
CD3.25

Land South of Chiswell Green Lane,
Chiswell Green, St Albans:

Rebuttal Proof of Evidence of Lisa Toyne
BA (Hons) DipLA DipTP CMLI

Section 78 Appeal PINS Reference: APP/B1930/W/22/3313110

Application Reference: 5/2022/0927

Prepared on behalf of Alban Developments Limited and Alban Peter
Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd

April 2023

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1.0 REBUTTAL EVIDENCE

Introduction

- 1.1 This rebuttal proof of evidence responds to the proof of evidence of John-Paul Friend (Mr Friend) on behalf of St Albans City and District Council (SACDC). I have focused on what appear to me to be the main points of dispute and therefore my silence on any particular issue should not be taken to indicate agreement.
- 1.2 I note that Mr Friend was not advising the SACDC at the time planning permission was refused and therefore his analysis cannot have been in the minds of Planning Committee Members when they rejected SACDC officer advice and resolved to refuse planning permission.

Statement of Common Ground

- 1.3 The following has been agreed between Mr Friend and myself:

"SACDC and the Appellant agree that the relevant published landscape character context for the Site is NCA 111: Northern Thames Basin (CD7.5), and LCA 10: St Stephen's Plateau (CD8.13).

The descriptions, the relative value, susceptibility and sensitivity of these areas, and the judgement of landscape effects on these areas, as set out in the BWnS LVIA (CD2.5) (Paragraphs 5.2 to 5.4 and Paragraphs 8.2 to 8.3, with regard to NCA 111: Northern Thames Basin; and Paragraphs 5.5 to 5.10 and Paragraphs 8.4 to 8.5, with regard to LCA 10: St Stephen's Plateau) and as set out in the Proof of Evidence of Mr Friend (CD5.33) at Paragraphs 4.1.2 to 4.1.5 (Published Landscape Character Sensitivity) and at 4.1.8 to 4.1.12 (Landscape Assessment - Effects on Landscape Character) are also agreed.

The methodology adopted for the preparation of the BWnS LVIA, as set out in full in Appendix 1 of the BWnS LVIA (CD2.5), and as summarised within the BWnS LVIA in Section 2.0, Paragraphs 2.1 to 2.16, is also agreed."

- 1.4 As set out in Paragraph 3.1.2 of the PoE of Mr Friend, it is noted that *"The methodology provided within Appendix 1 of the BWLVIA [CD2.5] complies with the approach set out in Guidelines for Landscape and Visual Impact Assessment (Third Edition), published by the Landscape Institute and the IEMA (2013) (GLVIA). However, that does not necessarily mean that I agree with every judgment within the BWLVIA"*.

Existing Landscape and Visual Context

- 1.5 There is agreement between SACDC and the Appellant that *"the relevant published landscape character context for the Appeal Site is NCA 111: Northern Thames Basin, and LCA 10: St Stephen's Plateau, and that the descriptions, the relative value, susceptibility and sensitivity of these areas, and the judgement of landscape effects on these areas are agreed, as set out in the BWnS LVIA, and as set out in the evidence of J-PF at 4.1.2 to 4.1.5 (Published Landscape Character Sensitivity) and at 4.1.8 to 4.1.12 (Landscape Assessment - Effects on Landscape Character)"*.
- 1.6 There is agreement between SACDC and the Appellant, in that that the access to the former Butterfly World, and the associated mounding and maturing planting, that comprises Miriam Lane, forms a physical barrier to fields beyond [the Appeal Site to the west], as Mr Friend acknowledges in his PoE at Paragraph 2.1.3.
- 1.7 However, Mr Friend then suggests, at Paragraph 2.1.5 and 2.1.6 of his PoE, that the Appeal Site (with emphasis), is *"relatively tranquil, although visual connectively exists with dwellings to the east, north and south, with some detracting elements in the form of pylons and road noise from the wider area"*, and that *"views from within the Appeal Site provide links to the generally well vegetated agricultural landscape to the west"*.
- 1.8 However, Paragraph 6.17 of the BWnS LVIA **[CD2.5]** notes (with emphasis) that the *[Appeal] Site and its immediate context are not designated for scenic beauty and comprise relatively common components and characteristics. The character of the [Appeal] Site is affected by the detracting influence of the western settlement edge of Chiswell Green which adjoins the Site to the north, east and south. There are some positive perceptual aspects, particularly with respect to partial views towards the landscape to the south-west, although these positive aspects are often overridden by negative influences resulting from detracting features, such as the pylons that cross the landscape to the west of Noke Lane. However, the [Appeal] Site is not publicly accessible, and as such it does not contribute to recreation. The perception of remoteness and tranquillity experienced within the [Appeal] Site is limited due to its rural-urban fringe location, as well as the limited availability of long distance views"*.
- 1.9 The description of LCA10: St Stephen's Plateau, under the 'Visual and Sensory Perception' section, includes the following of relevance to the [Appeal] Site:

"The area is widely visible from outside, including open views from the urban areas to the east. The scale of the landscape is medium to large. ... The noise of the motorways is relentless and

discordant. The landscape type is relatively common in the county. ... "

- 1.10 In addition, under the 'Visual Impact' section, the following passage is of relevance to the [Appeal] Site:

"The raw built edges of Chiswell Green and How Wood represent significant suburban impact".

- 1.11 I am of the opinion, therefore, as substantiated by the above, that the findings of the BWnS LVIA are correct, and that the Appeal Site exhibits only limited tranquillity; and that there are only partial visual links to the wider landscape to the south-west.

Landscape and Visual Effects

- 1.12 There is broad agreement on many of the impacts on the Landscape Features or Components, Landscape Character, and Visual Amenity.
- 1.13 There are limited differences between the SACDC and the Appellant, as set out with the Mr Friend's PoE, with regard to the findings of the BWnS LVIA **[CD2.5]**, and these are set out in **Table 1.1: Comparison Table** included in **Appendix 1** of this Rebuttal. This sets out the comparison of Value, Susceptibility, Sensitivity, Magnitude and Significance at Year 1 and Significance at Year 15, where Mr Friend alleges the that judgements are incorrect. Reference to paragraphs of the BWnS LVIA and Mr Friend's PoE are also provided within **Table 1.1**, where relevant. This sets out the commentary on receptors from the BWnS LVIA in one row, with the comparative commentary on the same receptors from Mr Friend's PoE in the row below, for ease of comparison.
- 1.14 A commentary is also provided below, rebutting Mr Friend's alternative judgements to those in the BWnS LVIA, which I am of the opinion are correct.

Landscape Effects

- 1.15 With regard to Landscape Effects, as set out in Paragraph 4.1.21 of Mr Friend's PoE, these are limited to:

"The levels of change appear generally reasonable and I only disagree with the effects at a year 15 stage on native hedgerows [negligible beneficial instead of moderate beneficial] and on the character of the site and its immediate vicinity, which I consider will reduce to a Minor Adverse level rather than Neutral [at Year 15]."

- 1.16 With regard to the effect on Native Hedgerows, both Mr Friend and I agree that the effect on Native Hedgerows at Year 1 is of Negligible Adverse significance.
- 1.17 However, as noted, Mr Friend considers the effect to be of **Negligible Beneficial** significance at Year 15, as set out at Paragraph 4.1.17 of his PoE, stating that *"there will be some additional planting but the existing structure of hedgerows with removals made for access routes through the site will be evident and they will not be restored, rather slightly improved"*.
- 1.18 However, this underplays the benefit of the additional substantial hedgerow planting and positive management of the retained and proposed planting, and that the judgement set out within the BWnS LVIA, that is of **Moderate Beneficial** significance, is correct as set out in Paragraph 8.11 of the BWnS LVIA in that *"following the restoration and reinforcement of the existing hedgerow along the western boundary and its successful establishment, there will be a marked improvement to the overall structure and cohesiveness of the receptor as well as to its extent and overall quality. As a result, this receptor would be subject to a partial improvement."*
- 1.19 With regard to the effect on the Character of the Appeal Site, both Mr Friend and I agree that the effect on the Character of the Appeal Site at Year 1 is of Major Adverse significance.
- 1.20 However, as noted, Mr Friend considers the effect to be of **Minor Adverse** significance at Year 15, as set out at Paragraph 4.1.13 of his PoE, stating that *"this is because there would remain a limited deterioration to the landscape resource formed by the encroachment of development into the site."*
- 1.21 However, again, this underplays the balance of the positive benefits of the landscape strategy accompanying the Proposed Development, and that the judgement set out within the BWnS LVIA, that is of **Neutral** significance at Year 15 is correct, as set out in Paragraph 8. 7 of the BWnS LVIA in that *"there would be the establishment of positive characteristic features throughout the Appeal Site, responding to the published landscape guidance and policy and mitigating the adverse effects relating to the Proposed Development itself, which along with the positive benefits, would assimilate the Appeal Site successfully into the settlement edge of Chiswell Green"*, within a mature landscape framework.
- 1.22 However, it should be noted that in any event, neither of these landscape effects would be considered 'significant'.

Visual Effects

- 1.23 With regard to the visual assessment, the main areas of disagreement are with regard to the baseline assessment of sensitivity of visual receptors, which then in turn, when combined with the magnitude of effect, would increase the significance of the overall effect on a receptor; and two judgements on magnitude; all of which I disagree with.
- 1.24 The methodology for the BWnS LVIA has been agreed in the Landscape Statement of Ground **(CD3.28)**.
- 1.25 The criteria for assessing the Value of Views and Susceptibility of Visual Receptors is set out in detail in **Appendix 1** of the BWnS LVIA **[CD2.5]**, at Tables 1.4 and 1.5, as included below for ease of reference:

Table 1.4: Value of Views

Value	Criteria
High	View of/from a location that is likely to be of national importance, either designated or with national cultural associations.
Medium	View of/from a location that is likely to be of local importance, either designated or with local cultural associations.
Low	View of/from a location that is not designated, with minimal or no cultural associations.

Table 1.5: Susceptibility of Visual Receptor

Susceptibility	Criteria
High	<ul style="list-style-type: none"> • People at their place of residence; • People engaged in outdoor recreation, including users of Public Rights of Way (PRoW), whose attention is likely to be focused on the landscape; and • People travelling along recognised scenic routes or where their appreciation of the view contributes to the amenity experience of their journey.
Medium	<ul style="list-style-type: none"> • People engaged in outdoor sport and recreation, where their appreciation of their surroundings is incidental to their enjoyment; and • People travelling on secondary roads or country lanes, rail or other transport routes.
Low	<ul style="list-style-type: none"> • People travelling on major roads; and • People at their place of work.

Residents of properties on the settlement edge of Chiswell Green

- 1.26 With regard to establishing the sensitivity of residential receptors, that is limited to those residents in properties on the very edge of the settlement of Chiswell Green, as set out in the BWnS LVIA, these are assessed as having a **medium sensitivity**, based on the below, as set out at Paragraph 6.28 of the BWnS LVIA, which is in accordance with the BWnS LVIA Methodology, and with which I agree:

*"Views are from a location that is not designated and has minimal cultural associations, therefore their **value** is considered to be Low. Receptors are people at their place of residence who have a **High susceptibility**"*

*to development of the type proposed. On balance, their **sensitivity** is judged to be **Medium**.*"

- 1.27 However, Mr Friend suggests that the value of views from residential properties should be **high value**, on the basis, as set out at Paragraphs 5.1.4 and 5.1.5 of Mr Friend's PoE, that:

"I would contend that the value of view from a residential dwelling does not fall within the low category as it represents in this case the permanent change to the visual baseline from living spaces. A dwelling represents the place a person will go for shelter and therefore I believe the value of these receptors should be high."

- 1.28 However, providing shelter is not the type of quality attributed to the value of a view, but more likely to fall within the attributes of susceptibility. This is actually qualified in the previous paragraph of Mr Friend's PoE, at Paragraph 5.1.4, where Paragraph 6.33 of the GLVIA, regarding susceptibility (with emphasis) is quoted:

"The visual receptors who are most susceptible to change are generally likely to include:

- *residents at home;*
- *people, whether residents or visitors, who are engaged in outdoor recreation, including use of public rights of way, whose attention or interest is likely to be focused on the landscape and on particular views;*
- *visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience;*
- *communities where views contribute to the landscape setting enjoyed by residents in the area.*

Travellers on road, rail or other transport routes tend to fall into an intermediate category of moderate susceptibility to change. Where travel involves recognised scenic routes awareness of views is likely or be particularly high."

- 1.29 This aligns with the BWnS LVIA criteria for assessing 'susceptibility' as set out in Table 1.5 above, and Paragraph 6.33 of the GLVIA. Correctly, the residential properties on the edge of Chiswell Green have been afforded a '**High Susceptibility**' (the highest criteria) to the type of development proposed.

- 1.30 With regard to value, Mr Friend goes on to refer to Paragraph 6.37 of the GLVIA, at his Paragraph 5.1.6; however, this qualifies that the value of views is to concerned with the '**value attached to the views 'experienced'**'. The full Paragraph 6.37 from the GLVIA states that:

Judgements should also be made about the value attached to the views experienced. This should take account of:

- *recognition of the value attached to particular views, for example in relation to heritage assets, or through planning designations;*
- *indicators of the value attached to views by visitors, for example through appearances in guidebooks or on tourist maps, provision of facilities for their enjoyment (such as parking places, sign boards and interpretive material) and references to them in literature or art (for example 'Ruskin's View' over Lunedale, or the view from the Cob in Porthmadog over Traeth Mawr to Snowdonia which features in well-known Welsh paintings, and the 'Queen's View' in Scotland)."*

- 1.31 This underpins the BWnS LVIA judgement, and my judgement, that the value of residential views is of **'low value'** in accordance with the BWnS LVIA, in that they are not designated or have any cultural associations as suggested by the GLVIA.
- 1.32 If the value of the residential views is considered to be **'Low'** in accordance with the GLVIA methodology, the sensitivity of the residential views would be of **'Medium Sensitivity'**, and consequently the significance of the Visual effects would remain at **Moderate Adverse at Year 1** and **Negligible at Year 15**, as set out in the BWnS LVIA, with which I agree, and would not be elevated to Major Adverse at Year 1 and Minor Adverse at Year 15, and Mr Friend alleges.

Users of Roads of Long Fallow, Forge End and Woodlea

- 1.33 Mr Friend also suggests that users of Long Fallow, Forge End and Woodlea (roads) should be of **higher** overall sensitivity, that is **'Medium Sensitivity'** as opposed to **'Low Sensitivity'**, as assessed in the BWnS LVIA; although Mr Friend has not set out 'value' and 'susceptibility' so this judgement is not transparent. Mr Friend states, Paragraph 5.1.8 of his PoE, that "*users of Long Fallow, Forge End and Woodlea to be of a medium overall sensitivity as they are communities where views contribute to the landscape setting of the settlement and are of landscape that falls within the designated Green Belt*".
- 1.34 However, this is not underpinned by the agreed BWnS LVIA Methodology, and this is overinflating what are essentially views from residential roads, with only glimpses out over the Appeal Site, between existing residential properties, and in views that are substantially characterised by surrounding existing houses. These views can only be of **Low Value**, as they are from a location not designated in landscape terms, with minimal or no cultural associations. Receptors in these locations are people travelling along suburban culs-de-sac who have a **Low susceptibility** to the type of development proposed.
- 1.35 Therefore, considering the combination of Low value and Low susceptibility, this results in an **Low Sensitivity**, as set out in Paragraph 6.30 of the BWnS LVIA.

- 1.36 If this is the case, without the inflated value of the views from '**Low Sensitivity**' to '**Medium Sensitivity**', as the magnitude of effect is not disputed, the significance of the Visual effects would remain at **Neutral at Year 1** and **Minor Beneficial at Year 15**, as set out in Paragraphs 8.20 and 8.21 of the BWnS LVIA, and with which I agree; and would not be elevated to Negligible Adverse at Year 1 and Negligible Beneficial Year 15, and Mr Friend alleges. However, in any event, these are not 'significant' effects.

Pedestrians using PRoWs 082, 028 and 022

- 1.37 Mr Friend states at Paragraph 5.1.7 of his PoE, and with reference to Paragraph of 6.37 of the GLVIA, that the **value of views** from PRoWs in the Green Belt should be higher, as they are views from a 'planning designation'.

- 1.38 Mr Friend qualifies this at Paragraph 5.1.7 of his PoE, stating that:

"As the site falls within the Metropolitan Green Belt, a planning designation which is affected by openness, both spatial and visual, this suggests that views should be considered of a higher value. Consequently, I consider residents and users of PRoW within the area as having a high overall sensitivity as they also have a high susceptibility to change."

- 1.39 There is no dispute over susceptibility of PRoW users as being '**high**', as set out in the BWnS LVIA Methodology, however, Green Belt is not a landscape designation, but primarily a spatial function, and not a visual amenity function, and therefore does not contribute to the value of a view.

- 1.40 The assessment of change to visual openness is correctly assessed in the review of effect on the Green Belt.

- 1.41 No visual receptors identified in the BWnS LVIA fall within an area recognised for or designated for landscape quality or scenic beauty. I, therefore, agree with the assessment of value of views experienced by users of PRoWs 082, 028 and 022 being **Low**, which combined with a **High** susceptibility, results in **Medium** Sensitivity.

Pedestrians using PRoW 082

- 1.42 Mr Friend also suggests that the magnitude of effect on views experienced by users of PRoW 082 would be **Medium**, as opposed to that of **Very Small** as set out in the BWnS LVIA. However, this fails to take into account the very short length of PRoW 082 affected, as qualified in the BWnS LVIA, which notes at Paragraph 8.22, that "*pedestrians on travelling PRoW St*

Stephen 082 would have glimpsed, close range, frontal views of the northern part of the Proposed Development including highway alterations, although this is limited to the point at which the southern end of the route meets Chiswell Green Lane, as further to the north along this footpath views of the [Appeal] Site are entirely curtailed by intervening built form. The existing residential context of this location is such that the introduced elements of built form are not uncharacteristic in views experienced by these receptors, and this new built form would reinforce local settlement character as a result of the sensitive design of the Proposed Development”.

- 1.43 I therefore consider that the significance effect on views experienced by users of PRowS 082 remains as set out in the BWnS LVIA as **Negligible Adverse at Year 1** and not Minor Adverse as suggested by Mr Friend.
- 1.44 Likewise, I also consider that the significance of effect on views experienced by users of PRowS 082 remains as set out in the BWnS LVIA as **Neutral at Year 15**, as qualified at Paragraph 8.25 of the BWnS LVIA which notes that *“the comprehensive landscape strategy will have become established by Year 15, helping to soften, filter and integrate the Proposed Development within its context. Given the limited extent of the route from which the introduced built form will be visible, the change in views will remain barely perceptible, and positive features will by this time reduce the overall effect at Year 15”.*
- 1.45 Again, in any event, these are not ‘significant’ effects.

Pedestrians using PRowS 028 and 022

- 1.46 Mr Friend does not take issue with the assessment of the magnitude of effect on views experienced by users of PRowS 028 and 022, but in judging that these views are of High value due to their location in the Green Belt, which I consider is incorrect, the combination of the High sensitivity and magnitude of effect inflates the significance of effect to Minor Adverse in Year 1 and Negligible Adverse at Year 15; however, I agree with the assessment of the BWnS LVIA based on a Medium sensitivity and the magnitude of the effect arising at a significance of effect of a **Negligible Adverse at Year 1** and **Neutral at Year 15**.
- 1.47 Again, in any event, these are not ‘significant’ effects.
- 1.48 However, in considering these differences in Landscape and Visual Effects, the only ‘significant’ increases in visual effects (that is up to moderate or major adverse significance) would be:

- Residents of properties on the edge of Chiswell Green, which Mr Friend's suggest that visual impact would increase from 'Moderate' to 'Major' adverse at Year 1; due to an increase in the sensitivity of receptor, which I disagree with.
- Users of PRow 082, which Mr Friend considers would experience a greater magnitude of effect, which would increase from 'Negligible' Adverse to 'Moderate' adverse effect at Year 1; however, this does not take into account the very short section of southern end of PRow 082 which would be affected, and which is justified in terms of the GLVIA methodology.

Green Belt

- 1.49 Mr Friend confirms at Paragraph 6.1.1 of his PoE, and I agree, that Green Belt is not a Landscape Designation. I also note that his evidence is at odds with the SACDC's Green Belt review, on which the SACDC officer's report relied, as well as the Committee Report itself. There is no indication in the reasons for refusal that Members disagreed with the SACDC officer's Committee Report in this respect.

Visual Openness

- 1.50 Mr Friend sets out at Paragraph 6.1.3 of his PoE, the difference between an LVIA and a Green Belt Assessment, noting that:

"In LVIA an assessment is made on the effects of development on views available to people and their visual amenity and how this may affect character and scenic quality. In consideration of Green Belt, an assessment is made on the effects of development on the visual openness of the Green Belt including impacts on views, links to the wider Green Belt, inter-visibility between settlements and whether measures could be proposed that would restore the baseline aspects of openness."

- 1.51 Is this helpful, to prevent the double-counting of landscape and visual effects, and effects on the Green Belt, in particular to the effect on visual amenity as opposed to the effect on the perception of the openness of the Green Belt. This is also relevant to the assessment of value of views, as assessed in LVIA, confirming that Green Belt not a landscape designation, and that the assessment of effect on visual amenity and effect on the visual, that is perceptual openness Green Belt openness are two separate assessments.
- 1.52 This substantiates my opinion that the value of views obtained by users of PRows in the Green Belt, are not necessarily of High Value, as Green Belt is not a landscape designation, but that value should be determined by the correct review of criteria for value as set out above.

- 1.53 With regard to visual openness of the Green Belt, Mr Friend, with reference to Paragraph 6.1.7 of his PoE, is of the opinion that whether or not the Appeal Site is visible in the context of views of the settlement edge is irrelevant.
- 1.54 However, this is relevant in terms of 'perceptual openness', as views of the existing settlement permeate across the whole of the Appeal Site, with the resultant reduction in apparent openness (i.e. free from views of development). There is also already reduced perceived openness arising from views of the livery, stables and associated structures on site, and residential development in the north-eastern part of the Appeal Site, both of these are factors which contribute to any perceived reduction of openness.
- 1.55 Mr Friend goes on to make a brief reference, at Paragraph 6.1.8 of his PoE, to a Secretary of State decision (Haydock Point – Land at A580 East Lancashire Lane / A49 Lodge Lane: APP/H4315/W/20/3256871) (**CD9.21**), Paragraph 8.9, in isolation. Without any comparison of the similarities between the Appeal Site and the Haydock Point Site, in terms of visibility of the existing development that lies close to the Haydock Point Site, the conclusion on the proximity of the urban influences to the Haydock Point Site do nothing to offset the permanent loss of openness is meaningless.
- 1.56 The Appeal Decision makes reference to external views as being relatively local but does not go on to suggest that the urban elements close to the site are particularly visible, but to the contrary, notes the relative containment of external views.
- 1.57 Paragraph 8.9 goes on to state that "*moreover, the proposed landscape bunding and tree screening round the site, intended to soften the appearance of the buildings in the landscape, would aggravate the obvious loss of the essential and fundamental openness of the Green Belt*".
- 1.58 However, this suggests to me that it follows that the existing bunding and maturing planting along the western boundary of the Appeal Site (along Miriam Lane) would equally limit the current openness of the Appeal Site, as would the enclosure provided by the existing adjoining settlement edge.
- 1.59 I would therefore conclude that, in considering visual openness, it is very relevant to consider the extent to which the Appeal Site is enclosed and the extent to which the perceived openness is already influenced by built form, both on the Appeal Site and visible surrounding it as is considered in my assessment of the openness of the Green Belt.

- 1.60 Mr Friend alleges that there will be a very substantial loss of openness [of the Green Belt], with reference to several paragraphs in the SACDC February 2014 Green Belt Review **(CD8.5)** However, these references do not appear to quantify a very substantial loss of openness, but actually demonstrate that mitigating effects such as *"landform and vegetation [would] provide enclosure, and would help contain and provide a framework for development."* and that *"key potential visual effects of new development would be at a local level"*.
- 1.61 I have acknowledged that there would be an extension of settlement across the Appeal Site, into the Green Belt, therefore there would be some negative effect on the fundamental aim of the Green Belt, (by preventing urban sprawl by keeping land permanently open in visual terms), but I do not see how these references support that there would be 'very substantial loss of openness' in regard to visual openness, but more that they demonstrate that it would be more limited, and in line with my assessment, as set out in Paragraph 5.23 in that *"the Appeal Site exhibits a limited perception of openness beyond the extent of the Appeal Site due to the restricted extent of visual connection to the wider landscape. The existing western boundary vegetation would be retained and enhanced, and this would serve to contain introduced built forms on the Appeal Site and thus limit any further impact upon the openness of the Green Belt beyond the Appeal Site"*.

Spatial Effects

- 1.62 Mr Friend notes that at Paragraph 6.1.17, notes that *"permanent built form at two to three storey scale would stretch across the majority of the appeal site, which would substantially erode openness compared to the existing open character of the site. In addition, there would be significant loss of spatial openness associated with the proposed parking, access roads, fencing, lighting and other associated infrastructure"*, and concludes at Paragraph 6.1.18 of his PoE that there will be 'very substantial' spatial loss of openness, due to height, volume and scale of built form proposed.
- 1.63 Mr Friend also suggest that an increase in vehicles on roads and walkers on footpaths will contribute to a further reduction in openness, inferring that this is included in other evidence, but does not provide references nor quantify this in any way, in how it would actually affect to local and wider landscape. Therefore, I do not see how this would meaningfully contribute to a reduction in openness that can be directly attributed to the Proposed Development of the Appeal Site.
- 1.64 In summary, Mr Friend appears to have undertaken a very superficial assessment of the loss of spatial openness, which fails to acknowledge in terms of 'spatial openness' the proportion of the Appeal Site that will remain 'spatially open', as committed to in the Parameters Plans,

in particular the Land Use Parameter Plan (**CD1.28**), and which is largely unsubstantiated. I would suggest that Mr Friend has provided insufficient evidence to demonstrate 'very substantial loss of openness'.

- 1.65 In contrast, at Paragraph 5.23, I have based my assessment on spatial openness on an analysis of the Parameter Plans for Proposed Development, in that *'the loss of physical openness would arise from development of 59% of the Appeal Site compared with the current 4%'*. I would suggest that quantifying the area of the Appeal Site retained free from built form has a greater influence on the extent to which there will be a loss of spatial openness on the Appeal Site, compared with a blanket assumption of the extent of built form on the Appeal Site, and assumption that there would be a further significant loss of spatial openness associated with the proposed parking, access roads, fencing, lighting and other associated infrastructure and suggestion an increase in vehicles on roads and walkers on footpaths will contribute to a further reduction in openness.
- 1.66 As a result, I am still of the opinion, and conclude, as also stated at Paragraph 5.23 of my evidence *"that there would some loss of physical and perceptual openness on the Appeal Site, as would be inevitable on the development of any greenfield site, ... and some loss of perceptual openness, which would be limited to the Appeal Site and its boundaries. This would result in moderate harm with regard to the physical, or spatial, openness of the Green Belt, but this would be restricted to the Appeal Site itself, with no effect on the physical openness and a barely perceptible to no effect on the visual openness of the remaining Green Belt to the south-west and west.*

APPENDIX 1
TABLE 1.1: LVIA COMPARISON TABLE

Landscape Receptors	Value	Susceptibility	Sensitivity	Magnitude Year 1	Significance Year 1	Magnitude Year 15	Significance Year 15
Native Hedgerow	Low	High	Medium	Small	Negligible Adverse	BWnS GLVIA: Paragraph 8.11 Following the restoration and reinforcement of the existing hedgerows along the western boundary, and its successful establishment, there will be a marked improvement to the overall structure and cohesiveness of the receptor as well as to its extent and overall quality. As a result, this receptor would be subject to a partial improvement.	Moderate Beneficial
	Low	High	Medium	Small	Negligible Adverse	<i>(J-PF) Paragraph 4.1.17 In this case [it is my view that] there would be a Negligible Beneficial effect as there will be some additional planting but the existing structure of hedgerows with removals made for access routes through the site will be evident and they will not be restored, rather slightly improved.</i>	Negligible Beneficial
Character of the Site	Low	Medium	Medium	Large	Major Adverse	BWnS LVIA: Paragraph 8.7 Balance of Positive and Negative effects At Year 15, the proposed comprehensive landscape strategy set out in Figure 8: Publicly Accessible Green Space Strategy Plan will result in the establishment of positive characteristic features throughout the [Appeal] Site, responding to the published landscape guidance and policy and mitigating the adverse effects relating to the Proposed Development itself. The [Appeal] Site will have assimilated into the existing settlement edge of Chiswell Green, which along with the positive benefits of the proposals would, on balance, reduce the effect to Neutral at Year 15.	Neutral
	Low	Medium	Medium	Large	Major Adverse	<i>(J-PF) Paragraph 4.1.13 At Year 15, [with the establishment of a mitigation strategy, it is stated that the change would reduce to a Neutral effect. I disagree with this outcome as although there would be landscape features created]} there would still be an adverse effect on landscape character. I believe the change would reduce to a Minor Adverse level assuming that the</i>	Minor Adverse

Visual Receptors	Value	Susceptibility	Sensitivity	Magnitude Year 1	Significance Year 1	Magnitude Year 15	Significance Year 15
						<i>development is in the form as detailed on the submitted Landscape Masterplan and that the measures establish as illustrated. This is because there would remain a limited deterioration to the landscape resource formed by the encroachment of development into the site.</i>	
Residents of properties on the settlement edge of Chiswell Green	Low	High	Medium	Large	Moderate Adverse BWnS LVIA Paragraph 8.16: Residents of houses on the settlement edge of Chiswell Green will have open, close range, frontal views of the northern and eastern parts of the Proposed Development, with some limited filtering from the vegetation within the curtilage of these residences and near to or within the [Appeal] Site. Where proposed built form is seen, it would occupy a partial extent of the view. Furthermore, views of residential development would not be uncharacteristic for receptors in this location, and where where the Proposed Development is seen, it would be in the place of views of an open field, but with the comprehensive landscape framework mitigating the level of adverse effects	BWnS LVIA Paragraph 8.17: Whilst the built form will remain prominent within the view, the comprehensive landscape framework will soften the development within its rural context. Following establishment of this planting, views of proposed built form would be further softened and filtered. Where visible, new built form would be more assimilated and integrated within the landscape. Whilst a pronounced change to the view would still be experienced, the balance of positive and negative effects is such that a Negligible Adverse effect is anticipated on the visual amenity of this receptor by Year 15.	Negligible Adverse
	High	High	High	Large	Major Adverse <i>(J-PF) Paragraph 5.1.11 Agree with this level of effect on the receptor but believe that the sensitivity of the receptor should be high. Therefore, it is my view that with a high sensitivity and a large magnitude of change, there would be a Major Adverse effect.</i>	<i>(J-PP) Paragraph 5.1.12 At year 15 with the establishment of a mitigation strategy, it is stated that the change would reduce to a Negligible Adverse effect. In my view, with a high sensitivity, it would result in a Minor Adverse effect. This is because the existing residents would continue to be aware of the change with noise, movement and lighting characteristic of this type of development in views even once mitigation measures have established.</i>	Minor Adverse
			(In correctly as a result of High Value)		(Incorrectly as a result of High Value)	(Incorrectly as a result of High Value)	
Users of Chiswell Green Lane	Low	Medium	Medium	Large	Moderate Adverse BWnS LVIA Paragraph 8.18: Due to the sensitive design of the Proposed Development, new built form would reinforce local settlement character and the existing residential context of	Balance of Positive and Negative effects	Negligible Adverse

					the lane is such that the introduced elements of built form are not uncharacteristic in views experienced by these receptors.			
	None stated	None stated	Medium	Large	Moderate Adverse	<p><i>(J-PF) Paragraph 5.1.13</i> For the most part I agree with this assessment, but there will be a short section where effects will be larger near to the site access.</p>	<p><i>(J-PF) Paragraph 5.1.14</i> At year 15 with the establishment of a mitigation strategy, it is stated that the change would reduce to a Negligible Adverse effect. I consider that the change will reduce to a Minor Adverse effect due to the higher change associated with the access on the wider receptor.</p>	Minor Adverse
Users of Long Fallow, Forge End and Woodlea	Low	Low	Low	Small	Neutral	<p>BWnS LVIA Paragraph 8.21 By Year 15 the Proposed Development will have been further softened as the landscape strategy has become established and the proposed tree planting has matured. The limited change in the views will remain, though the positive features will have a greater effect such that there will be a Minor Beneficial effect by Year 15.</p>	Minor Beneficial	
	None Stated	None stated	Medium	Small	Negligible Adverse	<p><i>Paragraphs and 5.1.8 5.1.16 (J-PF) As they are communities where views contribute to the landscape setting of the settlement and are of landscape that falls within the designated Green Belt, and sensitivity of the receptor should be medium as the view between dwellings and into the site from field boundaries will allow noticeable change.</i></p> <p>(Neither methodology) follows</p>	<p><i>Paragraph 5.1.17</i> At year 15 with the establishment of a mitigation strategy, it is stated that the change would reduce to a Minor Beneficial effect. I believe this change will reduce but to a Negligible Beneficial effect as the built form and the enclosure it forms will be perceptible albeit with additional trees and vegetation planted alongside it.</p>	Negligible Beneficial
Pedestrians on PRow St Stephen 082	Low	High	Medium	Very Small	Negligible Adverse	<p>BWnS LVIA Paragraph 8.22: Glimpsed, close range, frontal views of the northern part of the Proposed Development including highway alterations, in the context of existing residential development, such that views are not uncharacteristic, although this is limited to the point at which the southern end of the route meets Chiswell Green Lane, as further to the north along this footpath views</p>	<p>BWnS LVIA Paragraph 8.23: The comprehensive landscape strategy will have become established by Year 15, helping to soften, filter and integrate the Proposed Development within its context. Given the limited extent of the route from which the introduced built form will be visible, the change in views will remain barely perceptible, and positive features will by this time reduce the overall effect at Year 15 to Neutral.</p>	Neutral

					of the Site are entirely curtailed by intervening built form.	
	None stated	None stated	High <i>Paragraph 5.1.19 (J-PF) I also believe that the sensitivity of the receptor should be high.</i>	Medium <i>Paragraph 5.1.19 I disagree with this level of effect on the receptor as the PRow approaches Chiswell Green Lane near to the proposed main access of the site.</i>	Moderate Adverse <i>Paragraph 5.1.19 it is my view that with a high sensitivity and a medium magnitude of change, there would be a Moderate Adverse effect.</i>	Negligible Adverse <i>Paragraph 5.1.20 This is because the existing residents would continue to be aware of the new road into the site and the associated noise, movement and lighting characteristic of this type of development even once mitigation measures have established.</i>
			(On edge of Green Belt but adjoining residential properties, no justification for 'High')	However, only from the very southern extent of PRow 082	However, only from very southern end of PRow 082	
Pedestrians on PRow St Stephen 028	Low	High	Medium	Very Small	Negligible Adverse	Neutral
				BWnS LVIA Paragraph 8.24 Pedestrians on travelling PRow St Stephen 028 would have glimpsed to partial medium distance views across the southern part of the Proposed Development, where topography and breaks in intervening vegetation allow. Where available at all, for the most part only rooftops are likely to be seen, and will make up only a very limited proportion of the extent of views. The Proposed Development will be seen from only a small proportion of the length of this footpath, and it will be seen in the context of other residential and agricultural built form within the field of view, such that it will not be an uncharacteristic feature in views experienced by these receptors.		BWnS LVIA Paragraph 8.25 The proposed landscape strategy, in particular the restoration and reinforcement of the western Site boundary, will have become established by Year 15, substantially softening and integrating the introduced built form into its landscape context, reducing the effect by Year 15 to Neutral.
	Higher as in Green Belt	High	High	Small	Minor Adverse	Negligible Adverse
				<i>Paragraph 5.1.21 I disagree with this level of effect on the receptor as the PRow as the users walks along its length there will be varying views of the site available.</i>		<i>Paragraph 5.1.23 At year 15 with the establishment of a mitigation strategy, it is stated that the change would reduce to a Neutral effect. In my view, with a high sensitivity, it would result in a Negligible Adverse effect. This is because parts of the built form on site would be visible set within the mitigation planting which will have established, but the settlement will appear to extend closer to the viewer than the current baseline.</i>
			(As in Green Belt, no in accordance with methodology)			
Pedestrians on PRow St Stephen 022	Low	High	Medium	Very Small	Negligible Adverse	Neutral
	Higher as in Green Belt	High	High	Very Small	Minor Adverse	Negligible Adverse

			(Higher Value as in Green Belt, but not in accordance with methodology)		(As higher sensitivity, but not in accordance with methodology)		(As higher sensitivity, but not in accordance with methodology)
Workers at the commercial estate on Miriam Lane	Low	Low	Low	Small	Minor Adverse	Maturing of western boundary	Negligible Adverse
	Low	Low	Low	Small	Minor Adverse	Mitigation Strategy in place	Negligible Adverse