medium sensitivity** for the reasons set out in my PoE (pages 12-14, **CD/E3**), the overall magnitude of impact of the appeal proposals will be **high** and the significance of effect at Year 1 will be **moderate adverse**. By Year 15, I find the magnitude of impact to have reduced to **medium** as a result of the proposed mitigation measures helping to assimilate the appeal proposals into the landscape, and the significance of effect to have reduced to **minor to moderate adverse**.

3. Effects on visual amenity

- 3.1. In summary, Mr Neesam finds the same significance of effect in the longer term as the Appellant for receptors at half of the sixteen representative viewpoints set out in the submitted LVIA.
- 3.2. Mr Neesam finds higher impacts for receptors at viewpoints 4, 6, 7, 8, 9, 10, 15 and 16. For the majority of these receptors, there is only a small difference between my judgement and Mr Neesam's judgement.
- 3.3. Mr Neesam also considers three additional representative viewpoint photographs (TLP A, TLP B and TLP C – refer to Figure O4a, Appendix SJN O4: Figures and Photographs, **CD/F2**).
- 3.4. TLP A is located along public footpath A25 and is representative of users of the public right of way network in this location. Impacts will broadly be similar to that for receptors at Viewpoint 1.
- 3.5. TLP B and TLP C are located along Welland Avenue. Impacts here will also be similar to that for receptors at Viewpoints 2 and 3.

4. Potential impact on the AoS

- 4.1. In relation to potential impacts on the Area of Separation (AoS), both parties provide measurements to explain the potential reduction in physical distance between settlements as a result of the appeal proposals. Mr Neesam measures the distance between the edges of the existing AoS. I set out measurements between the settlement boundaries. Although the approaches are slightly different, the results are comparable.
- 4.2. In terms of visual separation, Mr Neesam does not set out in his PoE any indication that there would be any impact to the separation of Gartree and Lubenham. He does suggest that the appeal proposals will compromise the separation of Gartree and Market Harborough.

- 4.3. My analysis does not identify any locations where the appeal proposals would result in the visual 'coalescence' of the two settlements. Furthermore, even with the appeal proposals in place, from the public routes and locations identified, open views across the agricultural landscape in this location will remain.
- 4.4. In addition, it is my position that the proposed landscape mitigation will be effective in minimising the potential introduction of built development into the landscape, thereby helping to protect landscape character and minimising the visibility of the appeal proposals. This inherent mitigation will be successful in ensuring that the 'open character' of the AoS, outside of the new prison site is maintained.

5. Mitigation proposals

- 5.1. At paragraph 3.2.30 of Mr Neesam's PoE he sets out his presumptions in terms of the depth of new woodland planting along the eastern and southern boundaries of the appeal proposals, in which he states: *"...on the eastern boundary it would appear to be c. 6m deep, and perhaps 10m deep on the south-eastern boundary."*
- 5.2. By way of clarification, I have provided the attached **Figure KM-3** (see **Appendix A**) which sets out the correct measurements for new native woodland planting along the perimeters of the appeal site.
- 5.3. As demonstrated by this drawing, the perimeter planting varies in depth but provides a minimum of ca. 11m, increasing to ca. 47m to the north, and ca. 36m to the south along the eastern boundary; as well as a minimum of ca. 14m, increasing to ca. 40m along the south-eastern boundary; and ca. 25m along the south-western boundary of the appeal proposals.
- 5.4. Overall, the perimeter landscape proposals provide more than enough space to implement meaningful woodland planting which will go a considerable way to minimising the potential landscape and visual impact of the appeal proposals.



Appendix A

Figure KM-3: Woodland Planting Depths

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KEY



Site boundary

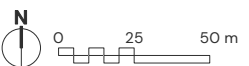
Notes:
Base plan –
661277-0000-PEV-GTX0011-XX-DR-L-0301
Comprehensive Landscape Masterplan, Pick Everard

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Fig KM-3: Woodland Planting Depths

Gartree 2

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